

## **EXPLANATORY STATEMENT**

Issued by the authority of the Assistant Minister for Regional Development and Territories,  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development

*Norfolk Island Act 1979*

*Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*

### Authority

The *Norfolk Island Act 1979* (the Act) provides for the government of the Territory of Norfolk Island.

Section 19A of the Act provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory of Norfolk Island.

Subsection 17(3) of the Act provides that a section 19A Ordinance may amend laws continued in force by section 16 or 16A of the Act (continued laws).

The *Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019* (the Ordinance) amends the:

- *Norfolk Island Applied Laws Ordinance 2016* (the Applied Laws Ordinance), and
- *Norfolk Island Continued Laws Ordinance 2015* (the Continued Laws Ordinance)

with the effect of:

- amending the *Local Government Act 1993* (NSW)(NI) (the Local Government Act);
- amending the *Interpretation Act 1979* (NI) (the Interpretation Act); and
- amending and repealing a number of continued Norfolk Island laws.

Under section 17 of the Act, Norfolk Island laws continued in force under either section 16 or 16A of the Act may be amended or repealed by an Ordinance made under section 19A.

### Purpose and operation

The Ordinance consolidates the arrangements originally introduced by the *Norfolk Island Legislation Amendment (Fees) Ordinance 2018* (the Fees Ordinance) under which the Norfolk Island Regional Council (NIRC) may approve fees for a range of local and state type services it provides. The Fees Ordinance, by way of an amendment to the Continued Laws Ordinance, inserted a special rule into the Interpretation Act under which NIRC may, in accordance with Part 10 of Chapter 15 of the Local Government Act, approve the amount of one or more fees for a service provided by NIRC ('approved fees') despite an 'enactment' (a section 19A Ordinance or a Norfolk Island continued law). This special rule was intended as a temporary measure to authorise NIRC to approve a range of fees for the 2018-19 financial year in accordance with its operational plan without the need to amend each individual continued law.

The Ordinance consolidates these arrangements by repealing this special rule; inserting a new definition of 'approved fee' into the Interpretation Act; making the necessary consequential amendments to the Local Government Act; and amending or repealing a range of continued Norfolk Island laws which presently prescribe fees for a range of services provided by NIRC.

The effect of these amendments is that NIRC will continue to be able to approve fees, in accordance with the relevant provisions of the Local Government Act, for a range of local and state type services which it provides, but the legislative basis for doing so is more explicit.

The Ordinance also confers some functions upon the General Manager of NIRC, corrects some technical errors in certain continued laws and repeals a number of antiquated Norfolk Island continued laws which deal with child maintenance (namely, the *Infants' Maintenance and Protection Act 1913* (NI), the *Maintenance Orders (Facilities for Enforcement) Act 1960* (NI) and the *Maintenance Orders (Facilities for Enforcement) Regulations 1960* (NI)). These local child maintenance arrangements are no longer necessary as the Commonwealth child support scheme has been extended to Norfolk Island and these arrangements reflect similar schemes which existed on the mainland before the introduction of the modern Australian child support scheme in the late 1980s (under the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*).

#### Consultation

The General Manager and executive team of NIRC have been consulted during the drafting of the Ordinance. The Chief Magistrate of the Court of Petty Sessions of Norfolk Island and the Supreme Court of Norfolk Island have also been consulted regarding the repeal of the Norfolk Island child maintenance laws.

Details of the Ordinance are set out in the Attachment.

The Ordinance is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Ordinance commences the day after it is registered.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

*Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### **Overview of the Legislative Instrument**

The Ordinance consolidates the arrangements originally introduced by the *Norfolk Island Legislation Amendment (Fees) Ordinance 2018* (the Fees Ordinance) under which the Norfolk Island Regional Council (NIRC) may approve fees for a range of local and state type services it provides. The Fees Ordinance, by way of an amendment to the *Norfolk Island Continued Laws Ordinance 2015*, inserted a special rule into the *Interpretation Act 1979* (NI) under which NIRC may, in accordance with Part 10 of Chapter 15 of the *Local Government Act 1993* (NSW)(NI) (the Local Government Act), approve the amount of one or more fees for a service provided by NIRC ('approved fees') despite an 'enactment' (a section 19A Ordinance or a Norfolk Island continued law). This special rule was intended as a temporary measure to authorise NIRC to approve a range of fees for the 2018-19 financial year in accordance with its operational plan without the need to amend each individual continued law.

The Ordinance consolidates these arrangements by repealing this special rule, inserts a new definition of 'approved fee' into the Interpretation Act, and makes the necessary consequential amendments to the Local Government Act and a range of continued Norfolk Island laws which presently prescribe fees or charges for a range of services provided by NIRC. The effect of these amendments is that NIRC will continue to be able to approve fees, in accordance with the relevant provisions of the Local Government Act, for a range of local and state type services which it provides, but the legislative basis for doing so is more explicit.

The Ordinance also confers some functions upon the General Manager of NIRC, corrects some technical errors in certain continued laws and repeals a number of antiquated Norfolk Island continued laws which deal with child maintenance (namely, the *Infants' Maintenance and Protection Act 1913* (NI), the *Maintenance Orders (Facilities for Enforcement) Act 1960* (NI) and the *Maintenance Orders (Facilities for Enforcement) Regulations 1960* (NI)). These local child maintenance arrangements are no longer necessary as the Commonwealth child support scheme has been extended to Norfolk Island and these arrangements reflect similar schemes which existed on the mainland before the introduction of the modern Australian child support scheme in the late 1980s (under the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*).

### **Human rights implications**

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Assistant Minister for Regional Development and Territories,  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development  
The Hon Nola Marino MP**

**Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019**

**Section 1 – Name**

This section provides that the title of the Ordinance is the *Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*.

**Section 2 – Commencement**

This section provides for the Ordinance to commence the day after this Ordinance is registered on the Federal Register of Legislation.

**Section 3 – Authority**

This section provides that the Ordinance is made under section 19A of the *Norfolk Island Act 1979* (the Act).

**Section 4 – Schedules**

This section provides that each instrument that is specified in a Schedule to the Ordinance is amended or repealed as set out in the applicable terms in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

## **Schedule 1 – Amendments**

### **Part 1—Main amendments**

#### ***Norfolk Island Applied Laws Ordinance 2016***

##### **Item 1 – After item 33 of Schedule 4**

This item inserts new item 33A into Schedule 4 to the *Norfolk Island Applied Laws Ordinance 2015* (the Applied Laws Ordinance) which in turn amends subsection 501(1) of the *Local Government Act 1993* (NSW)(NI) (the Local Government Act) which deals with services for which a council may impose an annual charge under this Act. The amendment to this subsection omits the reference to ‘sewerage services’ and complements the amendments to the *Water Assurance Charges Act 1991* (NI) which are made by Part 2 of Schedule 1 to this Ordinance. These amendments reflect that NIRC will continue to determine approved fees for the sewerage services it provides under the *Water Assurance Charges Act 1991* (NI).

##### **Item 2 – Items 44B and 45 of Schedule 4**

This item inserts new items 44B, 44C, 44D and 44E into Schedule 4 to the Applied Laws Ordinance which in turn makes amendments to the Local Government Act.

New items 44B, 44C, 44D and 44E amend section 610 of the Local Government Act which deals with how fees provisions in other laws interact with the fee provisions of this Act. The effect of the amendment is that if a fee for a service is determined under another Act, or any other law in force in Norfolk Island, NIRC may not determine an amount that is inconsistent with the amount determined under that other Act or law, and NIRC may not charge a fee in addition to the amount determined under the other Act or law. Furthermore, if the charging of a fee for a service is prohibited under another Act, or any other law in force in Norfolk Island, NIRC must not charge a fee for the service under the Local Government Act. New subsection 610(3) is a transitional provision which is intended to prevent NIRC from charging fees under the Local Government Act for a period for which fees have already been charged on a person under a continued law.

#### ***Norfolk Island Continued Laws Ordinance 2015***

##### **Item 3 – Item 159 of Schedule 1**

This item inserts new items 159, 159AA and 159AB into Schedule 1 to the *Norfolk Island Continued Laws Ordinance 2015* (the Continued Laws Ordinance) which in turn makes amendments to the *Interpretation Act 1979* (NI) (the Interpretation Act).

New items 159 and 159AB respectively continue the existing repeal of the definitions of ‘appoint’ and ‘calendar year’ in subsection 12(2) of the Interpretation Act.

New item 159AA inserts a new definition of ‘approved fee’ into subsection 12(2) of the Interpretation Act. The effect of this amendment is that, in any Norfolk Island enactment, which includes any continued law, an ‘approved fee’ has the same meaning as in the Local Government Act. This means the present arrangements under which NIRC may approve fees, under the Local Government Act, for services provided under these laws continues.

