

## Serial Number 1939/220.

**THE CUSTOMS (AIRCRAFT) REGULATIONS 1939.**

GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of  
October, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section 29 of the Customs Amendment Act, 1921, and section 3 of the Air Navigation Act, 1931, and to all other powers and authorities enabling him in that behalf, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

## REGULATIONS.

## CITATION.

1. These regulations may be cited as the Customs (Aircraft) Regulations 1939, and shall be deemed part of the Customs Regulations published in the *Gazette* on the 2nd day of July, 1914, as amended by the Customs (Tariff Preference and General) Regulations 1936.\*

## INTERPRETATION.

2. For the purposes of these regulations—

“Aircraft” means any machine which can derive support in the atmosphere from reactions of the air, and includes (1) aerostats, whether free balloons, captive balloons, or airships, and (2) aerodynes, both (a) non-mechanically driven, whether gliders or kites, and (b) mechanically driven, whether aeroplanes, gyroplanes, rotocopters, or ornithopters; and aeroplanes include landplanes, seaplanes, and amphibians :

“Aerodrome” means any definite or limited ground or water area used or intended to be used, whether regularly or occasionally, and whether wholly or in part, for the landing or departure of aircraft :

“Examination station” means a place at a Customs aerodrome appointed by the Minister of Customs as an examination station :

“Pilot” includes person in charge :

Other expressions have the same meaning as in the Customs Act, 1913, and regulations thereunder.

\* Statutory Regulations 1936-7, Serial number 1936/12, page 33.

## REVOCATION.

3. The Customs (Aircraft) Regulations 1935\* are hereby revoked.

## SAVINGS.

4. All warrants which originated under the regulations hereby revoked shall enure for the purposes of these regulations as if they had originated under these regulations and shall, where necessary, be deemed to have so originated.

## CUSTOMS AERODROMES.

5. (1) The Minister of Customs may, subject to the concurrence of the Minister of Defence and subject to such conditions as to security and otherwise as he thinks fit, by Warrant under his hand, appoint aerodromes as "Customs aerodromes" for purposes of the Customs Act, and may in like manner and with the like concurrence revoke any such appointment.

(2) The Minister of Customs may, subject to the concurrence of the Minister of Defence, by Warrant under his hand, appoint at any Customs aerodrome a place to be the examination station at such aerodrome, and may in like manner and with the like concurrence revoke any such appointment.

## ARRIVAL AT CUSTOMS AERODROMES.

6. An aircraft arriving from a place beyond New Zealand shall not land in New Zealand for the first time in any journey except at a Customs aerodrome unless with the prior permission of the Comptroller of Customs :

Provided that this clause shall not apply where an aircraft is compelled to land before arriving at a Customs aerodrome owing to accident, stress of weather, or unavoidable cause, in which event the procedure laid down in clause 15 of these regulations shall be followed.

7. (1) No person in any aircraft entering New Zealand shall carry or allow to be carried in the aircraft any goods the importation of which is prohibited under the Customs Acts.

(2) No person in any aircraft entering New Zealand shall break or alter any seal placed upon any goods therein by a Customs or Revenue Officer at the aerodrome from which he departed for New Zealand, other than upon stores for the consumption of the persons on the aircraft during the journey to New Zealand.

8. No person shall bring into or take from New Zealand an aircraft having any secret or disguised place adapted for concealing goods.

## ARRIVAL AT CUSTOMS AERODROME FROM ABROAD.

9. The pilot of an aircraft arriving at a Customs aerodrome from a place beyond New Zealand shall, on landing, forthwith take his aircraft to the examination station at that aerodrome :

Provided that a pilot shall not be deemed to have contravened or failed to comply with this regulation if he proves that circumstances over which he had no control prevented him from taking his aircraft to the examination station, and that, after the requirements of clause 10 of these regulations had been duly complied with by him, all goods carried in the said aircraft were removed to the examining-place at the examination station in the presence of an officer of Customs.

\* *Gazette*, 24th October, 1935, Vol. III page 2930.

