

Reprint
as at 29 October 2019



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.

Contents

	Page
1 Title and commencement	2
2 Interpretation	2
3 Service of notices and documents	2
4 Service by post	3
5 Service by means of document exchange or facsimile	4
6 Service on absentee or deceased	4
7 Power of Chief Commissioner or Tribunal to direct manner of service	4

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 Ministry of Justice.

- 8 Regulations to be read subject to express provision relating to service 5

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
 - (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; 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(1) **Chief Commissioner**: amended, on 1 January 2002, by section 71(2) of the Human Rights Amendment Act 2001 (2001 No 96).

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

Regulation 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

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
 - (ba) electronically; 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.
- (4) If a notice or any other communication is served in electronic form under subclause (2)(ba), then, unless the contrary is shown,—
- (a) the notice or any other communication is served at the time the electronic communication containing the notice or communication first enters an information system outside the control of its originator; and
 - (b) in proving service, it is sufficient to prove that the electronic communication was properly addressed and sent.
- (5) In this regulation, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

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

Regulation 3(2)(ba): inserted, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

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

Regulation 3(4): inserted, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Regulation 3(5): inserted, on 29 October 2019, by section 340(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

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.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 16 December 1993.

Reprints notes

1 *General*

This is a reprint of the Human Rights Regulations 1993 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*

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51) section 340(3)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Human Rights Amendment Regulations 2002 (SR 2002/18)

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