

Version
as at 31 December 2023



Electoral (Port Waikato By-election) Order 2023 (SL 2023/284)

Electoral (Port Waikato By-election) Order 2023: revoked, on 31 December 2023, by clause 6.

Cindy Kiro, Governor-General

Order in Council

At Wellington this 16th day of October 2023

Present:

Her Excellency the Governor-General in Council

This order is made under section 266 of the Electoral Act 1993 on the advice and with the consent of the Executive Council.

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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 Justice.

Order

1 Title

This order is the Electoral (Port Waikato By-election) Order 2023.

2 Commencement

This order comes into force on 17 October 2023.

3 Interpretation

In this order, unless the context otherwise requires, **Act** means the Electoral Act 1993.

4 Regulated period for Port Waikato by-election

For the purposes of the Act, the **regulated period** for the Port Waikato by-election is the period that—

- (a) commences on 17 October 2023; and
- (b) ends with the close of 24 November 2023.

5 By-election period for Port Waikato by-election

- (1) Section 78C(2) to (5) of the Act applies in relation to the Port Waikato by-election.
- (2) For the purposes of sections 78(7)(c) and 78C(2) to (5) of the Act, the **by-election period** for the Port Waikato by-election is the period beginning on 17 October 2023 and ending with the close of 25 November 2023.

6 Revocation of this order

This order is revoked on 31 December 2023.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on 17 October 2023, is made under section 266 of the Electoral Act 1993 (the **Act**).

Section 266 provides that if sufficient provision is not made by the Act, the Governor-General may, by Order in Council, make other provision for the case as the Governor-General thinks fit.

In this case, a candidate standing in the Port Waikato electorate passed away before the close of polling day for the 2023 general election. This has triggered a by-election.

Section 3BA of the Act provides that regulated period, in relation to a by-election, means the period that—

- commences on the day after the day on which the notice of the vacancy to be filled by the by-election is published under section 129(1) of the Act; and
- ends with the close of the day before polling day.

Section 78C(6) of the Act provides that by-election period means the period beginning on the date on which the notice of vacancy is published and ending on polling day for the by-election.

In this case, as the Speaker has not published a notice of vacancy, sections 3BA and 78C are insufficient to provide start dates for either period for the purposes of the Port Waikato by-election. This order addresses the issue by specifying that, for the Port Waikato by-election, both periods begin on 17 October 2023. The end dates, which are also specified, reflect what the position would be under the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 16 October 2023.

Notes

1 *General*

This is a consolidation of the Electoral (Port Waikato By-election) Order 2023 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*

Electoral (Port Waikato By-election) Order 2023 (SL 2023/284): clause 6