



## **Food (COVID-19 Exemption from Compliance with Verification Requirements) Regulations 2021**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 17th day of May 2021

Present:

Her Excellency the Governor-General 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 after satisfying the requirements in section 344(a) and (b) of that Act.

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## Regulations

### 1 Title

These regulations are the Food (COVID-19 Exemption from Compliance with Verification Requirements) Regulations 2021.

### 2 Commencement

These regulations come into force on 23 May 2021.

### 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.

### 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.

## 7 Revocation

These regulations are revoked on 22 May 2022 (*see* section 379(7) of the Food Act 2014).

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 23 May 2021, are made under section 343 of the Food Act 2014 (the **Act**). These regulations exempt certain non-essential food businesses from verification requirements set out in the Food Regulations 2015.

The exemption is available to a food business if—

- verification is due during a COVID-19 lockdown period, or in the 4 weeks immediately after it; and
- the business is unable to operate, or able to operate only with restrictions on its operations, because of a **relevant order or other restriction** (an order or other

restriction made or imposed under specific provisions of the Health Act 1956 or the COVID-19 Public Health Response Act 2020).

The exemption applies from the date on which the first of any relevant orders or other restrictions comes into force. If verification is due during a COVID-19 lockdown period, the exemption ends 6 months after the last of the relevant orders or other restrictions is revoked. If verification is due during the 4 weeks immediately after a COVID-19 lockdown period, the exemption ends 6 months after verification is due.

If the business meets the requirements of *regulations 4 and 5*, the exemption applies to it whether verification is due before, on, or after the date on which these regulations come into force. Section 343(3) of the Act allows an order made under that section to have retrospective effect.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 20 May 2021.

These regulations are administered by the Ministry for Primary Industries.