



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, DECEMBER 17, 1931.

Published by Authority.

WELLINGTON; TUESDAY, DECEMBER 22, 1931.

Regulations relating to Export Licenses.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 22nd day of December, 1931.

Present:

THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred on him by section 47 of the Customs Act, 1913, and section 26 of the Board of Trade Act, 1919, and of all other powers and authorities enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, being of opinion that the exportation hereinafter prohibited is necessary in the public interest and for the maintenance and prosperity of the industries concerned and the economic welfare of New Zealand, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following Order.

REGULATIONS.

1. PRELIMINARY.

- (1) This Order may be cited as the Export Licenses Order, 1931.
- (2) This Order shall come into force on the 1st day of January, 1932.

(3) The prohibition contained in this Order shall apply to goods placed on board the exporting ship on or after the date of coming into force hereof.

(4) In this Order—

“Licensing Officer” includes a Collector of Customs and the Secretary of Industries and Commerce or any officer appointed by him to issue a general license under this Order:

“Minister” means the Minister of Industries and Commerce.

2. PROHIBITION OF EXPORTING WITHOUT LICENSE.

(1) The exportation is hereby prohibited from New Zealand to any destination whatsoever of all goods, including bullion, whether the produce of New Zealand or not, save in accordance with a license issued by a licensing officer as hereinafter provided.

(2) The license required by the last preceding clause hereof shall be required notwithstanding the fact that any license or permission to export any goods or class of goods has been granted by any authority before or after the coming into force of this Order under any other provision of law; and the issue of a license under this Order shall not absolve any person from compliance with the requirements of any other statute or regulations relating to the export of goods from New Zealand.

3. LICENSES.

(1) A license issued under this Order shall be either—

- (i) A license to export particular goods by a specified ship (hereinafter referred to as a “particular license”), or
- (ii) A license to export goods of all kinds from specified ports during a specified period or until a specified date (hereinafter referred to as a “general license”).

(2) Application for a particular license shall be made to, and such license may be issued by, a Collector of Customs at the port from which the goods are to be exported, and such application shall be in the form numbered 1 in the Schedule hereto.

(3) Application for a general license shall be made to, and such license may be issued by, the Secretary of Industries and Commerce or any officer of the Public Service appointed by him in that behalf, and such application shall be in the form numbered 2 in the Schedule hereto.

(4) A licensing officer may in his discretion decline to issue a license to any person.

(5) Every application shall be prepared in duplicate, and a license may be appended to a duplicate copy of the application as set out in the said forms numbered 1 and 2 respectively.

4. CONDITIONS OF LICENSES.

(1) Every person to whom a particular license is issued shall, subject to any modification of these conditions made under Regulation 7 hereof,—

- (i) Forthwith on obtaining any shipping documents or drafts relative to the goods comprised in the license deliver the same to a branch or office in New Zealand, named by him in his application, of a bank doing business in New Zealand.
- (ii) Upon the sale of the goods comprised in the license and immediately on receipt of any proceeds of such sale in the place where the same are sold, whether such proceeds be received by the applicant or by any other person on his behalf, pay such proceeds, or cause the same to be paid, to the bank referred to in Regulation 6 hereof, to be remitted to New Zealand at the current rate of exchange at the time of such payment to the remitting bank.
- (iii) Deliver to the remitting bank, together with such proceeds as aforesaid, an account sales showing particulars of the sale of the goods sold and setting out the net proceeds thereof.

(2) Every person to whom a general license is issued shall, subject to any modification of these conditions made under Regulation 7 hereof,—

- (i) Within six days after the Collector has granted a certificate of clearance for any ship carrying goods shipped by such person, deliver to the Collector of Customs at the port of shipment full particulars of all goods exported from New Zealand, by the licensee in such ship under the authority of the license, including the name of the branch or office in New Zealand of the bank doing business in New Zealand, to which the shipping documents or drafts relative to such goods are to be delivered; and
- (ii) Forthwith upon or before the exportation of any such goods, and on obtaining any shipping documents or drafts relative to such goods, deliver the same to a branch or office in New Zealand, named by him in his application, of a bank doing business in New Zealand; and
- (iii) Upon the sale of the goods comprised in the license and immediately on receipt of any proceeds of such sale in the place where the same are sold, whether such proceeds be received by the applicant or by any other person on his behalf, pay such proceeds, or cause the same to be paid, to the bank referred to in Regulation 6 hereof, to be remitted to New Zealand at the current rate of exchange at the time of such payment to the remitting bank; and
- (iv) Upon the sale of any goods exported from New Zealand by the applicant prior to the issue of the license and sold in any place after the issue, and whether before or after the expiration of the license, immediately on receipt of any proceeds of such sale in the place where the same are sold, whether such proceeds be received by the applicant or by any other person on his behalf, pay such proceeds, or cause the same to be paid, to the bank referred to in Regulation 6 hereof, to be remitted to New Zealand in like manner as aforesaid; and
- (v) Deliver to the remitting bank, together with such proceeds as aforesaid, an account sales showing particulars of the sale of the goods sold and setting out the net proceeds thereof.

