

Version
as at 28 October 2021



Legislation (Confirmable Instruments) Amendment Act 2015

Public Act 2015 No 120
Date of assent 10 December 2015
Commencement see section 2

Legislation (Confirmable Instruments) Amendment Act 2015: repealed, on 28 October 2021, pursuant to section 10 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice and the Parliamentary Counsel Office.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Legislation (Confirmable Instruments) Amendment Act 2015.

2 Commencement

This Act comes into force on 1 January 2016.

3 Principal Act

This Act amends the Legislation Act 2012 (the **principal Act**).

4 Section 3 amended (Purposes)

In section 3(a), after “disallowing”, insert “and confirming”.

5 Section 4 amended (Interpretation)

In section 4, insert in their appropriate alphabetical order:

confirmable instrument has the meaning given to it by section 47B

deadline, for a confirmable instrument, means the time when (if no exception in section 47C(2) applies) the instrument is revoked by section 47C(1)(a) or (b)

6 New section 4A inserted (Transitional, savings, and related provisions)

After section 4, insert:

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

7 Part 3 heading amended

In the Part 3 heading, after “**Disallowable instruments**”, insert “, **confirmable instruments**,”.

8 Section 37 amended (Interpretation)

In section 37, repeal the definition of **confirmation provision**.

9 Section 39 amended (Instruments that have significant legislative effect)

Replace section 39(3)(b) with:

(b) whether all or a portion of the instrument makes it a confirmable instrument:

10 Section 45 replaced (Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument)

Replace section 45 with:

45 Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument

- (1) This section applies if some or all provisions of a disallowable instrument—
 - (a) amend an Act or instrument, repeal an Act, or revoke an instrument; and
 - (b) are provisions that are later disallowed under section 42 or 43.
- (2) The Act or instrument is restored or revived—
 - (a) as it was immediately before it was amended, repealed, or revoked by the disallowed provisions; and
 - (b) with effect from when the disallowed provisions cease to have effect.
- (3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act).

Compare: 1989 No 143 s 8

11 New subpart 1A of Part 3 inserted

After section 47, insert:

Subpart 1A—Confirmable instruments

47A Overview

- (1) This subpart ensures some instruments are revoked by this Act at a deadline unless earlier confirmed by an Act of Parliament.
- (2) The instruments are made under the section or sections listed in Schedule 2 (*see* section 47B).
- (3) The deadline differs depending on whether the instrument is made in the first or second half of a year (*see* section 47C).
- (4) If the instrument is one of a subset of confirmable instruments called annual confirmable instruments, and has been revoked before the deadline, then it is invalid for its past operation unless confirmed by an Act (*see* sections 47B and 47D).
- (5) Revocation by this Act of the instrument generally does not affect the validity of acts done under it before it is revoked (*see* section 47F).
- (6) Amendments, revocations, or repeals effected by the instrument are undone with effect from when the instrument is revoked by this Act (*see* section 47G).
- (7) Any duties, levies, or road user charges collected under the instrument must, with some exceptions, be refunded if the instrument is later revoked by this Act (*see* sections 47H and 47I).
- (8) This section is only a general guide to this subpart, which replaces and standardises former inconsistent confirmation provisions in the Acts listed in Schedule 2.

47B Confirmable instruments, etc, defined

- (1) An instrument made under an enactment is a **confirmable instrument** for the purposes of this Act if all or a portion of the instrument—
 - (a) is made under the empowering section or sections in a row of the table in Schedule 2; and
 - (b) complies with any restriction in that row.
- (2) A confirmable instrument is an **annual confirmable instrument** for the purposes of this Act if all or a portion of the instrument is made under all or any of the following sections:
 - (a) section 15(2) of the New Zealand Superannuation and Retirement Income Act 2001;
 - (b) section 30(2) of the New Zealand Superannuation and Retirement Income Act 2001;
 - (c) section 61H(1) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964;

- (d) section 61HA(2) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964;
- (e) section 61I(1) of the Social Security Act 1964;
- (f) section 190(2) of the Veterans' Support Act 2014.