##### **Item 4 – Item 167 of Schedule 1 (section 12BA)**

This item amends item 167 of Schedule 1 to the Continued Laws Ordinance which in turn

repeals section 12BA of the Interpretation Act. Section 12BA was the special rule under which NIRC may, in accordance with Part 10 of Chapter 15 of the Local Government Act, approve the amount of one or more fees for a service provided by NIRC despite a Norfolk Island enactment. This special rule was intended as a temporary measure to authorise NIRC to approve a range of fees for the 2018-19 financial year in accordance with its operational plan and is no longer required in light of the amendments made by the Ordinance.

**Part 2— Consequential amendments**

***Norfolk Island Continued Laws Ordinance 2015***



### **Item 5 – Item 2BA of Schedule 1**

This item inserts new items 2BA, 2BB, 2BC and 2BD into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Airport Act 1991* (NI).

New item 2BA repeals the definition of ‘charge’ in section 2 of the *Airport Act 1991* (NI). This amendment is consequential to the other amendments to this Act which substitute the references in this Act to ‘charge’ with references to ‘approved fee’.

New item 2BB amends the definition of ‘outstanding amount’ in section 2 of the *Airport Act 1991* (NI). This amendment substitutes the references in this definition to ‘charges’ with a reference to ‘approved fees’.

New item 2BC repeals sections 3, 3A and 3B and substitutes a new section 3 of the *Airport Act 1991* (NI). Sections 3, 3A and 3B of this Act previously provided for the prescribing, payment and remission of charges under this Act.

New subsection 3(1) of the *Airport Act 1991* (NI) provides that ‘[t]he approved fees are payable for or in relation to the landing, take-off and movement of aircraft on or from the airport.’ New subsection 3(2) of the *Airport Act 1991* (NI) maintains the arrangements under which the General Manager of NIRC may enter into individual arrangements with an aircraft operator for the payment of a security deposit, which may take the form of a cash sum, a bank guarantee or other security, to be held by NIRC as security for the payment of airport fees. New subsection 3(3) also maintains the arrangements under which the General Manager may refuse to allow an aircraft operator to land at the airport if the aircraft operator has not entered into such an arrangement.

New item 2BD substitutes in subsection 3C(1) of the *Airport Act 1991* (NI) the existing reference to ‘a charge’ with a reference to ‘an approved fee’.

### **Item 6 – Item 2C of Schedule 1 (heading)**

This item omits ‘3B’ from the heading of item 2C of Schedule 1 to the Continued Laws Ordinance, which substitutes the references to ‘Minister’ with ‘Chief Executive Officer’ in sections 3B, 3D and 3F of the *Airport Act 1991* (NI). This amendment is consequential to the repeal of section 3B of the *Airport Act 1991* (NI) by new item 2BC.

### **Item 7 – After item 2D of Schedule 1**

This item inserts new items 2E and 2F into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Airport Act 1991* (NI).

New item 2E repeals paragraph 3G(2)(d) of the *Airport Act 1991* (NI) which provided that regulations may be made in relation to the waiver of charges.

New item 2F repeals Schedule 2 of the *Airport Act 1991* (NI) which provided for the maximum charges which can be imposed with respect to the take-off and landing of aircraft.

### **Item 8 – Items 2F to 2R of Schedule 1**

This item inserts new items 2G, 2H, 2J, 2K, 2L, 2M and 2N into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Airport Regulations 1992* (NI).

New item 2G makes a consequential amendment to the heading of Part 1 of these regulations, substituting the present reference to ‘Charges’ with a reference to ‘Preliminary’ and new item

2H repeals regulations 3 to 4 of the *Airport Regulations 1992* (NI), which dealt with the prescribing, waiver and recovery of charges.

New items 2J, 2K, 2L and 2M make some amendments to regulation 4A of the *Airport Regulations 1992* (NI), which deals with the reasonable steps required to give notice of the seizure of an aircraft, by substituting appropriate references to the relevant Commonwealth civil aviation legislation dealing with Air Operator's Certificates (AOC) and the registration of aircraft. These amendments reflect the changes made to Commonwealth civil aviation legislation since the *Airport Regulations 1992* (NI) were originally made.

New item 2N repeals the Schedule to the *Airport Regulations 1992* (NI) which prescribed charges for the purposes of the *Airport Act 1991* (NI).

#### **Item 9 – After item 2S of Schedule 1**

This item inserts a new item 2SA into Schedule 1 to the Continued Laws Ordinance which in turn substitutes in paragraph 7(2)(c) of the *Animals (Importation) Act 1983* (NI) the reference to 'charge' with a reference to 'approved fee'.

#### **Item 10 – After item 2T of Schedule 1**

This item inserts new items 2U and 2V into Schedule 1 to the Continued Laws Ordinance which in turn amends subsections 13(1) and 13(2) of the *Animals (Importation) Act 1983* (NI). The effect of these amendments is to remove the redundant provisions in this Act providing for the prescribing of fees in the regulations.

#### **Item 11 – After item 21B of Schedule 1**

This item inserts new items 21BA, 21BB, 21BC and 21BD into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Apiaries Act 1935* (NI).

New item 21BA amends paragraph 4(1)(a) of the *Apiaries Act 1935* (NI) by substituting the existing reference to 'prescribed steps' with 'steps approved by the Chief Executive Officer'. By virtue of subsection 12(2) of the *Interpretation Act 1979* (NI) any reference to the 'Chief Executive Officer' in an enactment (which includes a continued law) means the General Manager of NIRC. The effect of this amendment is that, instead of being prescribed by regulation, that the General Manager of NIRC may approve the steps a bee-keeper must take to cure or eradicate disease affecting bees.

New item 21BB amends paragraph 4(1)(b) of the *Apiaries Act 1935* (NI) by substituting the existing reference to 'prescribed manner' with 'manner approved by the Chief Executive Officer'. The effect of this amendment is that, instead of being prescribed by regulation, that the General Manager of NIRC may approve the manner in which a bee-keeper must dispose of diseased bees or affected appliances.

New items 21BC and 21BD respectively amend subsections 12(5) and repeal section 17 of the *Apiaries Act 1935* (NI). The effect of these amendments is to provide that applications and notices under section 12 may be given to the General Manager of NIRC rather than the Minister and in a form approved by the General Manager; and to repeal the redundant provision providing for the making of regulations. The *Apiaries Regulations 1976* (NI) is also repealed by the Ordinance.

#### **Item 12 – Item 21C of Schedule 1 (table item 5, column headed "Provision")**

This item amends item 21C of Schedule 1 to the Continued Laws Ordinance which in turn omits a reference to subsection 12(5) of the *Apiaries Act 1935* (NI). This amendment is consequential to the amendment to subsection 12(5) which is made by item 11 above.

### **Item 13 – After item 21E of Schedule 1**

This item inserts new items 21F, 21G, 21H, 21J, 21K, 21L, 21M, 21N and 21P into Schedule 1 to the Continued Laws Ordinance which in turn makes a number of amendments to the *Associations Incorporation Act 2005* (NI), the *Associations Incorporation Regulations 2005* (NI) and the *Auctioneers Act 1926* (NI).

New item 21F inserts new section 52A into the *Associations Incorporation Act 2005* (NI) which provides that approved fees may be charged for a range of services provided under this Act or the regulations under this Act.

New item 21G repeals paragraph 53(g) of the *Associations Incorporation Act 2005* (NI) which provided for the prescribing of fees in the regulations.

New item 21H substitutes the references in subsections 10(1) and 10(2) of the *Associations Incorporation Regulations 2005* (NI) to fees specified in Schedule 3 of these regulations with references to ‘approved fee’.

New items 21J and 21K respectively repeals regulation 11 and Schedule 3 to the *Associations Incorporation Regulations 2005* (NI). These items repeal the redundant provisions in these regulations which prescribed fees with respect to the *Associations Incorporation Act 2005* (NI).

New item 21L substitutes in sections 12 and 13 of the *Auctioneers Act 1926* (NI) the existing references to ‘prescribed fee’ with references to ‘approved fee’.

New item 21M repeals section 17 of the *Auctioneers Act 1926* (NI), which dealt with the fee for a general licence, and substitutes it with a provision providing that an approved fee is payable for the issue of a general licence.

New items 21N and 21P respectively amend section 18 of the *Auctioneers Act 1926* (NI) by substituting the fee reference in subsection 18(1) with a reference to ‘approved fee’ and repealing subsection 18(4) which dealt with the fee payable for the granting of a temporary licence.

### **Item 14 – Before item 24AFA of Schedule 1**

This item inserts new items 24AFAA, 24AFAB, 24AFAC and 24AFAD into Schedule 1 to the Continued Laws Ordinance which in turn make a number of amendments to the *Brands and Marks Act 1949* (NI).

New items 24AFAA and 24AFAB respectively amend subsections 5(2) and 6(1) of the *Brands and Marks Act 1949* (NI) by substituting the fee references in these provisions with references to ‘approved fee’.

New items 24AFAC and 24AFAD respectively amend subsection 7(1) and paragraph 8(1)(c) of the *Brands and Marks Act 1949* (NI) by inserting references to ‘approved fee’. These amendments ensure that NIRC may approve fees with respect to the services provided under these statutory provisions.

