

Reprint
as at 11 September 2020



Food (Exemption from Compliance with Verification Requirements) Regulations 2020

(LI 2020/95)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 18th day of May 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 343 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 after satisfying the requirements of section 344 of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Temporary exemption from verification requirements for non-essential food businesses because of COVID-19 lockdown period	2
5 Businesses to which exemption applies	3

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

6	Period of application of exemption	3
7	Revocation	3

Regulations

1 Title

These regulations are the Food (Exemption from Compliance with Verification Requirements) Regulations 2020.

2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Food Act 2014

COVID-19 lockdown period means a period during which any relevant order or other restriction is in force that—

- (a) relates to COVID-19; and
- (b) results in a non-essential food business being unable to operate or able to operate only with restrictions on its operations

relevant order or other restriction means any order or other restriction under—

- (a) section 70(1)(f), (g), (h), (i), (1a), or (m) of the Health Act 1956; or
- (b) section 11 of the COVID-19 Public Health Response Act 2020

Regulation 3 **COVID-19 lockdown period**: amended, on 11 September 2020, by regulation 4(1) of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

Regulation 3 **relevant Health Act order or other restriction**: revoked, on 11 September 2020, by regulation 4(2) of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

Regulation 3 **relevant order or other restriction**: inserted, on 11 September 2020, by regulation 4(2) of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

4 Temporary exemption from verification requirements for non-essential food businesses because of COVID-19 lockdown period

- (1) A non-essential food business specified in regulation 5 is exempt from complying with the corresponding requirement, specified in that regulation, of the Food Regulations 2015 to undergo verification for the period set out in regulation 6 if the verification is due—

- (a) during a COVID-19 lockdown period; or

- (b) in the 4 weeks immediately following a COVID-19 lockdown period.
- (2) If the business meets the requirements of this regulation and regulation 5, the exemption applies to the business whether the verification is due before, on, or after the date on which these regulations come into force.

5 Businesses to which exemption applies

The exemption applies to the following businesses and, in each case, in respect of the verification requirements imposed by the specified regulations of the Food Regulations 2015:

- (a) non-essential food businesses subject to custom food control plans (regulation 87):
- (b) non-essential food businesses subject to template food control plans (regulation 88):
- (c) non-essential food businesses subject to national programme level 3 (regulation 91):
- (d) non-essential food businesses subject to national programme level 2 (regulation 92):
- (e) non-essential food businesses subject to national programme level 1 (regulation 93):
- (f) non-essential food businesses that are multi-site food businesses or subject to multi-business food control plans (regulation 96).

6 Period of application of exemption

The exemption applies for the period—

- (a) beginning on the date on which the first of any of the relevant orders or other restrictions comes into force; and
- (b) ending on the date that is 6 months after—
 - (i) the last of any relevant orders or other restrictions is revoked, if the verification is due during a COVID-19 lockdown period; or
 - (ii) the verification is due, if the verification is due during the 4 weeks immediately following a COVID-19 lockdown period.

Regulation 6(a): amended, on 11 September 2020, by regulation 5 of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

Regulation 6(b)(i): amended, on 11 September 2020, by regulation 5 of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

7 Revocation

These regulations are revoked on 22 May 2021 (*see* section 379(7) of the Food Act 2014).

Regulation 7: inserted, on 11 September 2020, by regulation 6 of the Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 21 May 2020.

Reprints notes

1 *General*

This is a reprint of the Food (Exemption from Compliance with Verification Requirements) Regulations 2020 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Food (Exemption from Compliance with Verification Requirements) Amendment Regulations 2020 (LI 2020/245)