

**Reprint
as at 1 March 2016**



Standards Act 1988

Public Act 1988 No 5
Date of assent 12 March 1988
Commencement see section 1(2)

Standards Act 1988: repealed, on 1 March 2016, by section 46(1) of the Standards and Accreditation Act 2015 (2015 No 91).

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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.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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An Act to consolidate and amend the law relating to standards; and to repeal the Standards Act 1965

1 Short Title and commencement

- (1) This Act may be cited as the Standards Act 1988.
- (2) This Act shall come into force on 1 July 1988.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Standards Council continued in existence under section 3

goods includes products, substances, or things of any kind

mark includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or combination thereof

Minister means the Minister of Commerce

New Zealand Standard means a standard promulgated by the Council as a New Zealand Standard under this Act or as a standard specification under the Standards Act 1965

services includes rights, benefits, privileges, or facilities of any kind

specification means a description of, or instruction, requirement, statement, or principle relating to, goods, services, processes, or practices by reference to their nature, quality, design, finish, performance, strength, purity, composition, contents, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, and includes—

- (a) a description of goods by reference to a mark on the goods:
- (b) a model form of bylaws:
- (c) a code of practice:
- (d) a glossary of terms:
- (e) definitions or symbols

standard means a specification relating to goods, services, processes, or practices approved or adopted by the Council or another standards organisation, and includes modifications to any such specification

standard mark means a mark adopted by the Council in relation to any goods, services, processes, or practices to identify those goods, services, processes, or practices as conforming to a standard

standards organisation means an international, national, or regional organisation with functions similar to those of the Council.

Compare: 1965 No 59 s 2; 1979 No 59 s 8(3)

Section 2 **financial year**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **Minister**: substituted, on 1 December 1988, by section 4(1) of the Trade and Industry Act Repeal Act 1988 (1988 No 156).

Section 2 **specification**: amended, on 26 September 2006, by section 4 of the Standards Amendment Act 2006 (2006 No 44).

2A Act binds the Crown

This Act binds the Crown.

Section 2A: inserted, on 26 September 2006, by section 5 of the Standards Amendment Act 2006 (2006 No 44).

*Standards Council***3 Standards Council continued in existence**

- (1) There shall continue to be a body known as the Standards Council.
- (2) The Council is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The Crown Entities Act 2004 applies to the Council except to the extent that this Act expressly provides otherwise.
- (3A) Members of the Council are the board for the purposes of the Crown Entities Act 2004.
- (4) The Council is hereby declared to be the same body corporate as the body corporate of the same name existing immediately before the commencement of this Act under the Standards Act 1965.

Compare: 1965 No 59 s 3

Section 3(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(3A): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Membership of Council

- (1) The Council shall consist of not more than 12 members of whom—
 - (a) not more than 4 shall be persons appointed by the Minister:
 - (b) not more than 8 shall be persons appointed by the Minister in accordance with subsection (2) or subsection (4).
 - (c) *[Repealed]*
- (2) When appointing members under subsection (1)(b), the Minister must appoint from nominations made by nominating bodies as set out in regulations made under section 26.
- (3) Nothing in subsection (2) shall be construed as preventing any 2 or more of the bodies specified in the regulations from agreeing on a joint nomination.
- (4) If insufficient nominations have been submitted to the Minister under subsection (2) within a period specified by the Minister, the Minister, to the extent of the insufficiency, may appoint any person or persons to be a member or members of the Council without nomination.
- (5) In appointing members of the Council, the Minister shall have regard to—

- (a) their knowledge of and experience in management; and
- (b) their knowledge of and experience in the development and use of standards.

(6) *[Repealed]*

(7) *[Repealed]*

Compare: 1965 No 59 s 4; 1972 No 103 s 2

Section 4(1)(a): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 4(1)(c): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 4(2): substituted, on 1 December 2006, by section 6(1) of the Standards Amendment Act 2006 (2006 No 44).

Section 4(3): amended, on 1 December 2006, by section 6(2) of the Standards Amendment Act 2006 (2006 No 44).