### **Item 15 – After item 24AFA of Schedule 1**

This item insert new items 24AFB and 24AFC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Brands and Marks Act 1949* (NI) and the *Brands and Marks Regulations* (NI).

New item 24AFB repeals paragraph 19(b) of the *Brands and Marks Act 1949* (NI) which provided for the prescribing of fees in the regulations.

New item 24AFC repeals regulation 8 of the *Brands and Marks Regulations* which dealt with the fee payable for the registration of any brand or mark or for the transfer of any brand or mark.

### **Item 16 – After item 24A of Schedule 1**

This item inserts new items 24AAA, 24AAB, 24AAC, 24AAD, 24AAE and 24AAF into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Building Act 2002* (NI).

New item 24AAA repeals the definition of ‘prescribed fee’ in subsection 5(1) of the *Building Act 2002* (NI).

New items 24AAB, 24AAD, 24AAE and 24AAF respectively amend paragraph 10(2)(c), subsection 14(2), paragraph 24(2)(b) and subsection 25(2) of the *Building Act 2002* (NI) by substituting the existing references in these provisions to ‘prescribed fee’ with references to ‘approved fee’.

New item 24AAC repeals subsection 10(5) of the *Building Act 2002* (NI) which provided that a prescribed fee under paragraph 10(2)(c) may include an amount for building inspections. Section 608 of the Local Government Act contains provisions dealing with the charging of an approved fee for the inspection of a premises by a council as part of its regulatory functions.

### **Item 17 – Item 24AAA of Schedule 1**

This item renumbers item 24AAA of Schedule 1 to the Continued Laws Ordinance as item 24AAG and is a consequential amendment to the amendments made to the Continued Laws Ordinance by item 16 above.

### **Item 18 – After item 24B of Schedule 1**

This item inserts new items 24C and 24D into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Building Act 2002* (NI) and the *Building Regulations 2004* (NI).

New item 24C substitutes in subsection 64(2) of the *Building Act 2002* (NI) the existing reference to ‘prescribed fee’ with a reference to ‘approved fee’.

New item 24D repeals regulations 17 and 18 of the *Building Regulations 2004* (NI) which respectively dealt with the fees payable for building approval applications and the making of copies or extracts from documents.

### **Item 19 – After item 70B of Schedule 1**

This item inserts new items 70BA and 70BB into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Dogs Registration Act 1936* (NI).

New item 70BA substitutes in subsections 5(2) and 5C(2) of the *Dogs Registration Act 1936*

(NI) the references to ‘prescribed fee’ with references to ‘approved fee’.

New item 70BB substitutes in subsection 11(2) of the *Dogs Registration Act 1936* (NI) the existing reference to ‘fee units’ with a reference to ‘approved fee’.

#### **Item 20 – Before item 71 of Schedule 1**

This item inserts new item 70D into Schedule 1 to the Continued Laws Ordinance which in turn repeals regulation 2 of the *Dogs Registration Regulations 1994* (NI) which dealt with dog registration fees.

#### **Item 21 – Before item 72A of Schedule 1**

This item inserts new items 72AA and 72AB into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Electricity (Licensing and Registration) Act 1985* (NI).

New item 72AA substitutes in subsections 9(2) and 10(3) of the *Electricity (Licensing and Registration) Act 1985* (NI) the existing references to ‘prescribed fee’ with references to ‘approved fee’.

New item 72AB amends subsection 22(2) of the *Electricity (Licensing and Registration) Act 1985* (NI) by removing references to the prescribing of fees in the regulations.

#### **Item 22 – After item 72A of Schedule 1**

This item inserts new items 72AAA, 72AAB and 72AAC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Electricity (Licensing and Registration) Regulations 1986* (NI).

New item 72AAA repeals regulation 4 of the *Electricity (Licensing and Registration) Regulations 1986* (NI) which provided that fees payable under the Act and these regulations are set out in Schedule 2 of these regulations.

New item 72AAB amends subregulation 5(2) of the *Electricity (Licensing and Registration) Regulations 1986* (NI) by substituting the existing references to ‘prescribed fee’ with a reference to ‘approved fee’.

New item 72AAC repeals Schedule 2 to the *Electricity (Licensing and Registration) Regulations 1986* (NI) which presently sets out the fees payable under the Act and these regulations.

#### **Item 23 – Before item 72B of Schedule 1**

This item inserts new items 72AAD, 72AAE, 72AAF, 72AAG, 72AAH, 72AAI, 72AAJ, 72AAK, 72AAL, 72AAM and 72AAN into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Electricity Supply Act 1985* (NI).

New items 72AAD, 72AAE and 72AAF respectively amend paragraph 11(3)(b), subsection 11(3A) and subsection 14(1) of the *Electricity Supply Act 1985* (NI) by substituting the references in these provisions to ‘prescribed fee’, ‘electricity charges’ or ‘prescribed rental fee’ with appropriate references to ‘approved fee’.

New item 72AAG repeals and substitutes section 21 of the *Electricity Supply Act 1985* (NI) which dealt with the determination of charges for the supply of electricity. New subsection 21(1) of this Act provides that approved fees are payable in relation to the supply of electricity. New subsection 21(2) is based on the repealed subsection 21(4) of this Act and

requires a special reading of meters when a new approved fee (which is in an amount different to the previous approved fee) takes effect.

New items 72AAH, 72AAI, 72AAJ, 72AAK, 72AAL, 72AAM and 72AAN make a number of amendments to sections 23 and 28 of the *Electricity Supply Act 1985* (NI) by substituting the references in these provisions to ‘charges’ with appropriate references to ‘approved fee’ or ‘approved fees’, and also repeals paragraph 28(2)(m) which provided for the prescribing of fees under this Act and the regulations.

#### **Item 24 – Before item 72C of Schedule 1**

This item inserts new items 72BA, 72BB, 72BC, 72BD, 72BE, 72BF, 72BG and 72BH into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Electricity Supply Regulations 1986* (NI).

New items 72BA, 72BB, 72BC, 72BD, 72BE and 72BF make a number of amendments to regulations 33, 34 and 34A of the *Electricity Supply Regulations 1986* (NI) by substituting the existing references in these provisions to ‘charge’ or ‘prescribed fee’ with appropriate references to ‘approved fee’ or ‘approved fees’, and also substitutes a new subregulation 34A(5), which is based on the repealed provision, and provides that an approved fee incurred for the meter reading of power supplied into the supply mains may not be offset against any amount payable to the consumer.

New items 72BG and 72BH repeal regulation 35 and Schedule 1 to the *Electricity Supply Regulations 1986* (NI) which set out the fees payable under the Act and these regulations.

#### **Item 25 – After item 76K of Schedule 1**

This item inserts new item 76KA into Schedule 1 to the Continued Laws Ordinance which in turn repeals paragraph 108(2)(c) of the *Employment Act 1988* (NI) which provided for the prescribing of fees for any matter under this Act.

#### **Item 26 – After item 82 of Schedule 1**

This item inserts new item 82AA into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 24(3) of the *Environment Act 1990* (NI) by substituting the reference in this provision to prescribed fees with an appropriate reference to approved fee.

#### **Item 27 – After item 88 of Schedule 1**

This item inserts new items 88A, 88B, 88C and 88D into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Environment Act 1990* (NI).

New items 88A and 88B respectively amend subsections 33(3) and 98(3) of the *Environment Act 1990* (NI) by substituting the references in these provisions to prescribed fee with appropriate references to approved fee.

New item 88C repeals subsection 104(3) of the *Environment Act 1990* (NI) which provided that the regulations may make provision in relation to fees for applications for a food premises licence.

New item 88D also repeals subsection 110(3) which provided that the regulations may make provision in relation to fees for applications in respect of different classes of liquor premises.

#### **Item 28 – Item 88A of Schedule 1**

This item renumbers item 88A of Schedule 1 to the Continued Laws Ordinance as item 88E and is a consequential amendment to the amendments made to the Continued Laws Ordinance by item 27 above.

#### **Item 29 – Before item 97AANA of Schedule 1**

This item inserts new items 97AANA and 97AANB into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend sections 5 and 7 of the *Fencing Act 1913* (NI) by substituting the references in these provisions to fee units with appropriate references to approved fees.

#### **Item 30 – Item 97AANA of Schedule 1**

This item renumbers item 97AANA of Schedule 1 to the Continued Laws Ordinance as item 97AANC and is a consequential amendment to the amendments made to the Continued Laws Ordinance by item 29 above.

#### **Item 31 – After item 107 of Schedule 1**

This item inserts new items 107A, 107B and 107C into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend section 25 of the *Health Act 1913* (NI) by repealing the provision which provided that the regulations may make provision for fees, makes a consequential amendment and inserts new subsection 25(5) into this Act, which provides that approved fees are payable in respect of services provided under the regulations, including services in relation to applications for approvals and registrations.

