

# Medicines Amendment Act 1992

Public Act 1992 No 50  
Date of assent 15 June 1992

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### An Act to amend the Medicines Act 1981

**BE IT ENACTED by the Parliament of New Zealand as follows:**

#### **1 Short Title and commencement**

- (1) This Act may be cited as the Medicines Amendment Act 1992, and shall be read together with and deemed part of the Medicines Act 1981 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of July 1992.

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#### **3 Transitional provisions**

- (1) Notwithstanding the amendment, by section 2 of this Act, of the definition of the term **analyst** in section 2 of the principal Act, section 71(1) of the principal Act shall, after the com-

mencement of this section, continue to apply, in respect of any certificate that is referred to in section 71(1) of the principal Act and that was given before the commencement of this section, as if this Act had not been passed.

- (2) Notwithstanding anything in section 70 of the principal Act, where,—
- (a) Before the commencement of this section, any sample was submitted, pursuant to that section, for the purposes of analysis by an analyst within the meaning of section 2 of the principal Act (as that section existed immediately before the commencement of this section) or by any person acting under the direction of any such analyst; and
  - (b) Any one or more of the following circumstances apply in relation to that sample, namely,—
    - (i) In the case of a sample that was posted before the commencement of this section, that sample was not received by the analyst until after the commencement of this section; or
    - (ii) That sample was not analysed by that analyst, or by any person acting under the direction of that analyst, before the commencement of this section; or
    - (iii) Analysis of that sample was not completed by that analyst, or by a person acting under the direction of that analyst, before the commencement of this section; or
    - (iv) Analysis of that sample was completed by that analyst, or by a person acting under the direction of that analyst, before the commencement of this section but a certificate of the kind referred to in section 70 of the principal Act was not issued in respect of that sample before the commencement of this section,—

the following provisions shall apply:

- (c) After the commencement of this section, the sample may be analysed, or the analysis of that sample may be completed, as the case requires, by any analyst within the meaning of section 2 of the principal Act

- (as amended by section 2 of this Act) or by any person acting under the direction of any such analyst:
- (d) A certificate of the kind referred to in section 70 of the principal Act may, after the commencement of this section, be issued in respect of that sample by any such analyst:
  - (e) No such analysis, and no certificate so issued, shall be invalid on the ground—
    - (i) That, in the case of a sample to which paragraph (b)(i) of this subsection applies, the person to whom the sample was addressed was, before the commencement of this section, an analyst within the meaning of section 2 of the principal Act (as that section existed immediately before the commencement of this section) and either ceased to be such an analyst on or before the commencement of this section or was, after the commencement of this section, an analyst within the meaning of that section (as amended by section 2 of this Act); or
    - (ii) That the analysis was done or completed by or under the direction of, or the certificate was issued by, an analyst who was not the analyst to whom the sample was submitted, pursuant to section 70 of the principal Act, before the commencement of this section; or
    - (iii) That the person by whom, or under whose direction, the analysis was carried out or completed, or the person who issued the certificate, either was not, before the commencement of this section, an analyst within the meaning of section 2 of the principal Act (as that section existed immediately before the commencement of this section), or was such an analyst before the commencement of this section and was, after the commencement of this section, an analyst within the meaning of that section (as amended by section 2 of this Act).
- (3) Notwithstanding anything in section 70 of the principal Act, where, before the commencement of this section, any certifi-

cate of the kind referred to in subsection (2) of that section has been issued in respect of the analysis of any sample, a certificate of that kind may, from time to time, after the commencement of this section, be issued by any analyst within the meaning of section 2 of the principal Act (as amended by section 2 of this Act) in any case where that analyst has available to him or her such information as is necessary to enable that analyst to fully complete that certificate.

- (4) Section 71(1) of the principal Act shall apply in respect of any certificate issued under the authority of subsection (3) of this section as if the certificate had been signed, before the commencement of this section, by the analyst by or under whose direction the analysis to which the certificate relates was made.