

**Reprint
as at 1 July 2010**



Wine Regulations 2006
(SR 2006/147)

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 12th day of June 2006

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 119, 129(2), and 130(4) of the Wine Act 2003, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the New Zealand Food Safety Authority.

Contents		Page
1	Title	3
2	Commencement	3
3	Interpretation	3
	<i>Application, exemptions, and extension of transitional period</i>	
4	Application of labelling requirements	3
5	Exemption for wine labelling businesses from requirement to have wine standards management plan	3
5A	Exemption for very small winemakers from requirement to have wine standards management plan	4
6	Extension of transitional period for wine standards management plans	4
	<i>Standards and requirements</i>	
7	Country of origin labelling and identification requirements	4
8	Grape wine not to be associated with false or misleading labelling	5
9	Export requirements	5
10	Wine and wine products to be free of hazards	5
11	Suitability of inputs and processing and transport of inputs, wine, and wine products	6
12	Packaging requirements	7
13	Record and return requirements	7
14	Recognised agencies and persons	7
	<i>Fees and charges</i>	
15	Fees and charges	8
16	GST	8
17	Exemptions and waivers	8
	<i>Offences</i>	
18	Offences	8
	<i>Revocations</i>	
19	Saved export provisions revoked	9
	Schedule	10
	Fees and charges	

Regulations

1 Title

These regulations are the Wine Regulations 2006.

2 Commencement

These regulations come into force on 1 July 2006.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Wine Act 2003

vintage, in relation to wine, means the year in which the commodities used to make the wine were harvested.

Application, exemptions, and extension of transitional period

4 Application of labelling requirements

- (1) Regulations 7 and 8 do not apply to the 2006 vintage or any earlier vintage, except as provided in this regulation.
- (2) For the purposes of subclause (1), a wine that is a blend of both the 2006 vintage (or any earlier vintage) and a later vintage is to be treated as if it were the later vintage only, except as provided in subclause (3).
- (3) Regulations 7 and 8 do not apply to a blended wine if the wine—
 - (a) contains more than 50% of the 2006 or an earlier vintage; and
 - (b) is blended before 1 July 2008.
- (4) To avoid doubt, regulation 20 of the Food (Safety) Regulations 2002 continues to apply to wine to which regulations 7 and 8 do not apply.

5 Exemption for wine labelling businesses from requirement to have wine standards management plan

A wine business that is solely engaged in the labelling of wine that has already been bottled or packed for final sale is exempt from the requirement to operate under a registered wine standards management plan.

Regulation 5 heading: amended, on 1 December 2008, by regulation 4 of the Wine Amendment Regulations 2008 (SR 2008/110).

5A Exemption for very small winemakers from requirement to have wine standards management plan

A winemaker is exempted, for a period of 2 years, from operating under a registered wine standards management plan for the winemaker's winemaking operations if—

- (a) the winemaker proposes, during the 2-year period,—
 - (i) to produce not more than 20 000 litres of wine; and
 - (ii) not to sell the wine for export from New Zealand; and
- (b) the winemaker notifies, in writing, the Director-General of—
 - (i) the dates on which the 2-year period is to begin and end; and
 - (ii) the matters specified in paragraph (a)(i) and (ii); and
- (c) during the 2-year period, the winemaker—
 - (i) produces not more than 20 000 litres of wine; and
 - (ii) does not sell the wine for export from New Zealand.

Regulation 5A: inserted, on 1 December 2008, by regulation 5 of the Wine Amendment Regulations 2008 (SR 2008/110).

6 Extension of transitional period for wine standards management plans

For the purposes of section 130 of the Act, the transitional period during which a winemaker or other person is not required to operate under a registered wine standards management plan expires at the close of 30 November 2008.

Standards and requirements

7 Country of origin labelling and identification requirements

- (1) Grape wine must be labelled in a manner that clearly indicates the country of origin of the wine.

- (2) If any of the grape juice, concentrated grape juice, potable spirit, or wine spirit used in any grape wine originates in a country other than the country of origin of the wine, that country must be named on the label as a source of ingredients used in the manufacture of the wine.

8 Grape wine not to be associated with false or misleading labelling

- (1) Grape wine must not be associated with false or misleading labelling of any kind concerning—
 - (a) its grape variety; or
 - (b) its vintage; or
 - (c) the area where the grapes are grown (not including country of origin).
- (2) The Director-General may, by specification, specify requirements as to the labelling of grape variety, vintage, and area where grapes are grown.

9 Export requirements

- (1) Subject to any exemption granted by notice under section 39 of the Act, no person may export New Zealand grape wine with an obvious fault.
- (2) The demonstration that a wine is free from obvious fault is to be determined in a manner specified by the Director-General.
- (3) In this regulation, **obvious fault** in relation to wine, means that the wine is—
 - (a) oxidised; or
 - (b) tainted by extraneous flavours; or
 - (c) malodorous.

10 Wine and wine products to be free of hazards

- (1) Wine and wine products must be free from hazards.
- (2) The Director-General may, by specification, specify acceptable or unacceptable levels of hazards, objects, materials, and substances in relation to any wine or wine product, or any class of wine or wine product.