#### **Item 32 – After item 108 of Schedule 1**

This item inserts new item 108A into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 6(1)(d) of the *Health (Hairdressers) Regulations* (NI), by substituting the reference in this provision to ‘fee of \$1’ with a reference to ‘the approved fee’.

#### **Item 33 – After item 190G of Schedule 1**

This item inserts new items into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Land Administration Fees Act 1996* (NI) and the *Land Administration Fees Regulations 1997* (NI).

New item 190H amends subsection 3(1) of the *Land Administration Fees Act 1996* (NI) by substituting the reference to ‘Minister’ with ‘Chief Executive Officer’. By virtue of subsection 12(2) of the *Interpretation Act 1979* (NI) any reference to the ‘Chief Executive Officer’ in an enactment (which includes a continued law) means the General Manager of NIRC. The effect of this amendment is that the General Manager of NIRC may approve forms for the purposes of the Act.

New item 190J repeals subsection 4(7) of the *Land Administration Fees Act 1996* (NI), which provided that a prescribed fee is payable for registration of a subdivision proposal under section 49 of the *Land Titles Act 1996* (NI).

New item 190K amends section 5 of the *Land Administration Fees Act 1996* (NI) by substituting the reference to ‘Minister’ with ‘Chief Executive Officer’. The effect of this amendment is that the General Manager of NIRC may exempt in full or in part the land administration fee payable where the change or purported change in shareholding does not substantially affect the nature of the company ownership.

New item 190L repeals section 6B of the *Land Administration Fees Act 1996* (NI), which provided for the fee payable for the registration of an instrument, and inserts a new section 6B which provides that approved fees are payable in respect of the registration of instruments under this Act, other than instruments referred to in subsection 4(1) and paragraphs 6(a) to (e).

New items 190M, 190N and 190P amend section 7 of the *Land Administration Fees Act 1996* (NI) by substituting the existing references to ‘Minister’ with ‘Chief Executive Officer’ and also makes some other consequential amendments arising from the repeal of section 8A, as well as repealing subsection 7(4) which presently contains a redundant requirement to table a notice of any exemption in the former Legislative Assembly. The effect of these amendments is that a person may apply to the General Manager of NIRC for exemption from the land administration fee payable under section 4 of this Act.

New item 190Q repeals section 8A of the *Land Administration Fees Act 1996* (NI) which dealt with the fees payable for a range of planning applications.

New item 190R omits the redundant reference to the repealed *Planning Act 1996* (NI) in subsection 9(2) of the *Land Administration Fees Act 1996* (NI).

New item 190RA repeals the definition of ‘Land Titles Act’ and ‘Register’ in regulation 2 of the *Land Administration Fees Regulations 1997* (NI) and is a consequential amendment to the repeal of regulations 3, 4 and 5.

New item 190RB repeals regulations 3, 4 and 5 of the *Land Administration Fees Regulations 1997* (NI) which prescribed a range of fees for the purposes of the *Land Titles Act 1996* (NI).

#### **Item 34 – Before item 190S of Schedule 1**

This item inserts new item 190RC into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 3(1) of the *Land Titles Act 1996* (NI) by substituting the reference to ‘Minister’ with ‘Chief Executive Officer’ in the definition of ‘approved form’. By virtue of subsection 12(2) of the *Interpretation Act 1979* (NI) any reference to the ‘Chief Executive Officer’ in an enactment (which includes a continued law) means the General Manager of NIRC. The effect of this amendment is that the General Manager of NIRC may approve forms for the purposes of the Act.

#### **Item 35 – After item 190U of Schedule 1**

This item inserts new items 190V and 190W into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Land Titles Act 1996* (NI).

New item 190V amends section 30 of the *Land Titles Act 1996* (NI) by substituting the reference to ‘fee prescribed under the *Land Administration Fees Act 1996*’ with a reference to ‘approved fee’.

New item 190W amends section 49 of the *Land Titles Act 1996* (NI), which deals with the registration of subdivision proposals, by adding the proviso that the Registrar may only register the subdivision proposal on payment of the approved fee (if any) for the registration. This amendment is consequential to the repeal of subsection 4(7) of the *Land Administration Fees Act 1996* (NI) by new item 190J discussed above.

#### **Item 36 – After item 191 of Schedule 1**



This item inserts new items 191A and 191B into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend paragraph 133(2)(g) and section 148 of the *Land Titles Act 1996* (NI) by substituting the references to prescribed fee with appropriate references to approved fee.

**Item 37 – Before item 199A of Schedule 1**

This item inserts new item 199AA into Schedule 1 to the Continued Laws Ordinance which in turn substitutes a new section 5 into the *Lighthouse Act 1961* (NI). New section 5 of this Act provides that ‘[a]pproved fees are payable in relation to the operations of the Lighthouse Service.’

**Item 38 – Item 199B of Schedule 1 (table item 1, column headed “Provision”)**

This item amends item 199B in Schedule 1 to the Continued Laws Ordinance by omitting the references to subsections 5(1) and (2) of the *Lighthouse Act 1961* (NI). Item 199B substitutes references to the Minister with references to Chief Executive Officer in the *Lighthouse Act 1961* (NI) and the removal of these references is consequential to the substitution of a new section 5 into this Act by item 37 above.

**Item 39 – Item 200AA of Schedule 1**

This item renumbers item 200AA of Schedule 1 to the Continued Laws Ordinance as item 199C and is a consequential amendment to the amendments made to the Continued Laws Ordinance by items 37 and 38 above.

**Item 40 – Before item 200AB of Schedule 1**

This item inserts new item 199D into Schedule 1 to the Continued Laws Ordinance which in turn substitutes a new definition of ‘approved form’ in subsection 4(1) of the *Liquor Act 2005* (NI). The effect of this amendment is that the Registrar of Liquor Licences may approve forms for the purposes of the Act.

**Item 41 – After item 200L of Schedule 1**

This item inserts new item 200LA into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 17(2)(a) of the *Liquor Act 2005* (NI) by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

**Item 42 – After item 201A of Schedule 1**

This item inserts new item 201AA into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 26(3) of the *Liquor Act 2005* (NI) by substituting the existing reference to ‘prescribed fee’ with a reference to ‘approved fee’.

**Item 43 – After item 201E of Schedule 1**

This item inserts new items 201EA and 201EB into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend subsection 28(2) and paragraph 29(3)(a) of the *Liquor Act 2005* (NI) by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

**Item 44 – After item 201J of Schedule 1**

This item inserts new item 201JA into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 31(2) of the *Liquor Act 2005* (NI) by substituting the reference to

‘prescribed fee’ with a reference to ‘approved fee’.

#### **Item 45 – After item 201Q of Schedule 1**

This item inserts new item 201QA into Schedule 1 to the Continued Laws Ordinance which in turn substitutes new paragraph 38(2)(b) of the *Liquor Act 2005* (NI) by substituting the reference in this provision to prescribed fee with an appropriate reference to approved fee.

#### **Item 46 – After item 202AE of Schedule 1**

This item inserts new item 202AEA into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 55(2)(b) of the *Liquor Act 2005* (NI) by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

#### **Item 47 – After item 202AJ of Schedule 1**

This item inserts new items 202AJA and 202AJB into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Liquor Act 2005* (NI).

New item 202AJA amends subsection 60(5) of the *Liquor Act 2005* (NI) by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

New item 202AJB amends subsection 63(2) of the *Liquor Act 2005* (NI) by omitting the reference to the regulations under this Act making provision for different fees for difference classes of permits.

#### **Item 48 – Item 202AL of Schedule 1**

This item substitutes new item 202AL in Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 64(3) of the *Liquor Act 2005* (NI) by substituting the reference to prescribed fee with an appropriate reference to approved fee.

#### **Item 49 – After item 202D of Schedule 1**

This item inserts new item 202DAA in Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 99(5) of the *Liquor Act 2005* (NI) by omitting the reference to the regulations prescribing fees for the purposes of the Act.

#### **Item 50 – Before item 202DB of Schedule 1**

This item inserts new items 202DAAA, 202DAB and 202DAC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Liquor Regulations 2006* (NI).

New item 202DAAA amends regulation 2 of the *Liquor Regulations 2006* (NI) by omitting the references to forms. This amendment is consequential to the repeal of Part 2 by new item 202DAB below.

New item 202DAB repeals Part 2 of the *Liquor Regulations 2006* (NI) which dealt with licence fees and forms under the *Liquor Act 2005* (NI).

New item 202DAC amends regulation 14 of the *Liquor Regulations 2006* (NI) by omitting the reference to form 3 and substituting a new reference to ‘approved form’. This amendment is consequential to the amendment of the *Liquor Act 2005* (NI) under which the Registrar of Liquor Licences will be able to approve forms for the purposes of this Act.