Section 4(6): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 4(7): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Term of office of members

[Repealed]

Section 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Vacation of office

[Repealed]

Section 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7 Chairperson and Deputy Chairperson

[Repealed]

Section 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8 Meetings of Council

[Repealed]

Section 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Remuneration and travelling allowances

[Repealed]

Section 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Functions and powers of Council***10 Functions of Council**

- (1) The primary functions of the Council shall be to develop standards and to promote, encourage, and facilitate the use of standards in New Zealand with the object of—
 - (a) improving the quality of goods or services, having regard to economy in their production or supply; or
 - (b) promoting standardisation in industry, trade, or commerce; or
 - (c) encouraging and facilitating industrial development, trade, or commerce; or
 - (d) promoting public or occupational safety, health, or welfare; or
 - (e) minimising environmental risks; or
 - (f) promoting social responsibility.
- (2) Without limiting the effect of subsection (1), the Council's functions shall include the following:
 - (a) to prepare draft standards and, when satisfactory to the Council, to approve and promulgate them as New Zealand standards:
 - (b) to examine standards of other standards organisations and, if the Council considers it appropriate, to adopt and promulgate them (with or without modification) as New Zealand standards or to endorse them as suitable for use in New Zealand:
 - (c) to examine New Zealand standards and, if the Council considers it appropriate, to revoke them or approve and promulgate standards to replace or modify them:
 - (ca) to recommend specifications other than standards:
 - (d) to undertake and promote research and educational work in connection with the development and use of standards and other specifications:
 - (e) to adopt and regulate the use of standard marks in relation to goods, services, processes, or practices:
 - (f) to register under the Trade Marks Act 2002 as certification trade marks standard marks adopted by the Council:
 - (g) to co-operate with other standards organisations and organisations or persons with similar or related functions with a view to furthering the functions of the Council, and to become a member of or affiliate to any such organisation as the Council considers appropriate:
 - (h) to co-operate and promote New Zealand's participation in the preparation of international standards and other specifications and in their promulgation:

- (i) to perform any other functions conferred on it by or under this or any other enactment or that the Minister may direct it to perform in accordance with section 112 of the Crown Entities Act 2004.
- (3) The Council shall, as part of its processes leading to the approval, adoption, endorsement, or revocation of standards, invite public comment and consult and co-operate with Government and local government bodies, persons engaged in industry, trade, and commerce, consumer groups, and other persons with a view to ensuring as far as reasonably practicable that the Council's decisions with respect to the approval, adoption, endorsement, or revocation of any standard are supported by the bodies and persons having an interest in the standard.
- (4) If any New Zealand standard is cited in any Act or regulation, the Council shall not amend, revise, revoke, or replace that standard except with the approval of the Minister who is for the time being charged with the administration of the Act or regulation.

Compare: 1965 No 59 ss 16, 17

Section 10(1)(d): amended, on 26 September 2006, by section 7(1) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(1)(e): added, on 26 September 2006, by section 7(1) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(1)(f): added, on 26 September 2006, by section 7(1) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(2)(ca): inserted, on 26 September 2006, by section 7(2) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(2)(d): amended, on 26 September 2006, by section 7(3) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(2)(f): amended, on 20 August 2003, by section 201 of the Trade Marks Act 2002 (2002 No 49).

Section 10(2)(h): amended, on 26 September 2006, by section 7(4) of the Standards Amendment Act 2006 (2006 No 44).

Section 10(2)(i): amended, on 26 September 2006, by section 7(5) of the Standards Amendment Act 2006 (2006 No 44).

11 Additional powers of Council

- (1) The Council may make grants or advances of money, on any conditions that it thinks fit, or pay any fee or subscription, to any organisation or person with similar or related functions or carrying out work related to that of the Council.
- (2) This section does not limit sections 16 and 17 of the Crown Entities Act 2004.

Section 11: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Officers and employees of Council

[Repealed]

Section 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Superannuation and retiring allowances

- (1) For the purpose of providing superannuation or retiring allowances for its officers or employees, the Council may from time to time pay sums of money by way of subsidy into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy.
- (2) Notwithstanding anything in this Act, any person who, immediately before becoming an officer or employee of the Council, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 shall be deemed for the purposes of that Act to be employed in the Government service so long as the person continues to be an officer or employee of the Council, and that Act shall apply to the person in all respects as if service as such an officer or employee were Government service.
- (3) For the purposes of the Government Superannuation Fund Act 1956, the Council shall be the controlling authority in relation to any officer or employee to whom that Act applies by virtue of subsection (2).
- (4) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (2) shall entitle any person to whom that subsection applies to become a contributor to the Government Superannuation Fund after ceasing to be a contributor to that fund.

Compare: 1965 No 59 s 18(4)

Section 13(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Personal liability of members, etc

[Repealed]

Section 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Financial provisions***15 Funds and resources of Council**

[Repealed]

Section 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

16 Bank accounts

[Repealed]

Section 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

17 Investment and borrowing

[Repealed]

Section 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18 Local authorities and public bodies may contribute to Council's funds

For the purpose of providing funds for the performance of the functions of the Council, any local authority or public body may from time to time make grants out of its general funds to the Council of such amounts as it thinks fit.

