



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

**Under** section 421(1) of the Customs and Excise Act 2018,

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

Customs (Advance Notice of Departure) Rules 2024

**Signed** at Wellington

This 31<sup>st</sup> day of July 2024

Christine Stevenson

Chief Executive, New Zealand Customs Service

# Customs (Advance Notice of Departure) Rules 2024

## Table of Contents

<b>Part 1</b>	<b>Rules</b>	<b>3</b>
<b>Section 1</b>	Preliminary provisions	3
<b>1.1</b>	Title	3
<b>1.2</b>	Commencement	3
<b>1.3</b>	Application and purpose	3
<b>1.4</b>	Interpretation	3
<b>1.5</b>	Revocation	4
<b>Section 2</b>	Form and manner of advance notices of departure	4
<b>2.1</b>	Advance notices of departure for sea craft	4
<b>2.2</b>	Advance notices of departure for aircraft	4
<b>2.3</b>	Advance notices of departure for small craft	4
<b>2.4</b>	Approval of forms	4
<b>2.5</b>	Requirement to provide answers and make declaration	5
<b>2.6</b>	Alterations to forms	5
<b>Part 2</b>	<b>Schedules</b>	<b>6</b>
<b>Schedule 1</b>	Prescribed Information for Advance Notice of Departure for sea craft – TSW (Electronic Message Format E6)	7
<b>Schedule 2</b>	Prescribed Information for Advance Notice of Departure for sea craft – non-TSW	9
<b>Schedule 3</b>	Prescribed Information for Advance Notice of Departure for aircraft	11
<b>Schedule 4</b>	Prescribed Information for Advance Notice of Departure for small craft	13
	Explanatory note	20

# Part 1

## Rules

### Section 1 Preliminary provisions

#### 1.1 Title

These rules are the Customs (Advance Notice of Departure) Rules 2024.

#### 1.2 Commencement

These rules come into force on 9 September 2024.

#### 1.3 Application and purpose

1.3(1) These rules apply to persons required to provide advance notices of departure under section 37(2)(a) of the Act.

1.3(2) These rules prescribe the way in which an advance notice of departure is to be made for the purposes of section 37(7) of the Act.

#### 1.4 Interpretation

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

**Act** means the Customs and Excise Act 2018

**Commercial cargo** means all goods, except the personal effects of crew and passengers and stores for craft, carried or to be carried in or on any craft to a point outside New Zealand whether in the course of international trade or for the sale and supply of those goods

**Sea craft** means—

(a) any craft that is not an aircraft; but

(b) excludes small craft

**Small craft** means a ship or boat not used for hire or reward in the carrying of cargo or passengers (for example privately owned and operated yachts and launches)

**Trade Single Window (TSW)** means the computer system application jointly managed by Customs and the Ministry for Primary Industries as part of the Joint Border Management System 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**

The Customs (Advance Notice of Departure) Rules 2014 are revoked.

## **Section 2 Form and manner of advance notices of departure**

### **2.1 Advance notices of departure for sea craft**

2.1(1) This clause applies to persons required to complete an advance notice of departure for sea craft departing New Zealand.

2.1(2) The person must—

- (a) provide Customs with the following information:
  - (i) For advance notices of departure made in TSW, the information specified in Schedule 1; or
  - (ii) For all other advance notices of departure, the information specified in Schedule 2; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.4).

### **2.2 Advance notices of departure for aircraft**

2.2(1) This clause applies to persons required to complete an advance notice of departure for aircraft departing New Zealand.

2.2(2) A person must—

- (a) provide Customs with the information specified in Schedule 3; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.4).

### **2.3 Advance notices of departure for small craft**

2.3(1) This clause applies to persons required to complete an advance notice of departure for small craft departing New Zealand.

2.3(2) A person must—

- (a) provide Customs with the information specified in Schedule 4; and
- (b) provide that information in a form or medium approved by the chief executive (*see* rule 2.4).

### **2.4 Approval of forms**

The chief executive may approve the form or medium by which a person must supply the information specified in Schedules 1, 2, 3 and 4.