#### **Item 51 – After item 202DD of Schedule 1**

This item inserts new item 202DDA into Schedule 1 to the Continued Laws Ordinance which in turn repeals regulation 22 of the *Liquor Regulations 2006* (NI) which gave the Registrar of Liquor Licences the power to provide forms or accept applications in circumstances where no form has been prescribed for a particular purpose. This amendment is consequential to the amendment of the *Liquor Act 2005* (NI) under which the Registrar of Liquor Licences will be able to approve forms for the purposes of this Act.

#### **Item 52 – Items 202DE and 202DF of Schedule 1**

This item repeals items 202DE and 202DF of Schedule 1 to the Continued Laws Ordinance and inserts a new item 202DE which repeals the Schedule to the *Liquor Regulations 2006* (NI) which set out the forms for the purposes of the *Liquor Act 2005* (NI). This amendment is consequential to the amendment of the *Liquor Act 2005* (NI) under which the Registrar of Liquor Licences will be able to approve forms for the purposes of this Act.

#### **Item 53 – After item 202DG of Schedule 1**

This item inserts new items 202DH-202DN into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Lotteries and Fundraising Act 1987* (NI) and the *Lotteries and Fundraising Regulations 1987* (NI).

New item 202DH amends paragraphs 6(3)(c) and 17(2)(b) of the *Lotteries and Fundraising Act 1987* (NI) by substituting the references to ‘prescribed fee’ with references to ‘approved fee’.

New item 202DJ repeals paragraph 32(2)(b) of the *Lotteries and Fundraising Act 1987* (NI) which provided the regulations may prescribe different fees for approvals of different classes of prescribed schemes under this Act.

New items 202DK, 202DL, 202DM and 202DN amend the *Lotteries and Fundraising Regulations 1987* (NI) by respectively repealing subregulations 4(2) and 6(2), which presently provide for application fees, and also make some consequential amendments.

#### **Item 54 – After item 202EA of Schedule 1**

This item inserts new items 202EAA and 202EAB into Schedule 1 to the Continued Laws Ordinance which in turn respectively substitute a new section 30 of the *Marine Safety Act 2013* (NI), which provides that ‘[a]pplications for [marine] certificates must be accompanied by the approved fees’ and repeals redundant section 32 of this Act, which provided for regulations to be made under this Act with respect to marine certificates and for which no regulations were ever made.

#### **Item 55 – After item 205 of Schedule 1**

This item inserts new items 205AA, 205AB, 205AC and 205AD into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Mediation Act 2005* (NI) and the *Mediation Regulations 2005* (NI).

New items 205AA and 205AB respectively substitute a new subsection 5(2) of the *Mediation Act 2013* (NI), which relevantly provides that the Registrar must register a person as a mediator if the application is accompanied by the approved fee, and amends subsection 7(2) of this Act, by substituting the reference to ‘fee’ with a reference to ‘approved fee’.

New items 205AC and 205AD repeal regulation 8 and schedule 2 of the *Mediation*

*Regulations 2005* which prescribed fees payable for registration and renewal of registration as a mediator.

**Item 56 – After item 206AV of Schedule 1**

This item inserts new items 206AVA-206AVF into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Mercantile Law Act 1959* (NI).

New items 206AVA, 206AVB and 206AVD respectively substitute new subsections 7(2), 9(5) and 14(3) of the *Mercantile Law Act 1959* (NI) which provide that an approved fee is payable for the registration, or the renewal of the registration, of a bill of sale; or for the registration of the grant of a lien in the crop.

New items 206AVC, 206AVE and 206AVF amend subsections 10(1), 23(1) and 23(2) of the *Mercantile Law Act 1959* (NI) by substituting the references to fee units with references to ‘the approved fee’.

**Item 57 – After item 206AW of Schedule 1**

This item inserts new item 206AWA into Schedule 1 to the Continued Laws Ordinance which in turn amend section 23 of the *Migratory Birds Act 1980* (NI) by substituting the references to fee units with a reference to ‘[t]he approved fee’.

**Item 58 – Before item 210A of Schedule 1**

This item inserts new items 210AAA, 210AAB and 210AAC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Pasturage and Enclosure Act 1949* (NI).

New items 210AAB and 210AAA respectively insert a new subsection 5(2) into the *Pasturage and Enclosure Act 1949* (NI) which provides that ‘[a]n application for a right of pasturage must be accompanied by the approved fee (if any)’ and makes a consequential amendment to section 5 arising from the insertion of this new subsection.

New item 210AAC substitutes a new subsection 7(4) of the *Pasturage and Enclosure Act 1949* (NI) with the reference to fee units in this provision replaced with a reference to ‘[t]he approved fee’.

**Item 59 – After item 210A of Schedule 1**

This item inserts new items 210AA and 210AB into Schedule 1 to the Continued Laws Ordinance which in turn repeals paragraph 13(e) of the *Pasturage and Enclosure Act 1949* (NI), which provided the regulations may prescribe fees, and makes a technical amendment to section 13.

**Item 60 – Item 210B of Schedule 1 (table item 1, column headed “Provision”)**

This item amends item 210B in Schedule 1 to the Continued Laws Ordinance by substituting the reference to section 5 of the *Pasturage and Enclosure Act 1949* (NI) with a reference to subsection 5(1). Item 210B substitutes references to the Minister with references to Chief Executive Officer in the *Pasturage and Enclosure Act 1949* (NI) and the substitution of this reference is consequential to the insertion of a new subsection 5(2) into this Act by item 58 above.

**Item 61 – Item 210B of Schedule 1 (table item 2, column headed “Provision”)**

This item amends item 210B in Schedule 1 to the Continued Laws Ordinance by omitting the

reference to subsection 7(4) of the *Pasturage and Enclosure Act 1949* (NI). Item 210B substitutes references to the Minister with references to Chief Executive Officer in the *Pasturage and Enclosure Act 1949* (NI) and the removal of this reference is consequential to the substitution of a new subsection 7(4) into this Act by item 58 above.

**Item 62 – Before item 201C of Schedule 1**

This item inserts new item 210BA into Schedule 1 to the Continued Laws Ordinance which in turn repeals regulation 3 of the *Pasturage and Enclosure Regulations*, which presently provides for the charges imposed for a right of pasturage.

**Item 63 – After item 214A of Schedule 1**

This item inserts new item 214AA into Schedule 1 to the Continued Laws Ordinance which in turn repeals the definition of ‘prescribed fee’ in section 6 of the *Planning Act 2002* (NI).

**Item 64 – After item 214C of Schedule 1**

This item inserts new item 214D into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 9(2) of the *Planning Act 2002* (NI), by substituting the existing reference to ‘prescribed fee’ with a reference to ‘approved fee’.

**Item 65 – Item 221A of Schedule 1 (paragraph 28B(2)(b))**

This item amends paragraph 28B(2)(b) as contained in item 221A of Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 28B(2)(b) of the *Planning Act 2002* (NI), by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

**Item 66 – Item 221A of Schedule 1 (at the end of section 28B)**

This item amends section 28B of the *Planning Act 2002* (NI) as contained in item 221A of Schedule 1 to the Continued Laws Ordinance by adding new subsections (3) and (4) to this section. The new subsections deal with the refund of an approved fee when an application for a declaration in relation to a significant development is withdrawn. These new subsections are based on the former subregulation 44(6) of the *Planning Regulations 2004* (NI) which is repealed by the Ordinance.

**Item 67 – After item 221B of Schedule 1**

This item inserts new items 221BA and 221BC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Planning Act 2002* (NI).

New item 221BA would amend paragraph 34(2)(d) of the *Planning Act 2002* (NI), by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

New item 221BC amends section 34 of the *Planning Act 2002* (NI) by adding new subsections (5) and (6) to this section. The new subsections deal with the refund of an approved fee when an application for a development application is withdrawn. These new subsections are based on the former subregulation 44(6) of the *Planning Regulations 2004* (NI) which is repealed by the Ordinance.

**Item 68 – After item 221D of Schedule 1**

This item inserts new item 221DA into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 39(2) of the *Planning Act 2002* (NI), by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

### **Item 69 – After item 221P of Schedule 1**

This item inserts new items 221PA, 221PB and 221PC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Planning Act 2002* (NI).

New items 221PA and 221PC respectively amend paragraph 53(3)(c) and subsection 55(2) of the *Planning Act 2002* (NI) by substituting the references to ‘prescribed fee’ with references to ‘approved fee’.

New item 221PB amends section 53 of the *Planning Act 2002* (NI) by adding new subsections (6) and (7) to this section. The new subsections deal with the refund of an approved fee when an application for a development approval modification is withdrawn. These new subsections are based on the former subregulation 44(6) of the *Planning Regulations 2004* (NI) which is repealed by the Ordinance.

### **Item 70 – After item 230 of Schedule 1**

This item inserts new items 230AA and 230BB into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Planning Act 2002* (NI).

New item 230AA amends subsections 97(2) and 98(2) of the *Planning Act 2002* (NI), by substituting the references to ‘prescribed fee’ with a reference to ‘approved fee’.

