



Legislation Act (Amendments to Legislation) Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 13th day of September 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under clause 19 of Schedule 1 of the Legislation Act 2019—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Attorney-General made after complying with clause 19(3) of that schedule.

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Regulations

1 Title

These regulations are the Legislation Act (Amendments to Legislation) Regulations 2021.

2 Commencement

These regulations come into force on 28 October 2021, immediately after section 3 of the Secondary Legislation Act 2021 comes into force.

**Part 1
Department of Conservation**

Amendments to Conservation Act 1987

3 Amendments to Conservation Act 1987

Regulations 4 and 5 amend the Conservation Act 1987.

4 Section 48 amended (Regulations)

After section 48(5) (as inserted by the Secondary Legislation Act 2021), insert:

- (6) If regulations authorise the Minister or the Director-General to grant refunds or waivers referred to in subsection (2)(d),—
- (a) an instrument granting a refund or waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

5 Section 48A amended (Special regulations relating to freshwater fisheries)

After section 48A(8) (as inserted by the Secondary Legislation Act 2021), insert:

- (8A) If regulations authorise a person to grant exemptions referred to in subsection (1)(l)(i),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Amendment to Marine Mammals Protection (West Coast North Island Sanctuary) Notice 2008

6 Amendment to Marine Mammals Protection (West Coast North Island Sanctuary) Notice 2008

Regulation 7 amends the Marine Mammals Protection (West Coast North Island Sanctuary) Notice 2008.

7 Clause 8 revoked (Status of notice under Legislation Act 2012)

Revoke clause 8.

Amendment to National Parks Act 1980

8 Amendment to National Parks Act 1980

Regulation 9 amends the National Parks Act 1980.

9 Section 56 amended (Bylaws)

In section 56(3), replace “The publication of any bylaws purporting to have been made under this section shall be” with “Publication of the bylaws in accordance with subsection (4) is”.

Part 2

Department of Internal Affairs

Amendment to Films, Videos, and Publications Classification Act 1993

- 10 Amendment to Films, Videos, and Publications Classification Act 1993**
Regulation 11 amends the Films, Videos, and Publications Classification Act 1993.
- 11 Section 149 amended (Regulations)**
After section 149(2) (as inserted by the Secondary Legislation Act 2021), insert:
- (3) If regulations authorise a person to grant exemptions referred to in subsection (1)(c),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Part 3

Inland Revenue Department

Amendment to Taxation (Budget 2021 and Remedial Measures) Act 2021

- 12 Amendment to Taxation (Budget 2021 and Remedial Measures) Act 2021**
Regulation 13 amends the Taxation (Budget 2021 and Remedial Measures) Act 2021.
- 13 Section 2 amended (Commencement)**
After section 2(4), insert:
- (5) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 4

Ministry for Primary Industries

Amendment to Animal Products Act 1999

- 14 Amendment to Animal Products Act 1999**
Regulation 15 amends the Animal Products Act 1999.

15 Section 166A amended (Scope of regulations)

In section 166A(4) (as inserted by the Secondary Legislation Act 2021), replace “the Minister or Director-General” with “a person”.

*Amendments to Biosecurity Act 1993***16 Amendments to Biosecurity Act 1993**

Regulations 17 and 18 amend the Biosecurity Act 1993.

17 Section 131 amended (Declaration of controlled area)

In section 131(4) (as inserted by the Secondary Legislation Act 2021), replace “see also section 161A(4) of the Local Government Act 2002” with “section 161A(4) of the Local Government Act 2002 applies”.

18 Section 165 amended (Regulations)

In section 165(26) (as inserted by the Secondary Legislation Act 2021), replace “the Director-General” with “a person”.

*Amendment to Dairy Industry Restructuring Act 2001***19 Amendment to Dairy Industry Restructuring Act 2001**

Regulation 20 amends the Dairy Industry Restructuring Act 2001.

