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BARRISTER

TO: Finance and Expenditure Committee
FROM: **Mai Chen, Barrister**
DATE: 16 June 2025
SUBJECT: **Regulatory Standards Bill**

Introduction

- 1 Raukura Hauora o Tainui has asked me to provide an expert opinion on the Regulatory Standards Bill (the **Bill**) which has been referred to the Finance and Expenditure Committee, to assist this committee with its deliberation and scrutiny of the Bill.
- 2 I do so from the perspective of a practising lawyer who has specialised in advising on regulation for over 30 years. I also wrote *Public Law Toolbox* (2nd ed, LexisNexis, 2014) which includes a chapter on Policy Making and Law Reform with an emphasis on good lawmaking and the importance of good regulatory practice. That chapter refers to the Regulatory Standards Bill introduced into Parliament in March 2011 (Chapter 8 in part 8.98) Thus, my perspective is on the practical impact the Bill will have on primary and secondary lawmaking.
- 3 I respectfully request the ability to make an oral submission.

Summary of Key Submissions

- 4 In summary, there is always room to improve the quality of legislation and regulation as the number of words occupied by primary and secondary legislation is currently 23 million and has increased at the average net rate of 2.4% per year over the last 15 years.¹ Laws that are no longer fit for purpose need to be removed or amended and new laws made to meet quality regulatory guidelines. The issue is whether this Bill would improve regulatory quality additional to the extant organisations and mechanisms already implemented to improve regulatory quality and whether the Bill would do so in the most effective and cost-efficient way.
- 5 I advise that the Bill as introduced to Parliament on 19 May 2025 is materially altered from the member's bill (also titled the Regulatory Standards Bill) introduced by the Hon David Seymour in 2021 and in the Discussion Document consulted on earlier in 2025,² and would be ineffective in achieving its stated purposes in clause 3 of the Bill.
- 6 If the Bill proceeds, then the reasons why any future government Bill, or regulation do not comply with the Bill's "principles of responsible regulation" (**the principles**) are likely, and repeatedly, to be inconsistency with the New Zealand Bill of Rights Act 1990 (**NZBORA**),

¹ The joint research PCO has done with Derek Gill at VUW on the growth of the statute book is in the: [Annual Report On Legislative Practices 2023 2024 | Parliamentary Counsel Office](#).

² Ministry for Regulation "Have your say on the proposed Regulatory Standards Bill" November 2024.

extant statute, international obligations adopted by NZ or domestic common law,³ all of which **do** impose legal rights and obligations, unlike the Bill which under clause 24 says it **does not**. The Bill may also not be complied with (and may come into disrepute) as clause 25 says the validity of legislation is not affected by failure to comply with the Bill. Priority in making new legislation and regulations will be given to compliance with obligations and requirements that are enforceable and have legal consequences if not complied with.

- 7 The Bill could be amended to have legal effect, for example as with the 2021 Regulatory Standards Bill which required that an interpretation compatible with the principles was to be preferred (clause 10) and that a Court could declare that any legislation was incompatible with one or more of the principles although the declaration did not affect the validity, operation or enforcement of that legislation (clauses 11 and 12).⁴ However, as noted in the first reading speeches on the 2021 Regulatory Standards Bill this raised significant constitutional issues regarding whether it was the role of the courts to regulate lawmaking by Parliament.⁵
- 8 The court's declaratory power would also now be confusing given the enactment of the New Zealand Bill of Rights (Declarations of Inconsistency) Amendment Act in 2022 which confirms the court's ability to make such declarations of inconsistency with rights and freedoms in NZBORA. Not all of the principles in the Bill are consistent with extant legislation, including the NZBORA,⁶ so you could end up two court declarations with differing findings. After the Bill is enacted both a declaration of incompatibility and a declaration of inconsistency under NZBORA could be issued about the same legislation – breach could be found in one or the other or both instances.

