



THE CUSTOMS REGULATIONS 1968, AMENDMENT NO. 8

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of June 1974

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. 8, 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 1st day of July 1974.

2. Receipt of money—The principal regulations are hereby amended by revoking regulation 11, and substituting the following regulation:

“11. Duties, fees, or charges payable under the Customs Acts shall be paid at the Customhouse at any time not later than 4 p.m. during the working hours of the Customs as prescribed in paragraph (b) of regulation 12 hereof.”

3. Declaration by passengers—The principal regulations are hereby amended by revoking regulation 30, and substituting the following regulation:

“30. The Collector may require any passenger arriving in New Zealand from any country outside New Zealand to make a declaration in Form 18 for sea passengers and Form 18A for air passengers with respect to the effects accompanying them.”

*S.R. 1968/169

Amendment No. 1: S.R. 1969/196

Amendment No. 2: S.R. 1969/260

Amendment No. 3: S.R. 1970/189

Amendment No. 4: S.R. 1970/241

Amendment No. 5: S.R. 1971/258

Amendment No. 6: S.R. 1972/238

Amendment No. 7: S.R. 1973/66

4. Measurement of warehouses—The principal regulations are hereby amended by revoking regulation 52, and substituting the following regulation:

“52. The cubic content of any warehouse subject to the fee set forth in Part III of the Second Schedule to these regulations shall be the measurement of the internal space thereof:

“Provided that the measurement of the internal space shall not include—

“(a) Any space in excess of 3 metres in height upon each floor or storey; or

“(b) Any space in the roof above the level of the wall plates.”

5. Repacking in warehouse—Regulation 55 of the principal regulations is hereby amended—

(a) By omitting from subclause (1) the expression “20 lb”, and substituting the expression “9 kg”:

(b) By omitting from subclause (1) the expression “36 lb”, and substituting the expression “16 kg”:

(c) By omitting from subclause (1) the expression “14 gallons”, and substituting the expression “60 litres”.

6. Entry and clearance of warehoused goods: minimum quantities—Regulation 56 of the principal regulations is hereby amended—

(a) By omitting the expression “14 gallons” in both places where it occurs, and substituting the expression “60 litres”:

(b) By omitting the expression “20 lb”, and substituting the expression “9 kg”:

(c) By omitting the expression “36 lb”, and substituting the expression “16 kg”.

7. Origin of imported goods—(1) The principal regulations are hereby amended by revoking regulations 69 (as amended by regulation 3 of the Customs Regulations 1968, Amendment No. 5), 70 (as amended by regulation 4 of the Customs Regulations 1968, Amendment No. 5), 71, 72, and 72A (as inserted by regulation 5 of the Customs Regulations 1968, Amendment No. 5), and substituting the following regulations—

“69. **Grouping of countries**—(1) For the purposes of the conditions prescribed by regulations 70, 71, 72, 72A, and 72B hereof, the countries therein mentioned shall be the countries described in the following groups and subgroups, namely:

“(a) *Group I, Subgroup (a)*: Countries, being part of the Commonwealth (other than countries included in subgroup (b) or subgroup (c) or subgroup (d) or subgroup (e)), the produce or manufactures of which are entitled to be entered under the British Preferential Tariff, otherwise than pursuant to any agreement or arrangement made between the Government of New Zealand and the Government of any such country:

“(b) *Group I, Subgroup (b)*: Countries, being part of the Commonwealth (other than countries included in subgroup (c) or subgroup (d) or subgroup (e)), the produce or manufactures of which are entitled to be entered under the Tariff in accordance with paragraph (b) of subsection (1) of section 120 of the Customs Act 1966:

“(c) *Group I, Subgroup (c)*: Countries, being part of the Commonwealth (other than countries included in subgroup (d) or subgroup (e)), the produce or manufactures of which are entitled to be entered under the Tariff pursuant to any agreement or arrangement made between the Government of New Zealand and the Government of any such country:

“(d) *Group I, Subgroup (d)*: Countries, being part of the Commonwealth, the produce or manufactures of which are entitled to be entered under the Tariff in accordance with paragraph (g) of subsection (1) of section 120 of the Customs Act 1966:

“(e) *Group I, Subgroup (e)*: Australia:

“(f) *Group II*: Countries, not being part of the Commonwealth, the produce or manufactures of which are entitled to be entered under the Tariff in accordance with paragraph (f) of subsection (1) of section 120 of the Customs Act 1966.

