



Food (Fees and Charges) Amendment Regulations 2015

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 7th day of December 2015

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 203, 204, and 208 of the Food Act 2014, Her Excellency the Administrator of the Government makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety made after being satisfied that there has been appropriate consultation in accordance with section 379 of that Act.

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Regulations

1 Title

These regulations are the Food (Fees and Charges) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 1 March 2016.

3 Principal regulations

These regulations amend the Food (Fees and Charges) Regulations 2015 (the **principal regulations**).

4 Regulation 3 amended (Fees and charges)

In regulation 3(1), replace “the matters” with “the services (provided by the Ministry) that are”.

5 Regulation 4 replaced (Chief executive and territorial authorities may grant exemption or waiver)

Replace regulation 4 with:

4 Chief executive may exempt, waive, or refund fees and charges

The chief executive may grant an exemption from, or a waiver or refund of, any fee or charge for services (provided by the Ministry) specified in the Schedule, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:

- (a) the amount of the fee or charge is less than the reasonable cost of recovering the fee or charge:
- (b) the Ministry has made an administrative error:
- (c) the chief executive is satisfied that it would be unreasonable or unfair to require payment of the fee or charge:
- (d) the chief executive considers that more efficient processes can be used (for example, batching services), resulting in lower costs.

5 Territorial authorities may exempt, waive, or refund fees

A territorial authority may grant an exemption from, or a waiver or refund of, any fee fixed by the territorial authority under section 205 of the Food Act 2014, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:

- (a) the amount of the fee is less than the reasonable cost of recovering the fee:
- (b) the territorial authority has made an administrative error:

- (c) the territorial authority is satisfied that it would be unreasonable or unfair to require payment of the fee;
- (d) the territorial authority considers that more efficient processes can be used (for example, batching services), resulting in lower costs.

6 Revocation of regulations 4 and 5

Regulations 4 and 5 are revoked—

- (a) on 30 June 2019, if regulations are not made under section 417 of the Food Act 2014 on or before that date; or
- (b) on the earlier of the following dates, if regulations are made under section 417 of the Food Act 2014 on or before 30 June 2019:
 - (i) the date specified as the end date of that Act's introductory period in those regulations;
 - (ii) 28 February 2021.

Michael Webster,
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 2016, amend the Food (Fees and Charges) Regulations 2015 (the **principal regulations**). The main purpose of the amendments is to distinguish the power of territorial authorities to grant fee exemptions, waivers, and refunds from the corresponding power of the chief executive of the Ministry for Primary Industries in relation to fees and charges. The fees and charges for services provided by the Ministry, and that may be exempted, waived, or refunded by the chief executive, are specified in the Schedule of the principal regulations, while the fees that territorial authorities may exempt, waive, or refund are fixed under section 205 of the Food Act 2014.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 10 December 2015.

These regulations are administered by the Ministry for Primary Industries.