

Version  
as at 3 November 2021



## Legislation (Publication) Regulations 2021 (LI 2021/246)

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 13th day of September 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 147 of the Legislation Act 2019—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Attorney-General.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Meaning of published on maker's website	2
4 Meaning of notified in <i>Gazette</i>	3
5 Transitional, savings, and related provisions	3

---

#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Parliamentary Counsel Office.**

<b>Part 1</b>		
<b>Publishing and making available certain secondary legislation</b>		
6	Purpose	3
7	Secondary legislation to which this Part applies	3
8	Publication requirements for secondary legislation	3
9	When publication is not required	4
<b>Part 2</b>		
<b>Other matters</b>		
10	Information required in PCO notification in <i>Gazette</i>	4
11	Official versions of legislation	4
12	Revocation	5
<b>Schedule 1</b>		
<b>Transitional, savings, and related provisions</b>		
<b>Schedule 2</b>		
<b>Provisions to which section 74(1)(aa) of Legislation Act 2019 applies</b>		
<b>Schedule 3</b>		
<b>Customised publication requirements</b>		
<b>Schedule 4</b>		
<b>When publication is not required</b>		

## Regulations

- 1 Title**  
These regulations are the Legislation (Publication) Regulations 2021.
- 2 Commencement**  
These regulations come into force on 28 October 2021.
- 3 Meaning of published on maker’s website**  
A requirement that secondary legislation or other information be **published on the maker’s website** is met if the secondary legislation or information is published on an Internet site—
- (a) that is maintained by or on behalf of—
    - (i) the maker; or
    - (ii) if the maker is a Minister, the Governor-General, or the House of Representatives, the administering agency for the secondary legislation; and
  - (b) from which members of the public can access and download it free of charge at all times (as far as practicable).

#### **4 Meaning of notified in *Gazette***

- (1) A requirement that secondary legislation be **notified in the *Gazette*** is met if notice of its making is published in the *Gazette*.
- (2) The notice must include the following information about the secondary legislation:
  - (a) its Title;
  - (b) the date on which it was made;
  - (c) the empowering provision under which it was made;
  - (d) the administering agency responsible for administering it;
  - (e) the Internet site where it is published;
  - (f) a statement that it is secondary legislation for the purposes of the Legislation Act 2019.

#### **5 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

### **Part 1**

#### **Publishing and making available certain secondary legislation**

#### **6 Purpose**

This Part sets out the minimum requirements for publishing, notifying, and otherwise making available secondary legislation (the **publication requirements**) for the purposes of section 74(1)(aa) of the Legislation Act 2019.

#### **7 Secondary legislation to which this Part applies**

The publication requirements apply to secondary legislation that—

- (a) is not published by the PCO; and
- (b) is made under an empowering provision that—
  - (i) is enacted on or after 28 October 2021; or
  - (ii) is listed in Schedule 2.

#### **8 Publication requirements for secondary legislation**

- (1) The publication requirements for secondary legislation are that—
  - (a) it must be—
    - (i) published on the maker’s website; and
    - (ii) notified in the *Gazette*; and
  - (b) if there are any customised requirements for it under Schedule 3, they must be met.

- (2) The publication requirements must be met as soon as practicable after the secondary legislation is made.
- (3) However, if Schedule 3 provides that a customised requirement applies instead of a requirement that applies under subclause (1)(a)(i) or (ii), that subparagraph does not apply.
- (4) This regulation is also subject to regulation 9.

## **9 When publication is not required**

- (1) The publication requirements in regulation 8 do not apply to secondary legislation that is made under an empowering provision listed in Part 1 of Schedule 4.
- (2) The publication requirements in regulation 8 do not apply to secondary legislation that is made under an empowering provision listed in Part 2 of Schedule 4 if (or to the extent that) the grounds set out in that schedule for that provision are met.

## **Part 2 Other matters**

### **10 Information required in PCO notification in *Gazette***

For the purposes of section 69(2) of the Legislation Act 2019, the information required to be published in the *Gazette* is the information listed in regulation 4(2).

### **11 Official versions of legislation**

- (1) This regulation sets out the requirements for official versions of legislation for the purposes of section 78 of the Legislation Act 2019.
- (2) An official electronic version must be published on the legislation website (<http://www.legislation.govt.nz>).
- (3) An official printed version must be published by or on behalf of the PCO.
- (4) An official version must have a representation of the New Zealand Coat of Arms on its front page.
- (5) An official version may also contain a statement to the effect that it—
  - (a) is issued under the authority of the New Zealand Government; or
  - (b) is issued under the authority of the Legislation Act 2019, or was originally issued under the Legislation Act 2012 or a corresponding former Act.
- (6) There may be electronic and printed official versions of the same legislation.