New item 230AB inserts new 99A into the *Planning Act 2002* (NI) which provides that ‘[d]espite anything in this Act, approved fees are not payable by the Commonwealth, an authority of the Commonwealth, the Norfolk Island Regional Council or a territory instrumentality.’ This new section is based on the former subregulation 44(3) of the *Planning Regulations 2004* (NI) which is repealed by the Ordinance.

### **Item 71 – Items 232AA and 232AB of Schedule 1**

This item repeals items 232AA and 232AB and inserts new item 232AA into Schedule 1 to the Continued Laws Ordinance. New item 232AA in turn repeals Part 9 of the *Planning Regulations 2004* (NI), which dealt with a range of fees payable under the *Planning Act 2002* (NI).

### **Item 72 – Item 232AD of Schedule 1**

This item inserts new item 232AD into Schedule 1 to the Continued Laws Ordinance which in turn repeals Schedule 3 to the *Planning Regulations 2004* (NI), which dealt with a range of fees payable under the *Planning Act 2002* (NI).

### **Item 73 – After item 232AF of Schedule 1**

This item inserts new items 232AG and 232AH into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend subsection 20(1) of the *Plant and Fruit Diseases Act 1959* (NI) by substituting the reference to the regulations prescribing fees with a reference to ‘approved fees’, and repeals subsection 20(3) of this Act which provided that fees payable under this Act or the regulations are recoverable in the Court of Petty Sessions as a debt due to NIRC. This latter provision is now redundant as the recovery of approved fees by NIRC as a debt in a court of competent jurisdiction is dealt with by section 695 of the Local Government Act.

### **Item 74 – After item 232B of Schedule 1**

This item inserts new item 232BAA into Schedule 1 to the Continued Laws Ordinance which in turn amend subsections 6(1) and (5) of the *Poisons and Dangerous Substances Act 1957* (NI) by substituting the references to ‘prescribed fee’ with references to ‘approved fee’.

#### **Item 75 – Before item 232BA of Schedule 1**

This item inserts new items 232BAB-232BAJ into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Pounds Act 1934* (NI).

New item 232BAB substitutes a new section 9 of the *Pounds Act 1934* (NI), which dealt with poundage fees, with a provision providing that ‘[a]pproved fees are payable to the poundkeeper for stock impounded under the provisions of this Act.’

New items 232BAC, 232BAD, 232BAE, 232BAF, 232BAG, 232BAH and 232BAJ respectively amend sections 10, 11, 15, 22 and 26 of the *Pounds Act 1934* (NI) by substituting the reference to fees, charges or poundage fees with appropriate references to approved fees and also makes some consequential amendments, including repealing paragraph 26(c) which provided that the regulations may prescribe poundage fees.

#### **Item 76 – After item 232BA of Schedule 1**

This item inserts new item 232BAAA into Schedule 1 to the Continued Laws Ordinance which in turn repeals regulation 4 of the *Pounds Regulations* (NI) which prescribed fees for the impounding of animals.

#### **Item 77 – After item 275C of Schedule 1**

This item inserts new items 275D and 275E into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Public Reserves Act 1997* (NI).

New item 275D amends paragraph 25(1)(b) of the *Public Reserves Act 1997* (NI) by substituting the reference to a prescribed fee in this paragraph with an appropriate reference to an approved fee.

New item 275E substitutes a new section 36C of the *Public Reserves Act 1997* (NI), which dealt with burial fees, with a provision which provides that ‘[t]he approved fee is payable for burial and grave digging.’

#### **Item 78 – After item 276 of Schedule 1**

This item inserts new items 276A and 276B into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Public Reserves Act 1997* (NI).

New item 276A makes a technical amendment to section 54A of the *Public Reserves Act 1997* (NI) by omitting a redundant reference to subsection (1).

New item 276B repeals paragraph 54A(b) of the *Public Reserves Act 1997* (NI) which provided that regulations may be made for or with respect to fees.

#### **Item 79 – After item 277 of Schedule 1**

This item inserts new items 278-285 into Schedule 1 to the Continued Laws Ordinance which in turn make a number of amendments to sections 22, 23B, 51, 52 and 57 of the *Registration of Births, Deaths and Marriages Act 1963* (NI) by substituting the references in these provisions to prescribed fees with appropriate references to approved fees, and also repeals subsection 52(4), which prescribed a fee for the issue of certified copies.

### **Item 80 – After item 294D of Schedule 1**

This item inserts new item 294DA into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 4(c) of the *Sale of Food Act 1950* (NI) by substituting the reference to ‘appropriate fee’ with a reference to ‘approved fee’.

### **Item 81 – Item 249E of Schedule 1**

This item inserts new items 294E, 294EA and 294EB into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Sale of Food Act 1950* (NI).

New item 294E continues the existing amendments to subsections 5(1) and 5(2) of the *Sale of Food Act 1950* (NI) which substitute the references to ‘Minister’ in these subsections with ‘Chief Executive Officer’.

New item 294EA repeals subsection 5(4) and (5) of the *Sale of Food Act 1950* (NI), which dealt with licence fees, and inserts a new subsection 5(4) which provides that ‘[t]he approved fees are payable in relation to the grant and renewal of licences under this Act.’

New item 294EB continues the existing amendment to subsection 8(1) of the *Sale of Food Act 1950* (NI) which substitutes the reference to ‘Minister’ in this subsection with ‘Chief Executive Officer’.

### **Item 82 – After item 295A of Schedule 1**

This item inserts new item 295B into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 7(1)(b) of the *Sale of Tobacco Act 2004* (NI) by substituting the reference to ‘prescribed fee’ with a reference to ‘approved fee’.

### **Item 83 – After item 297 of Schedule 1**

This item inserts new items 297AAAA and 297AAAB into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Sale of Tobacco Act 2004* (NI) and the *Sale of Tobacco Regulations 2004* (NI).

New item 297AAAA repeals paragraph 25(2)(d) of *Sale of Tobacco Act 2004* (NI), which provided that the regulations may prescribe fees.

New item 297AAAB repeals regulation 3 of the *Sale of Tobacco Regulations 2004* (NI) which prescribed the fees payable for a licence to sell tobacco.

### **Item 84 – After item 299 of Schedule 1**

This item inserts new item 299A into Schedule 1 to the Continued Laws Ordinance which in turn amends section 5 of the *Slaughtering Act 1913* (NI) by substituting the reference to ‘a fee of 13 fee units’ with a reference to ‘approved fee’.

### **Item 85 – After item 300 of Schedule 1**

This item inserts new item 300A into Schedule 1 to the Continued Laws Ordinance which in turn substitutes a new subsection 10A(3) of the *Slaughtering Act 1913* (NI) by replacing the references to fee units with a reference to the approved fee being payable for the examination of stock under subsection 10A(1) of this Act.

### **Item 86 – After item 336D of Schedule 1**

This item inserts new item 336E into Schedule 1 to the Continued Laws Ordinance which in



turn amends subsection 4(3) of the *Surveys Act 1937* (NI) by replacing the references to fee units with a reference to the approved fee.

#### **Item 87 – After item 337AA of Schedule 1**

This item inserts new item 337AB into Schedule 1 to the Continued Laws Ordinance which in turn repeals paragraph 2(c) of the *Telecommunications Act 1992* (NI) which provided that the aims of this Act include making provision in relation to the fixing of telecommunications tariffs and charges.

#### **Item 88 – Item 337 and 338 of Schedule 1**

This item repeals items 337 and 338, and inserts new item 337, into the Continued Laws Ordinance which in turn continue the existing omission of the references to ‘disallowance instrument’ and ‘employee’ from section 3 of the *Telecommunications Act 1992* (NI).

#### **Item 89 – Item 338AB and 338A of Schedule 1**

This item repeals items 338AB and 338A, and inserts new item 338A, into the Continued Laws Ordinance which in turn would continue the existing omission of the references in section 3 of the *Telecommunications Act 1992* (NI) to ‘Principal Police Officer’ and ‘public payphone’ and also removes the reference to ‘telecommunications tariff notice’. This amendment is consequential to the repeal of this definition in Schedule 1 to this Act by new item 340D.

#### **Item 90 – Items 338E to 339AC of Schedule 1**

This item inserts new items 338E, 339, 339AA and 339AB into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Telecommunications Act 1992* (NI).

New item 338E substitutes a new section 28 of the *Telecommunications Act 1992* (NI), replacing the provision which dealt with the tariff for basic carriage services with a provision providing that approved fees are payable for telecommunications services provided in accordance with this Act, including for basic carriage services.

New item 339 repeals sections 30 and 32 of the *Telecommunications Act 1992* (NI), which dealt with the variation and revocation of basic carriage services tariff and the payment of charges.

New items 339AA and 339AB respectively amend subsection 33(2) and paragraph 34(a) of the *Telecommunications Act 1992* (NI) by substituting the references to ‘charges’ with appropriate references to approved fees.