**10.** (1) Immediately after the arrival at any Customs aerodrome of an aircraft from a place beyond New Zealand, or within such period of time as may in any particular case be permitted by the Collector of Customs, the pilot or owner shall—

(a) Deliver to the proper officer of Customs—

(i) The journey log-book ; and

(ii) The manifest (if the aircraft carries goods), in form No. 1 in the Schedule hereto, signed by the proper Revenue Officer at the aerodrome from which the aircraft departed for New Zealand, and the declaration(s) in form No. 3 in the Schedule hereto ; and

(iii) A list of the stores (if the aircraft carries stores).

(b) Land at such aerodrome, for examination of baggage, all passengers carried in such aircraft, and (after delivering the manifest and declaration(s) ) shall produce, and, if required to do so, shall land all goods in such aircraft for examination.

(2) Immediately after the arrival at any Customs aerodrome of an aircraft from a place beyond New Zealand, or as soon thereafter as practicable, the proper officer of Customs shall board the aircraft.

(3) In the case of an aircraft carrying goods, the officer shall—

(a) Sign and stamp the journey log-book ; and

(b) Retain the manifest, declaration(s), and list of stores ; and

(c) Examine the seal or seals (if any) placed upon the goods at the aerodrome whence the aircraft arrived and satisfy himself that they are intact (see clause 7 (2) ) ; and

(d) Permit delivery of the goods to the examining-place at the examination station.

(4) In the case of an aircraft not carrying goods the officer shall—

(a) Sign and stamp the journey log-book ; and

(b) Retain the list of stores (if the aircraft carries stores).

#### DEPARTURE FOR ABROAD FROM CUSTOMS AERODROMES.

**11.** No person shall fly an aircraft to a place beyond New Zealand unless its place of final departure in New Zealand is a Customs aerodrome, except with the prior permission of the Comptroller of Customs.

**12.** (1) The pilot of every aircraft about to be flown to a place beyond New Zealand shall deliver to the proper officer of Customs at the Customs aerodrome from which the aircraft is about to depart—

(a) The journey log-book ; and

(b) A manifest (if the aircraft carries goods), in duplicate, in form No. 2 in the Schedule hereto, respecting the goods laden in the aircraft ; and

(c) The declaration(s), in duplicate, drawn up by the consignor(s), in form No. 3 in the Schedule hereto, respecting the goods laden in the aircraft ; and

(d) A list, in duplicate, of the stores (if the aircraft carries stores).

(2) The proper officer of Customs aforesaid shall—

(a) Examine and verify the correctness of the said manifest, list of stores, and declaration(s) ; and

- (b) Sign the journey log-book and the manifest verifying his signature with a stamp ; and
- (c) If so required by the Collector or so desired by the pilot, place a seal or seals on any or all of the goods laden in the aircraft, and shall state on the manifest the number of such seals.

If there is no manifest a note to that effect shall be made by the proper officer in the journey log-book.

(3) The said journey log-book, a certificate of clearance in form No. 4 in the Schedule hereto, and one copy of the said manifest, when signed by the proper officer, one copy of the said list of stores, and one copy of each of the said declarations, shall be the clearance and authority for the pilot to fly the aircraft from that aerodrome to its destination abroad.

(4) After the manifest, declaration(s), and list of stores mentioned in paragraph (1) hereof have been delivered to the proper officer, the pilot shall not allow any cargo or stores not specified or referred to in the manifest or list of stores to be taken in or on his aircraft.

(5) A pilot shall not depart in any aircraft from New Zealand until he has obtained the proper clearance and authority, and, after obtaining such clearance and authority, shall not land at any other place in New Zealand unless compelled by accident, stress of weather, or unavoidable cause.

#### SPECIAL PROVISIONS FOR AIRCRAFT IN SERVICE ON A REGULAR INTERNATIONAL AIR NAVIGATION LINE.

**13.** (1) In the case of an aircraft in service on a regular international air navigation line the pilot is authorized to produce to the proper officer of Customs, in lieu of the declaration(s) referred to in clauses 10 and 12 of these regulations, a duplicate original air consignment note containing the same particulars and bearing in large letters the title "Customs Declaration."

(2) In the event of an aircraft in service on a regular international air navigation line carrying no goods, a manifest shall, notwithstanding the provisions of clauses 10 and 12 of these regulations, be prepared and produced to the proper officer of Customs. Such manifest shall be marked "Nil."