20 Section 28A amended (Transferring export licences)

In section 28A(5) (as inserted by the Secondary Legislation Act 2021), replace “An order under this section is” with “Regulations made under this section are”.

*Amendments to Fisheries Act 1996***21 Amendments to Fisheries Act 1996**

Regulations 22 to 26 amend the Fisheries Act 1996.

22 Section 16 amended (Emergency measures)

Repeal section 16(5).

23 Section 186A amended (Temporary closure of fishing area or restriction on fishing methods)

Repeal section 186A(4).

24 Section 186B amended (Temporary closure of fisheries)

Repeal section 186B(3).

25 Section 297 amended (General regulations)

Replace section 297(5) to (7) (as inserted by the Secondary Legislation Act 2021) with:

- (5) Subsection (6) applies if regulations made under this section authorise any of the following:
 - (a) the chief executive to require information referred to in subsection (1)(d):
 - (b) the Minister or chief executive to remit or waive fees or charges referred to in subsection (1)(m)(iv):
 - (c) the Minister or chief executive to issue or impose an authority, approval, requirement, prohibition, restriction, condition, direction, instruction, order, permit, notice, or circular referred to in subsection (2)(a):
 - (d) the Minister or chief executive to grant exemptions referred to in subsection (2)(b).
- (6) If this subsection applies,—
 - (a) an instrument exercising that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to—
 - (i) 1 or more named persons; or
 - (ii) in the case of an exemption referred to in subsection (2)(b), 1 or more identified vessels; and
 - (b) the regulations must contain a statement to that effect.

26 Section 303 amended (Certain secondary legislation may be consolidated)

- (1) This regulation amends section 303 as inserted by the Secondary Legislation Act 2021.
- (2) In section 303(1) and (2),—
 - (a) replace “publish” with “make”; and
 - (b) replace “given” with “made”.
- (3) In section 303(3), replace “given” with “made” in each place.
- (4) In section 303(4),—
 - (a) replace “publication of” with “making” in each place; and
 - (b) replace “published” with “made”.
- (5) In section 303(7), definition of **new notice**, paragraphs (a) and (b), replace “published” with “made”.

*Amendment to Forests (Regulation of Log Traders and Forestry Advisers)
Amendment Act 2020*

**27 Amendment to Forests (Regulation of Log Traders and Forestry Advisers)
Amendment Act 2020**

Regulation 28 amends the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020.

28 Section 7 amended (New Part 2A inserted)

In section 7, new section 63ZZH(4) of the Forests Act 1949 (as inserted by the Secondary Legislation Act 2021), after “Secretary”, insert “or another person”.

Amendments to Veterinarians Act 2005

29 Amendments to Veterinarians Act 2005

Regulations 30 to 35 amend the Veterinarians Act 2005.

30 Section 4 amended (Interpretation)

In section 4, definition of **minimum standards for practising** (as amended by the Secondary Legislation Act 2021), replace “section 75(1)(i)” with “section 75(i)”.

31 Section 8 amended (Recognition of institutions and academic qualifications)

- (1) In section 8(1), replace “publish a notice in the *Gazette* declaring” with “, by notice under section 88, declare”.
- (2) In section 8(2), replace “publishing a notice” with “making a declaration”.
- (3) In section 8(3), replace “by notice in the *Gazette*” with “by notice under section 88”.

32 Section 75 amended (Functions of Council)

Repeal section 75(2) (as inserted by the Secondary Legislation Act 2021).

33 Section 88 amended (Approved and prescribed matters to be notified and available for inspection)

Repeal section 88(3).

34 Section 97 amended (Council may prescribe fees)

- (1) In section 97(1), after “notice”, insert “under section 88”.
- (2) In section 97(3) (as amended by the Secondary Legislation Act 2021), replace “in accordance with subsection (4)” with “under the Legislation Act 2019”.
- (3) Repeal section 97(4) (as inserted by the Secondary Legislation Act 2021).

35 Section 100 amended (Further provisions relating to fees)

- (1) In section 100(1), after “by notice”, insert “under section 88”.
- (2) Repeal section 100(4) (as inserted by the Secondary Legislation Act 2021).

