Reprint
as at 21 October 2015

Testing Laboratory Registration Act 1972

Public Act	1972 No 36
Date of assent	20 October 1972
Commencement	see section 1(2)

Testing Laboratory Registration Act 1972: repealed, on 21 October 2015, by section 46(2) of the Standards and Accreditation Act 2015 (2015 No 91).

Contents

		Page
	Title *[Repealed]*	2
1	Short Title and commencement	2
1A	Purpose	2
2	Interpretation	2
2A	Act binds the Crown	3
	Testing Laboratory Registration Council	
3	Establishment of Testing Laboratory Registration Council	3
4	Membership of Council	4
5	Term of office of members *[Repealed]*	4
6	Extraordinary vacancies *[Repealed]*	4
7	Representation of absent members *[Repealed]*	5
8	Deputy Chairman *[Repealed]*	5
9	Meetings of the Council *[Repealed]*	5
10	Executive committee *[Repealed]*	5
11	Special committees *[Repealed]*	5

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.

Functions and powers

12 Functions of the Council 5
13 Powers of the Council 6
14 Powers of Council with respect to property 8
15 Staff of the Council *[Repealed]* 8

Financial provisions

16 Funds of the Council *[Repealed]* 9
17 Investment of funds *[Repealed]* 9
18 Borrowing powers *[Repealed]* 9
19 Money to be banked *[Repealed]* 9
20 Accounts *[Repealed]* 9
20A Crown entity *[Repealed]* 9
21 Exemption from taxes 9
22 Members not personally liable *[Repealed]* 9
23 Fees and travelling allowances *[Repealed]* 10
24 Contributions to the Council's funds 10
25 Insurance of members *[Expired]* 10

Miscellaneous provisions

26 Annual report *[Repealed]* 10
27 Departments of State to provide services, etc *[Repealed]* 10
28 Contracts of Council and members *[Repealed]* 10
29 Restriction on use of words Testing Laboratory Registration in certain circumstances 10
30 Offences and penalties 11

Title *[Repealed]*

Title: repealed, on 26 September 2006, by section 4 of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

1 Short Title and commencement

(1) This Act may be cited as the Testing Laboratory Registration Act 1972.

(2) This Act shall come into force on 1 January 1973.

1A Purpose

The purpose of this Act is to provide for the development and maintenance of good conformity assessment practice in New Zealand that is consistent with international practice and facilitates trade.

Section 1A: inserted, on 26 September 2006, by section 5 of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

2 Interpretation

In this Act, unless the context otherwise requires,—

conformity assessment bodies include testing laboratories, inspection bodies, and certification bodies; and **conformity assessment** is the activity undertaken by conformity assessment bodies

Council means the Testing Laboratory Registration Council established under this Act

Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

registration includes accreditation and other recognition

testing means determining, in whole or in part, the composition or physical properties of a substance or product, calibrating a piece of equipment, or determining the ability of any substance, product, or piece of equipment to satisfy particular requirements; and **test** has a corresponding meaning

testing laboratory includes the equipment, facilities, staff, records, procedures, and places used in testing.

Section 2 **conformity assessment bodies**: inserted, on 26 September 2006, by section 6(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 2 **industrial design**: repealed, on 26 September 2006, by section 6(2) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 2 **Minister**: replaced, on 2 August 1990, by section 14(1) of the Foundation for Research, Science, and Technology Act 1990 (1990 No 72).

Section 2 **registration**: inserted, on 26 September 2006, by section 6(3) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

2A Act binds the Crown

This Act binds the Crown.

Section 2A: inserted, on 26 September 2006, by section 7 of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Testing Laboratory Registration Council

3 Establishment of Testing Laboratory Registration Council

(1) There is hereby established for the purposes of this Act a Council, to be known as the Testing Laboratory Registration 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.

(4) The members of the Council are the board for the purposes of the Crown Entities Act 2004.

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

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

Section 3(4): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Membership of Council

(1) The Council consists of 9 members of whom—

(a) 5 members must be appointed by the Minister under section 28(1)(a) of the Crown Entities Act 2004; and

(b) 4 members must be appointed by the Council itself.