47C Instruments revoked unless confirmed

- (1) A confirmable instrument is revoked at the following applicable deadline:
 - (a) if it is made during the first half of a year, it is revoked at the middle of the next year;
 - (b) if it is made during the second half of a year, it is revoked at the end of the next year.
- (2) However, a confirmable instrument is not revoked by subsection (1)(a) or (b) so far as it—
 - (a) has been revoked, or expires, with effect before or on the deadline; or
 - (b) has ceased, or will cease, to have effect before or on the deadline by virtue of subpart 1 of Part 3 (disallowable instruments); or
 - (c) has before or on the deadline been confirmed by an Act of Parliament.
- (3) In this section,—
 - (a) the **first half of a year** means the period that starts on 1 January and ends with the close of 30 June in the year; and
 - (b) the **second half of a year** means the period that starts on 1 July and ends with the close of 31 December in the year; and
 - (c) the **middle of the next year** means the close of 30 June in the next year; and
 - (d) the **end of the next year** means the close of 31 December in the next year.

Compare: 1990 No 127 s 12; 1993 No 95 ss 100S, 100ZH, 138, 151; 2011 No 81 s 387(3); 2012 No 1 s 85(4); 2014 No 32 s 214

47D Operation of annual instruments invalid if revoked before, and not confirmed by, deadline

- (1) This section applies to an annual confirmable instrument so far as it—
 - (a) has been revoked with effect before or on the deadline; and
 - (b) is therefore under section 47C(2)(a) not revoked by section 47C(1)(a) or (b).
- (2) The instrument is, after the deadline, taken to have been invalid in respect of the period for which it purported to have effect.

- (3) Subsection (2) does not apply so far as the instrument has before or on the deadline been confirmed by an Act of Parliament.

Compare: 1964 No 136 ss 61H(4), 61HA(6), 61I(2); 2001 No 84 ss 15(5), 30(5); 2014 No 56 s 190(5)

47E How instrument is confirmed by Act

- (1) A confirmable instrument is for the purposes of this subpart confirmed by an Act of Parliament—
- (a) only if the Act contains a provision to the effect that the instrument is confirmed; and
- (b) only on and after that provision's commencement.
- (2) The later repeal of the Act or provision does not affect the confirmation of the instrument (in line with section 17(1)(c) of the Interpretation Act 1999).

Compare: 1964 No 136 s 61H(6); 1996 No 27 s 286B(2); 2012 No 1 s 85(6)

47F Effect of revocation: general

- (1) This section applies to the revocation by section 47C(1)(a) or (b) of an instrument.
- (2) That revocation does not affect the previous operation of the instrument or anything done or suffered under it (in line with section 17(1)(e) of the Interpretation Act 1999).
- (3) This section is subject to section 47H.

47G Effect of revocation: amendments, etc

- (1) This section applies if a confirmable instrument—
- (a) amends an Act or instrument, repeals an Act, or revokes an instrument; and
- (b) is later revoked by section 47C(1)(a) or (b).
- (2) The Act or instrument is restored or revived—
- (a) as it was immediately before it was amended, repealed, or revoked by the confirmable instrument; and
- (b) with effect from when the confirmable instrument is later revoked by section 47C(1)(a) or (b).
- (3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act).

47H Effect of revocation: duties, levies, or charges

- (1) This section applies if the effect of the instrument revoked by section 47C(1)(a) or (b) is to impose, or vary, any duties, levies, or road user charges.
- (2) Any duties, levies, or road user charges collected under the instrument (or, if the effect of the instrument is to vary any duties, levies, or road user charges,

any duties, levies, or road user charges collected after the variation takes effect) must, unless an Act of Parliament provides otherwise, be refunded.

- (3) This section is subject to section 47I.

Compare: 1988 No 155 s 11(2); 1996 No 27 s 80(2); 2012 No 1 s 85(5)

47I Effect of revocation: exceptions to section 47H

- (1) Section 47H(2) does not limit or affect section 42C(3) and (4) of the Civil Aviation Act 1990 (which indicates how levies imposed or increased or decreased by civil aviation safety levy orders are affected by those orders being revoked by section 47C(1)(a) or (b) of this Act).
- (2) Section 47H(2) does not apply to energy resources levy rate orders revoked, and the levy rate specified in those orders remains valid in respect of the period before their revocation, by section 47C(1)(a) or (b).
- (3) Section 47H(2) does not limit or affect section 270(4) to (6) of the Land Transport Act 1998 (which indicates how fees or charges prescribed by land transport fees or charges regulations are affected by those regulations being revoked by section 47C(1)(a) or (b) of this Act).
- (4) Section 47H(2) does not apply to waste minimisation levy rate regulations revoked, and the levy rate specified in those regulations remains valid in respect of the period before their revocation, by section 47C(1)(a) or (b).
- (5) In this section,—

civil aviation safety levy orders means orders under section 42A of the Civil Aviation Act 1990

energy resources levy rate orders means orders under section 5(1) of the Energy Resources Levy Act 1976

land transport fees or charges regulations means regulations—

- (a) made under section 269 or 269A of the Land Transport Act 1998; and
(b) prescribing fees or charges

waste minimisation levy rate regulations means regulations made under section 41(1)(e) of the Waste Minimisation Act 2008.