*Amendment to Wine Act 2003***36 Amendment to Wine Act 2003**

Regulation 37 amends the Wine Act 2003.

37 Section 119A amended (Scope of regulations)

In section 119A(4) (as inserted by the Secondary Legislation Act 2021), replace “the Minister or Director-General” with “a person”.

Part 5**Ministry for the Environment***Amendments to Climate Change Response Act 2002***38 Amendments to Climate Change Response Act 2002**

Regulations 39 and 40 amend the Climate Change Response Act 2002.

39 Section 50 amended (Regulations)

Replace section 50(9) (as inserted by the Secondary Legislation Act 2021) with:

- (9) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
 - (a) regulations made under this section:
 - (b) an Order in Council made under subsection (8).

40 Section 167 amended (Regulations relating to fees and charges)

After section 167(6) (as inserted by the Secondary Legislation Act 2021), insert:

- (7) If regulations authorise the EPA to grant exemptions, waivers, or refunds referred to in subsection (4)(j),—
 - (a) an instrument granting an exemption or a waiver or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Part 6

Ministry of Business, Innovation, and Employment

Amendments to Commerce Act 1986

41 Amendments to Commerce Act 1986

Regulations 42 and 43 amend the Commerce Act 1986.

42 Section 53C amended (Section 52P determination to set out information disclosure requirements)

After section 53C(4), insert:

- (5) If a section 52P determination authorises a person to grant exemptions referred to in subsection (3)(d),—
- (a) an instrument granting or revoking an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the determination must contain a statement to that effect.

43 Section 53ZE amended (Levies)

After section 53ZE(5) (as inserted by the Secondary Legislation Act 2021), insert:

- (6) If regulations authorise a person to grant exemptions or waivers referred to in subsection (2)(i),—
- (a) an instrument granting an exemption or a waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only in a particular case; and
 - (b) the regulations must contain a statement to that effect.

Amendment to Crown Minerals Act 1991

44 Amendment to Crown Minerals Act 1991

Regulation 45 amends the Crown Minerals Act 1991.

45 Section 101B amended (Interfering with structure or operation in offshore area)

Replace section 101B(6) with:

- (6) For the purposes of subsection (2), the chief executive may specify a non-interference zone by notice.
- (6A) In addition to complying with the Legislation Act 2019, the chief executive must publish the notice in a fortnightly edition of *New Zealand Notices to Mariners* (under Part 25 of the Maritime Rules).

*Amendments to Electricity Act 1992***46 Amendments to Electricity Act 1992**

Regulation 47 amends the Electricity Act 1992.

47 Section 169 amended (Regulations)

(1) Replace section 169(1)(2)(d) with:

(d) requiring such types or categories of fittings and electrical appliances as are—

(i) specified in the regulations; or

(ii) from time to time declared by WorkSafe to be subject to the regulations (*see* subsection (8))—

to be approved by WorkSafe before being offered for sale in New Zealand, and providing for the giving of such approval, for the specifying by WorkSafe of conditions subject to which such approval may be given, for the variation or withdrawal of any such approval, and for the revocation, variation, or addition of any condition of any such approval, and prescribing circumstances in which types or categories of fittings and electrical appliances are deemed to be approved by WorkSafe for the purposes of the regulations:

(2) Replace section 169(8) (as inserted by the Secondary Legislation Act 2021) with:

(8) Subsection (9) applies if regulations made under this section authorise any of the following:

(a) a person to prohibit a matter referred to in subsection (1)(2)(c):

(b) WorkSafe to make a declaration referred to in subsection (1)(2)(d)(B):

(c) WorkSafe to issue instructions, orders, or requirements referred to in subsection (1)(8)(a) or (aa):

(d) WorkSafe or the chief executive to grant exemptions referred to in subsection (1)(9):

(e) a person to grant exemptions referred to in subsection (1)(29):

(f) the Board, WorkSafe, or the Secretary to waive, refund, or remit fees referred to in subsection (1)(30).

