



Health (High-power Laser Pointers) Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of December 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to sections 117(1)(a) and (z) and 119(d) of the Health Act 1956, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Health (High-power Laser Pointers) Regulations 2013.
- 2 Commencement**
These regulations come into force on 1 March 2014.
- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
authorised recipient means a person who has been authorised by the Director-General under regulation 8(1)(b) to acquire high-power laser pointers
authorised supplier means a person who has been authorised by the Director-General under regulation 8(1)(a) to supply high-power laser pointers
Director-General means the chief executive of the Ministry of Health
high-power laser pointer means a device that,—
(a) in the Director-General’s opinion, is of the kind commonly known as a laser pointer; and

- (b) is battery operated; and
- (c) is designed or intended to be operated while held in the hand; and
- (d) produces a coherent beam of optical radiation of low divergence; and
- (e) has a power output of greater than 1 milliwatt.

Restrictions on supply of high-power laser pointers

4 Prohibition on supply by non-authorised suppliers

A person must not supply a high-power laser pointer unless that person is—

- (a) an authorised supplier; or
- (b) an authorised recipient disposing of 1 or more high-power laser pointers that the authorised recipient acquired for personal use, rather than for supply.

5 Prohibition on supply to non-authorised recipients

A person must not supply a high-power laser pointer to a recipient without having reasonable grounds to believe that the recipient is—

- (a) an authorised recipient; or
- (b) an authorised supplier acquiring the high-power laser pointer for the purpose of supply.

Restrictions on acquisition of high-power laser pointers

6 Prohibition on acquisition using misleading or deceitful means

A person must not mislead or deceive a supplier as to whether the person is an authorised recipient in order to acquire or attempt to acquire a high-power laser pointer.

7 Acquisition by authorised supplier

- (1) An authorised supplier may acquire high-power laser pointers for the purpose of supply.

- (2) An authorised supplier may not acquire high-power laser pointers for any purpose other than supply unless the authorised supplier is also an authorised recipient.

*Authorisation to supply or acquire high-power
laser pointers*

8 Director-General may authorise supply or acquisition of high-power laser pointers

- (1) The Director-General may authorise—
 - (a) a person or class of persons to supply high-power laser pointers:
 - (b) a person or class of persons to acquire high-power laser pointers.
- (2) Before granting an authorisation under subclause (1), the Director-General must be satisfied,—
 - (a) for authorisations under subclause (1)(a), that the person or class of persons to be authorised understands the requirements of regulation 5 and is of good character:
 - (b) for authorisations under subclause (1)(b), that the person or class of persons to be authorised has a legitimate purpose for acquiring high-power laser pointers.
- (3) The Director-General may make an authorisation that is granted under subclause (1) subject to whatever conditions the Director-General considers appropriate.
- (4) The Director-General may grant an authorisation under subclause (1)—
 - (a) in response to a written application under regulation 10; or
 - (b) in the case of a class of persons, at the Director-General's discretion under regulation 11.

9 Expiry and revocation of authorisation to supply or acquire high-power laser pointers

- (1) The Director-General may grant an authorisation under regulation 8(1) to apply indefinitely or for a specified period of any duration.
- (2) The Director-General may revoke an authorisation granted under regulation 8(1) by,—

- (a) in the case of an authorisation granted in response to a written application under regulation 10, giving notice in writing to the person to whom the authorisation applies;
- (b) in the case of an authorisation granted at the Director-General's discretion under regulation 11, placing a notice in the *Gazette*.

10 Applications for authorisation to supply or acquire high-power laser pointers

- (1) A person who wishes to obtain authorisation under regulation 8(1) may apply in writing to the Director-General.
- (2) The Director-General may require any applicant for authorisation to provide information as to any matter that the Director-General considers relevant for the purposes of satisfying the requirements of regulation 8(2).
- (3) The Director-General must write to each applicant to inform them of the outcome of their application.

11 Authorisation of class of persons to supply or acquire high-power laser pointers

- (1) The Director-General may, at his or her discretion, declare by notice in the *Gazette* classes of persons to be authorised suppliers or authorised recipients.
- (2) Without limiting the generality of subclause (1), the classes of persons that the Director-General may declare to be authorised suppliers or authorised recipients include—
 - (a) astronomical societies;
 - (b) members of astronomical societies;
 - (c) people who use high-power laser pointers for scientific, research, or industrial purposes.

Offences

12 Offences

- (1) A person commits an offence if the person breaches any of regulations 4 to 7.
- (2) A person who commits an offence under subclause (1) is liable on conviction to the penalty prescribed by section 136 of the Health Act 1956.

*Miscellaneous***13 Armed forces**

These regulations do not apply to the supply of high-power laser pointers to, or the acquisition of high-power laser pointers by, the Armed Forces as defined in section 2(1) of the Defence Act 1990.

Rebecca Kitteridge,
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, which come into force on 1 March 2014, regulate the supply and acquisition of high-power laser pointers by—

- prohibiting the supply of high-power laser pointers by anyone other than—
 - a person authorised by the Director-General of Health to supply high-power laser pointers; or
 - a person authorised by the Director-General of Health to acquire high-power laser pointers who is disposing of high-power laser pointers that were acquired by the person for personal use:
- prohibiting the supply of high-power laser pointers to anyone other than—
 - a person authorised by the Director-General of Health to acquire high-power laser pointers; or
 - a person authorised by the Director-General of Health to supply high-power laser pointers who is acquiring the high-power laser pointers for the purpose of supply:
- prohibiting misleading or deceiving a supplier as to whether a person is authorised to acquire high-power laser pointers in order to acquire or attempt to acquire a high-power laser pointer:

- establishing a process for the Director-General of Health to authorise the supply and acquisition of high-power laser pointers by a person or class of persons.

These regulations do not apply to the supply of high-power laser pointers to, or the acquisition of high-power laser pointers by, the Armed Forces.

These regulations do not apply to laser pointers with a power output of 1 milliwatt or less.

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Health.
