



Customs and Excise (Arrival Information) Amendment Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 22nd day of May 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 403 and 405 of the Customs and Excise Act 2018 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Customs and Excise (Arrival Information) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 21 June 2023.

3 Principal regulations

These regulations amend the Customs and Excise Regulations 1996.

4 New regulations 14A to 14E inserted

After regulation 14, insert:

14A Prescribed time by which arrivals must provide information

For the purposes of section 28A(2)(b) of the Act, the prescribed time by which a person arriving in New Zealand must provide Customs with the information prescribed by the chief executive's rules is the time by which the person must report to a Customs officer or a Police station under section 28 of the Act.

14B Unconditional exemption for certain arrivals from requirement to provide information to Customs

The following persons are exempt from section 28A(1) of the Act:

- (a) a person arriving in New Zealand after having been rescued at sea;
- (b) a person arriving in New Zealand wholly for the purpose of seeking temporary relief from stress of weather;
- (c) a person arriving in New Zealand after having been medically evacuated.

14C Conditional exemption for arriving transit passengers from requirement to provide information to Customs

- (1) A person arriving in New Zealand by aircraft who is in transit to a place outside New Zealand is exempt from section 28A(1) of the Act.
- (2) It is a condition of that exemption—
 - (a) that, until the person departs from New Zealand, they are only—
 - (i) on board the aircraft or another aircraft; or

- (ii) in those parts of any airport through which they transit that are inaccessible to the general public but accessible to international transiting passengers who do not intend to enter New Zealand in accordance with the Immigration Act 2009; or
- (b) that, if the person becomes aware only after arriving in New Zealand that they will be entering New Zealand in accordance with the Immigration Act 2009, they provide Customs with the information prescribed by the chief executive's rules—
 - (i) in the way prescribed by those rules; and
 - (ii) as soon as practicable after becoming so aware.

14D Conditional exemption for arriving crew members of cargo ships from requirement to provide information to Customs

- (1) A person arriving in New Zealand as a member of a crew on a cargo ship is exempt from section 28A(1) of the Act.
- (2) It is a condition of that exemption—
 - (a) that the person depart from New Zealand on the ship when it next departs from New Zealand; or
 - (b) that, if the person becomes aware only after arriving in New Zealand that they will not be departing on that ship, they provide Customs with the information prescribed by the chief executive's rules—
 - (i) in the way prescribed by those rules; and
 - (ii) as soon as practicable after becoming so aware.
- (3) In this regulation, **cargo ship** means a ship that is operated primarily for transporting goods for commercial purposes.

14E Conditional exemption for arrivals on diplomatically-cleared ships from requirement to provide information to Customs

- (1) A person arriving in New Zealand on a diplomatically-cleared ship that is owned or operated by the Government of a foreign country is exempt from section 28A(1) of the Act.
- (2) It is a condition of that exemption—
 - (a) that the person depart from New Zealand on the ship when it next departs from New Zealand; or
 - (b) that, if the person becomes aware only after arriving in New Zealand that they will not be departing on that ship, they provide Customs with the information prescribed by the chief executive's rules—
 - (i) in the way prescribed by those rules; and
 - (ii) as soon as practicable after becoming so aware.

- (3) In this regulation, **diplomatically-cleared ship** means a ship in respect of which there is a diplomatic clearance from the Ministry of Foreign Affairs and Trade.

5 Regulation 26 amended (Certain goods deemed to be entered)

After regulation 26(1)(b)(i), insert:

- (ia) the passenger or crew member arrives in New Zealand if they are exempt from section 28A(1) of the Act under regulation 14B, 14C, 14D, or 14E; or

6 Schedule 3 amended

In Schedule 3, after the item relating to section 27(1)(c), insert:

28B(1)(a)	Person arriving in New Zealand fails to provide Customs with the information prescribed by the chief executive's rules or fails to do so in the way prescribed by those rules or by the prescribed time	400	—
28B(1)(b)	Person arriving in New Zealand provides Customs with information under section 28A(1) that is erroneous in a material particular	400	—

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on 21 June 2023. They make amendments to the Customs and Excise Regulations 1996 that are related to sections 28A and 28B of the Customs and Excise Act 2018 (as inserted by the Customs and Excise (Arrival Information) Amendment Act 2023). In particular, these regulations—

- prescribe the time by which persons arriving in New Zealand must provide certain information under section 28A; and
- prescribe persons who are exempt from having to comply with section 28A; and
- ensure that accompanied personal baggage or household or other effects of a passenger or crew member of a craft that are exempt from duty are deemed to be entered when the passenger or crew member arrives in New Zealand if the passenger or crew member is exempt from having to comply with section 28A; and
- prescribe the following offences against section 28B as infringement offences:
 - failing to comply with section 28A:

- providing information under section 28A that is erroneous in a material particular.

Regulatory impact statement

The New Zealand Customs Service produced a regulatory impact statement on 8 March 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.customs.govt.nz/about-us/information-releases/regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the New Zealand Customs Service.