(2) In exercising the power of appointment, the Minister shall have regard to—

(a) nominations put forward by persons or bodies involved or interested in the development and use of conformity assessment:

(b) the nominees' knowledge of, and experience in management, and knowledge and experience of conformity assessment.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

Section 4: replaced, on 1 January 1989, by section 3(1) of the Testing Laboratory Registration Amendment Act 1988 (1988 No 167).

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

Section 4(2)(a): amended, on 26 September 2006, by section 8(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 4(2)(b): amended, on 26 September 2006, by section 8(2) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 4(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

Section 4(5): 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 Extraordinary vacancies

[Repealed]

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

7 Representation of absent members

[Repealed]

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

8 Deputy Chairman

[Repealed]

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

9 Meetings of the Council

[Repealed]

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

10 Executive committee

[Repealed]

Section 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Special committees

[Repealed]

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

Functions and powers

12 Functions of the Council

The general functions of the Council are—

(a) to promote the development and maintenance of good practice in conformity assessment; and to establish and maintain a registration scheme for conformity assessment bodies (except for certification bodies) that comply with that practice; and

(b) to develop and maintain international recognition and acceptance of the Council's registration scheme; and to maintain appropriate international relationships consistent with the Council's functions under this section; and

(c) if the Council chooses, to provide certification services; and

(d) to perform any other functions that the Minister may direct the Council to perform in accordance with section 112 of the Crown Entities Act 2004.

Section 12: replaced, on 26 September 2006, by section 9 of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

13 Powers of the Council

(1) *[Repealed]*

(2) Without limiting the generality of the powers of the Council under sections 16 and 17 of the Crown Entities Act 2004, it may—

(a) provide for the registration of conformity assessment bodies (except for certification bodies) that apply for registration and that, in the opinion of the Council, comply with the requirements prescribed by the Council, subject to any conditions, including the period of registration, as the Council thinks fit:

(b) provide for the revocation of the registration of a conformity assessment body registered under this Act, after consideration of any submissions made on its behalf, for failing to comply with all or any of the requirements or conditions prescribed by the Council on registration:

(c) require, for every conformity assessment body registered under this Act, the institution and maintenance, to the satisfaction of the Council, of control of the services for which the conformity assessment body is registered, and the maintenance of any records that, in the opinion of the Council, are necessary to establish that control is maintained:

(d) authorise the endorsement, in the name of the Council, of conformity assessment documents issued for services that are services—

(i) offered by a conformity assessment body registered under this Act; and

(ii) for which the body is registered:

(e) *[Repealed]*

(f) *[Repealed]*

(g) *[Repealed]*

(h) co-operate with persons, associations, or organisations engaged in the production of goods in New Zealand with the object of maintaining and improving the quality of such goods by the use of conformity assessment practices approved by the Council:

(i) co-operate with any person, association, or organisation outside New Zealand having similar functions or objects, with a view to furthering the functions of the Council:

(j) become a member of or affiliate to any international body concerned with similar functions or objects:

(k) establish and maintain libraries and other sources of information for reference in respect of matters relating to the functions of the Council:

(l) collect and disseminate information relating to conformity assessment, including the publication of reports, pamphlets, books, journals, and other publications:

(m) provide advisory and other services in respect of conformity assessment:

(n) promote research into the methods of conformity assessment:

(o) promote the development of the testing of goods and its acceptance by producers of goods:

(p) solicit and accept for the purposes of the Council any money, land, or other property from any person, organisation, local authority, or public body by way of grant, subsidy, donation, gift, subscription, or otherwise; and extend to any person, organisation, local authority, or public body, from whom it accepts any money, land, or other property as aforesaid, such concessions or benefits as it thinks fit:

(q) *[Repealed]*

(r) *[Repealed]*

(s) *[Repealed]*

(t) *[Repealed]*

(u) establish training centres, laboratories, consultancies, and other establishments considered necessary for the efficient exercise of its functions:

(v) charge fees in respect of the registration under this Act and of any other services rendered:

(w) carry out such other powers and duties as are conferred on it by this Act or otherwise.

Section 13: replaced, on 10 December 1988, by section 6(1) of the Testing Laboratory Registration Amendment Act 1988 (1988 No 167).