(3) A general license may at any time be revoked by the Minister by notice in writing under his hand delivered to the Comptroller of Customs, who shall forthwith notify the Collector of Customs at each of the ports to which the license refers. Notice of revocation shall forthwith be given to the licensee, but such revocation shall, nevertheless, take effect irrespective of such notice immediately on delivery of the instrument of revocation to the Comptroller of Customs.

5. SECURITY FOR UNDERTAKING.

(1) Prior to the issue of a general license or a particular license the applicant shall, if in any case the licensing officer so requires, give such security for compliance with the requirements of Regulation 4 hereof as the licensing officer may require.

(2) Unless in any special case some other security is accepted as sufficient by the licensing officer, the security hereinbefore referred to shall be a bond executed in favour of His Majesty the King by the applicant and two sureties, to be approved by the licensing officer, conditioned for the observance of the requirements of Regulation 4 hereof, and may be in the form numbered 3 in the Schedule hereto.

(3) Any bond required in the case of a particular license shall, unless the licensing officer otherwise decides, be for a sum of double the estimated value of the goods at the place and time of export.

(4) In the case of a general license such bond shall be for such sum as the licensing officer may consider reasonable.

6. REMITTING BANK.

(1) If the goods comprised in the license are to be sold in any State of the Commonwealth of Australia, the bank to which the proceeds of sale thereof are to be paid shall be the principal branch or office in the capital city of that State of the bank named as that to which the shipping documents relative to the goods are to be delivered, or its correspondent in such city.

(2) If the goods comprised in the license are to be sold in the British Islands or any other part of the Continent of Europe, the bank to which the proceeds of sale thereof are to be paid shall be the principal branch or office in London in England of the bank named as that to which the shipping documents relative to the goods are to be delivered, or its London correspondent.

(3) If the goods comprised in the license are to be sold in any other part of the world, the bank to which the proceeds of sale thereof are to be paid shall be the bank referred to in the last preceding clause hereof, or such other bank as the applicant may propose and the Minister may in his discretion approve.

(4) If at any time after shipment and before sale thereof it is proposed to effect a sale of any goods in a country other than that previously intended, the Minister may in his discretion release the licensee from his liability as to the proceeds of sale on receiving from him such substituted undertaking and security relating thereto as in his discretion he thinks sufficient.

(5) Every licensee under this Order shall be deemed to have authorized the bank to which such proceeds of sale are to be paid to remit the same to New Zealand at such rate of exchange as aforesaid for the credit of the licensee at the branch or office in New Zealand of the bank to which shipping documents have been delivered :

Provided always that the licensee may at any time prior to such remittance direct the remitting bank to make the remittance to any other branch or office in New Zealand of the same or any other bank to the credit of the same or any other person.

(6) Every bank doing business in New Zealand and receiving from a remitting bank any remittance made in pursuance of this Order shall credit the same as hereby directed, subject to all rights and arrangements between banker and customer and all agreed or customary charges, but without allowing or deducting any sum in respect of exchange, other than exchange at the current rate aforesaid, irrespective of the charges in respect of exchange that may be made by the remitting bank.

7. MISCELLANEOUS.

(1) The current rate of exchange at any time for the purposes of this Order shall be the rate quoted by the banks of issue doing business in New Zealand, and, in the case of any question as to what is the rate so quoted, the Minister of Finance may for the purpose of this Order, after consultation with the banks of issue, declare such rate by notification published in the *Gazette*.

(2) If upon such evidence as he may think sufficient the Minister is satisfied that any person intends to export goods from New Zealand otherwise than for purposes of sale, the Minister may direct that a particular or general license be issued for the export thereof free from conditions or subject only to such conditions as he may think fit.