#### IMPORTATION, ENTRY, AND UNLOADING OF GOODS.

**14.** A person importing goods in an aircraft shall not bring the goods into any place in New Zealand other than a Customs aerodrome, or unload the goods from any aircraft except at an examination station (unless such goods are unloaded in the presence of an officer of Customs under the provisions of clause 9 of these regulations), and shall not unload the goods except between such hours as are prescribed by the Customs Regulations. No person shall remove any goods imported in an aircraft from the examination station except to a duly appointed examining-place or remove any such goods from such examining-place save with the consent of the proper officer of Customs after the goods have been duly entered in the manner prescribed by the Customs Acts.

## GENERAL PROVISIONS.

15. If any aircraft arriving from a place beyond New Zealand shall land in any place other than a Customs aerodrome the pilot shall forthwith report to an officer of Customs or police constable, and shall on demand produce to such officer or police constable the journey log-book belonging to the aircraft, and shall not allow any goods to be unloaded therefrom without the consent of an officer of Customs, and no passenger thereof shall leave the immediate vicinity without the consent of an officer of Customs. If such place of landing shall be an aerodrome, the pilot shall forthwith report the arrival of the aircraft and the place whence it came to the proprietor of the aerodrome, who shall forthwith report the arrival of the aircraft to an officer of Customs, and shall not allow any goods to be unloaded therefrom or any passenger thereof to leave the aerodrome without the consent of such officer :

Provided that if an aircraft arriving from a place beyond New Zealand lands by reason of circumstances over which the pilot has no control in a place other than a Customs aerodrome and where no officer of Customs or police constable is readily accessible, then if the pilot proves that he permitted no goods, stores, or passengers to be landed from the aircraft and that as soon as practicable he resumed and completed his flight to the nearest Customs aerodrome he shall not be liable for non-compliance with the requirements of this clause.

16. If any person flies an aircraft in contravention of, or otherwise fails to comply with, these regulations or any provision thereof, or if in or in respect of any aircraft any act is committed in contravention of these regulations or any provision thereof, the owner or hirer of the aircraft (if other than the Crown) and the pilot or commander thereof shall be deemed to have contravened or, as the case may be, failed to comply with these regulations :

Provided that—

- (a) It shall be a defence to any proceedings for such contravention of, or failure to comply with, these regulations if the contravention or failure is proved to have been due to stress of weather or other unavoidable cause ; and
- (b) It shall be a defence to any proceedings under these regulations against the owner, hirer, pilot, or commander of an aircraft to prove that the alleged contravention took place without his actual fault or privity.

17. If an officer of Customs in the execution of his duty boards any aircraft in any place, the pilot thereof shall not convey him in the aircraft away from such place without his consent.

18. (1) The proprietor of any aerodrome shall at all times permit any officer of Customs to enter and inspect his aerodrome and all buildings and goods thereon.

(2) The pilot of any aircraft shall permit any officer of Customs at any time to board and inspect his aircraft and any goods laden therein, and every such officer shall have the right of access at any time to any place to which access is necessary for the purpose of such inspection.

(3) The importer or exporter of any goods imported or exported in an aircraft shall produce such goods to the proper officer of Customs at the Customs aerodrome of importation or exportation, as the case may be, and permit him to inspect such goods.

19. (1) On the arrival at any Customs aerodrome of an aircraft from a place beyond New Zealand the fuel and lubricant which are contained in the tanks of the aircraft shall be exempt from Customs or other duties. No quantity, however, may be unloaded free of duty except temporarily and under Customs control.

(2) On the departure of an aircraft from any Customs aerodrome to a place beyond New Zealand the fuel and lubricant intended for refuelling or lubrication of the aircraft shall be exempt from all Customs or other duties, or, alternatively, the duties levied on such fuel and lubricants shall be refunded.

20. The provisions of the Customs Acts and regulations with respect to ships and to goods, stores, and persons carried in or landed from ships shall, so far as they are applicable and except as they are modified by these regulations, apply to aircraft and to goods, stores, and persons carried in or landed from such aircraft.

