

Version
as at 20 December 2025



Food (Fees, Charges, and Levies) Amendment Regulations 2025

(SL 2025/129)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 26th day of May 2025

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 203, 204, 207, and 208 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 being satisfied that the requirements of sections 198 and 201 of that Act have been met and that there has been appropriate consultation in accordance with section 379 of that Act.

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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 Ministry for Primary Industries.

*Amendments to Food (Fees, Charges, and Levies) Regulations
2015*

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*Amendments to Food (Fees, Charges, and Levies) Amendment
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Regulations**1 Title**

These regulations are the Food (Fees, Charges, and Levies) Amendment Regulations 2025.

2 Commencement

These regulations come into force on 1 July 2025.

Regulations: confirmed, on 20 December 2025, by section 12 of the Secondary Legislation Confirmation Act 2025 (2025 No 84).

*Amendments to Food (Fees, Charges, and Levies) Regulations 2015***3 Principal regulations**

Regulations 4 to 6 amend the Food (Fees, Charges, and Levies) Regulations 2015.

4 Regulation 3A amended (Levy payable by registered importer)

Replace regulation 3A(1) to (3) with:

- (1) A person who registers, or who is registered, as an importer must pay the applicable levy in Part 1 of Schedule 2 for each registration as an importer held by that person each levy year.
- (2) The applicable levy in a levy year is based on the number of kilograms of food imported by the person for each registration in the previous levy year, if any.
- (3) The levy is payable—
 - (a) upon each registration as an importer; and

- (b) if the person is already registered as an importer, annually within 20 working days following receipt of an invoice.

5 Schedule 1 amended

- (1) In Schedule 1, Part 2, item 46, second column, replace “for each consignment of” with “in relation to the”.

- (2) In Schedule 1, Part 2, after item 47, insert:

<i>Exemptions</i>			
48	Application for, assessment of, and granting of an exemption under section 347 of the Act	\$135.00 per application plus \$33.75 per quarter hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for exemption and any remainder payable within 20 working days of the granting of or refusal to grant exemption

6 Schedule 2 amended

In Schedule 2, Part 1, item 1, replace the item in the first column with:

Importing 0 kilograms of food in a levy year, or importing up to and including 118,500 kilograms of food per levy year

Amendments to Food (Fees, Charges, and Levies) Amendment Regulations 2024

7 Amendments to Food (Fees, Charges, and Levies) Amendment Regulations 2024

Regulation 8 amends the Food (Fees, Charges, and Levies) Amendment Regulations 2024.

8 Regulation 9 amended (New regulations 3B to 3E inserted)

- (1) In regulation 9, replace new regulation 3B with:

3B Levy payable by operator of food business registering food control plan

- (1) This regulation applies to—
- the operator of a food business that is required to register a food control plan; and
 - the operator of a food business that is required to be registered as a food business subject to a national programme who instead chooses to register a food control plan.
- (2) The operator must pay the levy in item 1 of Part 2 of Schedule 2 each levy year.
- (3) The levy is payable by the operator described in subclause (1)(a) for each place in which the food business trades in food—
- upon registration of the food control plan; and
 - if the food control plan is already registered, annually within 20 working days following receipt of an invoice.
- (4) The levy is payable by the operator described in subclause (1)(b) for each food business—
- upon registration of the food control plan; and

- (b) if the food control plan is already registered, annually within 20 working days following receipt of an invoice.
- (5) This regulation does not apply—
 - (a) to the registration of an amended food control plan if the levy for the food control plan for that levy year has already been paid; or
 - (b) to the registration of the food control plan with an appropriate registration authority if the levy for that levy year has already been paid for the registration of the food control plan with another appropriate registration authority.
- (2) In regulation 9, replace the heading to new regulation 3C with “**Levy payable by operator of food business registered as subject to national programme**”.
- (3) In regulation 9, new regulation 3C(1),—
 - (a) replace “A person who is registered as an” with “An”; and
 - (b) after “food business”, insert “that is required to be registered as a food business”.
- (4) In regulation 9, replace new regulation 3C(2) with:
 - (2) The levy is payable for each food business—
 - (a) upon registration of the food business as a food business that is subject to a national programme; and
 - (b) if the food business is already registered as a food business that is subject to a national programme, annually within 20 working days following receipt of an invoice.
 - (3) This regulation does not apply—
 - (a) to the registration of a food business as a food business that is subject to a national programme with an appropriate registration authority if the levy for that levy year has already been paid for the registration of the food business as a food business that is subject to a national programme with another appropriate registration authority; or
 - (b) if the operator chooses to register a food control plan instead of registering the food business as a food business that is subject to a national programme.
- (5) In regulation 9, new regulation 3D(2)(a), after “\$11”, insert “(exclusive of goods and services tax)”.

