

Reprint
as at 1 July 2002



**Health (Registration of Premises)
Regulations 1966**
(SR 1966/73)

Bernard Fergusson, Governor-General

Order in Council

At the Government House at Wellington this 18th day of May 1966

Present:
His Excellency the Governor-General in Council

Pursuant to the Health Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Health.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Health (Registration of Premises) Regulations 1966.
- (2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—
Act means the Health Act 1956

premises means premises which, by virtue of a provision of the Act or of any regulation made thereunder, may not be used for any purpose specified in that provision unless registered by the local authority in that behalf, or which may be registered by the local authority pursuant to any such provision.

3 Application of regulations

These regulations shall apply in respect of the registration of all premises and the renewal and revocation of any such registration.

4 Application for registration

Every application for the registration by a local authority of any premises shall be made to the appropriate local authority in writing under the hand of the owner, occupier, or person proposing to use such premises and shall contain all such particulars as the local authority may in any case require, and shall be accompanied by the appropriate fee.

5 Certificate of registration

- (1) Subject to the provisions of the Act, on receipt of an application for the registration of any premises, the local authority, if it is satisfied that the premises comply with the requirements and conditions applicable thereto, whether in relation to the proposed use thereof or otherwise, imposed by or under any enactment, shall register the premises for the appropriate purpose or purposes and shall, on payment of the appropriate fee, issue to the applicant a certificate of registration accordingly.
- (2) In the case of premises registered under these regulations for the first time, the registration may be expressed to expire upon such date as the local authority, for administrative reasons, may fix. Subject as aforesaid, every registration, unless it is sooner revoked pursuant to these regulations, shall expire in the year following the year in which it is issued on such date as the local authority may by resolution decide for the expiry in each year of that class of registration.
- (3) Every certificate of registration shall contain the particulars specified in subclause (2) of regulation 8, except that it shall not be necessary to repeat therein the names of the previous holders thereof or the dates of any previous renewals of the first certificate of registration.
- (4) Subject to the provisions of the Act and to the local authority being satisfied as to the matters set out in subclause (1), the registration of any premises shall from time to time be renewed upon payment of the appropriate fee.
- (5) Every certificate of registration shall be posted conspicuously in a public part of the premises to which it relates.
- (6) A fresh certificate of registration shall be issued on every renewal of registration.

6 Noting of certificate

Within 14 days after any change in the occupation of premises the new occupier shall apply to the local authority to have the change noted in the record of registration and on the certificate of registration, which he shall produce for the purpose, and shall pay any fee payable in respect of such noting.

7 Fees

The fees payable on applications for certificates of registration and upon the issue, renewal, and noting of such certificates shall be such as the local authority by resolution decides.

8 Record of registration

- (1) Every local authority shall keep a record of all registered premises, and of all certificates of registration and all renewals thereof issued by it.
- (2) The record shall in every case show—
 - (a) the name and address of the holder of the certificate of registration, who in every case shall be the actual occupier of the premises;
 - (b) the situation of the premises;
 - (c) the purpose or purposes for which the premises are registered;
 - (d) the date of the first registration under these regulations and the dates of any renewals thereof;
 - (e) every change in the occupation of the premises since the first registration;
 - (f) a statement of any conditions subject to which the registration was effected or any renewal thereof was granted.
- (3) The record must be available at all reasonable times for inspection—
 - (a) by any employee of the Director-General of Health; and
 - (b) by any person designated under section 7A of the Act as a Medical Officer of Health, a Health Protection Officer, or an officer who has functions, duties, or powers under an enactment administered by the Ministry of Health; and
 - (c) in respect of food premises (within the meaning of the Food Hygiene Regulations 1974), by any officer (within the meaning of the Food Act 1981).

Regulation 8(3): replaced, on 1 July 2002, by section 9(2) of the Food Amendment Act 2002 (2002 No 26).

9 Revocation of registration

- (1) If at any time during the currency of a certificate of registration it is found that the premises concerned do not comply with

the requirements of any enactment or with any condition subject to which registration of the premises was effected, or that the business being carried on in the premises is not being conducted in all respects in accordance with the provisions of the Act or of any regulation or bylaw made thereunder, or that the provisions of regulation 6 have not been complied with by the occupier of the premises, the local authority may cause to be served on such occupier a notice requiring him, within a time to be stated in the notice, to take such remedial action as may be specified therein.

- (2) Unless, within the time stated in the notice referred to in subclause (1), and hereinafter called the **first notice**, the terms of the first notice are complied with, the local authority may cause to be served on the occupier of the premises a further notice calling on him to show cause, at a time and place to be stated in the notice, why the registration of the premises should not be revoked.
- (3) Unless, after giving the occupier of the premises an opportunity of being heard as provided in subclause (2), the local authority is satisfied, either that the terms of the first notice have been complied with or that the failure to comply therewith may properly be excused, it may, whether or not the registration of the premises has been renewed since the service of the first notice, revoke the said registration.
- (4) If any person being the holder of a certificate of registration has been convicted of an offence against the Act or the Food and Drugs Act 1947 or against any regulations or bylaws made under either of those Acts arising out of his conduct of premises registered in accordance with these regulations, and has been fined on any one occasion in respect thereof in any amount exceeding £10 exclusive of costs, the local authority shall cause to be served upon such holder a notice calling upon him to show cause why his certificate of registration should not be revoked, and unless an explanation satisfactory to the local authority is forthcoming it may revoke the said certificate and may thereafter decline to issue a fresh certificate to that person for a period of 2 years from the date of his conviction.

10 Appeals

- (1) Where a local authority—
 - (a) refuses to register any premises; or
 - (b) declines to renew the registration of any premises; or
 - (c) revokes the registration of any premises—it shall give written notice of its decision to the applicant or the occupier of the premises, as the case may require. The notice shall advise the person to whom it is given of his right to appeal against the decision in accordance with this regulation.
- (2) The applicant or the occupier of the premises, as the case may be, may appeal to a District Court against the decision of the local authority on giving notice of appeal within 14 days after receiving notice of the decision.
- (3) The notice of appeal shall be in writing and shall be filed in the court. It shall not be necessary to state in the notice the grounds of appeal. Either before or immediately after the filing of the notice of appeal, a copy of the notice shall be served on the local authority.
- (4) In the case of a refusal to renew the registration of any premises or in the case of the revocation of the registration of any premises the operation of the decision appealed against shall be suspended until the final determination of the appeal and the registration shall, if the appeal is not finally determined on or before the expiry of the registration by effluxion of time, be deemed to be extended until the final determination of the appeal.
- (5) On hearing the appeal the court may confirm, modify, or reverse the decision appealed against, and the decision of the court shall be final and binding on all parties.

Regulation 10(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

11 Revocation

The Health (Registration of Premises) Regulations 1921 (*Gazette* Vol II 1921, p 1187) and the Health (Registration of Premises) Amendment Regulations 1948 (SR 1948/150) are hereby revoked.

Reprinted as at
1 July 2002

**Health (Registration of Premises)
Regulations 1966**

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 May 1966.

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Notes**1 General**

This is a reprint of the Health (Registration of Premises) Regulations 1966. The reprint incorporates all the amendments to the regulations as at 1 July 2002, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Food Amendment Act 2002 (2002 No 26): section 9(2)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)