12 New Schedule 1AA inserted

Before the Schedule, insert as Schedule 1AA the schedule set out in Schedule 1 of this Act.

13 New Schedule 2 inserted

After the Schedule, insert as Schedule 2 the schedule set out in Schedule 2 of this Act.

14 Consequential amendments to other Acts

Amend the Acts specified in Schedule 3 of this Act in the manner set out in that schedule.

Schedule 1
New Schedule 1AA inserted

s 12

Schedule 1AA
Transitional, savings, and related provisions

s 4A

- 1 Confirmable instruments made or presented 1 July 2015 to 31 December 2015**
- (1) Sections 47C and 47D apply to a confirmable instrument (as defined in section 47B) that—
- (a) is made, or presented to the House of Representatives, after 30 June 2015 and before 1 January 2016; and
 - (b) is an instrument of a kind covered by a former confirmation provision; and
 - (c) would if that provision were not repealed on 1 January 2016 have under that provision lapsed at a time (being a time after 31 December 2015 and stated in that provision) if not earlier confirmed by an Act of Parliament.
- (2) In this clause,—
- confirmation provision**, in relation to an instrument made under an enactment, means an enactment that provides that the instrument lapses, expires, is revoked, or is deemed to have been revoked at a stated time unless the instrument is confirmed by an Act passed or enacted before that time
- confirmed** includes—
- (a) confirmed and validated; or
 - (b) validated
- former confirmation provision** means a confirmation provision that is repealed or replaced—
- (a) on 1 January 2016; and
 - (b) by section 14 and Schedule 3 of the Legislation (Confirmable Instruments) Amendment Act 2015
- lapsed** means lapsed, expired, been revoked, or been deemed to have been revoked.

Schedule 2

New Schedule 2 inserted

s 13

Schedule 2

Confirmable instruments

ss 4, 47A, 47B

Act	Empowering section(s) and restriction (if any)
Agricultural Compounds and Veterinary Medicines Act 1997	81E
Animal Products Act 1999	118
Antarctica (Environmental Protection) Act 1994	55(2)
Arms Act 1983	74A(b)
Arms Act 1983	74A(c)
Arms Act 1983	74A(d)
Biosecurity Act 1993	100L
Biosecurity Act 1993	100ZB
Biosecurity Act 1993	137
Biosecurity Act 1993	150
Civil Aviation Act 1990	42A
Climate Change Response Act 2002	162(1)
Climate Change Response Act 2002	202(1)
Commodity Levies Act 1990	4 (apart from, or with, section 305 of the Fisheries Act 1996, or section 111 of the Wine Act 2003)
Criminal Procedure Act 2011	387(1)(i)
Criminal Procedure Act 2011	387(1)(j)
Customs and Excise Act 1996	54(2)
Customs and Excise Act 1996	56(2)
Customs and Excise Act 1996	77(1)
Customs and Excise Act 1996	79(1)
Customs and Excise Act 1996	79A(1)—restriction: only if the order has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2))
Customs and Excise Act 1996	286A
Education Act 1989	2(4)
Education Act 1989	159(4)
Electronic Transactions Act 2002	14(3)—restriction: only if the order makes an addition to the Schedule
Energy (Fuels, Levies, and References) Act 1989	33(1)
Energy Resources Levy Act 1976	5(1)
Fisheries Act 1996	74(7)
Food Act 2014	207

