



NEW ZEALAND **CUSTOMS SERVICE** TE MANA ĀRAI O AOTEAROA

Disclaimer:

This document is a consolidated version of the Customs (Applications for Customs-controlled Area Licences) Rules 2021 produced by the New Zealand Customs Service as a reference document only. It has been compiled from the official rules that were made by the Comptroller of Customs. Copies of the official rules and amendment rules were notified in the NZ Gazette and are available on the New Zealand Customs Service website.

PURSUANT to section 421(1) of the Customs and Excise Act 2018

I, Christine Stevenson, Chief Executive, New Zealand Customs Service, make the following rules:

Customs (Applications for Customs-controlled Area Licences) Rules 2021 (as amended)

Signed at Wellington

This 13th day of December 2021

Christine Stevenson

Comptroller of Customs

Customs (Applications for Customs-controlled Area Licences) Rules 2021

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Part 1

Rules

Section 1 Title, application, commencement and interpretation

1.1 Title

These rules are the Customs (Applications for Customs-controlled Area Licences) Rules 2021.

1.2 Application and purpose of rules

These rules apply to applications for areas to be licensed as Customs-controlled areas in accordance with section 57(1) of the Act and are made for the purpose of prescribing the way in which applications must be made.

1.3 Commencement

These rules come into force on 17 January 2022.

1.4 Interpretation

1.4(1) In these rules, unless the context otherwise requires—

Act means the Customs and Excise Act 2018

Form means a form prescribed by the Chief Executive and set out in these rules and includes a form in an electronic message format the content of which is prescribed by the Chief Executive

Joint Border Management System (JBMS) has the meaning given to it in section 302 of the Act

Regulations means the Customs and Excise Regulations 1996

Trade Single Window (TSW) means the computer system application jointly managed by Customs and the Ministry for Primary Industries as part of the JBMS that enables parties involved in international trade and transport to submit craft and cargo clearance data that is required by New Zealand border agencies electronically, once, through one entry point

1.4(2) Unless the context otherwise requires, a term that is used in these Rules and defined in the Act but not defined in these Rules has the meaning given in the Act.

1.5 Revocation

1.5(1) The Customs (Applications for Customs Controlled Area Licences) Rules 2018 (CR 2018/CCA1) are revoked.

Section 2 Applications

2.1 Application for an area to be licensed must be made in the way prescribed

2.1(1) Every application for an area to be licensed as a Customs-controlled area must be made in accordance with 2.2 and 2.3.

2.2 Form of application

2.2(1) An application for a Customs-controlled area licence must be:

- (a) in the electronic message format, as set out in Schedule 3 to these Rules;
- (b) made using Trade Single Window and submitted electronically; and
- (c) accompanied by the declaration(s) required under rule 2.3.

2.3 Fit and Proper Person Declarations

2.3(1) This clause applies to the following persons:

- (a) the applicant, if a natural person; or
- (b) the person making the application on behalf of the body corporate, if the applicant is a body corporate,
- (c) in either case, every person employed by the applicant with day to day responsibility for the operation of the area to be licenced as a Customs-controlled area.

2.3(2) Those persons must complete the form prescribed in Schedule 2 and make the required declaration.

2.3(3) Any form required under 2.3(2) must be submitted at the time an application for a Customs-controlled area licence is made.

2.3(4) In addition to the person described in rule 2.3(1)(b), if the applicant is a body corporate, a Customs officer may require any of the applicant's directors or the applicant's senior managers to make the declaration required by 2.3(2).

2.3(5) Any form required under 2.3(4) must be submitted by the time specified by a Customs officer.

2.4 Requirement to provide answers

2.4(1) A person making an application under 2.2 or completing a form in accordance with 2.3 must provide the answers to all matters as are required in or by that form.

2.5 Notes

2.5(1) Where a prescribed form contains any explanatory or other notes, such notes do not form part of the prescription but are intended to assist the applicant to complete the application.

Part 2 – Schedules

Schedule 1

Revoked.

Schedule 2

Refer to Customs (Applications for Customs-controlled Area Licences) Amendment Rules 2022.

Schedule 3

Electronic Message Format- Application for Customs-controlled area licence

Applicant – person or organisation

Premises

Full premises name

Trading as (if applicable)

Physical Address of area to be licenced

Street number

Postcode

Unit number

Floor level

Property name

Property type

Street name

Street type

Suburb

Town/city

State

Country

Postal Address of area to be licenced (if not same as above)

Street number

Postcode

Unit number

Floor level

Property name

Property type

PO Box

Private Bag

Street name

Street type

Suburb

Town/city

State

Country

Contact person

Contact person name

Position in organisation

Set as primary contact?

Contact phone numbers

Email address

Legal description of area to be licenced

Lot

Deposit number

Purpose of licence

Select appropriate category

Additional information

Security measures in place at the area to be licensed (e.g. alarms, cameras etc.)

Lodgement notifications

History of the Customs (Applications for Customs-controlled Area Licences) Rules 2021

These rules came into force on 17 January 2022.

This consolidation incorporates:

Amendment	Entry into force	Summary of changes
Customs (Applications for Customs-controlled Area Licences) Amendment Rules 2022	30 June 2022	These amendment rules revoke form C11 so the only way to apply for a Customs-controlled area licence is through Trade Single Window. These amendment rules also revoke and replace the existing form C12 to make consequential changes to that document following the revocation of form C11.