Effect of the Bill

- 9 The principles in clause 8 of the Bill are framed with the word “should” not “must,” and the Bill is expressly stated not to confer or impose legal rights or obligations under clause 24. Clause 25 also says that the validity of legislation is not affected by failure to comply with this Act. Clause 26 also states the Bill does not regulate (imposes no limits, restrictions or requirements) the nature, extent or adequacy of the reasons given for inconsistency with the principles nor for regulatory stewardship. Therefore, any deficiency of reasons cannot be enforced in court.
- 10 Lawmaking cannot be challenged in court,⁷ but anyone challenging laws once enacted for failing to follow the principles in the Bill could not succeed without the provisions cited above from the 2021 version of the Bill. Neither would an application for a declaration of inconsistency with the NZBORA be likely to succeed due to the lack of legal effect of the principles (hence no rights would be infringed upon).

³ International common law does exist, but in a less formal sense than domestic common law. Andrew T Guzman and Timothy L Meyer “International Common Law: The Soft Law of International Tribunals” (2009) Chicago Journal of International Law Vol 9: No. 2, Article 7.

⁴ The Appendix compares some of these key provisions of the 2021 Regulatory Systems Bill to the equivalent provisions in the Bill (where equivalent provisions exist).

⁵ First Reading of the 2021 Regulatory Standards Bill – 4 August 2021 https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20210804_20210804_32

⁶ The 2021 Regulatory Standards Bill expressly stated in clause 6(3) “Nothing in this section limits the New Zealand Bill of Rights Act 1990.”

⁷ *Te Rūnanga o Ngāti Whātua v Attorney-General* [2024] NZHC 2271, [2024] 3 NZLR 218 at [36] – [39].

- 11 Any existing law inconsistent with the principles must override, including legal rights or obligations which are not included in the Bill's principles such as the Crown's Treaty obligations in extant statute and common law, NZ's international obligations under treaties and conventions it has signed and also obligations to the environment to the extent that they are incorporated in extant legislation. The same is true for any future legislation. The principle in clause 8(a)(ii) "the law should not adversely affect rights and liberties would be qualified by s 5 of the NZBORA which provides that: "Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."
- 12 Clause 8(i) would be overridden by a number of statutes which require consultation or consideration of views even where it is not "reasonably practical" and where the party is indirectly affected but the impact is still material. For example, the Local Government Act 2002 in section 78(1) states "A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter."
- 13 The concern with clause 8(j) is its vagueness. What does "effectiveness" in clause 8(j)(ii) mean and the reference to "public interest" in clause 8(j)(iii) is not defined.
- 14 There are also exclusions as to what the Bill applies to, such as in Schedule 1, and clauses 6, 10 (review of consistency of the Bill with principles does not apply to, inter alia, Treaty settlement Bills), 12 (requirements of a consistency accountability statement and explanation of any inconsistency does not apply to a government amendment in certain circumstances), 14 (requirements of a consistency accountability statement and explanation of any inconsistency does not apply to secondary legislation in certain circumstances), 18 (plans for regularly reviewing legislation does not apply to an excluded Act (inter alia, Treaty Settlement Act or the Marine and Coastal Area (Takutai Moana) Act 2011) or amending legislation or to repealed or spent legislation, and 44 – 46 placing restrictions on the Ministry's ability to require information in connection with Parliament, from non-public service agencies and from contracted persons.
- 15 As stated in the Crown submissions to the Waitangi Tribunal on the urgent inquiry into the Regulatory Standards Bill:⁸

In particular, the RSB will not confer or impose any legal rights or duties or affect the validity of legislation, its principles are open to limitation, and the proposal does not share characteristics with other legislation which is 'constitutional' in nature, such as [the Bill of Rights Act].

Accountability Mechanisms

- 16 That said, the Bill does create new accountability mechanisms which will focus more attention on quality regulation making, however it duplicates many existing regulatory management systems discussed below, some of which are yet to be (fully) deployed/come into effect and will create confusion for the public on who it is best to complain to about bad regulation. All of this duplicates work for officials across overlapping but different lawmaking principles. The new accountability mechanisms under the Bill are:

⁸ WAI 3470 #3.3.11, 13 May 2025, paragraph 3 on page 2.