11 Suitability of inputs and processing and transport of inputs, wine, and wine products

- (1) A supplier of commodities used to make wine or wine products must ensure that those commodities are free from hazards.
- (2) A winemaker must ensure that—
 - (a) commodities used to make wine are handled during the winemaking process in a manner that ensures that hazards are not introduced to the wine; and
 - (b) the processes and practices used by the winemaker during the winemaking process ensure that hazards are not introduced to the wine; and
 - (c) wine is made and stored in a manner that ensures hazards are not introduced to the wine.
- (3) A person who makes wine products must ensure that—
 - (a) wine and other inputs used to make the wine products are handled in a manner that ensures that hazards are not introduced to the wine products; and
 - (b) the processes and practices used by the person when making the wine products ensure that hazards are not introduced to the wine products; and
 - (c) wine products are made and stored in a manner that ensures that hazards are not introduced to the wine products.
- (4) A transporter of wine, wine products, or commodities must ensure that they are transported in a manner that ensures that they remain free from hazards.
- (5) The following persons must comply with specifications made by the Director-General for the purpose of ensuring that wine and wine products, and any commodities used in the making of wine or wine products, are and remain free from hazards:
 - (a) suppliers of the commodities;
 - (b) transporters of the commodities, or of any wine or wine product;
 - (c) winemakers.
- (6) The Director-General may, by specifications, specify matters that the persons referred to in subclause (5) must comply with for the purpose of ensuring that wine or wine products, including any commodity used in the making of wine or wine products, are and remain free from hazards.

12 Packaging requirements

- (1) All winemakers, and all other persons specified in specifications for the purposes of this regulation, must ensure that any packaging materials that come into contact with wine, wine products, or commodities are designed, made, stored, and used in a manner that ensures that the wine or wine products or commodities remain fit for their intended purpose.
- (2) The Director-General may make specifications for the purpose of ensuring that packaging materials that come into contact with wine or wine products or commodities do not introduce hazards to the wine, wine products, or commodities.

13 Record and return requirements

The Director-General may specify details of records and returns required to be kept or made by operators of wine businesses, operators of registered wine standards management plans, owners or persons in control of commodities, or other persons in order to ensure the truthfulness and integrity of wine labels and that any wine or wine product is fit for its intended purpose.

14 Recognised agencies and persons

- (1) If a particular function or activity is required under the Act or regulations or specifications made under the Act to be carried out by a recognised agency or a recognised person, then the person with responsibility for ensuring that the function or activity is carried out must ensure that the function or activity is carried out only by—
 - (a) an agency recognised under the Act to undertake responsibility for that function or activity; or
 - (b) a person recognised under the Act to undertake that function or activity.
- (2) If a particular function or activity is required under the Act to be carried out by a recognised person under the management of a recognised agency, a recognised agency must offer and use for that function or activity only the services of a person properly recognised under the Act to carry out the function or activity.

- (3) Specifications may specify the classes of agencies to be used for particular functions or activities.

Fees and charges

15 Fees and charges

- (1) The fees and charges set out in the Schedule are payable in respect of the matters set out in that schedule.
- (2) The fees and charges are payable—
 - (a) on the making of the relevant application or on performance of the relevant service, as the case may require; or
 - (b) in the case of fees payable annually, within 10 days (or within such longer period as the Director-General may allow) after receipt of a demand for the appropriate amount from the Director-General.

16 GST

The fees and charges specified in the Schedule are inclusive of goods and services tax.

17 Exemptions and waivers

The Director-General may grant an exemption from, or waive or refund, in whole or in part, any fee or charge specified in these regulations in any appropriate case or class of cases.

Offences

18 Offences

- (1) Failure to comply with any of regulations 7(1), 8(1), 9(1), 10(1), 11(1), (2), (3), and (4), 12(1), and 14(1) and (2) constitutes an offence for the purposes of section 103(1)(b) of the Act.
- (2) Any person who fails to comply with specifications made under or for the purposes of any of regulations 7, 8, 9, 10, 11, and 12 commits an offence.
- (3) An offence under subclause (2) constitutes an offence for the purposes of section 103(1)(b) of the Act.

Revocations

19 Saved export provisions revoked

The following provisions saved under section 129 of the Act are revoked:

- (a) sections 25 and 26 of the Wine Makers Act 1981;
 - (b) regulations 11 to 17 and forms 12 to 16 of the Schedule of the Wine Makers Regulations 1990.
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Schedule Fees and charges

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Schedule: substituted, on 1 July 2007, by regulation 4 of the Wine Amendment Regulations 2007 (SR 2007/133).

Matter in respect of which fee or charge payable	Cost recovery method	Fee or charge
Registration of wine standards management plan based solely on template approved by Director-General	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Registration of wine standards management plan not based solely on approved template	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Registration as exporter under section 49 of Act	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Application for amendment to wine standards management plan under section 22 of Act	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Recognitions of agency or person under section 69 or 70 of Act	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Periodic recognition fee under section 77 of Act	Fixed charge plus hourly rate	\$137.25, plus \$137.25 per hour (or part hour) after the first hour
Application to determine whether wine eligible for export	Per application	\$23.63
Statement of confirmation that wine eligible for export	Per confirmation	\$6.75
Issue of official assurance	Per certificate	\$10.08
Standards setting; development of guidance material, templates, codes of practice, market access standards; systems audit and compliance	Fixed annual charge, per wine business	\$300.00

Matter in respect of which fee or charge payable	Cost recovery method	Fee or charge
Development of market access standards and programme	Differential annual charge, per exporting winery:	
	(a) large winery (production over 2 million litres per annum)	\$8,095.50
	(b) medium winery (production of 200 000 litres or more per annum, but less than 2 million litres)	\$588.38
	(c) small winery (production less than 200 000 litres per annum)	\$48.38

Schedule: amended, on 1 July 2010, by regulation 4 of the Wine Amendment Regulations 2010 (SR 2010/174).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Wine Regulations 2006. The reprint incorporates all the amendments to the regulations as at 1 July 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Wine Amendment Regulations 2010 (SR 2010/174)

Wine Amendment Regulations 2009 (SR 2009/168)

Wine Amendment Regulations 2008 (SR 2008/110)

Wine Amendment Regulations 2007 (SR 2007/133)
