

1976/22



**THE ECONOMIC STABILISATION (IMPORT DEPOSIT)
REGULATIONS 1976**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of January 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application 4. Deposits on imported goods 5. Period of deposit 6. Goods not to be delivered until deposit paid | | <ol style="list-style-type: none"> 7. Deposits to be held in Reserve Bank Account 8. No interest payable on deposits 9. Repayment of deposits 10. Notices by Minister 11. Variations in special circumstances 12. Delegation of powers 13. Offences |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Economic Stabilisation (Import Deposit) Regulations 1976.

(2) These regulations shall come into force on the 29th day of January 1976.

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

- (a) The term “Minister” means the Minister of Trade and Industry;
- (b) The terms “Collector”, “control of the Customs”, “Customs Department”, “Customs Tariff”, “goods”, “importation” and “importer” have the same meaning as in the Customs Act 1966.

3. Application—These regulations shall apply to such goods imported into New Zealand and required to be entered for home consumption or for warehousing pursuant to section 53 of the Customs Act 1966 as the Minister determines from time to time by notice in the *Gazette*.

4. Deposits on imported goods—(1) Subject to these regulations there shall, in respect of the importation into New Zealand of goods to which these regulations apply, be payable by the importer to the Collector, not later than the passing of an entry in respect of those goods in accordance with section 22 of the Customs Act 1966, a deposit as provided under this regulation.

(2) The amount of the deposit in respect of the importation into New Zealand of any goods shall be the amount determined from time to time by the Minister in respect of those goods by notice in the *Gazette*:

Provided that in no case shall the amount of the deposit in relation to the importation into New Zealand of any goods exceed an amount equal to one third of the current domestic value of those goods as determined for the purposes of the Customs Act 1966.

5. Period of deposit—Any deposit paid under these regulations in respect of the importation into New Zealand of any goods shall be retained for such period (not exceeding 6 months) as the Minister may from time to time determine by notice in the *Gazette* in respect of those goods.

6. Goods not to be delivered until deposit paid—(1) Except as otherwise provided by these regulations or in such cases as may be approved by the Collector subject to such securities as he may require, no person shall be entitled to obtain delivery of any goods from the control of the Customs until any deposit required by these regulations in respect of those goods has been paid.

(2) No action or other proceedings shall be instituted against the Crown or the Minister or any officer of Customs in respect of the detention of any such goods during any period before the payment of the full amount of the deposit.

7. Deposits to be held in Reserve Bank Account—Every amount deposited with the Collector pursuant to these regulations shall be paid by the Collector to the Reserve Bank and held by the Bank on deposit during the period such amount is required to be retained under these regulations.

8. No interest payable on deposits—No interest, fee, or other charge shall be payable to the importer or to any other person in respect of any deposits paid under these regulations.

9. Repayment of deposits—Every deposit paid in respect of the importation into New Zealand of any goods shall be repayable as soon as the period for which the deposit in respect of those goods is to be retained pursuant to these regulations has elapsed.

10. Notices by Minister—(1) Without limiting the generality of regulation 3 of these regulations, any notice given by the Minister pursuant to these regulations may apply in respect of—

- (a) The importation of any specified goods; or
- (b) The importation of goods of any specified class or classes; or
- (c) The importation of all goods, except goods of a specified class or specified classes; or
- (d) The importation of all goods whatsoever (without specification of any such goods or the class or classes to which they belong).

(2) Any notice given by the Minister pursuant to these regulations in relation to the importation into New Zealand of any goods shall specify those goods in terms of the Customs Tariff.

11. Variations in special circumstances—Notwithstanding anything in these regulations, the Minister may, in his discretion and subject to such conditions as he thinks fit to impose, waive or modify any requirement imposed under these regulations in respect of the importation into New Zealand of any goods in any case where he is satisfied that—

- (a) Undue hardship would arise if such requirement were not waived or modified; or
- (b) The goods have been imported for the benefit of a charitable or non-profit making organisation; or
- (c) It is equitable to do so in the special circumstances of the case; or
- (d) It is in the public interest for the efficient administration of these regulations.

12. Delegation of powers—The Minister may from time to time in writing delegate to any officer of the Department of Trade and Industry or the Customs Department all or any of his powers under these regulations.

13. Offences—Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence who—

- (a) Without lawful justification or excuse acts in contravention of or fails to comply with any provision of these regulations; or
- (b) Enters into any transaction, or makes any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or
- (c) Enters into any transaction or makes any contract or arrangement, whether orally or in writing, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, avoiding, or preventing the operation of these regulations in any respect.

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 provide for the payment by importers of deposits to the Collector of Customs before goods are released from the control of the Customs. The goods to which these regulations relate, the amount of the deposit (not exceeding one third of the current domestic value of the goods), and the duration of the period (not exceeding 6 months) for which the deposit is to be retained are to be determined by the Minister of Trade and Industry by notice in the *Gazette*.

These regulations come into force on 29 January 1976.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 January 1976.

These regulations are administered in the Department of Trade and Industry.