#### **Item 91 – After item 339A of Schedule 1**

This item inserts new items 339AAA and 339AAB into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend paragraphs 43(a) and 43(b) of the *Telecommunications Act 1992* (NI) by substituting the references to rental, fees or charges with appropriate references to approved fees.

#### **Item 92 – After item 339DB of Schedule 1**

This item inserts new item 339DBA into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraph 49(3)(c) of the *Telecommunications Act 1992* (NI) by substituting the reference to ‘charges payable under this Act’ with a reference to ‘approved fees’.

### **Item 93 – After item 339E of Schedule 1**

This item inserts new item 339EA into Schedule 1 to the Continued Laws Ordinance which in turn repeals section 59 of the *Telecommunications Act 1992* (NI) which is a redundant transitional.

### **Item 94 – After item 340C of Schedule 1**

This item inserts new item 340D into Schedule 1 to the Continued Laws Ordinance which in turn repeals the definition of ‘telecommunications tariff notice’ contained in item 2 of Schedule 1 to the *Telecommunications Act 1992* (NI).

### **Item 95 – After item 341B of Schedule 1**

This item inserts new items 341BA-341BO into Schedule 1 to the Continued Laws Ordinance which in turn amends the *Traffic Act 2010* (NI).

New items 341BA, 341BB, 341BC and 341BD respectively make a number of amendments to sections 7, 8, 12 and 13 of the *Traffic Act 2010* (NI) by substituting the references in these provisions to prescribed fees or registration fees with appropriate references to approved fees.

New item 341BF repeals section 14A of the *Traffic Act 2010* (NI) which dealt with fee exemptions. Section 610E of the Local Government Act contains provisions dealing with the waiver or reduction of approved fees by a council.

New items 341BG, 341BH, 341BI, 341BJ, 341BK, 341BL, 341BM, 341BN and 341BO respectively make a number of amendments to sections 14C, 14D, 14F, 16 and 17 of the *Traffic Act 2010* (NI) by substituting the references in these provisions to prescribed fees with appropriate references to approved fees.

### **Item 96 – Item 341BA of Schedule 1**

This item renumbers item 341BA of Schedule 1 to the Continued Laws Ordinance as item 341BP and is a consequential amendment to the amendments made to the Continued Laws Ordinance by item 95 above.

### **Item 97 – After item 341C of Schedule 1**

This item inserts new item 341CA into Schedule 1 to the Continued Laws Ordinance which in turn repeals subsection 32(10) of the *Traffic Act 2010* (NI), which provided for a prescribed fee, payable to NIRC, for the taking of a blood sample from a person suspected of driving under the influence of alcohol or drugs. It is appropriate to repeal this fee as it no longer reflects current practice in this area.

### **Item 98 – After item 341DA of Schedule 1**

This item inserts new items 341DAA-341DAG into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Traffic Act 2010* (NI).

New items 341DAA and 341DAB respectively amend paragraph 47K(1)(c) and 47L(1) of the *Traffic Act 2010* (NI) by substituting the references to fee or prescribed fee with appropriate references to approved fees.

New items 341DAC, 341DAD, 341DAE, 341DAF and 341DAG amend section 56 of the *Traffic Act 2010* (NI), which dealt with the regulations which may be made under this Act, by omitting a number of redundant references to fees and making some consequential

amendments.

#### **Item 99 – Item 341DB of Schedule 1 (table item 1, column headed “Provision”)**

This item amends item 341DB in Schedule 1 to the Continued Laws Ordinance by omitting the existing reference to subsection 14A(1) of *Traffic Act 2010* (NI). Item 341DB substitutes references to the Minister with references to Chief Executive Officer in the *Traffic Act 2010* (NI) and the removal of this reference is consequential to the repeal of section 14A of this Act by item 95 above.

#### **Item 100 – Before item 341E of Schedule 1**

This item inserts new items 341DC-341DL into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Traffic (General) Regulations* (NI).

New items 341DC and 341DD amend regulation 8AB of the *Traffic (General) Regulations* (NI), which deals with the registration of veteran, vintage or historic motor vehicles, by inserting a reference to payment of the approved fee and repeals the existing provision providing that the fee for such registrations are determined by the *Traffic (Fees) Regulations*.

New items 341DE, 341DF and 341DG amend regulation 8B of the *Traffic (General) Regulations* (NI), which deals with authorised inspectors of motor vehicles, by inserting appropriate references to approved fees and repealing or omitting provisions which determine fees by way of reference to fee units.

New items 341DH and 341DI amend regulation 8C of the *Traffic (General) Regulations* (NI), which deals with authorised inspection stations, by inserting appropriate references to approved fees and repealing or omitting provisions which refer to prescribed fees or fee units.

New items 341DJ and 341DK respectively amend regulations 8D and 8E of the *Traffic (General) Regulations* (NI), which deal with the Registrar’s rules and books of inspection reports, by substituting references in these provisions to fee units with references to approved fees.

New item 341DL repeals regulations 8H and 9D of the *Traffic (General) Regulations* (NI) which respectively prescribed the fee for inspections at the Administration Works Depot and the grant of a probationary licence. The repeal of these provisions is consequential to the amendments made to the *Traffic Act 2010* (NI) by items 95 and 98 above.

#### **Item 101 – After item 341U of Schedule 1**

This item inserts new item 341V into Schedule 1 to the Continued Laws Ordinance which in turn amends paragraphs 6(2)(b) and 10(2)(c) of the *Trees Act 1997* (NI) by substituting the references to prescribed fees with references to approved fees.

#### **Item 102 – After item 343 of Schedule 1**

This item inserts new items 343AAA and 343AAB into Schedule 1 to the Continued Laws Ordinance which in turn respectively amend paragraph 16(3)(b) and section 23 of the *Trees Act 1997* (NI) by substituting the references to prescribed fees with references to approved fees.

#### **Item 103 – After item 343A of Schedule 1**

This item inserts new item 343AB into Schedule 1 to the Continued Laws Ordinance which

in turn amends subsection 30A(2) of the *Trees Act 1997* (NI) by substituting the references to ‘prescribed fee’ with a reference to ‘approved fee’.

#### **Item 104 – After item 343B of Schedule 1**

This item inserts new item 343BA into Schedule 1 to the Continued Laws Ordinance which in turn repeals regulations 5, 7 and 9 of the *Trees Regulations 1999* (NI), which prescribed a number of fees for the purposes of the *Trees Act 1997* (NI).

#### **Item 105 – Before item 343C of Schedule 1**

This item inserts new items 343BB and 343BC into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Waste Management Act 2003* (NI).

New item 343BB repeals the definition of ‘waste disposal fee’ in section 3 of the *Waste Management Act 2003* (NI) and this repeal is consequential to the substitution of a new section 10 of this Act by item 106 below.

New item 343BC amends paragraph 6(2)(d) of the *Waste Management Act 2003* (NI) by substituting the reference to ‘prescribed fees’ with a reference to ‘approved fees’.

#### **Item 106 – After item 343C of Schedule 1**

This item inserts new items 343CA-343CF into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Waste Management Act 2003* (NI).

New item 343CA substitutes a new section 10 of the *Waste Management Act 2003* (NI) which provides that approved fees are payable for waste disposal services provided under this Act, namely the disposal of waste and entry to designated places for the purposes of disposing of waste.

New items 343CB and 343CC amend section 11 of the *Waste Management Act 2003* (NI) by substituting the references to fees and charges with a reference to levies. Section 11 of this Act provided for the recovery of fees or charges payable under this Act and the recovery of approved fees by NIRC as a debt in a court of competent jurisdiction will now be dealt with by section 695 of the Local Government Act.

New items 343CD, 343CE and 343CF amend section 19 of the *Waste Management Act 2003* (NI) by omitting the references to the regulations under this Act making provision for fees and related matters.

#### **Item 107 – At the end of Part 1 of Schedule 1**

This item inserts new items 343LA-343LO into Schedule 1 to the Continued Laws Ordinance which in turn amend the *Waste Management Regulations 2004* (NI) and the *Water Assurance Charges Act 1991* (NI).

New items 343LA and 343LB repeal regulation 5 and schedule 1 of the *Waste Management Regulations 2004* (NI) which prescribed fees payable for asbestos disposal for the purposes of section 10 of the *Waste Management Act 2003* (NI).

New items 343LC, 343LD and 343LE respectively amend the title, section 1 and subsection 2(1) of the *Water Assurance Charges Act 1991* (NI) to either omit or substitute references to ‘charges’ or ‘annual charge’ with appropriate references to approved fees.

New item 343LF makes a consequential change to the definition of ‘scheduled purpose’ in

subsection 2(1) of the *Water Assurance Charges Act 1991* (NI) arising from the substitution of a new schedule to this Act by new item 343LO, discussed below.

New item 343LG substitutes a new section 2A of the *Water Assurance Charges Act 1991* (NI), which provides that ‘approved fees are payable for services provided in accordance with this Act, including services provided in relation to the connection of premises.’ ‘Connection’ is defined in subsection 2(1) of the *Water Assurance Charges Act 1991* (NI) and means ‘in relation to premises ... the direct or indirect connection of a sanitary facility that is in or on the premises to a sewer’.