(9) If this subsection applies,—

(a) an instrument exercising that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

*Amendment to Electricity Industry Act 2010***48 Amendment to Electricity Industry Act 2010**

Regulation 49 amends the Electricity Industry Act 2010.

49 Section 128 amended (Levies)

After section 128(9) (as inserted by the Secondary Legislation Act 2021), insert:

- (10) If regulations authorise a person to grant exemptions or waivers referred to in subsection (5)(h),—
- (a) an instrument granting an exemption or a waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only in a particular case; and
 - (b) the regulations must contain a statement to that effect.

*Amendments to Financial Markets Authority Act 2011***50 Amendments to Financial Markets Authority Act 2011**

Regulations 51 and 52 amend the Financial Markets Authority Act 2011.

51 Section 67 amended (Regulations relating to fees, charges, and costs)

In section 67(6) (as inserted by the Secondary Legislation Act 2021),—

- (a) delete “to a class of persons”; and
- (b) in paragraph (a), after “requirements)”, insert “, unless it applies only to 1 or more named persons”.

52 Section 68 amended (Levy of financial markets participants and other persons registered or incorporated under Acts referred to in Schedule 1)

After section 68(11) (as inserted by the Secondary Legislation Act 2021), insert:

- (12) If regulations authorise a person to grant waivers or refunds referred to in subsection (6)(j),—
- (a) an instrument granting a waiver or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

*Amendment to Financial Reporting Act 2013***53 Amendment to Financial Reporting Act 2013**

Regulation 54 amends the Financial Reporting Act 2013.

54 Section 52 amended (Levy regulations)

After section 52(6) (as inserted by the Secondary Legislation Act 2021), insert:

- (7) If regulations authorise a person to grant exemptions or waivers referred to in subsection (4)(j),—
- (a) an instrument granting an exemption or a waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only in a particular case; and
 - (b) the regulations must contain a statement to that effect.

*Amendments to Gas Act 1992***55 Amendments to Gas Act 1992**

Regulations 56 to 59 amend the Gas Act 1992.

56 Section 43S amended (Supplementary provision relating to regulations and rules)

After section 43S(3), insert:

- (4) If regulations or rules authorise a person to grant exemptions referred to in subsection (1)(f),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations or rules must contain a statement to that effect.

57 Section 43ZZE amended (Levy regulations that may be made)

After section 43ZZE(8) (as inserted by the Secondary Legislation Act 2021), insert:

- (9) If regulations authorise a person to grant exemptions or waivers referred to in subsection (7),—
- (a) an instrument granting an exemption or a waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only in a particular case; and
 - (b) the regulations must contain a statement to that effect.

58 Section 54 amended (Regulations)

Replace section 54(9) (as inserted by the Secondary Legislation Act 2021) with:

- (9) Subsection (10) applies if regulations made under this section authorise any of the following:
- (a) WorkSafe to make a declaration referred to in subsection (1)(b)(iv)(B):

- (b) WorkSafe to issue instructions, orders, or requirements referred to in subsection (1)(n)(i):
 - (c) WorkSafe or the chief executive to grant exemptions referred to in subsection (1)(o):
 - (d) a person to grant exemptions referred to in subsection (1)(p).
- (10) If this subsection applies,—
- (a) an instrument exercising that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

59 Section 55 amended (Regulations relating to information disclosure)

After section 55(5) (as inserted by the Secondary Legislation Act 2021), insert:

- (6) If regulations authorises a person to grant exemptions referred to in subsection (1)(k),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Amendment to Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002

60 Amendment to Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002

Regulation 61 amends the Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Notice 2002.

61 Schedule amended

In the Schedule, revoke Part 8.

Amendment to Postal Services Act 1998

62 Amendment to Postal Services Act 1998

Regulation 63 amends the Postal Services Act 1998.

