

Subordinate Legislation (Confirmation and Validation) Bill

Government Bill

Explanatory note

General policy statement

This Bill confirms and validates certain subordinate legislation that, in accordance with confirmation and validation provisions in the Acts under which it is made, lapses at a stated time unless earlier confirmed or validated by Act of Parliament.

Clause by clause analysis

Clause 1 states the Title the Bill will have when enacted.

Clause 2 provides that the Bill, when enacted, comes into force on the day after the date on which it receives the Royal assent.

Part 1

General and technical provisions

Clause 3(1) states the purpose of the Bill when enacted. Most subordinate legislation is confirmed, but the orders in *clauses 10, 12, and 13* are validated and confirmed because the Acts under which they are made provide that they expire at a stated time unless earlier validated and confirmed. However, the effect of the validations is

limited by *clause 4* because, as *clause 3(2)* provides, their purpose is only to prevent the expiry of those orders.

Clause 4 ensures, in the light of their purpose, which is only to prevent expiry of the orders validated, that the validations effected by *clauses 10, 12, and 13* do not also cure any invalidity.

Clause 5 ensures that the Bill, when enacted, binds the Crown.

Clause 6 repeals the Subordinate Legislation (Confirmation and Validation) Act 2008, which is now spent.

Part 2

Confirmations and validations

Clause 7 confirms regulations under the Animal Products Act 1999.

Clause 8 confirms 6 orders under the Commodity Levies Act 1990.

Clause 9 confirms 7 orders under the Customs and Excise Act 1996.

Clause 10 validates and confirms an order under the following Acts:

- New Zealand Superannuation and Retirement Income Act 2001:
- Social Security Act 1964.

Clause 11 confirms an order under the Road User Charges Act 1977.

Clause 12 validates and confirms 3 orders under the Tariff Act 1988.

Clause 13 validates and confirms an order under the War Pensions Act 1954.

Clause 14 confirms an order under the Wine Act 2003.

Hon Gerry Brownlee

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(Confirmation and Validation)
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The Parliament of New Zealand enacts as follows:

1 Title
This Act is the Subordinate Legislation (Confirmation and Validation) Act **2009**.

2 Commencement 5
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
General and technical provisions

3 Purpose 10
(1) The purpose of this Act is to confirm and validate certain subordinate legislation that, in accordance with confirmation and validation provisions in the Acts under which it is made, lapses at a stated time unless earlier confirmed or validated by Act of Parliament. 15
(2) The validations effected by **sections 10, 12, and 13** are limited by **section 4** because their purpose is only to prevent the expiry of the enactments validated.

4 Validations to prevent expiry do not cure invalidity, etc 20
In the light of their purpose, the validations effected by **sections 10, 12, and 13** do not—
(a) express an intention to give legislative force to the provisions of the enactments validated; or
(b) apply to any reason for invalidating any of those enactments; or 25
(c) override any presumption that would otherwise apply to any of those enactments.

5 Act binds the Crown
This Act binds the Crown.

6 Repeal 30
The Subordinate Legislation (Confirmation and Validation) Act 2008 (2008 No 102) is repealed.

Part 2
Confirmations and validations

- 7 Animal Products Act 1999**
The Animal Products (Fees, Charges, and Levies) Amendment Regulations 2009 (SR 2009/167) are confirmed. 5
- 8 Commodity Levies Act 1990**
The following orders are confirmed:
- (a) Commodity Levies (Passionfruit) Order 2008 (SR 2008/343):
 - (b) Commodity Levies (Summerfruit) Order 2008 (SR 2008/344) : 10
 - (c) Commodity Levies (Satsuma Mandarins) Order 2008 (SR 2008/369):
 - (d) Commodity Levies (Wheat Grain) Order 2008 (SR 2008/370): 15
 - (e) Commodity Levies (Milksolids) Order 2009 (SR 2009/9):
 - (f) Commodity Levies (Non-proprietary and Uncertified Herbage Seeds) Order 2009 (SR 2009/62).
- 9 Customs and Excise Act 1996** 20
The following orders are confirmed:
- (a) Customs Export Prohibition Order 2008 (SR 2008/240):
 - (b) Customs Import Prohibition Order 2008 (SR 2008/241): 25
 - (c) Excise and Excise-equivalent Duties (Tobacco Products Indexation) Amendment Order 2008 (SR 2008/441):
 - (d) Customs Export Prohibition (Toothfish) Order 2009 (SR 2009/64):
 - (e) Customs Import Prohibition (Toothfish) Order 2009 (SR 2009/65): 30
 - (f) Excise and Excise-equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2009 (SR 2009/146):
 - (g) Excise and Excise-equivalent Duties (Motor Spirits) Amendment Order 2009 (SR 2009/221). 35

- 10 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2009 (SR 2009/27) is validated and confirmed.
- 11 Road User Charges Act 1977** 5
The Road User Charges (Rates) Order 2009 (SR 2009/220) is confirmed.
- 12 Tariff Act 1988**
The following orders are validated and confirmed:
- (a) Tariff Amendment Order 2008 (SR 2008/221): 10
 - (b) Tariff (Other Spirits Restructure) Amendment Order 2008 (SR 2008/259):
 - (c) Tariff Amendment Order (No 2) 2008 (SR 2008/337).
- 13 War Pensions Act 1954** 15
The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2009 (SR 2009/21) is validated and confirmed.
- 14 Wine Act 2003** 20
The Wine (Non-grape Wine Levy) Order 2008 (2008/249) is confirmed.
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