

1969/196



THE CUSTOMS REGULATIONS 1968, AMENDMENT NO. 1

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of September
1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Customs Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Customs Regulations 1968, Amendment No. 1, and shall be read together with and deemed part of the Customs Regulations 1968* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Collector's permit to unship goods—The First Schedule to the principal regulations is hereby amended by revoking form 20, and substituting the new form 20 set out in the Schedule hereto.

3. Removal of goods on Collector's permit—(1) The principal regulations are hereby amended by inserting, after regulation 23, the following regulation:

“23A. The Collector's permit to remove from any wharf, Customs airport, Customs containerbase, or examining place any goods subject to the control of the Customs shall be in form 20A, and shall be issued subject to the conditions set forth therein.”

(2) The First Schedule to the principal regulations is hereby further amended by inserting, after form 20 (as substituted by regulation 2 of these regulations), the new form 20A set out in the Schedule hereto.

4. Certain goods exempt from entry—The principal regulations are hereby further amended by inserting, after regulation 26, the following regulation:

“26A. Except as otherwise required by the Collector, and subject to the condition set out in regulation 26B hereof, all bulk cargo containers, and all wagons, trolleys, and wheeled pallets specially designed for the handling of bulk cargo containers, may be imported or exported without entry.”

5. Condition of entry of certain goods—(1) The principal regulations are hereby further amended by inserting, after regulation 26A (as inserted by regulation 4 hereof), the following regulation:

“26B. The condition under which goods of the kind described in section 54A of the Act may be imported or exported without entry is that the importer shall enter into and comply with a covenant in form 36 in the case of goods described in regulation 26A hereof, and in form 37 in the case of pallets.”

(2) The First Schedule to the principal regulations is hereby amended by inserting, after form 35, the new forms 36 and 37 set out in the Schedule hereto.

6. Arrival manifest—Form 1 in the First Schedule to the principal regulations is hereby amended by adding, after note (2), the following note:

“(3) Where it is not desired to list the contents of bulk cargo containers in full on this manifest, only the following need be shown:

“(a) Ports of destination:

“(b) Identification marks and numbers of each container carried:

“(c) The consignee’s name in each case—

“Provided that container manifests or contents lists are attached showing the marks and numbers of the packages in each container and a description of the goods in each package.”

SCHEDULE

NEW FORMS SUBSTITUTED AND INSERTED IN PRINCIPAL REGULATIONS

Reg. 23

FORM 20

New Zealand Customs

COLLECTOR’S PERMIT TO UNSHIP GOODS

Port of, day of 19.....

To the Collector.

I (or We) request permission to unship or land from the ship, from (or from all ships) for (or of) which I am (or we are) agent(s) (or master, or owner), all goods on board the said ship(s) which are subject to the control of the Customs, or which would become subject to that control if unshipped or landed.

I (or We) undertake to comply with the following conditions:

- (1) To pay all dues to which the ship(s) may be liable, and to pay the regulation overtime allowance for services of officers attending after official working hours for the purposes of the Customs, Shipping and Seamen, or Immigration Acts.
- (2) To give to the proper officer due notice of the time or times of intended discharge.
- (3) To secure on duly appointed wharves or in duly appointed examining places, or deliver to the holder of a Collector's Permit for Removal to a Customs Containerbase or Examining Place in form 20A, and, if required by the Collector, to enter for home consumption or for warehousing, or to account to his satisfaction for all goods or passengers' effects unshipped or landed from or reported by the said ship(s).

....., Master (or Owner or Agent).

Permission granted.

Date:

....., Collector.

FORM 20A

Reg. 23A

New Zealand Customs

COLLECTOR'S PERMIT FOR REMOVAL TO A CUSTOMS CONTAINERBASE OR EXAMINING PLACE

I/We request permission to remove [State nature of goods, e.g., bulk cargo containers] from [State whether wharf, examination station] controlled by to [State place of destination] at this port.

And I/we undertake, if required by the Collector, to enter for home consumption or for warehousing, or to account to his satisfaction for all goods so removed.

.....
[Name of Applicant(s)]

.....
[Status, e.g., owner of containerbase]

Permission granted, subject to the statutory requirements of other Government authorities being complied with.

.....
Collector of Customs.

.....
[Date]

[Port]

Reg. 26B

FORM 36

*New Zealand Customs***DEED OF COVENANT IN RESPECT OF ROAD-RAIL AND SIMILAR BULK CARGO CONTAINERS**

THIS DEED made this day of 19.....

