

**Reprint
as at 21 March 2002**



Human Rights Regulations 1993
(SR 1993/394)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 13th day of December 1993

Present:

The Right Hon D C McKinnon presiding in Council

Pursuant to section 144 of the Human Rights Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Human Rights Regulations 1993.
- (2) These regulations shall come into force on 1 February 1994.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
 - the Act** means the Human Rights Act 1993
 - Chief Commissioner** means the Chief Commissioner appointed under section 8(1)(a) of the Act
 - Tribunal** means the Human Rights Review Tribunal continued by section 93 of the Human Rights Act 1993
 - working day** means any day of the week other than—
 - (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
 - (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.
- (2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

Regulation 2 **Chief Commissioner**: amended, on 1 January 2002, by section 71(2) of the Human Rights Amendment Act 2001 (2001 No 96).

Regulation 2 **Tribunal**: amended, on 1 January 2002, by section 71(2) of the Human Rights Amendment Act 2001 (2001 No 96).

3 Service of notices and documents

- (1) Subject to subclause (3) and regulation 8, any notice or other document required or authorised to be served on, or given to, any person for the purposes of the Act may be served or given by delivering it to that person.
- (2) Any such notice or document may be delivered to the person—
 - (a) personally; or
 - (b) by leaving it at that person's usual or last known place of residence or business or at the address specified by that person in any application or other document received from that person; or
 - (c) by posting it in a letter addressed to that person at that place of residence or business or at that address; or
 - (d) where the person has a document exchange box number, by leaving the notice or document at a document exchange for direction to that document exchange box number; or
 - (e) where the person has a facsimile number, by transmitting the notice or document to that facsimile number.
- (3) However, if the person is the Attorney-General, the notice or other document must be served on, or given to, him or her by delivery in accordance with subclause (2) to, or to the office of, the Solicitor-General.

Regulation 3(1): amended, on 21 March 2002, by regulation 3(1) of the Human Rights Amendment Regulations 2002 (SR 2002/18).

Regulation 3(3): added, on 21 March 2002, by regulation 3(2) of the Human Rights Amendment Regulations 2002 (SR 2002/18).

4 Service by post

- (1) If, in accordance with regulation 3(2)(c), any notice or other document is sent to any person by post, it shall be deemed to have been delivered to that person on the earlier of—
 - (a) the fifth working day after the day on which it was posted; or
 - (b) the day on which it was received.

- (2) In proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

5 Service by means of document exchange or facsimile

- (1) Where a notice or other document is delivered to any person in accordance with paragraph (d) or paragraph (e) of regulation 3(2), that notice or document shall,—
- (a) if left at a document exchange, be deemed to have been duly delivered to that person on the earlier of—
 - (i) the second working day after the day on which it was so left; or
 - (ii) the day on which it was received; and
 - (b) if transmitted to a facsimile number, be deemed, subject to subclauses (2) and (3), to have been duly delivered to that person on the day on which it was transmitted.
- (2) Where a notice or document is transmitted to a facsimile number after 5 pm on any day, that notice or document shall, subject to subclause (3), be deemed to have been duly served or given on the first working day after the day on which the document was received in a complete and legible condition.
- (3) A notice or document transmitted to a facsimile number shall be deemed to have been received in a complete and legible condition unless—
- (a) the contrary is shown; and
 - (b) as soon as practicable after the transmission is concluded, the person to whom the notice or document was transmitted notifies the person who transmitted the notice or document that the notice or document was incomplete or illegible or both when it was received.

6 Service on absentee or deceased

For the purposes of regulation 3, where the person on or to whom a notice or other document is required or authorised to be served or given is absent from New Zealand or is deceased, the notice or document may be delivered, as specified in that regulation,—

- (a) where the person is absent from New Zealand, to that person's agent in New Zealand:

- (b) where the person is deceased, to that person's personal representatives.

7 Power of Chief Commissioner or Tribunal to direct manner of service

- (1) Subject to regulation 8, if any person on or to whom a notice or other document is required or authorised to be served or given for the purposes of the Act is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no known personal representatives, or if for any other reason it is not practicable to deliver the notice or document personally, the notice or document shall,—
 - (a) where it relates to a matter before the Commission, be delivered in such manner as may be directed by the Chief Commissioner; and
 - (b) where it relates to a matter before the Tribunal, be delivered in such manner as may be directed by the Tribunal.
- (2) Notwithstanding anything in regulations 3 to 6, but subject to regulation 8, the Chief Commissioner or the Tribunal may in any case direct the manner in which any such notice or other document is to be served or given, or dispense with the service or giving of any such notice or other document.

8 Regulations to be read subject to express provision relating to service

Regulations 3 to 7 shall be read subject to any provision of the Act that prescribes a particular and exclusive mode of serving or giving any notice or other document.

Marie Shroff,
Clerk of the Executive Council.

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Notes**1 General**

This is a reprint of the Human Rights Regulations 1993. The reprint incorporates all the amendments to the regulations as at 21 March 2002, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Human Rights Amendment Regulations 2002 (SR 2002/18)

Human Rights Amendment Act 2001 (2001 No 96): section 71(2)
