



Climate Change (Liquid Fossil Fuels) Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of September 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to sections 163 and 168 of the Climate Change Response Act 2002, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change Issues made after complying with the requirements in sections 163(5) and 166(1) of that Act.

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Regulations

1 Title

These regulations are the Climate Change (Liquid Fossil Fuels) Amendment Regulations 2013.

2 Commencement

- (1) Regulation 7 comes into force on 13 September 2013.
- (2) The rest of these regulations come into force on 12 December 2013.

3 Principal regulations

These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), insert in its appropriate alphabetical order: “**jet fuel** means the jet fuel specified in regulation 4(1)(f) or a blend of that fuel”.
- (2) In regulation 3(1), revoke the definition of **obligation jet fuel**.
- (3) In regulation 3(1), revoke the definition of **obligation jet fuel participant**.
- (4) In regulation 3(1), insert in its appropriate alphabetical order:

“**opt-in obligation fuel participant** means a person who is a participant under section 54(1)(b) of the Act in respect of an activity listed in Part 3 of Schedule 4 of the Act (and who therefore meets the threshold specified in regulation 6A)”.

5 Regulation 5 amended (Collection of information by obligation fuel participants for purpose of calculating emissions)

Replace regulation 5(1)(d) with:

“(d) the volume of the obligation fuel sold to each opt-in obligation fuel participant where the sale is not zero-rated under the Goods and Services Tax Act 1985 less the volume of biofuels in that fuel.”.

6 Regulation 6 amended (Method of calculating emissions by obligation fuel participants)

- (1) In regulation 6(2), item A, replace “regulation 5(a)” with “regulation 5(1)(a)”.
- (2) In regulation 6(2), item B, replace “regulation 5(b)” with “regulation 5(1)(b)”.
- (3) In regulation 6(2), item C, replace “regulation 5(c)” with “regulation 5(1)(c)”.
- (4) In regulation 6(2), replace item D with:
“D is the net volume of the obligation fuel referred to in regulation 5(1)(d) for the year”.
- (5) In regulation 6(2), item E, replace “regulation 5(e)” with “regulation 5(1)(e)”.

7 New regulation 6A inserted (Threshold for activity of purchasing obligation fuel)

After regulation 6, insert:

“6A Threshold for activity of purchasing obligation fuel

The threshold for the activity of purchasing obligation fuel, as described in Part 3 of Schedule 4 of the Act, is the purchase in any year of more than—

- “(a) 10 million litres of jet fuel; or
- “(b) 35 million litres of obligation fuel.”

- 8 Regulation 7 amended (Collection of information by obligation jet fuel participants for purpose of calculating emissions)**
- (1) Replace the heading to regulation 7 with “**Collection of information by opt-in obligation fuel participants for purpose of calculating emissions**”.
 - (2) In regulation 7, replace “An obligation jet fuel participant” with “An opt-in obligation fuel participant”.
 - (3) In regulation 7, replace “each class of obligation jet fuel” with “each class of obligation fuel”.
- 9 Regulation 8 amended (Method of calculating emissions by obligation jet fuel participants)**
- (1) Replace the heading to regulation 8 with “**Method of calculating emissions by opt-in obligation fuel participants**”.
 - (2) In regulation 8(1), replace “An obligation jet fuel participant” with “An opt-in obligation fuel participant”.
 - (3) In regulation 8(1), replace “obligation jet fuel” with “obligation fuel” in each place.
 - (4) In regulation 8(1A), replace “an obligation jet fuel participant” with “an opt-in obligation fuel participant”.
 - (5) In regulation 8(1A), replace “each class of obligation jet fuel” with “each class of obligation fuel”.
 - (6) In regulation 8(2), replace “an obligation jet fuel participant” with “an opt-in obligation fuel participant”.

Martin Bell,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008. *Regulation 7* comes into force on 13 September

2013, while the rest of the regulations come into force on 12 December 2013. The amendments—

- revoke the definition of obligation jet fuel participant and insert a new definition of opt-in obligation fuel participant:
- allow purchasers of obligation fuel to register as opt-in obligation fuel participants if they purchase more than 10 million litres of jet fuel or 35 million litres of obligation fuel per annum.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 12 September 2013.

These regulations are administered by the Ministry for the Environment.
