

1969/117



**THE CUSTOMS TARIFF AMENDMENT ORDER (NO. 5)
1969**

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 125 of the Customs Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and being of opinion that the modifications made by this order are advisable in protection or furtherance of the public interest, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Customs Tariff Amendment Order (No. 5) 1969.

(2) This order shall come into force on the day after the date of its notification in the *Gazette*.

2. Liqueurs—Item 22.09.02 of the Customs Tariff, as set out in the Second Schedule to the Customs Act 1966, is hereby amended—

- (a) By omitting from the second column the expression “*per gal*”, and substituting the expression “*per proof gal*”;
- (b) By omitting from the third column the abbreviation “gal”, and substituting the abbreviation “proof gal”.

3. Passengers’ baggage and effects—Part II of the Customs Tariff, as set out in the Second Schedule to the Customs Act 1966 and heretofore amended, is hereby further amended by revoking so much thereof as relates to Reference Nos. 27.1, 27.2, and 27.3 and the notes thereto, and substituting Reference Nos. 27.1, 27.2, and 27.3, and the notes thereto, as set out in the Schedule hereto.

4. Bona fide presents—Part II of the Customs Tariff is hereby further amended by adding Reference No. 32.0, as set out in the Schedule hereto.

5. Consequential revocations—(1) The Customs Tariff Amendment Order (No. 7) 1968* is hereby revoked.

(2) Regulation 82 of the Customs Regulations 1968† is hereby amended by revoking the proviso.

*S.R. 1968/195

†S.R. 1968/169

SCHEDULE

REFERENCE NUMBERS SUBSTITUTED, AND NEW REFERENCE NUMBER ADDED, IN PART II OF CUSTOMS TARIFF (CONCESSIONS)

Reference Number	Description	Rates of Duty		
		British Preferential	Most Favoured Nation	General Tariff
27.1	<p>Passengers' baggage and effects: Passengers' baggage and effects in respect of which the Collector is satisfied that they are not intended for any other person or persons or for gift, sale or exchange:</p> <p>(a) Wearing apparel and other personal effects, being such goods as may from time to time be approved by the Minister (whether generally or in relation to any class or classes of passengers) and subject to such conditions as he may prescribe</p> <p>(b) Motor vehicles (including motor cycles) and ships and aircraft, subject to such conditions as the Minister may prescribe (whether generally or in any particular case), which are imported by a person who—</p> <p>(i) Satisfies the Collector that he has arrived in New Zealand to thereupon take up permanent residence; and</p> <p>(ii) Satisfies the Collector that for the whole of the period of 21 months preceding his arrival he has resided outside New Zealand or has been domiciled outside New Zealand; and</p>	Free	..	Free

- (iii) Satisfies the Collector that, in respect of every such vehicle, ship, or aircraft, he has personally owned and used the vehicle, ship, or aircraft for at least 1 year before the date of his departure for New Zealand or the date of shipment of the vehicle, ship, or aircraft (or, where the ship or aircraft is imported otherwise than as cargo, the date of its departure for New Zealand), whichever is the earlier; and
 - (iv) Gives a written undertaking, in such form as the Collector may require, that if any such vehicle, ship, or aircraft is sold or otherwise disposed of within 2 years from the date of its importation he will forthwith pay to the Collector a sum equal to the aggregate of the customs duty and sales tax that would have been payable when the vehicle, ship, or aircraft was entered for home consumption if it had not been admitted under this Part of the Tariff, or such less sum as the Collector may require
- Provided that in the case of a right-hand drive vehicle of a class or kind for the time being approved by the Comptroller for entry under this proviso, where a person—
- (1) Satisfies the Collector as to the matters specified in paragraph (b) (i) and (ii) above; and
 - (2) Satisfies the Collector that the vehicle imported was that person's personal property before his departure for New Zealand; and

Free

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Free

SCHEDULE—*continued*

Reference Number	Description	Rates of Duty		
		British Preferential	Most Favoured Nation	General Tariff
	<p>Passengers' baggage and effects—<i>continued</i></p> <p>Passengers' baggage and effects in respect of which the Collector is satisfied that they are not intended for any other person or persons or for gift, sale or exchange—<i>continued</i></p> <p>(3) Satisfies the Collector that, before the person departed for New Zealand, he had disposed of a left-hand drive vehicle which had been owned and used by him for not less than 1 year immediately preceding his acquisition of the right-hand drive vehicle imported by him; and</p> <p>(4) Gives a written undertaking, in such form as the Collector may require, that if the vehicle is sold or otherwise disposed of within 2 years from the date of its importation he will forthwith pay to the Collector a sum equal to the aggregate of the customs duty and sales tax that would have been payable when the vehicle was entered for home consumption if it had not been admitted under this Part of the</p>			

Tariff, or such less sum as the Collector may require, subject to a deduction in each case of an amount equal to the aggregate of the customs duty and sales tax (if any) already paid on the admission of the vehicle under this proviso—

duty shall be payable at the following rates:

On such portion of the current domestic value of the right-hand drive vehicle as is equivalent to the current domestic value of the left-hand drive vehicle so disposed of	Free	..	Free
On the balance of the current domestic value of the right-hand drive vehicle			

The rates for the time being applicable under Part I of the Tariff.