(3) If any applicant is dissatisfied with the decision of a licensing officer in declining to issue a license, or as to any matter relating to the security to be given by him, the applicant may appeal to the Minister, whose decision shall be final.

(4) Nothing contained in this Order shall require any person to assign or transfer to any bank the shipping documents and drafts (if any) the delivery of which to a bank is hereby required.

(5) Nothing contained in this Order shall be deemed to prevent any person from negotiating bills with any bank or from obtaining from any bank doing business in New Zealand advances in New Zealand or elsewhere against goods shipped pursuant to a license issued under this Order or to prevent any bank negotiating such bills or from making such advances.

(6) If on the grounds of hardship or substantial difficulty of compliance, or for any other reason, he thinks fit so to do, the Minister may, in respect of any particular goods exported or to be exported direct that a license be issued for the export thereof free from the conditions herein imposed or any of them, or may in respect of any license already granted waive compliance with any condition imposed pursuant to this Order.

(7) For purposes of general interpretation and for the ascertainment of any penalty to be imposed for a breach of the provisions hereof, this Order shall be deemed to have been made under the authority of the Board of Trade Act, 1919.

SCHEDULE.

Form No. 1.

THE EXPORT LICENSES ORDER, 1931.

Application for Particular License to Export.

To the Collector of Customs at.....

Full name of applicant:.....

Occupation:.....

Address:.....

Bank and office of bank to which shipping documents are to be delivered:.....

City and bank at which proceeds of sale are to be paid:.....

Value of goods at port of shipment:.....

The above-named applicant, hereby applies for a particular license to export in terms of the particulars set out above the goods described below:—

Marks and Numbers.	Number and Description of Packages and Goods.	Quantities.

Date:..... Signature:.....

I hereby license the exportation of goods in terms of the above application.

Signature:.....

(Collector of Customs).

Date:.....

Form No. 2.

THE EXPORT LICENSES ORDER, 1931.

Application for General License to Export Goods.

To the Secretary of Industries and Commerce.

Full name of applicant:.....

Occupation:.....

Address:.....

Bank(s) and office(s) of bank(s) to which shipping documents are to be delivered during the period of the license:.....

City(ies) and bank(s) at which proceeds of sale are to be paid during the said period:.....

Port(s) to which license is to apply:.....

Date at which license is to terminate:.....

The above-named applicant hereby applies for a general license 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.

Date:..... Signature:.....

(Secretary for Industries and Commerce).

Form No. 3.

THE EXPORT LICENSES ORDER, 1931.

Bond.

KNOW all men by these presents that we [Full name of licensee], of [Address], [Occupation], (hereinafter called "the licensee"), and [Full name of first surety], of [Address], [Occupation], and [Full name of

second surety], of [Address], [Occupation], are jointly and severally held and firmly bound unto His Majesty King George the Fifth in the sum of.....pounds, to be paid to His Majesty and his successors, for which payment to be well and truly made we bind ourselves jointly and each of us severally and respectively, our and each of our executors and administrators, firmly by these presents.

Sealed with our seals and dated this day of , 193 .

WHEREAS the above-bounden licensee has made an application dated the day of , 193 , for a [particular] [general] license to export goods under the Export Licenses Order, 1931.

Now the condition of the above-written bond or obligation is that if upon the issue of a license to export goods in terms of the said application, or upon the issue of any other license accepted by the licensee, the licensee shall punctually and faithfully observe and comply with all the requirements of the Export Licenses Order, 1931, relating to such license, then this bond shall be void and of no effect, but otherwise the same shall remain in full force and effect :

Provided always that no extension of time or other indulgence granted to the licensee for compliance with the requirements of the said Order, and no neglect or forbearance to enforce such compliance, shall in any way release any person hereby bound, his executors or administrators, other than the licensee, from his or their liability hereunder, and no waiver of any one or more of the said requirements shall affect the liability of the licensee or any other person hereby bound, his or their respective executors or administrators, from his or their liability hereunder.

Signed, sealed, and delivered by the said }
[Licensee] in the presence of— }

Signed, sealed, and delivered by the said }
[First surety] in the presence of— }

Signed, sealed, and delivered by the said }
[Second surety] in the presence of— }

F. D. THOMSON,
Clerk of the Executive Council.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.