

Version  
as at 27 February 2022



## COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021

(LI 2021/64)

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021: revoked, at 11.59 pm on 27 February 2022, pursuant to clause 61(1)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427).

This order is made by the Minister of Health under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry of Health.**

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## Order

### 1 Title

This order is the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021.

### 2 Commencement

This order comes into force at 4 pm on 11 April 2021.

### 3 Principal order

This order amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020.

### 4 Clause 7B amended (Certain air carriers to comply with other requirements)

Replace the heading to clause 7B with “**Certain air carriers to comply with requirements relating to pre-departure testing**”.

### 5 New clause 7C inserted (Certain air carriers to comply with requirements relating to travel from India)

After clause 7B, insert:

#### 7C Certain air carriers to comply with requirements relating to travel from India

- (1) This clause applies to any air carrier that is responsible for, or has a commercial obligation in, the transporting of a person (other than an exempt person) on a flight or a multi-leg flight from another country to New Zealand.
- (2) The air carrier must not cause an aircraft to arrive in New Zealand unless it has taken the steps set out in subclause (3) or (4).  
*Flights departing from India*
- (3) If the flight departs from India, the air carrier must take reasonable steps to ensure that the person does not board the flight.

*Flights departing from other countries*

- (4) If the flight departs from a country other than India, the air carrier must take reasonable steps to ensure that the person,—
  - (a) when checking in for the flight or initially checking in for the multi-leg flight, is informed that the person is prohibited from entering New Zealand under clause 8A if they have been in India within the 14 days immediately before the date of their arrival in New Zealand; and
  - (b) does not board the flight unless the person has stated verbally (or by other means of communication if verbal communication is not possible) that they have not been in India within that period.
- (5) A person has **been in India** even if they were in the country only for the purposes of transit.
- (6) In this clause, **exempt person** means a person who is exempt from clause 8A by or under this order.

**6 New clause 8A inserted (Obligations on persons arriving in New Zealand by air having been in India)**

After clause 8, insert:

**8A Obligations on persons arriving in New Zealand by air having been in India**

- (1) A person must not arrive in New Zealand by air if they have been in India within the 14 days immediately before the date of their arrival.
- (2) A person has **been in India** even if they were in the country only for the purposes of transit.
- (3) To avoid doubt, a person who arrives in New Zealand in breach of sub-clause (1) must still comply with clause 8.

**7 New clause 18A and cross-heading inserted**

After clause 18, insert:

*Exemptions from clause 8A*

**18A Exemptions relating to persons arriving in New Zealand by air having been in India**

- (1) The following persons are exempt from clause 8A:
  - (a) a person who is entitled to any immunity from jurisdiction by or under—
    - (i) the Diplomatic Privileges and Immunities Act 1968 (other than a person referred to in section 10D(2)(d) of that Act) or the Consular Privileges and Immunities Act 1971; or
    - (ii) any order under either of those Acts:

- (b) a person who is a member of the New Zealand Defence Force and returning from service outside New Zealand;
  - (c) an aircrew member;
  - (d) a person who is on an aircraft that is required to stop for non-traffic purposes in New Zealand;
  - (e) a person who is granted (or who is a member of a class of persons that is granted) an exemption for humanitarian reasons under clause 27B.
- (2) In this clause, **stop for non-traffic purposes** means to land for any purpose other than taking on or discharging passengers, cargo, or mail.

**8 New clause 27B inserted (Power for Director-General to grant exemptions from clause 8A for humanitarian reasons)**

After clause 27A, insert:

**27B Power for Director-General to grant exemptions from clause 8A for humanitarian reasons**

- (1) The Director-General may exempt any person or class of persons from clause 8A for humanitarian reasons.
- (2) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (3) An exemption for any specified person must be notified in writing to the applicant and the exempt person.
- (4) An exemption for any class of persons must—
  - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.

**9 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this order as the last Part; and
- (b) make all necessary consequential amendments.

## Schedule New Part 2 inserted into Schedule 1

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### Part 2 Provisions relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021

#### 1 Exemption from clause 8A if multi-leg flight departed before 4 pm on 11 April 2021

A person is exempt from clause 8A if they departed on a multi-leg flight to New Zealand before 4 pm on 11 April 2021.

Dated at Wellington this 9th day of April 2021.

Hon Chris Hipkins,  
Minister for COVID-19 Response.

### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **principal order**). It comes into force at 4 pm on 11 April 2021.

*Clauses 1 to 3* are the Title, commencement, and principal order clauses.

*Clause 4* amends the heading to clause 7B of the principal order so that its style is consistent with *new clause 7C*.

*Clause 5* inserts into the principal order *new clause 7C*, which prohibits an air carrier from causing an aircraft to arrive in New Zealand unless the air carrier has,—

- if the flight departs from India, taken reasonable steps to ensure that only persons with exemptions from *new clause 8A* board the flight; or
- if the flight departs from another country, taken reasonable steps to ensure that—
  - a person checking in for the flight is informed that they are prohibited from entering New Zealand if they have been in India within the 14 days immediately before the date of their arrival in New Zealand; and
  - a person does not board the flight unless they have stated that they have not been in India within that period.

*Clause 6* inserts into the principal order *new clause 8A*, which prohibits a person from arriving in New Zealand by air if they have been in India within the 14 days immediately before the date of their arrival.

*Clause 7* inserts into the principal order *new clause 18A*, which exempts certain people from *new clause 8A*.

*Clause 8* inserts into the principal order *new clause 27B*, which enables the Director-General of Health to grant exemptions from *new clause 8A* for humanitarian reasons.

*Clause 9* inserts a new transitional clause into Schedule 1 of the principal order. The clause provides that a person is exempt from *new clause 8A* if they departed on a multi-leg flight to New Zealand before 4 pm on 11 April 2021.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 9 April 2021.

## Notes

### **1**    *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2**    *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3**    *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4**    *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427): clause 61(1)(a)