- (a) consistency accountability statements (**CAS**) in the explanatory note of a Government Bill, a Government amendment or secondary legislation explaining any inconsistency with the principles;
 - (b) disclosure of reasons for any identified inconsistencies;
 - (c) proactive regulatory stewardship responsibilities on public sector chief executives;
 - (d) at least 4-yearly briefings on the state of the regulatory management system by the Ministry for Regulation (the **Ministry**);
 - (e) responsible agencies must produce plans for regularly reviewing legislation for consistency with the principles and to report their reviews,
 - (f) establishing a Regulatory Standards Board to inquire into whether existing legislation is consistent with the principles and to consider CAS for government bills. Any recommendations by the Regulatory Standards Board would not be binding;
 - (g) regulatory reviews by the Ministry that must be presented to the House together with the Government's response and information gathering powers for such reviews and to prepare briefings on regulatory management systems; and
 - (h) joint guidance issued by the regulatory standards Minister and the Attorney-General setting out, inter alia, recommended best practice or their expectations concerning how the principles should be applied, and how to review proposed or existing legislation for consistency with the principles.
- 17 Existing regulatory management systems which overlap with these new obligations are detailed below.
- 18 **Legislation Act 2019 (the Legislation Act):** The purpose of the Legislation Act is to promote high-quality legislation for New Zealand⁹ and the purpose of Part 4 is, inter alia, to better inform parliamentary and public scrutiny of government-initiated legislation.¹⁰ Section 103 requires chief executives to prepare and publish disclosure statements for government-initiated bills, amendments and secondary legislation including information under s 104 about, inter alia, the main legislative quality procedures that have been carried out by or on behalf of the relevant policy agency, any provisions in the bill that in the chief executive's opinion are unusual or involve matters that call for particular attention, and any departures from guidelines identified by the responsible Minister and the Attorney-General under s 107. This has similarities to CAS required under the Bill. Like the Bill, s 112 states that the validity of legislation is not affected by failure to comply with this Part.
- 19 **Regulations Review Committee (RRC):** Additional to Parliamentary scrutiny of legislation and the subject matter select committee review processes, SO 326(1) states that "The Regulations Review Committee examines all secondary legislation," and all regulations are referred to the RRC. There is clear duplication of the grounds on which the RRC can draw

⁹ Section 3(1) of the Legislation Act 2019.

¹⁰ Section 101(a) of the Legislation Act 2019.

the House's attention to secondary legislation under SO 327 with the principles in clause 8 of the Bill:

- (a) is not in accordance with the general objects and intentions of the enactment under which it is made:
- (b) trespasses unduly on personal rights and liberties:
- (c) appears to make some unusual or unexpected use of the powers conferred by the enactment under which it is made:
- (d) unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal:
- (e) excludes the jurisdiction of the courts without explicit authorisation in the enactment under which it is made:
- (f) contains matter more appropriate for parliamentary enactment:
- (g) is retrospective where this is not expressly authorised by the enactment under which it is made:
- (h) was not made in compliance with particular notice and consultation procedures prescribed by applicable enactments. (although note clause 34(a) of the Bill).

- 20 If an issue arose in relation to regulations in the future, I would advise a client to complain to the RRC, rather than to the new Regulatory Standards Board, as the RRC is more powerful given the regulatory disallowance provisions under s 116 of the Legislation Act. Those provisions were used on a complaint to the RRC by Gary Judd KC regarding the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022 (**Amendment Regulations**) which has resulted in part of the regulations being disallowed by the House for only the second time in history (Regulations Review Committee, *Compliant about the Professional Examinations in Law (Tikanga Maori Requirements) Amendment Regulations 2022* (March 2025)).
- 21 The RRC resolved, by majority, that although the Amendment Regulations did not trespass unduly on personal rights and liberties or require elucidation, that they did make unusual or unexpected use of powers (SO 327(2)(c)) granted to the New Zealand Council of Legal Education (the **Council**) by requiring tikanga to be taught as a compulsory component of every other compulsory law subject, where relevant. The majority did not, however, take issue with the Council requiring tikanga to be taught as a stand-alone compulsory law subject. A notice of motion of disallowance was lodged on 7 April 2025 by National Party MP and RRC member, Joseph Mooney, to disallow the parts identified as an unusual or unexpected use of powers by a majority of the committee. On 21 May, Parliament resolved to support the motion and to disallow regulation 1(3), definition of "Tikanga Māori Requirements", paragraph (a); and regulation 3(1)(a)(ii) of the Professional Examinations in Law Regulations 2008. The resolution is itself secondary legislation under s 120 of the Legislation Act and took effect on the day it was passed under s 116(2)(a) of the Legislation Act

