

**1965/44**

**THE HISTORIC ARTICLES REGULATIONS 1965**

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BERNARD FERGUSON, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 22nd day of March  
1965

Present:

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

PURSUANT to the Historic Articles Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**REGULATIONS**

1. (1) These regulations may be cited as the Historic Articles Regulations 1965.

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

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

“The Act” means the Historic Articles Act 1962.

“Committee” means a Committee of Inquiry appointed under section 9 of the Act.

Expressions defined in the Act have the meanings so defined.

*Form of Application for Permission and Certificate of Permission to  
Remove an Historic Article from New Zealand*

3. (1) An application under section 6 of the Act for permission to remove an historic article from New Zealand shall be in the form numbered 1 in the Schedule hereto and shall set out to the satisfaction of the Secretary the information therein required.

(2) The applicant shall make the article to which the application relates available for examination by a person with expert knowledge nominated by the Minister at such place as the Minister may require.

4. A certificate of permission to remove an historic article from New Zealand shall be in the form numbered 2 in the Schedule hereto.

5. Where permission for the removal of an historic article from New Zealand is subject to conditions imposed by the Minister, the certificate of permission shall include those conditions, and shall not be deemed to have effect until it has been endorsed by the Secretary or any person authorised in that behalf by him to the effect that the conditions have been complied with.

6. In granting permission to remove an historic article from New Zealand, the Minister may, if he thinks fit, stipulate that the certificate of permission shall remain in force for a period of three years from the date of its issue, when it shall expire if the historic article has not within that period been removed from New Zealand.

7. Any stipulation under regulation 6 of these regulations shall be included in the certificate of permission to remove the historic article from New Zealand.

8. Where, in determining any appeal made under section 9 of the Act against any terms or conditions imposed by the Minister, a Committee has modified or reversed the decision of the Minister in respect of any such terms or conditions, the Secretary or any person authorised in that behalf by him shall cancel the certificate of permission in which they were included and shall in substitution therefor issue to the appellant a certificate of permission in accordance with the determination of the Committee.

#### *Appeals*

9. An appeal under section 9 of the Act against a decision of the Minister shall be in the form numbered 3 in the Schedule hereto and shall set out the information therein required.

10. A fee of five pounds shall accompany every appeal made under section 9 of the Act:

Provided that if the Committee so orders this sum or any portion thereof decided by the Committee shall be refunded to the appellant by the Secretary if his appeal is upheld in whole or in part.

11. Where an appeal under section 9 of the Act is made in respect of any terms or conditions imposed by the Minister, the certificate of permission in which those terms or conditions are included shall be forwarded to the Secretary by the appellant with the form of appeal.

12. On determination of the appeal the Secretary shall return the certificate to the appellant where the Committee has confirmed the Minister's decision.

13. A Committee shall commence its hearing within 28 days of its appointment and the Secretary shall within that period make available to the Committee all documents in his possession which are relevant to the Minister's decision and to the appeal to be heard.

14. The Secretary shall, by writing addressed to the appellant at the address shown in the form of appeal, give the appellant at least 14 days' notice of the time and place fixed for the hearing.

15. The appellant shall, if required by the Secretary or by the Committee, make available at his own expense to the Committee for inspection at a time and place specified by the Secretary or by the Committee, as the case may be, the historic article which is the subject of the appeal:

Provided that, if the Committee so orders, and if the appeal is upheld in whole or in part, the appellant shall be reimbursed by the Secretary for any reasonable costs incurred by him in complying with this requirement.

16. In the event of non-compliance by an appellant with a requirement made under regulation 15 of these regulations his appeal shall be deemed to have lapsed.

SCHEDULE

Reg. 3

Form 1

The Secretary for Internal Affairs,  
Wellington.

APPLICATION FOR PERMISSION TO REMOVE AN HISTORIC ARTICLE FROM  
NEW ZEALAND

(Section 6 of the Historic Articles Act 1962)

1. I, ..... of ..... hereby apply under section 6 of the  
(full name) (address)  
Historic Articles Act 1962 for permission to remove from New Zealand  
the article which is described hereunder and which I believe to be  
an historic article within the meaning of section 2\* of the said Act.

