

Subordinate Legislation (Confirmation and Validation) Bill (No 2)

Government Bill

Explanatory note

General policy statement

This Bill confirms and validates certain subordinate legislation made under Acts providing that it lapses after a time unless confirmed or validated by Act of Parliament.

Clause by clause analysis

Clause 1 states the Act's Title.

Part 1

Preliminary provisions

Clause 2 provides that the Act comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Act binds the Crown.

Part 2

Confirmations and validations

Confirmation and validation of orders and regulations

Clause 4 confirms regulations under the Animal Products Act 1999.

Clause 5 confirms orders under the Commodity Levies Act 1990.

Clause 6 confirms orders under the Customs and Excise Act 1996.

Clause 7 confirms an order under the Fisheries Act 1996.

Clause 8 validates and confirms an order under the following Acts:

- New Zealand Superannuation Act 2001:

- Social Security Act 1964:
- Social Welfare (Transitional Provisions) Act 1990.

Clause 9 validates and confirms an order under the Social Security Act 1964.

Clause 10 validates and confirms an order under the War Pensions Act 1954.

Effect of validations

Clause 11 provides that the validations effected by *clauses 8 to 10* are for the purpose only of preventing the expiry of the subordinate legislation concerned, and not to cure any invalidity.

Part 3

Repeal and saving

Clause 12 repeals the Subordinate Legislation (Confirmation and Validation) Act 2002, which is now spent.

Clause 13 ensures the repeal of the Subordinate Legislation (Confirmation and Validation) Act 2002 does not affect—

- the validations effected by section 13 of that Act; and
 - the limits stated in sections 14 and 15 of that Act on the application and effect of section 13 of that Act.
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Hon Dr Michael Cullen

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4	Animal Products Act 1999	12	Repeal
5	Commodity Levies Act 1990	13	Saving
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The Parliament of New Zealand enacts as follows:

1	Title	
	This Act is the Subordinate Legislation (Confirmation and Validation) Act (No 2) 2003 .	
	Part 1	
	Preliminary provisions	5
2	Commencement	
	This Act comes into force on the day after the date on which it receives the Royal assent.	
3	Act binds the Crown	
	This Act binds the Crown.	10

Part 2 Confirmations and validations

Confirmation and validation of orders and regulations

- 4 Animal Products Act 1999** 5
The Animal Products (Fees, Charges, and Levies) Amendment Regulations 2003 (SR 2003/118) are confirmed.
- 5 Commodity Levies Act 1990**
The following orders are confirmed:
- (a) Commodity Levies (Passionfruit) Order 2002 (SR 2002/366): 10
 - (b) Commodity Levies (Wheat Grain) Order 2002 (SR 2002/412):
 - (c) Commodity Levies (Milksolids) Order 2003 (SR 2003/54):
 - (d) Commodity Levies (Satsuma Mandarins) Order 2003 (SR 2003/55): 15
 - (e) Commodity Levies (Non-Proprietary and Uncertified Herbage Seeds) Order 2003 (SR 2003/105).
- 6 Customs and Excise Act 1996** 20
The following orders are confirmed:
- (a) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2002 (SR 2002/370):
 - (b) Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003 (SR 2003/84): 25
 - (c) Customs Export Prohibition (Toothfish) Order 2003 (SR 2003/93):
 - (d) Customs Import Prohibition (Toothfish) Order 2003 (SR 2003/94).
- 7 Fisheries Act 1996** 30
The Fisheries (Removal of Packhorse Rock Lobster from Eighth Schedule) Order 2003 (SR 2003/28) is confirmed.
- 8 New Zealand Superannuation Act 2001, Social Security Act 1964, and Social Welfare (Transitional Provisions) Act 1990** 35
The Social Security (Rates of Benefits and Allowances) Order 2003 (SR 2003/44) is validated and confirmed.

- 9 Social Security Act 1964**
The Social Security (Funeral Grants) Order 2003 (SR 2003/149) is validated and confirmed.
- 10 War Pensions Act 1954**
The War Pensions (Rates of Pensions and Allowances) Order 2003 (SR 2003/63) is validated and confirmed. 5

Effect of validations

- 11 Effect of validations**
The validations effected by **sections 8 to 10** are for the purpose only of preventing the expiry of the enactments validated; and do not— 10
- (a) express an intention to give legislative force to the provisions of those enactments; or
 - (b) apply to any reason for invalidating any of those enactments; or 15
 - (c) override any presumption that would otherwise apply to any of those enactments.

Part 3
Repeal and saving

- 12 Repeal** 20
The Subordinate Legislation (Confirmation and Validation) Act 2002 (2002 No 52) is repealed.
- 13 Saving** 25
The repeal of the Subordinate Legislation (Confirmation and Validation) Act 2002 does not affect—
- (a) the validations effected by section 13 of that Act; and
 - (b) the limits stated in sections 14 and 15 of that Act on the application and effect of section 13 of that Act.