



Food Amendment Regulations 2017

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 15th day of May 2017

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 43, 76, 343, 383, 387, and 395 of the Food Act 2014—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety made in accordance with sections 344, 379, and 383(6) of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 47 amended (Cleaning)	2
5 Regulation 48 amended (Maintenance)	3
6 Regulation 54 amended (Cleaning facilities and equipment)	3
7 Regulation 74 amended (Protection against contamination, etc, by people)	3
8 Regulation 75 amended (Protection during transportation)	3
9 Regulation 88 amended (Template food control plans)	3
10 Regulation 91 amended (Food businesses subject to national programme level 3)	4
11 Regulation 92 amended (Food businesses subject to national programme level 2)	4

12	Regulation 93 amended (Food businesses subject to national programme level 1)	4
13	New subpart 2A of Part 3 inserted	4
	Subpart 2A—Extensions of time for new businesses	
	94A Operators of new businesses may request extension of time to fulfil verification obligations	4
14	Regulation 105 amended (Verification decision)	5
15	Regulation 142 amended (Maximum residue levels in processed food)	5
16	New Part 8 inserted	5
	Part 8	
	Various food standards and related matters	
	154 Application of this Part	5
	155 Standards relating to labelling of imported wine	5
	156 Standards relating to water	6
	157 Exemption relating to hemp seed oil	6
17	Food (Safety) Regulations 2002 revoked	6

Regulations

1 Title

These regulations are the Food Amendment Regulations 2017.

2 Commencement

These regulations come into force on 1 July 2017.

3 Principal regulations

These regulations amend the Food Regulations 2015 (the **principal regulations**).

4 Regulation 47 amended (Cleaning)

(1) Replace regulation 47(1) with:

- (1) The operator must, for the purpose of enabling food to be safe and suitable,—
- (a) have procedures for cleaning facilities, equipment, and the place of food business; and
 - (b) have procedures for sanitising facilities, equipment, and the place of food business if, and to the extent that, it is necessary to sanitise the facilities, equipment, and the place of food business to enable food to be safe and suitable.
- (1A) The procedures required under subclause (1) must be sufficient to enable food to be safe and suitable.

- (2) In regulation 47(2), after “cleaned and”, insert “, if applicable,”.

5 Regulation 48 amended (Maintenance)

- (1) In regulation 48(1)(a)(i), after “cleaning and”, insert “, if applicable,”.
- (2) After regulation 48(2), insert:
- (3) Subclause (2)(b) does not apply to a food business if, and only to the extent that, it is—
- (a) a food business that is subject to national programme level 1; or
 - (b) a retailer of manufacturer-packaged chilled or frozen food (excluding ice cream, iced confectionery, and iced desserts); or
 - (c) a food service provided to pre-school children (including children under 5 years of age) in a centre-based service setting.

6 Regulation 54 amended (Cleaning facilities and equipment)

In regulation 54(a), after “cleaning and”, insert “, if applicable,”.

7 Regulation 74 amended (Protection against contamination, etc, by people)

After regulation 74(8), insert:

- (9) Subclauses (2), (6), and (8) do not apply to a food business if, and only to the extent that, it is—
- (a) a food business that is subject to national programme level 1; or
 - (b) a retailer of manufacturer-packaged chilled or frozen food (excluding ice cream, iced confectionery, and iced desserts); or
 - (c) a food service provided to pre-school children (including children under 5 years of age) in a centre-based service setting.

8 Regulation 75 amended (Protection during transportation)

In regulation 75, insert as subclause (2):

- (2) Subclause (1)(c) does not apply to a food business if, and only to the extent that, it is—
- (a) a food business that is subject to national programme level 1 other than a transporter or distributor of food products; or
 - (b) a retailer of manufacturer-packaged chilled or frozen food (excluding ice cream, iced confectionery, and iced desserts); or
 - (c) a food service provided to pre-school children (including children under 5 years of age) in a centre-based service setting.

9 Regulation 88 amended (Template food control plans)

In regulation 88(1)(b), replace “1 month” with “6 weeks”.

10 Regulation 91 amended (Food businesses subject to national programme level 3)

In regulation 91(1)(b), replace “1 month” with “6 weeks”.

11 Regulation 92 amended (Food businesses subject to national programme level 2)

In regulation 92(1)(b), replace “1 month” with “6 weeks”.

12 Regulation 93 amended (Food businesses subject to national programme level 1)

In regulation 93(1)(b), replace “1 month” with “6 weeks”.

13 New subpart 2A of Part 3 inserted

After regulation 94, insert:

Subpart 2A—Extensions of time for new businesses

94A Operators of new businesses may request extension of time to fulfil verification obligations

(1) If an operator of a new business that is subject to a custom food control plan, template food control plan, or national programme level 3, 2, or 1 wishes to extend the prescribed time by which the operator must fulfil its verification obligations,—

- (a) the operator may, no later than 2 weeks before the due date, request that the registration authority extend the prescribed time; and
- (b) the registration authority may extend the prescribed time to a date no later than 6 weeks after the due date if—
 - (i) the operator has advised that it will not start trading on or before the day that is 2 weeks before the due date; or
 - (ii) the authority is satisfied there are special circumstances that justify the extension.