New items 343LH and 343LI amend section 3 of the *Water Assurance Charges Act 1991* (NI) by substituting the references to ‘charges’ or ‘annual charge’ with appropriate references to approved fees.

New item 343LJ amends subsection 4(2) of the *Water Assurance Charges Act 1991* (NI) by substituting the references to ‘annual charge’ with an appropriate reference to approved fee and makes a consequential amendment arising from the substitution of a new schedule to this Act.

New item 343LK substitutes new subsections 5(1) and (2) of the *Water Assurance Charges Act 1991* (NI). New subsection 5(1) provides ‘[t]he approved fee is payable for the connection of a house’ and new subsection 5(2) provides that ‘[i]f a house is also substantially used for one or more scheduled purposes, an assessment may be made under section 4 in relation to that purpose or those purposes.’ The effect of these amendments is to maintain the existing arrangements under which NIRC may charge different fees for sewerage services provided to premises based on the purposes for which the premises are used.

New item 343LL amends paragraph 6(2)(c) of the *Water Assurance Charges Act 1991* (NI) by substituting the reference to ‘annual charge’ with a reference to ‘approved fee’.

New item 343LM substitutes a new section 7 of the *Water Assurance Charges Act 1991* (NI) which deals with the recovery of approved fees. This new section is based on the former provision and also allows for the recovery of an approved fee over either 12 equal monthly instalments or over 2 equal six-monthly instalments.

New item 343LN repeals sections 7A and 11 of the *Water Assurance Charges Act 1991* (NI). Section 7A dealt with fee exemptions or reductions for certain persons and is no longer necessary as section 610E of the Local Government Act contains provisions dealing with the waiver or reduction of approved fees by a council. Section 11 was a redundant provision dealing with transitional matters arising from the commencement of this Act.

New item 343LO substitutes a new schedule to the *Water Assurance Charges Act 1991* (NI) which provides the list of ‘scheduled purposes’ for the purposes of the definition in subsection 2(1) of this Act. This new schedule contains the same list of purposes as in the former schedule but omits the redundant references to ‘fee units’. NIRC will determine the approved fees for the relevant category of premises in accordance with Part 10 of Chapter 15 of the Local Government Act, under which NIRC may charge different fees for sewerage services based on the purposes for which the premises are used.

## **Item 108 – In the appropriate position in item 1 of Schedule 2**

This item inserts a reference to the *Fees Act 1976* (NI) into Part 1 of Schedule 2 to the Continued Laws Ordinance. The effect of this amendment is to repeal this redundant Norfolk Island continued law.

**Item 109 – In the appropriate position in item 2 of Schedule 2**

This item inserts references to the *Animals (Importation) Regulations 1985* (NI), the *Apiaries Regulations 1976* (NI), the *Plant and Fruit Diseases Regulations* (NI), the *Poisons and Dangerous Substances Regulations* (NI) and the *Traffic (Fees) Regulations* (NI) into Part 2 of Schedule 2 to the Continued Laws Ordinance. The effect of this amendment is to repeal these redundant Norfolk Island continued laws.

### **Part 3 — Other amendments**

#### ***Norfolk Island Continued Laws Ordinance 2015***

##### **Item 110 – After item 97R of Schedule 1**

This item inserts new item 97S into Schedule 1 to the Continued Laws Ordinance which in turn amends subsection 16(3) of the *Fuel Levy Act 1987* (NI) by inserting a maximum penalty of 50 penalty units for this offence. Subsection 16(3) provides it is an offence for a person to refuse entry, obstruct or assault a police officer or other person executing a search warrant under this section. This offence did not specify a maximum penalty and this amendment corrects this oversight. The maximum penalty of 50 penalty units is consistent with maximum penalties for similar offences in this continued law. In the absence of this maximum penalty, the court's power to fine for this offence was dealt with by paragraph 16(2)(b) of the *Sentencing Act 2007* (NI) which provides that, in these circumstances, the maximum fine in the case of the Supreme Court is 100 penalty units or 50 penalty units in the case of the Court of Petty Session; and double these respective amounts in the case of a body corporate.

##### **Item 111 – Items 212 to 213A of Schedule 1**

This item inserts new items 212 and 213 into Schedule 1 to the Continued Laws Ordinance which in turn amend section 6 of the *Planning Act 2002* (NI) which contained a number of definitions for the purposes of this Act.

New item 212 reinserts the existing definitions of 'approved plan', 'approved scheme' and 'Board' but also inserts a new definition of 'authorised officer' which corrects a mistake in the previous definition which referred to the incorrect section of this Act.

New item 213 continues the existing repeal of the definition of 'Chief Executive Officer' in section 6 of the *Planning Act 2002* (NI).

##### **Item 112 – In the appropriate position in item 1 of Schedule 2**

This item inserts a reference to the *Infants' Maintenance and Protection Act 1913* (NI) and the *Maintenance Orders (Facilities for Enforcement) Act 1960* (NI) into Part 1 of Schedule 2 to the Continued Laws Ordinance. The effect of this amendment is to repeal these redundant Norfolk Island continued laws which dealt with child maintenance.

These local child maintenance arrangements are no longer necessary as the Commonwealth child support scheme has been extended to Norfolk Island and these arrangements reflected similar schemes which existed on the mainland before the introduction of the modern Australian child support scheme in the late 1980s (under the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*).

##### **Item 113 – In the appropriate position in item 2 of Schedule 2**

This item inserts a reference to the *Maintenance Orders (Facilities for Enforcement) Regulations* (NI) into Part 2 of Schedule 2 to the Continued Laws Ordinance. The effect of this amendment is to repeal this redundant Norfolk Island continued law which also dealt with child maintenance.

## **Part 4 — Transitional, saving and application provisions**

### ***Norfolk Island Continued Laws Ordinance 2015***

#### **Item 114 – In the appropriate position in Part 2 of Schedule 1**

This item inserts new Division 17 into Part 2 of Schedule 1 to the Continued Laws Ordinance. This new division contains transitional provisions dealing with the application of the amendments made to a number of continued laws as set out in Schedule 1 to the Ordinance.

New item 391 contains definitions for the purposes of new Division 17, providing that, in this division, ‘amending Ordinance’ means the Ordinance, ‘commencement time’ means the time at which the Ordinance commences and that ‘fees provisions’ means ‘the provisions of enactments that are amended by Part 2 of Schedule 1 to the amending Ordinance, as in force immediately before the commencement time.’

New subitem 392(1) is a general application provision which provides that the repeal of section 12BA of the Interpretation Act by the Ordinance does not affect the validity at or after the commencement time of anything done before that time. For instance, this general application provision provides that the repeal of section 12BA does not affect the ongoing validity of any fees approved by NIRC in accordance with the Local Government Act before the repeal of this provision.

New subitem 392(2) is a general application provision, which deals with the application of the amendments of the fee provisions by this Schedule with respect to services provided over a period and in any other case. This provision complements new subitem 392(1) and is intended to ensure that these amendments do not disrupt existing fees arrangements in place at the commencement time. For services provided for a period which has begun but not ended before the commencement time the amendments apply after the end of that period (new subitem 392(2)(a)). In any other case, the amendments apply to services provided on or after the commencement time, including a service applied for or requested before this time (new subitem 392(2)(b)).

New item 393 is an application provision which provides that the reference to approved fees in the definition of ‘outstanding amount’ in section 2 of the *Airport Act 1991* (NI), as amended by the Ordinance, is taken to include a reference to any charges incurred under that Act before the commencement time. Section 2 of the *Airport Act 1991* (NI) defines a number of expressions for the purposes of this Act, including the definition of ‘outstanding amount’.

New item 394 is an application provision which provides that the reference to approved fees in paragraph 49(3)(c) of the *Telecommunications Act 1992* (NI), as amended by the Ordinance, is taken to include a reference to any charges incurred under that Act before the commencement time. Section 49 of the *Telecommunications Act 1992* (NI) regulates the disclosure of private telecommunications information.

New item 395 is a transitional provision, and applies where amendments made by the proposed Ordinance substitute a reference to the Minister with a reference to the Chief Executive Officer (the General Manager of NIRC). New item 395 provides that if the exercise of a power, or the performance of a function or duty, by the General Manager is



affected by anything done by or in relation to the Minister before the commencement time, that thing shall be treated as if it had been done by or in relation to the General Manager.

New item 396 is an application provision which provides that the amendments to the definitions of ‘approved form’ in subsection 3(1) of the *Land Administration Fees Act 1996* (NI), subsection 3(1) of the *Land Titles Act 1996* (NI) and subsection 4(1) of the *Liquor Act 2005* (NI) by the Ordinance apply in relation to applications made for the purposes of those continued laws after the commencement time; and instruments issued for the purposes of those continued laws after the commencement time.