Act	Empowering section(s) and restriction (if any)
Forests Act 1949	67ZM
Gambling Act 2003	319(1)
Industry Training and Apprenticeships Act 1992	26(1)
KiwiSaver Act 2006	65(1)
Land Transport Act 1998	269 and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Land Transport Act 1998	269A and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Maritime Security Act 2004	78(4)(b)
National Animal Identification and Tracing Act 2012	62
National Animal Identification and Tracing Act 2012	67(2)
New Zealand Superannuation and Retirement Income Act 2001	15(2)
New Zealand Superannuation and Retirement Income Act 2001	30(2)
Parental Leave and Employment Protection Act 1987	71O and 73(1)(ad)
Parental Leave and Employment Protection Act 1987	73(1)(ae)
Petroleum Demand Restraint Act 1981	4(1)
Policing Act 2008	27(1)
Primary Products Marketing Act 1953	3(1)
Reserve Bank of New Zealand Act 1989	152 and 173—restriction: only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5
Road User Charges Act 2012	85(1)
Social Security Act 1964	61H(1) (apart from, or with, cl 3(6) of Schedule 32)
Social Security Act 1964	61HA(2) (apart from, or with, cl 3(6) of Schedule 32)
Social Security Act 1964	61I(1)
Tariff Act 1988	9
Tax Administration Act 1994	225B(1)(a)
Tax Administration Act 1994	225B(1)(b)
Veterans' Support Act 2014	190(2)
Waste Minimisation Act 2008	41(1)(e)
Wine Act 2003	89

Schedule 3

Consequential amendments

s 14

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

Replace section 81L with:

81L Levy regulations are confirmable instruments

The explanatory note of regulations made under section 81E must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Animal Products Act 1999 (1999 No 93)

Replace section 125 with:

125 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 118 must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Antarctica (Environmental Protection) Act 1994 (1994 No 119)

Repeal section 55(3).

After section 55, insert:

55A Regulations under section 55(2) are confirmable instruments

The explanatory note of regulations made under section 55(2) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and

Antarctica (Environmental Protection) Act 1994 (1994 No 119)—*continued*

- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Arms Act 1983 (1983 No 44)

Replace section 74B with:

74B Certain orders relating to military style semi-automatic firearms are confirmable instruments

The explanatory note of an order made under section 74A(b), (c), or (d) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Biosecurity Act 1993 (1993 No 95)

Replace section 100S with:

100S Orders are confirmable instruments

The explanatory note of a levy order made under section 100L must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 100ZH with:

100ZH Orders are confirmable instruments

The explanatory note of a readiness or response levy order made under section 100ZB must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Biosecurity Act 1993 (1993 No 95)—continued

Replace section 138 with:

138 Orders are confirmable instruments

The explanatory note of a levy order made under section 137 must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 151 with:

151 Emergency regulations are confirmable instruments

The explanatory note of regulations made under section 150 must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Civil Aviation Act 1990 (1990 No 98)

In the heading to section 42C, replace “**to be confirmed**” with “**are confirmable instruments**”.

Replace section 42C(2) with:

- (2) The explanatory note of every such Order in Council must indicate that—
 - (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

In section 42C(3), replace “expires by virtue of subsection (2)” with “is revoked by section 47C(1)(a) or (b) of the Legislation Act 2012”.

In section 42C(3)(b), replace “expiry” with “revocation”.

Repeal section 42C(5).

Climate Change Response Act 2002 (2002 No 40)

Replace section 162(4) with:

- (4) An Order in Council made under subsection (1) takes effect for the removal activity or activities concerned on and from—
 - (a) 1 January of the next year, if made on or before 30 June in any year; or
 - (b) 1 July of the next year, if made on or after 1 July in any year.

After section 162, insert:

162A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 162(1) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 202(3) with:

- (3) An Order in Council made under subsection (1) takes effect for the removal activity or activities concerned on and from—
 - (a) 1 January of the next year, if made on or before 30 June in any year; or
 - (b) 1 July of the next year, if made on or after 1 July in any year.

After section 202, insert:

202A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 202(1) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Commodity Levies Act 1990 (1990 No 127)

In the heading to section 12, replace “**to be confirmed**” with “**are confirmable instruments**”.

Replace section 12(1) and (2) with:

- (1) The explanatory note of a levy order made under section 4 must indicate that—

Commodity Levies Act 1990 (1990 No 127)—continued

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

In section 12(3), replace “the day with the close of which the order may (under subsection (1) or subsection (2)) be deemed to have been revoked” with “the time at which the order may be revoked by section 47C(1)(a) or (b) of the Legislation Act 2012”.

Criminal Procedure Act 2011 (2011 No 81)

Repeal section 387(3) and (4).

After section 387, insert:

387A Regulations under section 387(1)(i) or (j) are confirmable instruments

The explanatory note of regulations made under section 387(1)(i) or (j) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Customs and Excise Act 1996 (1996 No 27)

Repeal section 54(5) and (6).

After section 54, insert:

54A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 54(2) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Repeal section 56(5) and (6).

