

Reprint
as at 1 March 2016



Food (Fees and Charges) Regulations 1997
(SR 1997/100)

Food (Fees and Charges) Regulations 1997: revoked, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 3rd day of June 1997

Present:

His Excellency the Governor-General in Council

Pursuant to sections 42 and 42A of the Food Act 1981, His Excellency the Governor-General, acting on the advice of the Minister of Health tendered after consultation by the Minister with such organisations or bodies as appeared to the Minister to be representative of persons likely to be substantially affected by the regulations, and by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the New Zealand Food Safety Authority.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Food (Fees and Charges) Regulations 1997.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means the Food Act 1981

charitable purpose means any charitable, philanthropic, or cultural purpose; and includes every other purpose that is beneficial to the community or any significant section of the community

educational establishment means—

- (a) any school to which the Education Act 1989 or the Private Schools Conditional Integration Act 1975 applies:
- (b) any—
 - (i) special school; or
 - (ii) special class; or
 - (iii) special clinic; or
 - (iv) special service—
established under section 98(1) of the Education Act 1964:
- (c) any special institution within the meaning of section 92(1) of the Education Act 1989:
- (d) any early childhood education and care centre within the meaning of section 309 of the Education Act 1989:
- (e) any—
 - (i) institution; or
 - (ii) private training establishment; or
 - (iii) government training establishment—
within the meaning of section 159(1) of the Education Act 1989, that is not conducted for profit:

- (f) any body, or class of body, that is not conducted for profit and that is approved by the Minister of Education as an educational establishment for the purposes of the Copyright Act 1994 by a notice under section 2(1) of that Act published in the *Gazette*

multiple release permit means a permit that is issued for a specified period by or on behalf of the Director-General or by an officer, and allows any shipment of a particular product from a particular supplier to enter New Zealand during the specified period without the need for a clearance under the Act.

Regulation 2 **educational establishment** paragraph (d): substituted, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

Regulation 2 **hourly rate charge**: revoked, on 1 July 2007, by regulation 4 of the Food (Fees and Charges) Amendment Regulations 2007 (SR 2007/132).

3 Fees and charges

Whenever any function, power, duty, or service described in the first column of the Schedule is exercised, performed, or provided by or on behalf of any person or body, the appropriate fees and charges set out opposite that description in the second column of the Schedule are payable to that person or body by the applicant or other person to whom the subject matter of the fee or charge applies.

4 Hourly rate charge

[Revoked]

Regulation 4: revoked, on 1 July 2007, by regulation 5 of the Food (Fees and Charges) Amendment Regulations 2007 (SR 2007/132).

5 Waiver of fees and charges

- (1) The Director-General or the territorial authority, as the case may be, may waive a fee or charge payable under clause 6 or 7 of the Schedule if the exemption concerned applies to a qualifying food operation.
- (2) For the purposes of subclause (1), the following food operations are qualifying food operations:
- (a) food operations conducted by an educational establishment where the food is sold only to the persons who live, study, or work in, or attend, the institution, or to their visitors:
 - (b) food operations conducted for a charitable purpose where the food is sold otherwise than for profit.

Regulation 5(1): amended, on 1 July 2007, by regulation 6 of the Food (Fees and Charges) Amendment Regulations 2007 (SR 2007/132).

6 Goods and services tax included

The rates of fees and charges specified in these regulations are inclusive of the amount of goods and services tax payable.

Schedule

Fees and charges

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Schedule: substituted, on 1 July 2007, by regulation 7 of the Food (Fees and Charges) Amendment Regulations 2007 (SR 2007/132).

Activity or service	Fees and charges
1 Issuing or renewing a multiple release permit	<p>If work performed during normal working hours by employees of a public health unit of a district health board, \$96 per hour payable in 15-minute units with a minimum charge of \$24</p> <p>If work performed during normal working hours by employees of the New Zealand Food Safety Authority, \$137.25 per hour payable in 15-minute units with a minimum charge of \$34.30</p>
2 Inspecting prescribed foods, or collecting or dispatching samples, under section 11P of the Act	<p>If work performed during normal working hours, \$96 per hour payable in 15-minute units, with a minimum charge of \$24</p> <p>If work performed outside normal working hours (other than on a public holiday within the meaning of the Holidays Act 2003), \$144 per hour payable in 15-minute units, with a minimum charge of \$36</p> <p>If work performed on a public holiday (within the meaning of the Holidays Act 2003), \$192 per hour, with a minimum charge of \$48</p>
3 Inspecting enamelware or ceramicware, or collecting or dispatching samples, under regulation 21 of the Food (Safety) Regulations 2002	<p>If work performed during normal working hours, \$96 per hour payable in 15-minute units, with a minimum charge of \$24</p> <p>If work performed outside normal working hours (other than on a public holiday within the meaning of the Holidays Act 2003), \$144 per hour payable in 15-minute units, with a minimum charge of \$36</p> <p>If work performed on a public holiday (within the meaning of the Holidays Act 2003), \$192 per hour, with a minimum charge of \$48</p>
4 Clearance of prescribed foods (whether domestic or imported) under section 11P of the Act	\$48 for the request for clearance plus \$96 per hour payable in 15-minute units after the first 15 minutes, with a minimum charge of \$24
5 Clearance of enamelware or ceramicware under regulation 21 of the Food (Safety) Regulations 2002	\$48 for the request for clearance plus \$96 per hour payable in 15-minute units after the first 15 minutes, with a minimum charge of \$24
6 Processing application under section 8F or 8N of the Act for exemption or variation of exemption from Food Hygiene Regulations 1974	If work performed by New Zealand Food Safety Authority, \$137.25 per hour payable in 15-minute units

		If work performed by public health unit of a district health board, \$96 per hour payable in 15-minute units
7	Processing under section 8K, 8L, or 8M of the Act a revocation, surrender, or substituted exemption from Food Hygiene Regulations 1974	\$68.62
8	Processing application under section 8ZV of the Act of person wishing to audit food safety programmes	\$137.25 per hour payable in 15-minute units
9	Processing under section 8ZZ of the Act revocation of approval granted under section 8ZV to audit food safety programmes	\$137.25 per hour payable in 15-minute units

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Food (Fees and Charges) Regulations 1997 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Food Act 2014 (2014 No 32): section 447

Food (Fees and Charges) Amendment Regulations 2007 (SR 2007/132)

Education Amendment Act 2006 (2006 No 19): section 60(2)