Nicola Purvis,
Acting 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 2025, amend the Food (Fees, Charges, and Levies) Regulations 2015 and the Food (Fees, Charges, and Levies) Amendment Regulations 2024.

Regulation 3 states that *regulations 4 to 6* amend the Food (Fees, Charges, and Levies) Regulations 2015 (the **principal regulations**).

Regulation 4 of these regulations replaces regulation 3A(1) to (3) of the principal regulations to clarify that a new levy is imposed on a person who registers or who is registered as an importer each levy year. The levy—

- is based on the number of kilograms of food imported by the person in the previous levy year, if any; and
- is payable—
 - upon registration of the person as an importer; and
 - if the person is already registered as an importer, annually within 20 working days following receipt of an invoice.

Regulation 5 of these regulations amends Part 2 of Schedule 1 of the principal regulations as follows:

- clarifying that the hourly fee in item 46 relates to administration activity in relation to the imported food categorised in regulations made under the Food Act 2014 (the **Act**) as being of increased regulatory interest or high regulatory interest (*regulation 5(1)*);
- adding a new fee of \$135 per application, plus \$33.75 per quarter hour, for assessing and granting an exemption under section 347 of the Act. The fee is payable by the applicant on application for the exemption with any remainder payable within 20 working days of the granting of or refusal to grant an exemption (*regulation 5(2)*).

Regulation 6 of these regulations amends item 1 of Part 1 of Schedule 2 of the principal regulations to clarify that the levy payable under regulation 3A must be paid if no food is imported in a levy year or if up to and including 118,500 kilograms of food is imported in a levy year.

Regulation 7 states that regulation 8 of these regulations amends the Food (Fees, Charges, and Levies) Amendment Regulations 2024 (the **amendment regulations**).

Regulation 8(1) replaces new regulation 3B, inserted by regulation 9 of the amendment regulations, as follows:

- *new regulation 3B(1)* clarifies that *new regulation 3B* applies to—
 - an operator of a food business that is required to register a food control plan (*new regulation 3B(1)(a)*); and

- an operator of a food business that is required to be registered as a food business subject to a national programme who instead chooses to register a food control plan (*new regulation 3B(1)(b)*):
- *new regulation 3B(2)* requires the operator to pay the levy in item 1 of Part 2 of Schedule 2 each levy year:
- *new regulation 3B(3)* provides that the levy is payable by the operator described in *new subclause (1)(a)* for each place in which the food business trades in food—
 - upon registration of the food control plan; or
 - if the food control plan is already registered, annually within 20 working days following receipt of an invoice:
- *new regulation 3B(4)* provides that the levy is payable by the operator described in *new subclause (1)(b)* for each food business—
 - upon registration of the food control plan; or
 - if the food control plan is already registered, annually within 20 working days following receipt of an invoice:
- *new regulation 3B(5)* provides that *new regulation 3B* does not apply to—
 - the registration of an amended food control plan if the levy for the food control plan for that levy year has already been paid; or
 - the registration of the food control plan with an appropriate registration authority if the levy for that levy year has already been paid for the registration of the food control plan with another appropriate registration authority.

Regulation 8(2) amends the heading to new regulation 3C to clarify that a levy is payable by an operator of a food business registered as subject to a national programme.

Regulation 8(3) amends new regulation 3C(1) to clarify that a new levy is imposed on an operator of a food business that is required to be registered as a food business subject to a national programme.

Regulation 8(4) of these regulations replaces new regulation 3C(2), inserted by regulation 9 of the amendment regulations, and adds *new regulation 3C(3)* as follows:

- *new regulation 3C(2)* provides that the levy is payable for each food business—
 - upon registration of the food business as a food business that is subject to a national programme; and
 - if the food business is already registered as a food business that is subject to a national programme, annually within 20 working days following receipt of an invoice:
- *new regulation 3C(3)* provides that *new regulation 3C* does not apply—

- to the registration of a food business as a food business that is subject to a national programme with an appropriate registration authority if the levy for that levy year has already been paid for the registration of the food business as a food business subject to a national programme with another appropriate registration authority; or
- if the operator, instead of registering the food business as a food business that is subject to a national programme, chooses to register a food control plan.

Regulation 8(5) of these regulations amends new regulation 3D(2)(a), inserted by regulation 9 of the amendment regulations, to provide that the charge for the cost of a territorial authority collecting the levies is exclusive of goods and services tax.

These regulations must be confirmed by an Act before the close of 30 June 2026. If they are not confirmed, the regulations will be revoked on the close of that date. *See* subpart 3 of Part 5 of the Legislation Act 2019.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 29 May 2025.

Notes

1 *General*

This is a consolidation of the Food (Fees, Charges, and Levies) Amendment Regulations 2025 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*

Secondary Legislation Confirmation Act 2025 (2025 No 84): section 12