Customs and Excise Act 1996 (1996 No 27)—continued

After section 56, insert:

56A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 56(2) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 80 with:

80 Orders are confirmable instruments

- (1) This section applies to—
 - (a) an Order in Council made under section 77(1); and
 - (b) an Order in Council made under section 79(1); and
 - (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)).
- (2) The explanatory note of an Order in Council to which this section applies must indicate that—
 - (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

80A Orders may be revoked or varied by resolution of House of Representatives

- (1) This section applies to—
 - (a) an Order in Council made under section 77(1); and
 - (b) an Order in Council made under section 79(1); and
 - (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)).
- (2) If the House of Representatives resolves that an order to which this section applies should be revoked or varied,—

Customs and Excise Act 1996 (1996 No 27)—continued

- (a) the order must be treated as having been revoked or varied in accordance with the terms of the resolution; and
- (b) any duty collected under the order in excess of the duty otherwise payable must, so far as that resolution provides, be refunded.

Replace section 286B with:

286B Regulations are confirmable instruments

The explanatory note of regulations made under section 286A must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Education Act 1989 (1989 No 80)

Replace section 2(5) and (6) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that—
 - (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 159(5) and (6) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that—
 - (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Electronic Transactions Act 2002 (2002 No 35)

Repeal section 14(4) and (5).

After section 14, insert:

Electronic Transactions Act 2002 (2002 No 35)—continued

14A Orders making additions to Schedule are confirmable instruments

- (1) This section applies to an Order in Council made under section 14(3) that makes an addition to the Schedule.
- (2) The explanatory note of the Order in Council must indicate that—
 - (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)

Repeal section 33(4).

After section 33, insert:

33A Levy regulations are confirmable instruments

The explanatory note of regulations made under section 33(1) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Energy Resources Levy Act 1976 (1976 No 71)

Repeal section 5(2) and (3).

After section 5, insert:

5A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 5(1) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Fisheries Act 1996 (1996 No 88)

Repeal section 74(10).

After section 74, insert:

74A Orders under section 74(7) are confirmable instruments

The explanatory note of an Order in Council made under section 74(7) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Food Act 2014 (2014 No 32)

Replace section 214 with:

214 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 207 must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Forests Act 1949 (1949 No 19)

Replace section 67ZT with:

67ZT Levy orders are confirmable instruments

The explanatory note of a levy order made under section 67ZM must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Gambling Act 2003 (2003 No 51)

Repeal section 319(4) and (5).

After section 319, insert:

319A Problem gambling levy regulations are confirmable instrument

The explanatory note of regulations made under section 319(1) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Industry Training and Apprenticeships Act 1992 (1992 No 55)

In the heading to section 51, replace “**must be confirmed**” with “**are confirmable instruments**”.

Replace section 51(1), (2), (3), and (4) with:

- (1) The explanatory note of a levy order made under section 26(1) must indicate that—
 - (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

In section 51(5), replace “the day with the close of which the order may (under subsection (2) or subsection (4)) be deemed to have been revoked” with “the time at which the order may be revoked by section 47C(1)(a) or (b) of the Legislation Act 2012”.

KiwiSaver Act 2006 (2006 No 40)

Repeal section 65(4) and (6).

After section 65, insert:

65A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 65 must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and

KiwiSaver Act 2006 (2006 No 40)—*continued*

- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Land Transport Act 1998 (1998 No 110)

Replace section 270(2) and (3) with:

- (2) The explanatory note of relevant regulations must indicate that—
 - (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

In section 270(4), replace “expire by virtue of subsection (2) or (3)” with “are revoked by section 47C(1)(a) or (b) of the Legislation Act 2012”.

In section 270(4), replace “expiry” with “revocation”.

In section 270(6), replace “expire by virtue of subsection (2) or (3)” with “are revoked by section 47C(1)(a) or (b) of the Legislation Act 2012”.

Repeal section 270(8).

Maritime Security Act 2004 (2004 No 16)

Repeal section 78(8).

After section 78, insert:

78A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 78(4)(b) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

National Animal Identification and Tracing Act 2012 (2012 No 2)

Replace section 64 with:

National Animal Identification and Tracing Act 2012 (2012 No 2)—continued

64 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 62 must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Replace section 68 with:

68 Orders are confirmable instruments

The explanatory note of an Order in Council made under section 67(2) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 15(5), replace “Subsections (3) to (6) of section 61H of the Social Security Act 1964 apply” with “Section 61H(5) of the Social Security Act 1964 applies”.