- (c) Household or other effects, subject to such conditions as the Minister may prescribe (whether generally or in any particular case), which are imported by a person who satisfies the Collector that—
- (i) He has arrived in New Zealand to thereupon take up permanent residence; and
 - (ii) For the whole of the period of 21 months preceding his arrival he has resided outside New Zealand or has been domiciled outside New Zealand; and
 - (iii) The effects have been personally owned and used by him outside New Zealand before the date of his departure for New Zealand

Free .. Free

SCHEDULE—*continued*

Reference Number	Description	Rates of Duty		
		British Preferential	Most Favoured Nation	General Tariff
	<p>Passengers' baggage and effects—<i>continued</i></p> <p>Passengers' baggage and effects in respect of which the Collector is satisfied that they are not intended for any other person or persons or for gift, sale or exchange—<i>continued</i></p> <p>Provided that if the wearing apparel, other personal effects, motor vehicles, ships, aircraft, or household or other effects are not imported within 5 years after the date of the arrival in New Zealand of the passenger, they shall be admitted under this reference number only with the consent of the Minister.</p> <p>Bona fide personal baggage and effects accompanying a passenger, being dutiable goods not covered by the provisions of reference number 27.1 and not imported on behalf of any other person or persons or for sale or exchange or use in the passenger's business or profession:</p>			
27.2	Not exceeding \$50.00 in total value	Free	..	Free
27.3	Exceeding \$50.00 but not exceeding \$150.00 in total value—			
	On the excess over \$50.00	25%	..	25%
	NOTES—(1) Where the total value of dutiable goods exceeds \$150.00 duty shall be payable on the excess over \$150.00 in accordance with the Tariff.			

32.0	<p>(2) Reference numbers 27.2 and 27.3 shall not apply to tobacco products, alcoholic beverages, fur apparel, or television sets, or to more than one of each of the following:</p> <p>(a) A camera: (b) A radio receiver: (c) A tape recorder.</p> <p>Goods in respect of which the Collector is satisfied that they are bona fide presents sent from abroad to persons resident in New Zealand, and the value of which does not exceed \$10 in any one importation</p>	Free	..	Free
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P. J. BROOKS,
 Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but it is intended to indicate its general effect.

The effect of clause 2 of this order is that the duty on liqueurs containing more than 40 percent of proof spirit, but not exceeding the strength of proof, will now be calculated on the proof gallon instead of on the liquid gallon.

Clause 3 rewrites the concessions in Part II of the Customs Tariff relating to passengers' baggage and effects. The effect of the alterations is as follows.

In reference number 27.1 (a) (wearing apparel and other personal effects) the Minister's present power to approve the kinds of goods allowed may now be exercised either generally or in relation to any class or classes of passengers.

In reference number 27.1 (b) (motor-vehicles, etc.), subparagraph (i) is altered to refer to arrival in New Zealand to take up permanent residence instead of arrival "for the purposes" of taking up permanent residence.

In reference number 27.1 (c) (household or other effects), subparagraph (i) is redrafted in the same manner; subparagraph (ii) is new and requires 21 months' residence or domicile outside New Zealand before the concession can operate; and in subparagraph (iii) the requirement as to personal ownership and use outside New Zealand is no longer governed by any specified period (it was formerly 1 year).

In reference numbers 27.2 and 27.3 (bona fide personal baggage and effects accompanying the passenger) the present exemption up to \$20 of the total value of the goods is increased to \$50; the present 25 percent concession on the excess up to \$100 will now operate on the excess up to \$150; and one camera, one radio receiver, and one tape recorder are allowed within these items (see note (2)).

Clause 4 adds a new concession to Part II. The new reference number 32.0 provides for the free entry of bona fide presents sent from abroad to persons resident in New Zealand if of a value not exceeding \$10 in any one importation. Formerly this concession was provided for in the Customs Regulations 1968, but it applied only up to a value not exceeding \$4.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 July 1969.

This order is administered in the Customs Department.