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THE EXPORT LICENCES REGULATIONS 1966

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 8th day of June 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to sections 47 and 309 of the Customs Act 1913, section 30 of the Customs Amendment Act 1921, and also (in respect of regulation 13 hereof) section 53 (2) of the Reserve Bank of New Zealand Act 1964, 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 Export Licences Regulations 1966.

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

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Goods” means all kinds of personal property; and includes any ship and any animal:

“Minister” means the Minister of Customs.

3. Goods not to be exported without licence—(1) Except as provided in regulation 11 hereof, no goods shall hereafter be exported from New Zealand except in accordance with these regulations and with the terms of a licence issued under these regulations.

(2) These regulations shall apply with respect to the export of any goods, notwithstanding that a licence or other authority for the export of the goods may be in force under any Act or under any regulations other than these regulations.

(3) The issue of a licence under these regulations with respect to any goods shall not absolve any person from the obligation to comply with the requirements of any Act or of any other regulations with respect to the export of the goods.

4. Kinds of licences—(1) A licence under these regulations may be—

- (a) A particular licence; or
- (b) A general licence; or
- (c) A purchaser’s licence.

(2) A particular licence shall be a licence to export the goods specified therein in a ship or aircraft specified therein.

(3) A general licence shall be a licence to export goods from New Zealand during a specified period. Any such licence shall, according to its tenor, apply with respect to goods of all kinds, or be limited to the specified kind or specified kinds of goods mentioned therein.

(4) A purchaser's licence shall be a licence to export from New Zealand any goods that have been purchased in New Zealand out of any credit or currency made available in New Zealand, in exchange for any overseas credit or currency, in order to provide for the purchase of the goods for export.

5. Applications for licences—(1) Application may be made—

(a) For a particular licence or a purchaser's licence, to the Collector of Customs at the port, or nearest to the Customs aerodrome, at which the goods to which the application relates are proposed to be placed on board an exporting ship or aircraft:

(b) For a general licence, to the Collector of Customs at the port nearest to the applicant's place of business.

(2) Every application for a particular licence or a purchaser's licence shall be made in triplicate.

(3) Every application for a general licence shall be made in quadruplicate.

6. Forms of applications and licences—Every application, and any licence granted in respect thereof, shall be—

(a) In the case of a particular licence, in form 1 in the Schedule hereto:

(b) In the case of a general licence, in form 2 in the Schedule hereto:

(c) In the case of a purchaser's licence, in form 3 in the Schedule hereto.

7. Grant or refusal of licence—(1) Subject, in the case of a purchaser's licence, to subclause (2) of this regulation, the Collector in his discretion may grant any licence applied for or decline to grant it.

(2) A purchaser's licence shall not be granted in any case unless the Collector is satisfied that any overseas credit or currency, in exchange for which credit or currency has been made available in New Zealand in order to provide for the purchase of the goods for export, has been dealt with in accordance with the Exchange Control Regulations 1965.

8. Revocation of general licence—(1) Any general licence may at any time be revoked by the Comptroller of Customs if he thinks fit.

(2) On the revocation of a general licence the Comptroller shall forthwith give to the licensee notice in writing of the revocation and of the date when the revocation has become or becomes effective.

9. Security may be required—(1) Before any licence is issued under these regulations the applicant for the licence shall, if required to do so by the Collector, give security for compliance with the terms of the licence and with the requirements of these regulations, and, in respect of the disposal of the proceeds of sale of the goods to be exported under the licence, for compliance with the provisions of the Exchange Control Regulations 1965.

(2) Unless in any case some other security is accepted as sufficient by the Collector, the security referred to in subclause (1) of this regulation shall be a bond, in such form as the Collector approves, executed in favour of Her Majesty the Queen by the applicant and by one or more sureties approved by the Collector.

(3) Any bond or other security given in respect of a particular licence or a purchaser's licence shall, unless the Collector otherwise determines, be for a sum equal to twice the estimated value of the goods to which the licence relates, at the time and place of export.

(4) Any bond or other security given in respect of a general licence shall be for such sum as the Collector considers adequate.

10. Right of appeal to Minister—From any decision of the Comptroller of Customs or a Collector of Customs under these regulations there shall be a right of appeal to the Minister, whose decision shall be final.

11. Exceptions—(1) Nothing in these regulations shall apply with respect to—

(a) Any goods shipped as stores in any ship or aircraft about to depart for any country outside New Zealand;

(b) Any other goods in respect of which the Minister by direction in writing determines that these regulations shall not apply.