After section 15, insert:

15A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 15(2) must indicate that—

- (a) it is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012; and
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

In section 30(5), replace “Section 61H(3) to (6)” with “Section 61H(5)”.

After section 30, insert:

**New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—
*continued*****30A Orders are confirmable instruments**

The explanatory note of an Order in Council made under section 30(2) must indicate that—

- (a) it is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012; and
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Parental Leave and Employment Protection Act 1987 (1987 No 129)

Repeal section 73(4) and (5).

After section 73, insert:

73A Regulations are confirmable instruments

- (1) This section applies to regulations if they are—
 - (a) regulations made under sections 71O and 73(1)(ad); or
 - (b) regulations made under section 73(1)(ae).
- (2) The explanatory note of the regulations must indicate that—
 - (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Petroleum Demand Restraint Act 1981 (1981 No 12)

In the heading to section 6, replace “**expire unless confirmed by Act**” with “**have force of law**”.

Repeal section 6(1) and (3).

After section 6, insert:

6A Regulations are confirmable instruments

The explanatory note of regulations made under section 4(1) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and

Petroleum Demand Restraint Act 1981 (1981 No 12)—*continued*

- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Policing Act 2008 (2008 No 72)

Repeal section 27(3) and (4).

After section 27, insert:

27A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 27(1) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Primary Products Marketing Act 1953 (1953 No 10)

Replace section 4 with:

4 Regulations are confirmable instruments

The explanatory note of regulations made under section 3(1) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Reserve Bank of New Zealand Act 1989 (1989 No 157)

Repeal section 152(3) and (4).

After section 152, insert:

152A Regulations are confirmable instruments

- (1) This section applies to regulations made under both of sections 152 and 173, but only if the regulations confer on the Bank, or a statutory manager of a

Reserve Bank of New Zealand Act 1989 (1989 No 157)—continued

registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5.

- (2) The explanatory note of the regulations must indicate that—
- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Road User Charges Act 2012 (2012 No 1)

Repeal section 85(4), (5), and (6).

After section 85, insert:

85A Regulations are confirmable instruments

The explanatory note of regulations made under section 85(1) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Social Security Act 1964 (1964 No 136)

Repeal section 61H(3), (4), and (6).

In section 61HA(6), replace “Section 61H(3) to (6) apply” with “Section 61H(2) and (5) applies”.

In section 61I(2), replace “The provisions of section 61H(2) to (6) shall apply,” with “Section 61H(2) and (5) applies,”.

After section 61I, insert:

61IA Orders are confirmable instruments

- (1) This section applies to an Order in Council made under section 61H, 61HA(2), or 61I(1) (including section 61H or 61HA(2) apart from, or with, clause 3(6) of Schedule 32).
- (2) The explanatory note of the Order in Council must indicate that—
 - (a) it is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012; and

Social Security Act 1964 (1964 No 136)—*continued*

- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Tariff Act 1988 (1988 No 155)

Replace section 11 with:

11 Orders in Council relating to Tariff are confirmable instruments

The explanatory note of an Order in Council made under section 9 must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

11A Orders in Council may be revoked or varied by resolution of House of Representatives

If the House of Representatives resolves that any Order in Council made under this Act (other than an Order in Council made under section 9) should be revoked or varied,—

- (a) the order must be treated as having been revoked or varied in accordance with the terms of the resolution; and
- (b) any duty payable must, so far as that resolution provides, be refunded.

Tax Administration Act 1994 (1994 No 166)

Repeal section 225B(2).

After section 225B, insert:

225BA Order under section 225B is confirmable instrument

The explanatory note of an Order in Council made under section 225B(1)(a) or (b) must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Veterans' Support Act 2014 (2014 No 56)

In section 190(5), replace “Section 61H(3) to (6)” with “Section 61H(5)”.

After section 190, insert:

190A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 190(2) must indicate that—

- (a) it is a confirmable instrument, and an annual confirmable instrument, under section 47B of the Legislation Act 2012; and
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Waste Minimisation Act 2008 (2008 No 89)

Repeal section 41(4) and (5).

After section 41, insert:

41A Regulations under section 41(1)(e) are confirmable instruments

The explanatory note of regulations made under section 41(1)(e) must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Wine Act 2003 (2003 No 114)

Replace section 96 with:

96 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 89 must indicate that—

- (a) they are a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

Notes

1 *General*

This is a consolidation of the Legislation (Confirmable Instruments) Amendment Act 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Legislation (Repeals and Amendments) Act 2019 (2019 No 59): section 10