“(2) A reference in this Part of these regulations to a country included in any specified group or subgroup shall be deemed to be a reference to that group or subgroup as defined in subclause (1) of this regulation.

“70. **British preferential tariff (Group I, subgroup (a))**—Except as provided in regulations 74, 75, and 76 hereof, the following shall be the classes of goods entitled to be entered for duty under the British Preferential Tariff as the produce or manufacture of a country included in subgroup (a) of Group I, namely:

“(a) Goods wholly the produce of any such country:

“(b) Goods wholly manufactured in any such country from materials all of which are either unmanufactured raw materials or are imported partly manufactured materials of any of the kinds specified in the list in the Third Schedule to these regulations:

“(c) Goods partially manufactured in any such country, subject to the following conditions:

“(i) That the final process of manufacture has been performed in that country; and

“(ii) That in respect of each article, the expenditure—

“(A) In material that is the produce of one or more of the countries included in Group I; or

“(B) In other items of factory or works cost (as defined in regulation 73 hereof) incurred in one or more of the countries included in Group I; or

“(C) Partly in such material and partly in such other items as aforesaid—

is not less than half of the factory or works cost of the article in its finished state:

“Provided that with respect to any such goods imported into Niue the reference in this subparagraph to not less than half of the factory or works cost shall be read as a reference to not less than one-quarter of the factory or works cost.

“71. **Commonwealth Preference Countries (Group I, subgroup (b))**—Except as provided in regulations 74, 75, and 76 hereof, the following shall be the classes of goods entitled to be entered for duty under the Tariff in accordance with paragraph (b) of subsection (1) of section 120 of the Customs Act 1966, namely:

“(a) Goods wholly the produce of any such country:

“(b) Goods wholly manufactured in any such country from materials all of which are either unmanufactured raw materials or are imported partly manufactured materials of any of the kinds specified in the list in the Third Schedule to these regulations:

“(c) Goods partially manufactured in any such country, subject to the following conditions:

“(i) That the final process of manufacture has been performed in that country; and

“(ii) That in respect of each article, the expenditure—

“(A) In material that is the produce of one or more of the countries included in Group I, except subgroup (a);
or

“(B) In other items of factory or works cost (as defined in regulation 73 hereof) incurred in one or more of the countries included in Group I, except subgroup (a);
or

“(C) Partly in such material and partly in such other items as aforesaid—

is not less than half of the factory or works cost of the article in its finished state:

“Provided that with respect to any such goods imported into Niue the reference in this subparagraph to not less than half of the factory or works cost shall be read as a reference to not less than one-quarter of the factory or works cost.

“72. Trade Agreements—Commonwealth (Group I, subgroup (c))—

Before any goods are entitled to be entered at rates of duty specified in the column headed “Other Preferential Rates of Duty” in the Tariff pursuant to any agreement or arrangement between the Government of New Zealand and the Government of any country included in subgroup (c) of Group I, the conditions to be fulfilled shall be those set out in regulation 71 hereof, modified as may be required to accord with the provisions of any such agreement or arrangement.

“72A. Developing Country Tariff (Group I, subgroup (d) and Group II)—Before any goods of any country of Group I, subgroup (d) (which an importer may elect to enter under the Developing Country Tariff in accordance with paragraph (g) of subsection (1) of section 120 of the Customs Act 1966) or of any country of Group II are entitled to be entered under the Tariff at the rates and exemptions provided for developing countries, the conditions to be fulfilled shall be the following:

“(a) That the goods are wholly the produce of that country; or

“(b) That the goods are wholly manufactured in that country from unmanufactured raw materials; or

“(c) That the goods are partially manufactured in that country, and—

“(i) That the final process of manufacture has been performed in that country; and

“(ii) That in respect of each article, the expenditure—

“(A) In material that is the produce of that country or of New Zealand; or

“(B) In other items of factory or works cost (as defined in regulation 73 hereof) incurred in that country or in New Zealand; or

“(C) Partly in such material and partly in such other items as aforesaid—

is not less than half of the factory or works cost of the article in its finished state.