63 Section 60 amended (Regulations)

After section 60(2) (as inserted by the Secondary Legislation Act 2021), insert:

- (3) If regulations authorise a person to grant exemptions referred to in subsection (1)(j) or (k),—

- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
- (b) the regulations must contain a statement to that effect.

Amendment to Takeovers Regulations 2000

64 Amendment to Takeovers Regulations 2000

Regulation 65 amends the Takeovers Regulations 2000.

65 Regulation 6 amended (Costs payable to Panel)

In regulation 6, replace “in the *Gazette* of a notice under the Legislation Act 2012” with “under the Legislation Act 2019”.

Amendment to Telecommunications Act 2001

66 Amendment to Telecommunications Act 2001

Regulation 67 amends the Telecommunications Act 2001.

67 Section 188 amended (Section 170 determination to set out information disclosure requirements)

After section 188(4), insert:

- (5) If a section 170 determination authorises a person to grant exemptions referred to in subsection (3)(d),—
 - (a) an instrument granting or revoking an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Part 7

Ministry of Health

Amendments to COVID-19 Public Health Response Act 2020

68 Amendments to COVID-19 Public Health Response Act 2020

Regulations 69 and 70 amend the COVID-19 Public Health Response Act 2020.

69 Section 11 amended (Orders that can be made under this Act)

Replace section 11(2B)(a) and (b) (as inserted by the Secondary Legislation Act 2021) with:

- (a) the exemption or authorisation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or specified things; and

70 Section 15 amended (Amendment or extension of COVID-19 orders)

Replace section 15(6)(a) and (b) (as inserted by the Secondary Legislation Act 2021) with:

- (a) the exemption or authorisation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or specified things; and

Amendments to Epidemic Preparedness Act 2006

71 Amendments to Epidemic Preparedness Act 2006

Regulations 72 and 73 amend the Epidemic Preparedness Act 2006.

72 Section 5 amended (Prime Minister may enable use of special powers)

- (1) Repeal section 5(5).
- (2) After section 5(8) (as inserted by the Secondary Legislation Act 2021), insert:
- (9) If a notice is made under this section,—
 - (a) the Prime Minister is the relevant Minister for the purposes of section 114 of the Legislation Act 2019; and
 - (b) the notice must be presented under that section as soon as possible after it is made.

73 Section 7 amended (Renewal and modification of epidemic notices)

- (1) In section 7(1) and (3)(c), delete “in the *Gazette*”.
- (2) Replace section 7(4) with:
- (4) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) If a notice is made under this section,—
 - (a) the Prime Minister is the relevant Minister for the purposes of section 114 of the Legislation Act 2019; and
 - (b) the notice must be presented under that section as soon as possible after it is made.

Amendments to Health Act 1956

74 Amendments to Health Act 1956

Regulation 75 amends the Health Act 1956.

75 Section 117 amended (Regulations as to public health)

- (1) In section 117(6) (as inserted by the Secondary Legislation Act 2021), delete “the instrument fixing the fees or costs”.
- (2) In section 117(6)(a), before “is”, insert “the instrument fixing the fees or costs”.

*Amendment to Human Tissue Act 2008***76 Amendment to Human Tissue Act 2008**

Regulation 77 amends the Human Tissue Act 2008.

77 Section 60 amended (Exemptions)

Replace section 60(3) and (4) (as amended and inserted by the Secondary Legislation Act 2021) with:

- (3) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (4) After giving a notice under this section that is not secondary legislation, the Minister must—
 - (a) publish a copy in the *Gazette* as soon as practicable; and
 - (b) present a copy to the House of Representatives no later than the 16th sitting day after the day on which the notice is given.

*Amendment to Misuse of Drugs Act 1975***78 Amendment to Misuse of Drugs Act 1975**

Regulation 79 amends the Misuse of Drugs Act 1975.