2. (a) Give general description of article (if a book or other written  
matter include name of writer, date, and place of printing and publish-  
ing if applicable, or of writing if in manuscript form): .....

(b) Is the article of New Zealand origin? .....  
(Yes/No)

(c) If not, give approximate date it was brought to New Zealand,  
if known: .....

(d) If the article is an artifact of Maori or Polynesian origin, give  
approximate date or period of manufacture, if known: .....

3. The above-described article, to the best of my knowledge, has  
not/has been the subject of a previous application under section 6 of  
the Historic Articles Act 1962.

4. The above-described article is at present situated at .....  
(give address)  
and is in the possession of ..... I understand that I may be  
(give name)  
required to make the article available for examination by a person  
with expert knowledge nominated by the Minister. I agree that, if so  
requested, the article will be made available for examination either  
at this address or at such other place as may be required.

5. I make this application as ..... of the article.  
(owner, agent of owner, or other  
capacity in which application is made)

6. I propose to remove the article temporarily/permanently from  
New Zealand to ..... for .....  
(state country) (show purpose of removal)

7. I declare that the contents of this application are true in every  
particular.

.....  
(date)

.....  
(signature)

SCHEDULE—continued

\*Section 2 of the Historic Articles Act 1962 defines an historic article as follows:

- “(a) Any chattel, artifact, carving, object, or thing which relates to the history, art, culture, or economy of the Maori or other Polynesian inhabitants of New Zealand and which was or appears to have been manufactured in New Zealand by any such inhabitant, or brought to New Zealand by an ancestor of any such inhabitant, more than sixty years before the date of the commencement of this Act; and
- “(b) Any book, diary, letter, document, paper, record, or other written matter (whether in manuscript or printed form)—
  - “(i) Which relates to New Zealand and is of historical, scientific, or national value or importance; and
  - “(ii) Which is more than ninety years old; and
  - “(iii) Of which, in the case of a book first printed and published in New Zealand, no copy is in the custody of the General Assembly Library or of any library maintained by any Government Department, local authority, public body, University, or school or of a library of any other prescribed class; and
- “(c) Any type specimen of any animal, plant or mineral existing or formerly existing in New Zealand.”

(NOTE—The date of commencement of the Historic Articles Act was 1 April 1963.)

Reg. 4

Form 2

CERTIFICATE OF PERMISSION TO REMOVE AN HISTORICAL ARTICLE FROM NEW ZEALAND

(Section 7 of the Historic Articles Act 1962)

1. In accordance with the provisions of the Historic Articles Act 1962, permission has been granted for the removal from New Zealand of the historic article described as follows—

2. This approval is subject to the following conditions and this certificate is fully effective only when endorsed to the effect that the conditions have been complied with.

Conditions

3. This certificate is effective until: .....

Secretary for Internal Affairs.

I certify that the conditions set out in (2) above have been fully complied with.

.....  
(date)

Secretary for Internal Affairs.

SCHEDULE—*continued*

Reg. 9

Form 3

The Secretary for Internal Affairs,  
Wellington.

APPEAL AGAINST DECISION GIVEN BY THE MINISTER OF INTERNAL  
AFFAIRS UNDER THE AUTHORITY VESTED IN HIM BY THE HISTORIC  
ARTICLES ACT 1962

1. I, ..... of ..... hereby appeal against the decision of the  
(full name) (address)  
Minister of Internal Affairs made on an application for permission to  
remove from New Zealand the historic article hereunder described.

2. My appeal is based on the grounds that, having regard to the  
provisions of the Act, the Minister's decision was not reasonably  
arrived at. (The appellant may, if he so desires, set out on a separate  
sheet the reasons why he considers the Minister's decision was not  
reasonably arrived at.)

3. I enclose the sum of £5 being the fee prescribed.

4. I enclose certificate of permission to remove the historic article  
from New Zealand (if one has already been issued).

.....  
(date)

.....  
(signature)

T. J. SHERRARD,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their  
general effect.*

These regulations prescribe forms of application for permission to remove an  
historic article from New Zealand, of certificates of permission, and of appeals  
against decisions of the Minister.

They also prescribe fees payable in respect of appeals.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 March 1965.

These regulations are administered in the Department of Internal Affairs.