## **12 Revocation**

The Legislation (Official Versions) Regulations 2015 (LI 2015/267) are revoked immediately after section 11(2)(c) of the Legislation (Repeals and Amendments) Act 2019 comes into force.

### **Schedule 1 Transitional, savings, and related provisions**

r 5

#### **Part 1 Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions in these regulations as made.

---

**Schedule 2**  
**Provisions to which section 74(1)(aa) of Legislation Act 2019 applies**

r 7

The provisions listed in this table are empowering provisions to which section 74(1)(aa) of the Legislation Act 2019 applies. (As a result, Part 1 of these regulations applies to secondary legislation made under those provisions.)

**Empowering legislation****Empowering provisions**

Legislation Act 2019

ss 76, 107

## Schedule 3 Customised publication requirements

r 8

### Part 1 Interpretation

#### 1 Up-to-date versions of secondary legislation

- (1) A requirement in Part 2 of this schedule that up-to-date versions of secondary legislation be **published on the maker's website** is met if, each time the secondary legislation is amended, an up-to-date version of it is published on the maker's website as soon as practicable after it is amended.
- (2) An **up-to-date version** of secondary legislation that has been amended means a version of the secondary legislation that incorporates the amendments so that it shows the secondary legislation as amended.
- (3) An up-to-date version of secondary legislation must—
  - (a) specify the date up to which it incorporates amendments; and
  - (b) include, or be published with, a list of the amending legislation that has been incorporated.
- (4) An up-to-date version may also show the secondary legislation as it would be amended by amendments that have not yet come into force if it clearly indicates that those amendments have not yet come into force.
- (5) A requirement to publish up-to-date versions of secondary legislation is in addition to the requirement to publish the amending secondary legislation.

#### 2 Available for inspection and purchase

- (1) A requirement in Part 2 of this schedule that secondary legislation or other information be **made available for inspection** is met if it is available for inspection at the specified place by any person during ordinary office hours and free of charge.
- (2) A requirement in Part 2 of this schedule that secondary legislation be **made available for purchase** is met if printed copies of it are available for purchase on request by any person for a reasonable charge.
- (3) If secondary legislation is required to be available for inspection or purchase or both, the notification in the *Gazette* under regulation 8(1)(a)(ii) must include details of where it is available.

## Part 2

### Customised publication requirements for secondary legislation

Empowering legislation	Empowering provisions	Customised publication requirement
Epidemic Preparedness Act 2006	s 24A	<p>If a modification made under this section is to be, or is, in force,—</p> <p>(a) all information necessary or desirable to enable a user to access, using the legislation website (<a href="https://www.legislation.govt.nz">https://www.legislation.govt.nz</a>), that modification must be forwarded, without delay, to the PCO; and</p> <p>(b) the PCO must indicate that fact in a suitable place on the legislation website.</p>

Schedule 3 Part 2: amended, on 3 November 2021, by Schedule 6 clause 12(1) of the COVID-19 Response (Management Measures) Legislation Act 2021 (2021 No 42).

Schedule 3 Part 2: amended, on 3 November 2021, by Schedule 6 clause 12(2) of the COVID-19 Response (Management Measures) Legislation Act 2021 (2021 No 42).

## Schedule 4

### When publication is not required

r 9

#### Part 1

##### Publication not required

The publication requirements in regulation 8 do not apply to secondary legislation made under an empowering provision listed in this table.

Empowering legislation	Empowering provision(s)
------------------------	-------------------------

There are no provisions listed in Part 1 in these regulations as made.

#### Part 2

##### Publication not required if grounds met

The publication requirements in regulation 8 do not apply to secondary legislation made under an empowering provision listed in this table if (or to the extent that) the qualifying grounds are met.

Empowering legislation	Empowering provision(s)	Qualifying criteria Publication requirements do not apply if ....
------------------------	-------------------------	---

There are no provisions listed in Part 2 in these regulations as made.

Michael Webster,  
Clerk of the Executive Council.

## Notes

### **1** *General*

This is a consolidation of the Legislation (Publication) Regulations 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

COVID-19 Response (Management Measures) Legislation Act 2021 (2021 No 42): Schedule 6 clause 12