79 Section 37 amended (Regulations)

After section 37(3) (as inserted by the Secondary Legislation Act 2021), insert:

- (4) If regulations authorise a person to grant exemptions referred to in subsection (1)(r),—
 - (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

*Amendment to Radiation Safety Act 2016***80 Amendment to Radiation Safety Act 2016**

Regulation 81 amends the Radiation Safety Act 2016.

- 81 Section 88 repealed (Codes of practice to be available on Internet site)**
Repeal section 88.

Part 8

Ministry of Justice

Amendment to Anti-Money Laundering and Countering Financing of Terrorism Act 2009

- 82 Amendment to Anti-Money Laundering and Countering Financing of
Terrorism Act 2009**
Regulation 83 amends the Anti-Money Laundering and Countering Financing
of Terrorism Act 2009.
- 83 Section 157 amended (Minister may grant exemptions)**
Repeal section 157(7).

Amendments to Privacy Act 2020

- 84 Amendments to Privacy Act 2020**
Regulation 85 amends the Privacy Act 2020.
- 85 Sections 213, 214, and 215 amended**
In sections 213(3), 214(4), and 215(3) (as inserted by the Secondary Legis-
lation Act 2021), replace “An order under this section is” with “Regulations
made under this section are”.

Part 9

Ministry of Social Development

- 86 Amendment to Social Security Act 2018**
Regulation 87 amends the Social Security Act 2018.
- 87 Section 444 amended (Regulations: debts and deductions)**
Replace section 444(3) (as inserted by the Secondary Legislation Act 2021)
with:
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the
Legislation Act 2019 for publication requirements).
- (4) If the regulations authorise the Minister to give debt recovery directions
referred to in subsection (2)(c),—

- (a) a debt recovery direction made under those regulations is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) the regulations must contain a statement to that effect.

Part 10 Ministry of Transport

Amendment to Airport Authorities Act 1966

88 Amendment to Airport Authorities Act 1966

Regulation 89 amends the Airport Authorities Act 1966.

89 Section 9A amended (Regulations requiring disclosure of information by airport companies)

After section 9A(5) (as inserted by the Secondary Legislation Act 2021), insert:

- (6) If the regulations under subsection (1)(k) authorise a person to grant exemptions,—
 - (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Amendment to Land Transport Act 1998

90 Amendment to Land Transport Act 1998

Regulation 91 amends the Land Transport Act 1998.

91 Section 2 amended (Interpretation)

In section 2(1), definition of **evidential breath-testing device**, replace “in the *Gazette*” with “(*see* subsection (6))”.

Amendments to Land Transport (Blood Specimen Collecting Instrument and Procedure) Notice 2014

92 Amendments to Land Transport (Blood Specimen Collecting Instrument and Procedure) Notice 2014

Regulation 93 amends the Land Transport (Blood Specimen Collecting Instrument and Procedure) Notice 2014.

93 Clause 5 amended (Relevant blood specimen collecting procedure)

- (1) In clause 5(1)(a), delete “by notice in the *Gazette*”.
- (2) Replace clause 5(1)(b) with:

- (b) a notice prescribing the procedure is secondary legislation (*see* section 2(6) of the Act).

Amendment to Land Transport Management Act 2003

94 Amendment to Land Transport Management Act 2003

Regulation 95 amends the Land Transport Management Act 2003.

95 Section 46 amended (Authority to establish road tolling scheme)

After section 46(4A) (as inserted by the Secondary Legislation Act 2021), insert:

- (4B) However, section 161A(4) of the Local Government Act 2002 applies if the instrument is made by a road controlling authority or toll operator that is a local authority or a council-controlled organisation (as defined in that Act.)

Amendment to Maritime Transport Act 1994

96 Amendment to Maritime Transport Act 1994

Regulation 97 amends the Maritime Transport Act 1994.

97 Section 33W amended (Crown harbours and facilities)

In section 33W(8) (as inserted by the Secondary Legislation Act 2021), replace “*see also* section 161A(4) of the Local Government Act 2002” with “section 161A(4) of the Local Government Act 2002 applies”.