- 22 This was only the second time Parliament has disallowed regulations suggesting that the threat it could do so has been effective in dissuading the making of regulations that need to be drawn to the attention of the House.¹¹
- 23 **Regulatory Systems Amendment Bills (RSABs)** are increasingly being used (for example, by MBIE and Ministry of Justice) to improve regulatory systems by clarifying and updating statutory provisions in each Act amended, to better give effect to the purpose of that Act and its provisions; addressing regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation; keeping the regulatory system up to date and relevant; and removing unnecessary compliance and implementation costs.¹² RSABs enable a package of separate omnibus bills (bills that amend multiple pieces of legislation) that are treated as cognate (related) to progress through the parliamentary process together.
- 24 People subject to poor regulation can also make a parliamentary petition, complain to the Ombudsman, raise concerns directly with Ministers and their agencies, complain to the Health and Disability Commissioner or the Privacy Commissioner, or tribunals including the Employment Relations Authority and the Immigration and Protection Tribunal or take judicial review proceedings to the High Court.¹³
- 25 **The Public Service Act 2020** includes stewardship responsibilities for chief executives in sections 12 and 16. These provisions could be enhanced in place of the new responsibilities for regulatory stewardship introduced in clauses 15 and 16 of the Bill, if needed.
- 26 There are **Regulatory Impact Analysis (RIS)** requirements set out in Cabinet circular CQ (24) 7 and accompanied by guidance issued by the Ministry, which have some overlaps with CAS in the Bill. RIS are a government agency document in which the agency provides a summary of its best impact analysis and advice relating to a government regulatory proposal. The one drafted by the Ministry for the Bill is a textbook example of how effective these documents are in ensuring that regulation is only made where needed and, in a manner where the benefits outweigh the costs. The RIS process has greatly improved and strengthened since I wrote about them in Public Law Toolbox a decade ago.
- 27 Additional to the Parliamentary Counsel Office who are expert law drafters and issue extensive guidance on lawmaking, independent guidance is also provided by the **Legislative Design and Advisory Committee (LDAC)** whose members are appointed by the Attorney-General. Some, but not all, of the LDAC Legislation Guidelines (which are endorsed by Cabinet) have been adopted in the principles in the Bill – a clear example of duplication.¹⁴ We also have the Law Commission which reviews legislation and makes recommendations to the Government to improve it and advises on areas of law it considers should be improved.

¹¹ David Wilson *McGee Parliamentary Practice in New Zealand* (5th ed, Clerk of the House of Representatives, Wellington, 2023) at 41.5.4 on page 518.

¹² [https://www.mbie.govt.nz/cross-government-functions/regulatory-stewardship/regulatory-systems-amendmentbills#:~:text=Regulatory%20Systems%20Amendment%20Bills%20\(RSABs,align%20with%20best%20regulatory%20practice](https://www.mbie.govt.nz/cross-government-functions/regulatory-stewardship/regulatory-systems-amendmentbills#:~:text=Regulatory%20Systems%20Amendment%20Bills%20(RSABs,align%20with%20best%20regulatory%20practice).

¹³ Interim Regulatory Impact Statement: Legislating to improve transparency of the quality of regulation 30 October 2025 on page 37.

¹⁴ Legislation Design and Advisory Committee *Legislation Guidelines* (4th ed, 2021) <https://www.ldac.org.nz/guidelines/>

- 28 There are also **Government Expectations for Good Regulatory Practice** issued by Treasury which establish expectations for the design of regulatory systems and regulatory stewardship.¹⁵
- 29 In addition, the Ministry of Justice and Crown Law already vet Bills for consistency with the **NZBORA** with the Attorney-General providing an opinion.
- 30 Greater transparency and assurance measures could be wrapped around these existing measures or these existing measures could be amended to enhance the quality of regulation.