Compare: 1965 No 59 s 40

19 Accounts

[Repealed]

Section 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

19A Crown entity

[Repealed]

Section 19A: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

20 Exemption from taxation

The Council shall be exempt from income tax.

Compare: 1965 No 59 s 36

Section 20: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Annual report

[Repealed]

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

21 Annual report

[Repealed]

Section 21: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

New Zealand standards and other Acts, regulations, and bylaws

22 Regulations, etc, may be made by referring to or incorporating New Zealand standards

- (1) Where regulations or bylaws may be made under any Act prescribing, defining, or making other provision in relation to goods, services, processes, or practices of any kind, any such regulation or bylaw may be made by referring to or incorporating in whole or in part, and with or without modification, any New Zealand standard relating to goods, services, processes, or practices of that kind.
- (2) Where a bylaw is made or proposed to be made by referring to a New Zealand standard,—

- (a) no resolution making the bylaw and no copy of the bylaw shall be deemed to be complete unless it has attached to it a copy of the standard or the part of the standard referred to (together with any text that the standard or part incorporates by reference) and states or shows any modification made to it by the person or body making the bylaw:
- (b) the object or purport of the bylaw shall be deemed to be sufficiently stated for the purposes of any enactment requiring that public notice be given of it if the notice refers to the standard by the title and number given to it by the Council and, in the case of a bylaw referring to part only of a standard, states the number and heading of the part referred to.

Compare: 1965 No 59 ss 26, 27

23 Citation of New Zealand standards

A New Zealand standard may (without prejudice to any other mode of citation) be cited in an Act, regulation, or bylaw by the title and number given to it by the Council, and any such citation shall (unless the context otherwise requires) be deemed to include and refer to the latest New Zealand standard with that citation (together with any modifications to it) promulgated by the Council before the Act was passed or the regulation or bylaw made.

Compare: 1965 No 59 s 28(1)

24 References to New Zealand standards in other Acts, etc

A reference in any other Act or in a regulation or bylaw to a standard, standard specification, or New Zealand standard declared or promulgated by the Council whether under this Act or the Standards Act 1965 shall be deemed to be a reference to a New Zealand standard within the meaning of this Act.

Proof of New Zealand standards

25 Proof of New Zealand standards

- (1) The fact that any specification has been approved or adopted by the Council and promulgated as a New Zealand standard shall, in the absence of proof to the contrary, be sufficient evidence that it is a New Zealand standard made and promulgated in accordance with the requirements of this Act.
- (2) Without affecting any other method of proof, the production in any proceedings of a copy of a specification purporting to be a New Zealand standard shall be sufficient evidence thereof in the absence of proof to the contrary.

Compare: 1965 No 59 ss 23(5), 28(2)

Regulations

Heading: substituted, on 26 September 2006, by section 8 of the Standards Amendment Act 2006 (2006 No 44).

26 Regulations

The Governor-General may, by Order in Council, make regulations that provide for the way in which nominations and appointments may be made under section 4(2).

Section 26: substituted, on 26 September 2006, by section 8 of the Standards Amendment Act 2006 (2006 No 44).

Amendments and repeals

27 Amendment to Higher Salaries Commission Act 1977

[Repealed]

Section 27: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

28 Amendment to Flags, Emblems, and Names Protection Act 1981

[Repealed]

Section 28: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

29 Consequential amendment to Local Authorities (Members' Interests) Act 1968

[Repealed]

Section 29: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

30 Consequential amendment to Public Bodies Contracts Act 1959

[Repealed]

Section 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

31 Repeals

The enactments specified in the Schedule are hereby repealed.

Schedule
Enactments repealed

s 31

Local Government Amendment Act 1979 (1979 No 59) (RS Vol 5, p 683)

Amendment(s) incorporated in the Act(s).

Standards Act 1965 (1965 No 59)

Standards Amendment Act 1969 (1969 No 106)

Standards Amendment Act 1972 (1972 No 103)

Standards Amendment Act 1981 (1981 No 93)

Reprints notes

1 *General*

This is a reprint of the Standards Act 1988 that incorporates all the amendments to that Act as at the date of the last amendment to it.

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*

Standards and Accreditation Act 2015 (2015 No 91): section 46(1)

Standards Amendment Act 2006 (2006 No 44)

Crown Entities Act 2004 (2004 No 115): section 200

Trade Marks Act 2002 (2002 No 49): section 201

Trade and Industry Act Repeal Act 1988 (1988 No 156): section 4(1)