

Version
as at 28 October 2021



Electricity (China Free Trade Agreement) Regulations 2008 (SR 2008/223)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of July 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 169 of the Electricity Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Application	2
5 Compliance with Conformity Cooperation Agreement	2
6 Compliance with CCC mark	3
7 Offences	3

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.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

8	Prohibition of non-complying fittings and electrical appliances	3
9	Amendments to Electricity Regulations 1997	4
	Schedule	5
	Amendments to Electricity Regulations 1997	
	<i>[Revoked]</i>	

Regulations

1 Title

These regulations are the Electricity (China Free Trade Agreement) Regulations 2008.

2 Commencement

These regulations come into force on 1 October 2008.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Electricity Act 1992

CCC mark means the mark that is required by the Conformity Cooperation Agreement

Conformity Cooperation Agreement means the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components, which is Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China done at Beijing on 7 April 2008.

4 Application

- (1) Regulations 5 to 8 apply to fittings and electrical appliances that are, or may be, exported from New Zealand in purported compliance with the Conformity Cooperation Agreement.
- (2) The Schedule amends the Electricity Regulations 1997 in relation to fittings and electrical appliances that are imported into New Zealand in purported compliance with the Conformity Cooperation Agreement.

5 Compliance with Conformity Cooperation Agreement

Fittings or electrical appliances that are, or may be, exported from New Zealand in purported compliance with the Conformity Cooperation Agreement must comply with both of the following:

- (a) the requirements of the Conformity Cooperation Agreement (including any amendments made to that agreement in accordance with it); and
- (b) the standards or rules referred to in the Conformity Cooperation Agreement (including any standards or rules that have been amended or replaced in accordance with that agreement).

6 Compliance with CCC mark

Fittings or electrical appliances that are, or may be, exported from New Zealand in purported compliance with the Conformity Cooperation Agreement must—

- (a) bear the CCC mark; and
- (b) comply with the requirements of the agreement in relation to that mark.

7 Offences

- (1) Every person commits an offence who designs, constructs, assembles, or tests any fitting or electrical appliance that is, or may be, exported from New Zealand in purported compliance with the Conformity Cooperation Agreement that does not comply with regulation 5 or 6.
- (2) A person who commits an offence against subclause (1) is liable on conviction to,—
 - (a) in the case of a natural person, a fine not exceeding \$10,000; or
 - (b) in any other case, a fine not exceeding \$50,000.

Regulation 7(1): amended, on 1 April 2010, by regulation 122(2) of the Electricity (Safety) Regulations 2010 (SR 2010/36).

Regulation 7(2): added, on 1 April 2010, by regulation 122(3) of the Electricity (Safety) Regulations 2010 (SR 2010/36).

Regulation 7(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

8 Prohibition of non-complying fittings and electrical appliances

- (1) The Secretary may, in the manner provided for in subclause (2), prohibit any fitting or electrical appliance from being exported from New Zealand that does not comply with regulation 5 or 6.
- (2) A prohibition under this regulation—
 - (a) *[Revoked]*
 - (b) takes effect on and from the date specified in it (which must be later than the date on which it is published under the Legislation Act 2019); and
 - (c) must adequately describe the fitting or electrical appliance being prohibited; and
 - (d) must give brief reasons for the belief that the fitting or electrical appliance does not comply with regulation 5 or 6.

- (3) If the Secretary knows the New Zealand address of the exporter concerned, the Secretary must arrange for that person to be notified of the prohibition before the date on which the prohibition takes effect.
- (4) A prohibition made under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 8(2)(a): revoked, on 28 October 2021, by regulation 81(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 8(2)(b): amended, on 28 October 2021, by regulation 81(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Regulation 8(4): inserted, on 28 October 2021, by regulation 81(3) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

9 Amendments to Electricity Regulations 1997

The Electricity Regulations 1997 are amended in the manner indicated in the Schedule.

Schedule
Amendments to Electricity Regulations 1997
[Revoked]

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Schedule: revoked, on 1 April 2010, by regulation 122(4) of the Electricity (Safety) Regulations 2010 (SR 2010/36).

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 31 July 2008.

Notes

1 *General*

This is a consolidation of the Electricity (China Free Trade Agreement) Regulations 2008 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*

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 81

Criminal Procedure Act 2011 (2011 No 81): section 413

Electricity (Safety) Regulations 2010 (SR 2010/36): regulation 122