Recommended changes if the Bill is going to be enacted

- 31 I would recommend that the Bill should be substantively amended:
- (a) The principles in the Bill should be amended to align with the LDAC Legislation Guidelines;
 - (b) The requirement to produce a CAS should be instead included as part of the disclosure statement under the Legislation Act which should be brought into operation sooner; and
 - (c) Regulatory stewardship obligations should be enhanced by amendment of the Public Service Act rather than the new obligations in clauses 15 and 16 of the Bill.
- 32 I note, however, that the Bill is a commitment in the coalition agreement between National and Act and NZ First has signed up to that agreement representing the entire agreement between NZ First/Act and National and will be enacted. Thus, if this committee decides to proceed with the Bill as currently drafted, I recommend the following more minor amendments to ensure that the Bill does improve regulatory quality and does not have unintended consequences:
- (a) The following principles of responsible regulation must be added to clause 8 of the Bill:

“Legislation should be consistent with the principles of the Treaty of Waitangi”¹⁶

“Legislation should comply with New Zealand’s international obligations.”¹⁷

Despite the best practice guidance and exhortatory nature of the principles, the Bill still builds transparency mechanisms around consistency of new and existing regulation with “principles of responsible regulation” which only includes some of the principles in LDAC Legislation Guidelines,¹⁸ and the above omitted principles are fundamental. The new mechanisms in the Bill set out below will amplify the importance of these “good lawmaking principles” and inevitably impact officials and Ministers shaping policy and law reform (new and amending existing laws).

¹⁵ Government Expectations for Good Regulatory Practice April 2017 - the Treasury.
<https://www.treasury.govt.nz/sites/default/files/2015-09/good-reg-practice.pdf>

¹⁶ Legislation Design and Advisory Committee, *Legislation Guidelines* (4th ed, 2021), Part 2.

¹⁷ Legislation Design and Advisory Committee, *Legislation Guidelines* (4th ed, 2021), Part 9.

¹⁸ Legislation Design and Advisory Committee, *Legislation Guidelines* (4th ed, 2021).

- (b) Clause 8(b) should be amended to say “legislation **should be consistent with the presumption in favour of** a person’s liberty, personal security, freedom of choice or action or rights to own, use and dispose of ...” as in Part 3 of the LDAC Legislation Guidelines.
- (c) Clause 8(i) should be changed to include persons who are “indirectly” affected by the legislation as such persons may also be materially affected and not just those directly affected.
- (d) “Effectiveness” in clause 8(j)(ii) and the reference to “public interest” in clause 8(j)(iii) must be defined.
- (e) Guidance setting out recommended best practice in clause 27 should be provided by the regulatory standards Minister on the advice of LDAC, to prevent allegations of partisan political bias when the focus must be on good lawmaking and regulation. LDAC experts will also ensure there is no confusion between the guidance and other laws such as the NZBORA when it comes to the consultation example given in clause 27(1)(a) of the Bill, for instance.
- (f) Limit the role of the Regulatory Standards Board to considering CAS, and remove its function of “carrying out inquiries into whether ...secondary legislation are inconsistent with the principles..”, and also remove the obligation for the Ministry to establish a complaints system under clause 32 of the Bill, which duplicates complaints to the RRC.
- (g) Appointments to the Regulatory Standards Board should be of persons who objectively have the requisite knowledge, skills and experience to perform its functions and not just who “in the Minister’s opinion” has these attributes as in clause 38(5). The functions of this Board also need to be clarified to avoid any overlap with the work of the RRC.
- (h) The information gathering powers of the Ministry should be limited to information that is “necessary” to enable the preparation of briefings on regulatory management systems and to enable regulatory reviews. The reference to information which is “desirable” should be omitted from clauses 42 and 43 of the Bill.
- (i) Enforcement of the notices requesting necessary information should be by tabling in the House a report that necessary information requested has not been provided in a reasonable timeframe. The Ministry’s ability to seek a High Court order in clause 47 is too heavy handed and out of character with the tenor of the rest of the Bill and should be removed. Clause 24(2) should be amended accordingly.
- (j) Remove duplication with Legislation Act obligations, including on chief executives to prepare and publish disclosure statements for government-initiated bills,

amendments and secondary in Part 4 that comes into effect 24 March 2026, unless an Order in Council is passed before then bringing it into effect sooner.¹⁹



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¹⁹ A commencement date not specified in s 2(1)(a) or (aa) of the Legislation Act 2019 so it falls under (b) which provides for commencement on a date set by Order in Council or the 5th anniversary of the date on which the Secondary Legislation Act 2021 receives the royal assent. There has been no Order in Council commencing Part 4 yet as the Legislation Act 2019 Commencement Order 2021 did not commence part 4. The relevant date of royal assent for the Secondary Legislation Act 2021 is 24 March 2021 resulting in a 'fallback' commencement date of 24 March 2026. "

APPENDIX: PROVISIONS OF THE 2021 REGULATORY STANDARDS BILL AND THE 2025 REGULATORY STANDARDS BILL

- 1 Provisions from the 2021 Regulatory Systems Bill are shown in red text with provisions from the Bill shown in black.

