

1973/86



## THE IMPORT CONTROL REGULATIONS 1973

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of March 1973

Present:

THE HON. N. E. KIRK PRESIDING IN COUNCIL

PURSUANT to sections 16A, 16B, and 16C of the Trade and Industry Act 1956, 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 Import Control Regulations 1973.

(2) These regulations shall come into force on the 2nd day of April 1973.

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

“Licence” means a licence granted under these regulations:

“Licensing officer” means any officer of the Department of Trade and Industry or of the Customs Department to whom all or any of the powers of the Minister are delegated under regulation 15 of these regulations:

“Minister” means the Minister of Trade and Industry:

“Permit” means a permit granted under these regulations:

“Secretary” means the Secretary of Trade and Industry.

**3. Importation of certain goods prohibited**—The importation into New Zealand of any goods is hereby prohibited except—

(a) Importation pursuant to a written licence granted by the Minister as hereinafter provided:

(b) Importation pursuant to an exemption granted by the Minister under regulation 17 hereof:

(c) Importation authorised, whether before or after the importation of the goods, by a written permit granted by the Minister as hereinafter provided.

**4. Application of regulation 3**—(1) Subject to section 4 of the Trade and Industry Amendment Act 1973, regulation 3 hereof shall apply notwithstanding that a licence, permit, or consent to import any goods may have been heretofore granted, or may hereafter be granted, in accordance with any other provision of law.

(2) The granting or issue of a licence or permit under these regulations shall not absolve any person from compliance with any other provision of law relating to the importation of goods.

**5. Application for licence or permit—**(1) Any person desiring to obtain a licence or permit to import any goods shall make application in writing signed by the applicant, or by some responsible employee of the applicant on his behalf, in a form to be provided by the Department of Trade and Industry.

(2) The application shall set out the following particulars:

(a) The port of entry at which the application is lodged:

(b) The name and address of the applicant:

(c) A description of the goods, in terms of the import licensing schedule for the time being applicable, together with such other particulars as the licensing officer may require:

(d) The c.i.f. value of the goods in New Zealand currency and, where so required by the licensing officer, details of the number or quantity of the goods:

(e) Such other particulars as may be indicated in the form.

**6. To whom application to be made—**(1) Every such application shall be sent or delivered to the Collector of Customs at the Customs port of entry nearest by the most convenient route to —

(a) The applicant's place of business; or

(b) If the applicant is not engaged in business, his place of residence.

(2) Notwithstanding anything in subclause (1) of this regulation, the Secretary may in any particular case approve of the sending or delivery of the application to the Collector at any other port of entry, or to the Secretary.

(3) If any dispute arises as to whether any person is engaged in business for the purpose of this regulation, the Collector's decision thereon shall be final.

**7. Further particulars—**Every applicant for a licence or permit shall supply to any licensing officer, in addition to the particulars required by the form of application, such further information as the licensing officer may require.

**8. When application to be made—**Every application for a licence or permit to import goods at a stated time or within a stated period shall be made at such time or within such period as the Minister may require.

**9. Grant of licence or permit—**(1) In this regulation the term "licensee" includes a holder of a permit.

(2) The Minister may in his discretion grant a licence or permit in respect of all the goods included in any application or in respect of part only of such goods, or may decline to grant any such application.

(3) Notwithstanding anything in regulation 5 hereof, the Minister may grant any licence or permit without requiring any application to be made therefor.

(4) Except as provided in subclauses (5) and (6) of this regulation, any licence or permit granted by the Minister shall be for the sole use of the licensee and for the importation of goods by him in his own name.

(5) The Minister may in his discretion, and subject to such conditions as he thinks fit, permit the use of any licence or permit for the importation of goods by a person other than the licensee. Such permission may be given in respect of all or any specified licences or permits, or any specified class or classes of licences or permits, or in respect of licences or permits for all or any specified classes of goods.

(6) Notwithstanding anything in subclause (5) of this regulation, a licence may be used by a person other than the licensee, unless a Collector determines otherwise in any particular case, in the following circumstances, namely:

- (a) Where goods are purchased on a "delivered into store" basis (that is to say where a licensee places an order with an importer) and a declaration is made by the importer or his authorised agent that the goods have been imported pursuant to an order received from the licensee, whose name should be stated, and that the goods will be delivered to the licensee, the licence or permit of that licensee may be used by the importer:
- (b) Where goods are imported pursuant to an order placed through the local agent of the overseas supplier, and the agent makes a declaration to the effect that he holds the agency from the overseas supplier, whose name should be stated, and that the goods have been ordered through him, the importer may use the agent's licence or permit:
- (c) Where goods are imported for use in manufacture by the importer (not being the licensee) and the end product is to be sold to the licensee and the importer makes a declaration to the effect that all goods manufactured from the imported goods will be delivered to the licensee, the licence or permit of that licensee may be used by the importer:
- (d) Where goods are imported for delivery to the licensee for use by him in the manufacture of goods on behalf of the importer, and the importer makes a declaration to this effect, the importer may use the manufacturer's licence or permit.