(2) A request for an extension must include reasons.

(3) The operator may request an extension (in respect of the same matter) more than once. However, the last day of any subsequent extension must still be a date that is no later than 6 weeks after the due date.

(4) In this regulation,—

due date means the last day within the prescribed time

prescribed time means, as applicable, the time prescribed in regulation 87(1)(b), 88(1)(b), 91(1)(b), 92(1)(b), or 93(1)(b)

verification obligations means, as applicable, the operator’s obligations—

- (a) under regulation 87(1) to ensure that the custom food control plan and food business are verified; or
- (b) under regulation 88(1) to ensure that the template food control plan and the food business are verified; or
- (c) under regulation 91(1) to ensure that the food business's compliance with national programme level 3 is verified; or
- (d) under regulation 92(1) to ensure that the food business's compliance with national programme level 2 is verified; or
- (e) under regulation 93(1) to ensure that the food business's compliance with national programme level 1 is verified.

14 Regulation 105 amended (Verification decision)

- (1) In regulation 105(5)(h), after “unscheduled verification”, insert “; and”.
- (2) After regulation 105(5)(h), insert:
 - (i) the names of any technical experts who had a role in any verification activity and information about their competence for that role (for example, relevant qualifications and experience).

15 Regulation 142 amended (Maximum residue levels in processed food)

In regulation 142(1)(c), delete “(including in the production of wine)”.

16 New Part 8 inserted

After regulation 153, insert:

Part 8

Various food standards and related matters

154 Application of this Part

This Part applies to any person who trades in food.

155 Standards relating to labelling of imported wine

- (1) The name and description of the wine shown on a label of imported wine—
 - (a) must not include any reference to a single variety of grape unless the wine has been manufactured from not less than 75% by volume of juice derived from that variety of grape; and
 - (b) must not include a reference to 2 or more varieties of grape unless—
 - (i) the wine has been manufactured from not less than 75% by volume of juice derived from those varieties of grape; and
 - (ii) the names of the varieties of grape are listed on the label in descending order of proportion.

- (2) In this regulation, **wine** means a product of the complete or partial fermentation of fresh grapes, or a mixture of that product and products derived solely from grapes.

156 Standards relating to water

- (1) This regulation applies to water that—
- (a) may be added to food; and
 - (b) is supplied by a drinking-water supplier.
- (2) The water—
- (a) must be potable; and
 - (b) may include fluoride to a level permitted under any drinking-water standard.
- (3) In this regulation, **drinking-water standard**, **drinking-water supplier**, and **potable** have the meanings given to them by section 69G of the Health Act 1956.

157 Exemption relating to hemp seed oil

Subsections (5)(a) and (6)(e) of Standard 1.1.1–10 of the Australia New Zealand Food Standards Code do not apply to oil extracted from hemp seed.

17 Food (Safety) Regulations 2002 revoked

The Food (Safety) Regulations 2002 (SR 2002/396) are revoked.

Michael Webster,
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, which come into force on 1 July 2017, amend the Food Regulations 2015 (the **principal regulations**). The regulations, among other things,—

- modify regulation 47 so that national programme operators will be required to have procedures for sanitising facilities, equipment, and places of food business if, and to the extent that, it is necessary to sanitise the facilities, equipment, and places of food business to enable food to be safe and suitable (this does not affect the requirement to have procedures for cleaning facilities, equipment, and places of food business);
- provide that the duties of operators to keep records under regulations 48, 74, and 75 do not apply to a food business if, and to the extent that, the operator is—

- a food business that is subject to national programme level 1 (but note that a transporter or distributor of food products must still comply with regulation 75); or
- a retailer of manufacturer-packaged chilled or frozen food (excluding ice cream, iced confectionery, and iced desserts); or
- a food service provided to pre-school children (including children under 5 years of age) in a centre-based service setting:
- increase, from 1 month to 6 weeks of registration, the time within which the operator of a new food business (other than a food business subject to a custom food control plan) must ensure that verification is carried out on the food business and, if applicable, the food control plan:
- enable an operator of a new business to request an extension of the time by which it must fulfil its verification obligations:
- require a verification report to include the names of any technical experts who had a role in the verification and information about their competence to carry out that role:
- set out standards relating to water and the labelling of imported wine (these are largely carried over from the Food (Safety) Regulations 2002):
- exempt hemp seed oil from certain standards of the Australia New Zealand Food Standards Code (note that this exemption does not affect the obligations of manufacturers and importers of hemp seed oil under the Misuse of Drugs Act 1975):
- revoke the Food (Safety) Regulations 2002.

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry for Primary Industries.