“72B. **Australia (Group I, subgroup (e))**—Before any goods are entitled to be entered under the British Preferential Tariff, or at rates other than those set out in the British Preferential Tariff, pursuant to any agreement or arrangement between the Government of New Zealand and the Government of Australia, the conditions to be fulfilled shall be those set out in regulation 71 hereof, modified as may be required to accord with the provisions of any such agreement or arrangement:

“Provided that for the purposes of its application to any goods claimed to be wholly or partially manufactured in Australia the list of partly manufactured materials set out in the Third Schedule to these regulations shall be deemed not to include the item ‘Timber, hewn or rough-sawn; also brier-root or similar blocks, rough-shaped for making tobacco pipes.’”

(2) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulations 3, 4, and 5.

8. Calculation of factory or works cost—(1) Regulation 73 of the principal regulations (as amended by regulation 6 of the Customs Regulations 1968, Amendment No. 5) is hereby further amended by omitting from subclause (1) the words “regulations 70, 71, 72, and 72A”, and substituting the words “regulations 70, 71, 72, 72A, and 72B”.

(2) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulation 6.

9. Goods entering into the commerce of another country—(1) Regulation 74 of the principal regulations (as amended by regulation 7 of the Customs Regulations 1968, Amendment No. 5) is hereby further amended—

(a) By omitting from subclause (1) the words “regulations 70, 71, 72, and 72A”, and substituting the words “regulations 70, 71, 72, 72A, and 72B”.

(b) By omitting from subclause (1) the words “any of the groups”, and substituting the words “either of the groups”.

(2) The said regulation 74 is hereby further amended by revoking subclause (2) and substituting the following subclause:

“(2) Unless otherwise provided by any agreement or arrangement made by the Government of New Zealand with any other country, this regulation shall not apply to goods, being the produce or manufacture of a country included in Group I, which after shipment from that country have entered into the commerce of any other country included in Group I.”

(3) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulation 7 (1).

10. Tea—(1) Regulation 75 of the principal regulations (as amended by regulation 8 of the Customs Regulations 1968, Amendment No. 5) is hereby further amended—

(a) By inserting in subclause (3), after the words “British Preferential Tariff”, the words “or at other preferential rates of duty”.

(b) By omitting from subclause (4) the expression “70, 71, 72A, and 73”, and substituting the expression “70, 71, 72A, 72B, and 73”.

(2) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulation 8.

11. Motor vehicles—(1) Regulation 76 of the principal regulations (as amended by regulation 9 of the Customs Regulations 1968, Amendment No. 5) is hereby further amended by omitting the words “72A (in so far as it relates to countries included in Group I, subgroup (c))”, and substituting the words “72A (in so far as it relates to countries included in Group I, subgroup (d)), 72B”.

(2) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulation 9.

12. Form of certificate to be produced with invoice—(1) The principal regulations are hereby amended by revoking regulation 77 (as amended by regulation 10 of the Customs Regulations 1968, Amendment No. 5), and substituting the following regulation:

“77. Except as provided for in regulation 78 hereof, the certificates of origin to accompany invoices for goods the produce or manufacture of countries included in Groups I and II respectively shall be in the following forms:

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| “(a) Goods being the produce or manufacture of countries included in subgroup (a) of Group I | Form 57: |
| “(b) Goods being the produce or manufacture of countries included in subgroup (b) of Group I | Form 57 modified as may be necessary to meet the requirements of regulation 71: |
| “(c) Goods being the produce or manufacture of countries included in subgroup (d) of Group I | Form 57 or Form 59A whichever is appropriate: |
| “(d) Goods being the produce or manufacture of countries included in subgroup (c) of Group I | Form 57 modified as may be necessary to meet the requirements of any agreements or arrangements referred to in subgroup (c) of Group I: |
| “(e) Goods being the produce or manufacture of Australia | Form 58: |
| “(f) Goods being the produce or manufacture of countries included in Group II | Form 59A: |

“(g) Goods being the produce or manufacture of any country, when invoiced by a seller within New Zealand who has disposed of his interest in the goods before their importation **Form 61.**”

(2) The Customs Regulations 1968, Amendment No. 5, are hereby consequentially amended by revoking regulation 10.

