



**THE FOREST PRODUCE IMPORT AND EXPORT REGULATIONS
1989, AMENDMENT NO. 5**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of March 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 69, 70, and 72 of the Forests Act 1949, Her 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. Quarantine officer's right of entry and associated powers 4. Information required relating to domestic cargo 5. Inspection of forest produce being imported 6. Requirements for clearance, disinfection, treatment, disposal, or destruction | <ol style="list-style-type: none"> 7. Removal of imported forest produce or container from landing place 8. Costs of inspection, and other costs and expenses 9. Failure to deposit or treat forest produce or container in specified place 10. Introduction or removal of forest produce or goods to or from quarantine ground 11. Second Schedule amended |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Forest Produce Import and Export Regulations 1989, Amendment No. 5, and shall be read together with and deemed part of the Forest

Produce Import and Export Regulations 1989* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “carrier”, the following definition:

“‘Consignee’, in relation to any domestic cargo, includes—

“(a) Any person by or for whom the cargo is carried or is intended to be carried:

“(b) Any person who, at any time, is or becomes the owner of, entitled to possession of, or beneficially interested in the cargo:

“(c) The agent for the owner, bailee, or the consignee.”

(2) Regulation 2 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “container”, the following definition:

“‘Domestic cargo’, in relation to any vessel or ship, means goods (within the meaning of section 2 of the Carriage of Goods Act 1979) that—

“(a) Have been loaded on the vessel or ship at any port in New Zealand for carriage to and unloading at any other port in New Zealand; and

“(b) Are being carried with, or have previously been carried on a vessel or ship carrying, imported forest produce.”

3. Quarantine officer’s right of entry and associated powers—Regulation 4 of the principal regulations is hereby amended by inserting, after the words “any sample of forest produce”, the words “or domestic cargo”.

4. Information required relating to domestic cargo—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

“5A. (1) Any carrier of domestic cargo shall, immediately upon delivery, produce the domestic cargo and make the same accessible to a quarantine officer for inspection.

“(2) The master of every vessel or ship carrying domestic cargo shall, upon demand by a quarantine officer, supply to that quarantine officer a copy of the full manifest of the domestic cargo.”

5. Inspection of forest produce being imported—Regulation 6 of the principal regulations is hereby amended by omitting the words “all forest produce imported into New Zealand”, and substituting the words “any forest produce imported into New Zealand and any domestic cargo”.

6. Requirements for clearance, disinfection, treatment, disposal, or destruction—Regulation 7 of the principal regulations is hereby amended—

(a) By inserting in subclause (1), and also in subclause (3), after the word “importer”, the words “or consignee, as the case may require,”:

(b) By inserting, after the words “forest produce” wherever they occur, the words “or domestic cargo”.

*S.R. 1989/235

Amendment No. 1: (Revoked by S.R. 1992/39)

Amendment No. 2: S.R. 1992/39

Amendment No. 3: (Revoked by S.R. 1994/229)

Amendment No. 4: S.R. 1994/229

7. Removal of imported forest produce or container from landing place—Regulation 8 of the principal regulations is hereby amended—

- (a) By inserting, after the words “New Zealand”, the words “or any domestic cargo”:
- (b) By inserting, after the word “importer” in both places where it occurs, the words “or consignee, as the case may require,”:
- (c) By inserting, after the words “forest produce” where they secondly and thirdly occur, the words “or domestic cargo”.

8. Costs of inspection, and other costs and expenses—Regulation 9 of the principal regulations is hereby amended—

- (a) By inserting, after the words “forest produce” wherever they occur, the words “or domestic cargo”.
- (b) By inserting, after the word “importer” wherever it occurs, the words “or consignee, as the case may require,”.

9. Failure to deposit or treat forest produce or container in specified place—Regulation 10 of the principal regulations is hereby amended—

- (a) By inserting, after the words “forest produce” in both places where they occur, the words “or domestic cargo”:
- (b) By omitting the words “importer’s expense”, and substituting the words “expense of the importer or consignee, as the case may be”.

10. Introduction or removal of forest produce or goods to or from quarantine ground—Regulation 12 (2) of the principal regulations is hereby amended by inserting, after the words “forest produce” in both places where they occur, the words “or domestic cargo”.

11. Second Schedule amended—(1) The Second Schedule to the principal regulations (as substituted by regulation 4 (1) of the Forest Produce Import and Export Regulations 1989, Amendment No. 2) is hereby amended by inserting in the heading, after the words “FOREST PRODUCE” where they first occur, the words “AND DOMESTIC CARGO”.

(2) The Second Schedule to the principal regulations is hereby amended by adding the following item:

“3. **Domestic cargo**—The costs of inspecting domestic cargo in any form shall be calculated at the hourly rate of— 61.90”

MARIE SHROFF,
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, which come into force 28 days after the date of their notification in the *Gazette*, amend the Forest Produce Import and Export Regulations 1989.

The purpose of the regulations is to provide for the inspection of domestic cargo carried on ships where the cargo has been in contact with forest produce or has been carried on a ship while the ship has been carrying forest produce. An inspection fee of \$61.90 an hour is prescribed.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 9 March 1995.
These regulations are administered in the Ministry of Forestry.