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

Section 13(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(2)(a): replaced, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(b): replaced, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(c): replaced, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(d): replaced, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(e): repealed, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(f): repealed, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(g): repealed, on 26 September 2006, by section 10(1) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(h): amended, on 26 September 2006, by section 10(2) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(l): replaced, on 26 September 2006, by section 10(3) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(m): replaced, on 26 September 2006, by section 10(3) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(n): replaced, on 26 September 2006, by section 10(3) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(q): repealed, on 26 September 2006, by section 10(4) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(r): repealed, on 26 September 2006, by section 10(4) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(s): repealed, on 26 September 2006, by section 10(4) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(t): repealed, on 26 September 2006, by section 10(4) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

Section 13(2)(u): amended, on 26 September 2006, by section 10(5) of the Testing Laboratory Registration Amendment Act 2006 (2006 No 45).

14 Powers of Council with respect to property

(1) *[Repealed]*

(2) *[Repealed]*

(3) Nothing in this Act or any other Act shall authorise the sale or exchange of any land granted by the Crown or by any Act as an endowment to the Council.

(4) Any land held by the Council in trust for a special purpose may be sold or exchanged, notwithstanding the terms of the trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of.

(5) *[Repealed]*

Section 14(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(3): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(4): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(4): amended, on 10 December 1988, by section 7(2) of the Testing Laboratory Registration Amendment Act 1988 (1988 No 167).

Section 14(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Staff of the Council

[Repealed]

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

Financial provisions

16 Funds of the Council

[Repealed]

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

17 Investment of funds

[Repealed]

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

18 Borrowing powers

[Repealed]

Section 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

19 Money to be banked

[Repealed]

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

20 Accounts

[Repealed]

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

20A Crown entity

[Repealed]

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

21 Exemption from taxes

(1) The Council shall be exempt from the payment of income tax.

(2) *[Repealed]*

Section 21(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 21(2): repealed, on 1 October 1973, by section 2(2)(a) of the Payroll Tax Repeal Act 1973 (1973 No 21).

22 Members not personally liable

[Repealed]

Section 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

23 Fees and travelling allowances

[Repealed]

Section 23: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

24 Contributions to the Council's funds

For the purpose of providing funds for the exercise of the functions of the Council, any local authority or public body may, without further authority than this section, make grants out of its general funds to the Council for such amount as it thinks fit.

25 Insurance of members

[Expired]

Section 25: expired, on 1 April 1974, by section 25(2).

Miscellaneous provisions

26 Annual report

[Repealed]

Section 26: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

27 Departments of State to provide services, etc

[Repealed]

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

28 Contracts of Council and members

[Repealed]

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

29 Restriction on use of words Testing Laboratory Registration in certain circumstances

(1) Except with the consent of the Governor-General in Council, no association or person, whether a body corporate or not, shall exercise its functions under a name which contains the words "Testing Laboratory Registration" or any abbreviation of these words.

(2) Where any Act provides for the registration of any association of persons, the registering authority may refuse registration, if, in its opinion, the use of the name by which the association desires to be registered is prohibited by subsection (1).

(3) The provisions of this section shall, with any necessary modifications, apply to a person carrying on business under any name or style other than his own.

(4) Any association which, or person who, does any act in contravention of the provisions of this section commits an offence.

(5) Nothing in this section shall apply to the use by any association or person of any name that was in use in New Zealand by that association or person, or any predecessor in business of that association or person, immediately before the commencement of this Act.

30 Offences and penalties

(1) Every person commits an offence against this Act who makes any statement or representation, whether in writing or not, or uses any mark with reference to any goods, which conveys or is likely to convey the impression that a testing laboratory which is not registered under this Act is so registered.

(2) Every person who commits an offence against this Act for which no specific penalty is provided elsewhere than in this section, shall be liable on conviction to a fine not exceeding $200 and, in the case of a continuing offence, to a further fine not exceeding $10 for every day on which the offence is continued.

Section 30(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Reprints notes

1 General

This is a reprint of the Testing Laboratory Registration Act 1972 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(2)

Criminal Procedure Act 2011 (2011 No 81): section 413

Testing Laboratory Registration Amendment Act 2006 (2006 No 45)

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

Foundation for Research, Science, and Technology Act 1990 (1990 No 72): section 14(1)

Testing Laboratory Registration Amendment Act 1988 (1988 No 167)

Payroll Tax Repeal Act 1973 (1973 No 21): section 2(2)(a)

Testing Laboratory Registration Act 1972 (1972 No 36): section 25(2)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2015