13. Deposit of duty pending production of invoice—Regulation 79 of the principal regulations is hereby amended by omitting the words “General Tariff”, and substituting the words “Normal Tariff”.

14. Samples of substances for purposes of methylation—Regulation 102 of the principal regulations is hereby amended:

- (a) By omitting from subclause (2) the words “half a pint”, and substituting the expression “300 millilitres”;
- (b) By omitting from subclause (2) the words “half an ounce”, and substituting the expression “15 grams”.

15. Completely denatured spirit—Regulation 107 of the principal regulations is hereby amended:

- (a) By omitting the expression “100 gallons”, and substituting the expression “100 litres”;
- (b) By omitting the expression “5 gallons”, and substituting the expression “5 litres”;
- (c) By omitting the words “Not less than four pints”, and substituting the words “Not less than 500 millilitres”;
- (d) By omitting the expression “0.025 ounces”, and substituting the expression “156 milligrams”.

16. Containers of denatured spirit to be labelled—Regulation 108 of the principal regulations is hereby amended by omitting the expression “ $\frac{1}{8}$ in.”, and substituting the expression “3 mm”.

17. Ingredients—Regulation 109 of the principal regulations is hereby amended:

- (a) By omitting the expression “100 gallons”, and substituting the expression “100 litres”;
- (b) By omitting the expression “5 gallons”, and substituting the expression “5 litres”;
- (c) By omitting the words “Not less than four pints”, and substituting the words “Not less than 500 millilitres”.

18. Ingredients—Regulation 114 of the principal regulations is hereby amended:

- (a) By omitting the expression “100 gallons”, and substituting the expression “100 litres”;
- (b) By omitting the expression “5 gallons”, and substituting the expression “5 litres”.

19. Record of manufacture, purchase, sale, and use—Regulation 117 of the principal regulations is hereby amended by omitting from subclause (3) the words “four gallons”, and substituting the words “20 litres”.

20. Revocation or suspension of licence—The principal regulations are hereby amended by revoking regulation 133F (as inserted by regulation 2 of the Customs Regulations 1968, Amendment No. 4), and substituting the following regulation:

“133F—(1) Subject to the provisions of this regulation and of regulation 133G hereof, the Comptroller may at any time revoke or suspend any Customs agent’s licence on any one or more of the following grounds, namely:

“(a) That any condition of the licence has not been or is not being complied with:

“(b) That the holder has been convicted of an offence against any of the Customs Acts or of any offence involving dishonesty:

“(c) That in the opinion of the Comptroller, based on reasonable grounds, the holder is incompetent, or has been guilty of misconduct or grave impropriety in connection with the carrying out of any transaction as a Customs agent, and for that reason is not a fit person to continue to act as a Customs agent:

“(d) That, in the case of a Customs agent’s licence (Restricted), the holder has acted as a Customs agent in respect of any transaction, or for any purpose, or in any circumstances, not for the time being specified in the licence.

“(2) Before deciding to revoke or suspend the licence the Comptroller shall—

“(a) Give to the holder of the licence not less than 21 days’ notice in writing stating his intention to revoke or suspend it, and specifying briefly the grounds of the proposed revocation or suspension:

“(b) Consider any representations that may be made to him by or on behalf of the holder within the period of the notice or such further period as the Comptroller may allow:

“(c) If the holder so requests, afford him an opportunity of being heard within such period or further period as aforesaid.

“(3) Notwithstanding any provisions of this regulation, by any such notice the Comptroller may withdraw the licence forthwith pending his decision whether to revoke or suspend it; and while the licence is so withdrawn the holder shall be deemed not to be a licensed Customs agent.

“(4) If the Comptroller decides to revoke or suspend the licence he shall give written notice of the revocation or suspension as the case may be to the holder.

“(5) The period of suspension of any Customs agent’s licence shall in no case exceed 1 year”.

