



Fair Trading (Gift Card Expiry) Amendment Act 2024

Public Act 2024 No 35
Date of assent 16 September 2024
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Fair Trading (Gift Card Expiry) Amendment Act 2024.

2 Commencement

This Act comes into force 18 months after Royal assent.

3 Principal Act

This Act amends the Fair Trading Act 1986.

4 Section 36A amended (Purpose of Part)

After section 36A(c), insert:

(ca) gift card expiry dates; and

5 New subpart 3A of Part 4A inserted

In Part 4A, after section 36W, insert:

Subpart 3A—Gift card expiry dates**36WA Definitions**

In this subpart, unless the context otherwise requires,—

expiry date, in relation to a gift card, means the date on which the gift card ceases to be redeemable

gift card means a card or voucher (in whatever form) that is redeemable for goods or services, but does not include—

- (a) a card or voucher supplied in substitution for goods returned to the supplier of the goods; or
- (b) a prepaid card or voucher redeemable only for telecommunication services, public transport, or electricity, gas, or water services; or
- (c) a debit card, credit card, prepaid travel card, or other similar card that allows cash withdrawals; or
- (d) a card or voucher supplied as part of a customer loyalty programme (other than a card or voucher supplied in exchange for a reduction in customer loyalty points); or
- (e) a card or voucher redeemable only for goods or services available at a time-limited event (such as a festival, concert, or similar event); or
- (f) a card or voucher sold principally to raise funds for a charitable purpose.

36WB Gift card expiry date must not be less than 3 years

- (1) A person must not, in trade, sell to a consumer a gift card with an expiry date that is less than 3 years after the date of sale of the gift card.

- (2) A term or condition of a gift card sold to a consumer is void to the extent that it contravenes subsection (1).
- (3) If the expiry date of a gift card is void because of subsection (2), the expiry date is taken to be 3 years after the date of sale of the gift card.

36WC Expiry date must appear prominently on gift card

A person must not, in trade, sell to a consumer a gift card unless the card states prominently when it ceases to be redeemable by reference to one of the following:

- (a) the expiry date;
- (b) the month and year the gift card ceases to be redeemable;
- (c) the date the gift card is sold and a statement that identifies the period during which the gift card is redeemable;
- (d) the words “no expiry date” or words to that effect.

6 Section 40B amended (Infringement offence, etc, defined)

In section 40B, definition of **infringement offence**, after paragraph (d)(iv), insert:

- (v) section 36WB (gift card expiry date must not be less than 3 years);
- (vi) section 36WC (expiry date must appear prominently on gift card).

7 Section 41 amended (Injunctions may be granted by court for contravention of Part 1, Part 2, Part 3, and Part 4)

- (1) In the heading to section 41, replace “**Part 1, Part 2, Part 3, and Part 4**” with “**specified provisions**”.
- (2) In section 41(1)(a), after “Parts 1 to 4”, insert “or section 36WB or 36WC”.

8 Section 42 amended (Order to disclose information or publish advertisement)

In section 42(1), after “Parts 1 to 4”, insert “or section 36WB or 36WC”.

9 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in Schedule 1 of this Act as the last Part; and
- (b) make all necessary consequential amendments.

10 Consequential amendments to Fair Trading (Infringement Offences) Regulations 2014

Amend the Fair Trading (Infringement Offences) Regulations 2014 as set out in Schedule 2.

Schedule 1
New Part 3 inserted into Schedule 1AA

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Part 3
Provision relating to Fair Trading (Gift Card Expiry) Amendment Act 2024

3 Amendments do not apply to existing gift cards

The amendments made by the Fair Trading (Gift Card Expiry) Amendment Act 2024 do not apply to a gift card sold before the commencement of that Act.

Schedule 2

Consequential amendments to Fair Trading (Infringement Offences) Regulations 2014

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In the Schedule, form 1, under the heading “**Alleged infringement offence**”, after the seventh bullet point, insert:

- contravening section 36WB of the Act (gift card expiry date must not be less than 3 years)†
- contravening section 36WC of the Act (expiry date must appear prominently on gift card)†.

In the Schedule, form 2, under the heading “**Alleged infringement offence**”, after the seventh bullet point, insert:

- contravening section 36WB of the Act (gift card expiry date must not be less than 3 years)†
- contravening section 36WC of the Act (expiry date must appear prominently on gift card)†.

Legislative history

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|-------------------|--|
| 10 November 2022 | Introduction (Bill 184–1) |
| 1 August 2023 | First reading and referral to Economic Development, Science and Innovation Committee |
| 1 May 2024 | Reported from Economic Development, Science and Innovation Committee (Bill 184–2) |
| 31 July 2024 | Second reading |
| 21 August 2024 | Committee of the whole House |
| 11 September 2024 | Third reading |
| 16 September 2024 | Royal assent |

This Act is administered by the Ministry of Business, Innovation, and Employment.