BETWEEN

of

(hereinafter, together, where applicable, with his or their respective executors and administrators, referred to as "the importer") of the one part AND the Collector of Customs at (hereinafter, together with his successors in office, referred to as "the Collector") of the other part:

WHEREAS road-rail and similar containers specially designed and equipped to be equally suitable for transport by rail, road, and ships (hereinafter called "the said containers") qualify for entry under item No. 86.08.01 of the Customs Tariff of New Zealand AND WHEREAS the importer has been permitted to import one or more of the said containers without entry in accordance with section 54A of the Customs Act 1966, subject to the importer executing these presents:

NOW THIS DEED WITNESSETH that in consideration of the premises and the amount of Customs duty which would otherwise be lawfully due and payable pursuant to Item No. 86.08.09 of the Customs Tariff of New Zealand in respect of each and every said container the importer HEREBY COVENANTS with the Collector—

1. THAT if the importer—

- (a) Fails to export each and every said container within 6 months from the date of its importation; or
- (b) Fails to keep a true and correct record in such form as the Collector may require, in respect of each said container, of its importation and exportation and of any inland journey on which it is dispatched other than from the port of importation to the consignee or from a consignor to the port of exportation, and of any disposal of it otherwise than by way of export; or
- (c) Allows any of the said containers to be used in the domestic carriage of goods in New Zealand otherwise than in the course of journeys from the importing vessel to the consignee, or from the consignor to the exporting vessel, or once after each importation from the place where it is unloaded to the place where it is to be packed for export; or
- (d) Sells or otherwise disposes of any said container in New Zealand; or
- (e) Fails to account for any said container to the satisfaction of the Collector—

the importer shall, if required by the Collector, forthwith enter any of the said containers and pay to the Collector the amount of Customs duty lawfully due and payable thereon under item 86.08.09 of the Customs Tariff of New Zealand.

2. WHERE two or more importers have entered into these presents their liability hereunder shall be joint and several.

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

(1) SIGNED by the said [Insert name of Collector]

.....[Signature of Collector]

*(2) THE COMMON SEAL OF [Insert name of company]
was hereunto affixed in the presence of:

[Seal]

..... Director, etc.

..... Secretary, etc.

*(3) SIGNED by the said [Insert name of individual(s)]

..... [Signature of Importer]

Witness:

Occupation:

Address:

*If the importer is a company, use (2) above (Seal to be affixed in the presence of authorised officers). If importer is an individual use (3).

FORM 37

Reg. 26B

New Zealand Customs

DEED OF COVENANT IN RESPECT OF PALLETS

THIS DEED made this day of 19.....

BETWEEN
of

(hereinafter, together, where applicable, with his or their respective executors and administrators, referred to as "the importer") of the one part AND the Collector of Customs at (hereinafter, together with his successors in office, referred to as "the Collector") of the other part:

WHEREAS in accordance with section 54A of the Customs Act 1966 the importer has been permitted to temporarily import laden or unladen pallets exceeding \$NZ20 in unit value and unladen pallets under \$NZ20 in unit value for purposes of unloading or lading and reshipment for export without entry subject to the execution of these presents:

NOW THIS DEED WITNESSETH that in consideration of the premises and the amount of Customs duty which would otherwise be lawfully payable under the Customs Tariff of New Zealand in respect of each and every pallet the importer HEREBY COVENANTS with the Collector—

1. THAT if the importer—

- (a) Fails to export each and every said pallet within 6 months from the date of its importation; or
- (b) Fails to keep a true and correct record in such form as the Collector may require, in respect of each said pallet, of its importation and exportation and of any inland journey on which it is dispatched other than from the port of importation to the consignee or from a consignor to the port of exportation, and of any disposal of it otherwise than by way of export; or
- (c) Allows any of the said pallets to be used in the domestic carriage of goods in New Zealand otherwise than in the course of journeys from the importing vessel to the consignee, or from the consignor to the exporting vessel, or once after each importation from the place where it is unloaded to the place where it is to be packed for export; or

- (d) Sells or otherwise disposes of any said pallet in New Zealand; or
 (e) Fails to account for any said pallet to the satisfaction of the Collector—

the importer shall, if required by the Collector, forthwith enter any of the said pallets and pay to the Collector the amount of Customs duty lawfully due and payable thereon under the Customs Tariff of New Zealand.

2. WHERE TWO or more importers have entered into these presents their liability hereunder shall be joint and several.

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

(1) SIGNED by the said [*Insert name of Collector*]

..... [*Signature of Collector*]

* (2) THE COMMON SEAL OF [*Insert name of company*]
 was hereunto affixed in the presence of:

[*Seal*]

..... Director, etc.

..... Secretary, etc.

* (3) SIGNED by the said [*Insert name of individual(s)*]

..... [*Signature of Importer*]

Witness:

Occupation:

Address:

*If the importer is a company, use (2) above (Seal to be affixed in the presence of authorised officers). If importer is an individual use (3).

P. J. BROOKS,
 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 amend the Customs Regulations 1968 for the purpose of giving effect to the amendments made to the Customs Act 1966 by the Customs Amendment Act 1968 in relation to bulk cargo containers and pallets.

Regulation 2 substitutes a new form of Collector's permit to unship goods.

Regulation 3 prescribes a new form of Collector's permit to remove goods from a wharf, Customs airport, Customs containerbase, or examining place.

Regulation 4 provides for the import or export without entry of bulk cargo containers and wagons, trolleys, and wheeled pallets specially designed for the handling of bulk cargo containers, subject to the condition set out in regulation 5.

Regulation 5 makes it a condition of importation or exportation, without entry, of goods to which section 54A of the Customs Act applies that the importer will enter into and comply with such one of the covenants set out in the new forms 36 and 37 as applies to the case.

Regulation 6 amends the form of arrival manifest in relation to the listing of the contents of bulk cargo containers.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 October 1969.

These regulations are administered in the Customs Department.