**10. Proof of information**—(1) Any licensing officer may require proof, by declaration and the production of documents, of any information required in respect of any application or importation.

(2) Such proof may be required—

(a) From the applicant in respect of any application:

(b) From the importer or licensee or holder of the permit, as the case may require, in respect of any importation pursuant to a licence or under the authority of a permit.

**11. Declarations**—Every declaration required under these regulations shall be made before a licensing officer, Officer of Customs, Solicitor, Notary Public, Justice of the Peace, Postmaster, Acting Postmaster, Customs Agent, or person authorised under the Oaths and Declarations Act 1957 to take declarations.

**12. Permits**—(1) Any permit for the purposes of paragraph (c) of regulation 3 hereof may be granted in respect of such class or classes of goods or of persons as the Minister may determine, or may be granted to any person in respect of any specified goods.

(2) Any such permit may be granted before or after the importation of any goods to which it relates.

(3) Any such permit may be granted by notice in the *Gazette* or to any person in writing.

**13. Licence or permit may be subject to conditions—**(1) The Minister may grant any licence or permit subject to such conditions as he thinks fit.

(2) In particular, but without prejudice to the generality of sub-clause (1) of this regulation, any licence or permit may specify a period within which goods comprised in it may be imported.

**14. Revocation, withdrawal, or modification of licence or permit—**The Minister may from time to time—

- (a) By notice in writing to the licensee, revoke any licence or modify the terms thereof; or
- (b) By notice in the *Gazette*, revoke any licence or licences or any class or classes of licences or modify the terms thereof; or
- (c) By notice in writing to the holder of a permit, or in the *Gazette*, withdraw or modify any permit in respect of the importation of any goods or class or classes of goods or in respect of any persons or class or classes of persons:

Provided that no such revocation, withdrawal, or modification shall affect the continued operation of any licence or permit in respect of goods which at the time of the revocation, withdrawal, or modification have been shipped from the country of export to New Zealand.

**15. Delegation of powers—**Pursuant to section 10 of the Trade and Industry Act 1956 the Minister may from time to time by writing under his hand delegate to the Secretary all or any of his powers under the foregoing provisions of these regulations, and pursuant to section 11 of that Act the Secretary may delegate to any officer of the Department of Trade and Industry or of the Customs Department all or any of those powers.

**16. Reconsiderations—**(1) If any applicant or licensee or holder of a permit is dissatisfied as to the grant, refusal, revocation, withdrawal, or modification of a licence or permit or the conditions imposed on the grant of a licence or permit, and such grant, refusal, revocation, withdrawal, modification, or imposition of conditions was the act of a licensing officer acting under the powers delegated to him under regulation 15 of these regulations, the applicant or licensee or holder, as the case may be, may by notice in writing apply to the Minister for reconsideration of the act complained of, and may submit in writing such considerations as he thinks fit in support of his application.

(2) The decision of the Minister upon reconsideration shall be final.

**17. Exemptions—**The Minister may in his discretion from time to time, by notice in the *Gazette*, exempt from the requirement of a licence or permit under these regulations any particular goods or class or classes of goods, or goods imported from any particular country or countries, and may from time to time by like notice withdraw any such exemption:

Provided that no such withdrawal shall affect the continued operation of the exemption in respect of goods which at the time of the withdrawal have been shipped from the country of export to New Zealand.

**18. Offences**—(1) Every person commits an offence and is liable to a penalty not exceeding \$200 who—

- (a) Makes or causes or permits to be made any application for the purposes of these regulations that is false or misleading in any material particular; or
- (b) Supplies false information in connection with any application, licence, or permit under these regulations; or
- (c) Otherwise 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 16c of the Trade and Industry Act 1956 or Part XI of the Customs Act 1966 in any case to which any such provision applies.

**19. Revocation**—The Import Control Regulations 1964\* are hereby revoked.

P. G. MILLEN,  
Clerk of the Executive Council.

\*S.R. 1964/47

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#### EXPLANATORY NOTE

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

Following the passing of the Trade and Industry Amendment Act 1973, which transferred the control of import licensing from the Minister of Customs to the Minister of Trade and Industry, it was necessary for the Import Control Regulations 1964 (which were made pursuant to the Customs Act 1913) to be replaced by further regulations made pursuant to the Trade and Industry Act 1956.

These regulations are in substantially similar terms to the 1964 regulations apart from some minor updating.

They provide for—

- (a) The control of importation of goods into New Zealand.
- (b) The requirement to apply for a licence or permit to import controlled goods.
- (c) The method of making application for such a licence or permit.
- (d) The manner of the granting of licences, the attaching of conditions thereto, and provision for their revocation, withdrawal, or modification.
- (e) The reconsideration of any licensing decisions.
- (f) The exemption of particular goods from licensing.
- (g) The delegation of licensing powers from the Minister to the Secretary of Trade and Industry and from him to licensing officers of the department.
- (h) Offences and penalties.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 March 1973.

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