The Principles

- 2 Provision from the 2021 Regulatory Systems Bill:

6 Principles

The principles of responsible regulation are that, except as provided in subsection (2), legislation should—

Rule of law

(a) be consistent with the following aspects of the rule of law:

- (i) the law should be clear and accessible:
- (ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively:
- (iii) every person is equal before the law:
- (iv) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion:

...

(2) Any incompatibility with the principles is justified to the extent that it is reasonable and can be demonstrably justified in a free and democratic society.

(3) Nothing in this section limits the New Zealand Bill of Rights Act 1990.

- 3 Provision from the Bill:

8 Principles of responsible regulation

The principles of responsible regulation are as follows:

Rule of law

(a) the importance of maintaining consistency with the following aspects of the rule of law:

- (i) the law should be clear and accessible:
- (ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively:
- (iii) every person is equal before the law:
- (iv) there should be an independent, impartial judiciary:
- (v) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion:

Interpretation compatible with principles to be preferred

- 4 Provisions from the 2021 Regulatory Systems Bill:

10 Interpretation compatible with principles to be preferred

(1) Wherever an enactment can be given a meaning that is compatible with the principles (after taking account of section 6(2)), that meaning is to be preferred to any other meaning.

(2) The court may, on application or its own motion, grant leave for the Solicitor-General to be joined as a party to proceedings in which subsection (1) may be applied.

(3) Subsection (1) applies to an enactment made before the date on which this Act comes into force only after the tenth anniversary of that date.

- 5 There is no equivalent provision in the Bill.

Declaration of Incompatibility

6 Provisions from the 2021 Regulatory Systems Bill:

11 Court may declare legislation incompatible with principles

(1) A court may, in any proceedings, declare that a provision of any legislation is incompatible with 1 or more of the principles specified in section 6(1)(a) to (h) (unless the incompatibility is justified under section 6(2)).

(2) However, a court must not make a declaration unless, before the declaration is made,—

(a) the public entity responsible for administering the legislation concerned (if any) has been given the opportunity to provide to both the person seeking the declaration and the court a statement as to whether the legislation is incompatible with the principles; and

(b) the Solicitor-General has been given notice of, and the opportunity to be joined as a party to, the proceedings.

(3) In this section and section 12,—

court means the High Court, the Court of Appeal, or the Supreme Court
proceedings means—

(a) proceedings that relate only to an application for a declaration under subsection (1) or the Declaratory Judgments Act 1908; or

(b) judicial review proceedings.

(4) Subsection (1) applies to legislation made before the date on which this Act comes into force only after the tenth anniversary of that date.

12 Effect of court declaration

(1) A declaration under section 11—

(a) does not affect the validity, continuing operation, or enforcement of the enactment in respect of which it is given; and

(b) is not binding on the parties to the proceedings in which it is made.

(2) A court may award costs against or in favour of any party to proceedings under section 11, but may not make an order for an injunction or compensation or anything else in conjunction with or in respect of—

(a) a declaration under section 11; or

(b) a certificate given, or a failure to give a certificate, under section 7.

7 Again there is no equivalent provision in the Bill.

Legal effect of principles

8 Provision from the 2021 Regulatory Systems Bill:

13 Legal effect of principles

(1) The principles do not have the force of law (except as provided in sections 10 to 12).

(2) No court may, in relation to any legislation (whether made before or after the commencement of this Act), by reason only that it is incompatible with any of 5 the principles, or that any provision of this Act has not been complied with,—

(a) hold any provision of the legislation to be impliedly repealed or revoked, or to be in any way invalid or ineffective; or

(b) decline to apply any provision of the legislation.

9 Provision from the Bill:

24 Act does not confer or impose legal rights or obligations

(1) This Act does not confer a legal right or impose a legal obligation on any person that is enforceable in a court of law.

(2) However, **subsection (1)** does not apply in relation to **Part 3**.