Part 11

New Zealand Police

Amendment to Arms Act 1983

98 Amendment to Arms Act 1983

Regulation 99 amends the Arms Act 1983.

99 Section 74 amended (Regulations)

After section 74(6) (as inserted by the Secondary Legislation Act 2021), insert:

- (7) If regulations authorise a person to grant exemptions referred to in subsection (1)(q),—
- (a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

*Amendment to Policing Act 2008***100 Amendment to Policing Act 2008**

Regulation 101 amends the Policing Act 2008.

101 Section 79G amended (Exemptions, waivers, and refunds)

After section 79G(2), insert:

- (3) If regulations authorise the Commissioner to grant exemptions, waivers, or refunds referred to in subsection (2),—
- (a) an instrument granting an exemption or a waiver or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Part 12**Parliamentary Counsel Office***Amendment to Legislation Act 2019***102 Amendment to Legislation Act 2019**

Regulation 103 amends the Legislation Act 2019.

103 Section 2 amended (Commencement)

After section 2(2), insert:

- (3) An Order In Council made under this section is secondary legislation (*see* Part 3 for publication requirements).

*Amendment to Legislation (Recognition of Overseas Lawyers) Order 2014***104 Amendment to Legislation (Recognition of Overseas Lawyers) Order 2014**

Regulation 105 amends the Legislation (Recognition of Overseas Lawyers) Order 2014.

105 Clause 3 amended (Specified countries and jurisdictions)

In clause 3, replace “section 68(1)(b) and (2)(b) of the Legislation Act 2012” with “section 137(1)(b) and (2)(b) of the Legislation Act 2019”.

Part 13

Reserve Bank of New Zealand

Amendment to Reserve Bank of New Zealand Act 1989

106 Amendment to Reserve Bank of New Zealand Act 1989

Regulation 107 amends the Reserve Bank of New Zealand Act 1989.

107 Section 65 amended (Bank may authorise use of restricted words in name or title)

Replace section 65(3) with:

- (3) In the case of an authorisation under subsection (1)(b),—
- (a) the authorisation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
 - (b) the Bank must impose the condition that each member of the class of persons carries on in New Zealand only those activities specified by the Bank in the authorisation in respect of the class to which that member belongs.

Part 14

Te Arawhiti

Amendment to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

108 Amendment to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

Regulation 109 amends the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

109 Section 49 amended (Regulations for customary fishing practices)

In section 49(7) (as inserted by the Secondary Legislation Act 2021), after “1996”, insert “and Schedule 3 of the Legislation Act 2019”.

Part 15

The Treasury

Amendments to Overseas Investment Act 2005

110 Amendments to Overseas Investment Act 2005

Regulations 111 and 112 amend the Overseas Investment Act 2005.

111 Section 38A amended (Information for tax purposes)

After section 38A(3) (as inserted by the Overseas Investment Amendment Act 2021), insert:

- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

112 Section 61 amended (Regulations)

After section 61(5) (as inserted by the Secondary Legislation Act 2021), insert:

- (6) If regulations authorise a person to grant exemptions, waivers, refunds, or discounts referred to in subsection (1)(h),—
- (a) an instrument granting an exemption or a waiver, refund, or discount is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
 - (b) the regulations must contain a statement to that effect.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under clause 19 of Schedule 1 of the Legislation Act 2019 and come into force on 28 October 2021.

Clause 19 allows regulations to make various amendments to legislation for the purpose of facilitating the orderly implementation of the Legislation Act 2019. The amendments are of the same general nature as those being made by the Secondary Legislation Act 2021. They include amendments—

- to insert, delete, or amend a statement to the effect that an instrument or a class of instruments is secondary legislation; and
- that are necessary or desirable—
 - as a consequence of instruments being secondary legislation or not (for example, to delete any reference to disallowable instruments or to insert publication or notification requirements for instruments that are not secondary legislation); or
 - to ensure that the Legislation Act 2019 applies appropriately in relation to the instrument (for example, to clarify the maker of the instrument); or