21. Appeals—The principal regulations are hereby amended by revoking regulation 133G (as inserted by regulation 2 of the Customs Regulations 1968, Amendment No. 4), and substituting the following regulation:

“133G—(1) If the Comptroller—

“(a) Under regulation 133D hereof, refuses to grant an application for a licence; or

“(b) Under regulation 133E hereof, varies or revokes any condition specified in a licence, or adds any new condition; or

“(c) Under regulation 133F hereof, revokes or suspends a licence—the applicant or, as the case may be, the holder of the licence may, within 14 days after notice of the Comptroller’s decision is received by him, appeal to a Magistrate’s Court, by way of originating application, against the Comptroller’s decision.

“(2) On the hearing of the appeal the Court, whose decision shall be final, may confirm or reverse or modify the Comptroller’s decision.”

22. **New Second Schedule**—The principal regulations are hereby further amended by revoking the Second Schedule, and substituting the new Second Schedule set out in the Schedule to these regulations.

SCHEDULE

NEW SECOND SCHEDULE TO CUSTOMS REGULATIONS 1968

“SECOND SCHEDULE

SCALES OF ANNUAL FEES FOR WAREHOUSES

Part I

Scale of fees for warehouses licensed for the warehousing of liquids other than ethyl alcohol, neutral spirit, or any other potable spirit.

Cubic Content of Warehouse	Annual Fee
Less than 240,000 litres	\$ 60
Not less than 240,000 litres and less than 600,000 litres	100
Not less than 600,000 litres and less than 1,200,000 litres	200
Not less than 1,200,000 litres and less than 1,800,000 litres	300
Not less than 1,800,000 litres and less than 2,400,000 litres	400
Not less than 2,400,000 litres	500

Part II

Scale of fees for warehouses licensed as tobacco-manufacturing warehouses.

	Annual Fee
Where the total quantity of tobacco, cigars, cigarettes, and snuff manufactured—	
Does not exceed 23,000 kg	\$200
Exceeds 23,000 kg but does not exceed 46,000 kg	\$300
Exceeds 46,000 kg but does not exceed 920,000 kg	\$300 plus \$80 for each 46,000 kg in excess of 46,000 kg
Exceeds 920,000 kg but does not exceed 2,300,000 kg	\$1820 plus \$40 for each 46,000 kg in excess of 920,000 kg
Exceeds 2,300,000 kg	\$3020 plus \$20 for each 46,000 kg in excess of 2,300,000 kg

Provided that—

- (a) Where the total quantity of manufactured tobacco produced during any year is found to be greater than that for which the fee was computed the licensee shall be liable for the proper fee for such greater quantity:
- (b) Where the total quantity of manufactured tobacco produced during any year is found to be less than that for which the fee was computed the Collector may refund the difference between the fee paid for that year and the fee that would have been payable if calculated on the basis of the total quantity of manufactured tobacco actually produced during the year.

Part III

Scale of fees for warehouses not subject to the fees set out in Parts I and II of this Schedule.

Cubic Content of Warehouse	Annual Fee
Less than 240 m ³	\$ 150
Not less than 240 m ³ and less than 600 m ³	250
Not less than 600 m ³ and less than 1,200 m ³	500
Not less than 1,200 m ³ and less than 1,800 m ³	750
Not less than 1,800 m ³ and less than 2,400 m ³	1,000
Not less than 2,400 m ³	1,250"

P. G. MILLEN,
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 and come into force on 1 July 1974.

Regulation 2 provides for Customs offices to remain open for 1 hour longer for payment of duties, fees, and charges.

Regulation 3 provides for a new form (18A) for air passengers with respect to their effects.

Regulations 4, 5, 6, 14, 15, 16, 17, 18, 19, and 22 make amendments to the principal regulations consequential upon the change to metric units.

Regulations 7, 8, 9, 10, 11, 12, and 13 provide for changes to the principal regulations following the coming into force of the new Customs Tariff.

Regulations 20 and 21 empower the Comptroller to suspend for a period not exceeding 1 year the licence of a Customs agent in certain circumstances. At present he can only revoke the licence.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 June 1974.

These regulations are administered in the Customs Department.