The Minister may modify the form of any document prescribed by the Customs Regulations so as to make such form applicable to aircraft or to goods carried therein.

#### PENALTIES.

21. If any person commits a breach of these regulations he shall be liable to a penalty of fifty pounds.

#### SCHEDULE.

[Form No. 1.]

#### *Customs (Aircraft) Regulations 1939.*

#### INWARD MANIFEST.

#### or GENERAL DECLARATION OF CARGO.

Machine—Registration-mark : .....

Commanding Officer—Name : .....

Goods—

Place of departure : ..... Country : .....

Place of destination : ..... Country : .....

Number of annexed declarations : .....

THE Commanding Officer guarantees the accuracy of the contents of this manifest under penalties provided by law. Consequently he has dated and signed this document immediately below the last entry.

File No. of Document.	Marks and Numbers on the Parcels.	Number (in figures and letters) and Description of Parcels.	Nature of the Goods.	Gross Weight.	Observations, including Name of Consignee.	Entry Numbers (for use of Customs Officers).

Name and address of agent : .....

Stores as per list attached.

Names of passengers as per list attached.

Names of crew as per list attached.

NOTE.—The manifest should not bear on it erasures or corrections except those approved by the proper Customs officials, nor contain interlineations or several articles entered on the same line. As many extra sheets may be added as necessary.

[Form No. 2.

Customs (Aircraft) Regulations 1939.  
 OUTWARD MANIFEST.  
 or GENERAL DECLARATION OF CARGO.  
 [In Duplicate.]

Machine—Registration-mark : .....  
 Commanding Officer—Name : .....  
 Goods—  
 Place of departure: ..... Country : .....  
 Place of destination : ..... Country : .....  
 Number of annexed declarations : .....

THE Commanding Officer guarantees the accuracy of the contents of this manifest under penalties provided by law. Consequently he has dated and signed this document immediately below the last entry.

File No. of Document.	Marks and Numbers on the Parcels.	Number (in figures and letters) and Description of Parcels.	Nature of the Goods.	Gross Weight.	Observations, including Name of Shipper.	Entry Numbers (for use of Customs Officers).
	Shipped at		For			

Name and address of agent : .....

Stores as per list attached.

Names of passengers as per list attached.

Names of crew as per list attached.

[NOTE.—Each aerodrome of lading and destination is to be shown separately.]

NOTE.—The manifest should not bear on it erasures or corrections except those approved by the proper Customs officials, nor contain interlineations or several articles entered on the same line. As many extra sheets may be added as are necessary.

[Form No. 3.

Customs (Aircraft) Regulations 1939.  
 AIR NAVIGATION.  
 [In Duplicate.]

Place of departure : .....

Place of destination : .....

Customs declaration made by M ..... for the following goods :—

Parcels.		Nature of Goods.	Detailed Description of Contents.	Country of Origin.	Value.	Weight.		Observations.
Marks and Numbers.	Number.					Gross.	Net.	

At ....., the ..... day of ....., 19...

.....  
 Consignor.

NOTE.—In addition to this declaration the consignor must, unless the goods have been shipped “ex warehouse” or “under drawback,” produce to the Collector of Customs within six days after the date of departure of the aircraft an entry for export of goods free of duty on form 23 of the Customs Regulations of 1914. If the goods to be shipped are liable to export duty, entry therefor and payment of the duty must be made at the Customhouse before shipment.

[Form No. 4.]

[*Royal Arms.*]*New Zealand Customs.*

## CERTIFICATE OF CLEARANCE.

*Port of . . . . ., New Zealand.*

THIS is to certify to all whom it doth concern that . . . . ., Commanding Officer of the aircraft " . . . . ." registration mark . . . . ., navigated with . . . . . men, . . . . . built, and bound for . . . . ., having on board . . . . . hath here entered and cleared his said aircraft according to law.

Given under my hand, at the Customhouse at the Port of . . . . ., in the Dominion of New Zealand, this . . . . . day of . . . . ., one thousand nine hundred and . . . . .

. . . . .  
Collector of Customs.

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 19th day of October, 1939.

These regulations are administered by the Customs Department.

(C. No. 207.)