(2) Without limiting the general authority conferred on the Minister by subclause (1) (b) of this regulation, any such direction may relate to—

(a) Any goods intended solely for use or consumption in any specified place or in any specified places;

(b) Any goods of a specified kind or of specified kinds;

(c) Any goods to be exported in a specified manner or at or within a specified time;

(d) Any goods to be exported by a specified person or a specified class of persons.

(3) Any direction given by the Minister for the purposes of this regulation may at any time be varied or revoked in like manner.

12. Offences—(1) Every person commits an offence and is liable in accordance with the Customs Act 1913 to a penalty not exceeding £100 who—

(a) In any application for a licence under these regulations, makes or causes or permits to be made, any statement that to his knowledge is false or misleading in any material particular; or

(b) In relation to any such application, misleads or attempts to mislead the Comptroller or any Collector of Customs; or

(c) Fails to comply with any provision of these regulations.

(2) Nothing in this regulation shall limit the liability of any person under any provision of section 47 or Part XIV of the Customs Act 1913 in any case to which any such provision applies.

13. Revocations—The Export Licences Regulations 1938* and the Export Licences Regulations 1938, Amendment No. 1†, are hereby revoked.

Reg. 6 (a)

SCHEDULE

Form 1

New Zealand Customs

Licence No.

The Export Licences Regulations 1966

APPLICATION FOR PARTICULAR LICENCE TO EXPORT GOODS

Date:

Name and full address of exporter:

Port (or place) of loading on overseas vessel (or aircraft):	Ship (or aircraft):	Destination:
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Name and branch of trading bank in New Zealand which will handle documents:

Purpose for which goods exported, e.g., sold or on consignment, repair or replacement, etc.

Remarks:

I hereby declare that the particulars set out in this application are true and correctly stated in every respect.

.....
Signature of Exporter.

I hereby license the exportation of the goods described in this application, in accordance with the Export Licences Regulations 1966.

Date:
.....
Collector of Customs.

Marks and Numbers on Packages	Number and Kind of Packages	Statistical Export Item Description of Goods	Export Item Code No.	Country of		Quantity	Weight	F.O.B. Value
				Ultimate Destination	Origin			

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SCHEDULE—*continued*

Reg. 6 (b)

Form 2

New Zealand Customs

The Export Licences Regulations 1966

APPLICATION FOR GENERAL LICENCE TO EXPORT GOODS

To the Collector of Customs,

Full name of applicant:

Address:

Local office(s) of bank(s) in New Zealand to which shipping documents
are to be delivered:

Duration of licence:

The above-named applicant hereby applies for a general licence to
export goods from New Zealand in terms of the particulars set out above.

Date: *Signature:*

I hereby license the exportation of goods in terms of the above
application and in accordance with the provisions of the Export Licences
Regulations 1966.

Date: *Signature:*

Collector of Customs.

SCHEDULE—continued

Reg. 6 (c)

Form 3

New Zealand Customs

Licence No.

The Export Licences Regulations 1966

APPLICATION FOR PURCHASER'S LICENCE TO EXPORT GOODS

Date:

Name and full address of exporter:

Port (or place) of loading on
overseas vessel (or aircraft): ..
.....

Ship (or aircraft).....

Destination:

Name and branch of
trading bank in
New Zealand which
will handle docu-
ments:

- (a) Method of payment
- (b) Name and address of trading
bank (or other person) entitled
to such credit
- (c) Purchase price (New Zealand
currency)

I hereby declare that the particulars
set out in this application are true
and correctly stated in every
respect.

.....
Signature of Exporter.

Remarks:

I hereby license the exportation of
the goods described in this applica-
tion, in accordance with the Export
Licences Regulations 1966.
Date:

.....
Collector of Customs.

Marks and Numbers on Packages	Number and Kind of Packages	Statistical Export Item Description of Goods	Export Item Code No.	Country of		Quantity	Weight	F.O.B. Value
				Ultimate Destination	Origin			

T. J. SHERRARD,
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 replace the Export Licences Regulations 1938 and the amendment to those regulations.

The regulations re-enact, with modifications, the existing provisions prohibiting the exportation of goods except pursuant to a licence or an exemption.

The present provisions relating to the disposal of shipping documents and drafts and the application of the proceeds of sale of exported goods are not re-enacted, as these are now covered by the Exchange Control Regulations 1965.

Application for a general licence will now be made to the Collector of Customs at the port nearest to the applicant's place of business, instead of being made to the Comptroller of Customs at Wellington.

Forms of application for a particular licence or a purchaser's licence have been modified to allow the simultaneous preparation of a Customs export entry and an application for a licence.

In other respects, the new regulations follow the existing ones, with some re-arrangement and drafting modifications.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 June 1966.

These regulations are administered in the Customs Department.