Note: Approvals by the chief executive under this rule are published on Customs' website at [www.customs.govt.nz](http://www.customs.govt.nz).

**2.5 Requirement to provide answers and make declaration**

- 2.5(1) The person making an advance notice of departure under these rules must provide the answers to all matters as are required in or by the applicable form.
- 2.5(2) Where the form in these rules requires a declaration to be made, the person must make any such declaration.

**2.6 Alterations to forms**

- 2.6(1) Without limiting the generality of section 52 of the Legislation Act 2019, the forms prescribed under these rules—
- (a) may be altered in design to suit Customs' business processes; and
  - (b) may contain additional material not inconsistent with the prescribed information in these rules.
- 2.6(2) 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 person in the completion of the form.

## **Part 2**

### **Schedules**

<b>Schedule 1</b>	Prescribed Information for Advance Notice of Departure for sea craft – TSW (Electronic Message Format E6)	7
<b>Schedule 2</b>	Prescribed Information for Advance Notice of Departure for sea craft– non-TSW	9
<b>Schedule 3</b>	Prescribed Information for Advance Notice of Departure for aircraft	11
<b>Schedule 4</b>	Prescribed Information for Advance Notice of Departure for small craft	13

## Schedule 1

### Prescribed Information for Advance Notice of Departure for sea craft – TSW (Electronic Message Format E6)

r 2.1(2)(a)(i)

#### General

- Transport Mode
- Submitter client code
- Senders reference number
- Ships agent client code
- Ships agent contact person name
- Ships agent contact person phone number

#### Craft details

- Craft Type
- Craft Name
- Gross Tonnage
- Deadweight Tonnage
- Country and Port of Registration
- IMO / Lloyds Number (required for all vessels exceeding 100 tonnes)
- Craft Owner
- Craft Operator or Charterer

#### Ships Master details

- Masters Name
- Masters email address

#### Itinerary details

- Voyage Number
- Departure Date and Time
- New Zealand Port of Departure
- Overseas Port of Destination

**New Zealand Itinerary Line Item**

- Port
- Date / Time of Arrival
- Date / Time of Departure

**Overseas Itinerary Line Item**

- Port
- Scheduled Date / Time of Arrival
- Scheduled Date / Time of Departure

**Crew and Passengers**

- Number of Crew
- Number of Crew that embarked the ship in New Zealand
- Number of Passengers
- Number of Passengers that embarked the ship in New Zealand
- Passenger Capacity

**General Information**

- Is the craft carrying cargo? (Y/N)

**Cargo reporter line item (If yes to carrying cargo, state details of cargo reporters):**

- Cargo reporter name
- Number of outward cargo reports

**If Oil tanker, list by port the details of persistent and non-persistent oil carried as cargo:**

- Port
- Oil type (persistent / non-persistent)
- Tonnage on Arrival
- Tonnage on Departure.



## Schedule 2

### Prescribed Information for Advance Notice of Departure for sea craft – non-TSW

r 2.1(2)(a)(ii)

#### *Part A: Departure details*

The following information in relation to the departing craft:

- Name of ship
- Port of departure
- Date of departure
- Time of departure
- Port of destination
- Name of person in charge
- IMO number
- Passenger capacity
- Gross register tonnes
- Summer loadline displacement (salt water, metric tonnes)
- Light weight of ship (salt water, metric tonnes)
- Segregated ballast tanks total tonnage (tankers only)
- Name and address of ship's agent in New Zealand

The following information in relation to New Zealand ports visited on this voyage:

- New Zealand ports visited
- For each New Zealand port visited:
  - Date of arrival
  - Date of departure

List of overseas ports en route to port of destination

The following information in relation to passengers and crew:

- Total number of crew on departure
- Total number of crew embarking in New Zealand
- Total number of passengers on departure
- Total number of passengers embarking in New Zealand

The following information in relation to cargo:

- Whether cargo has been loaded onto the craft in New Zealand, whether originating in New Zealand, or transhipped in New Zealand for Export? (Yes/No)
- If yes to the above, the following information:
  - The number of Outward Cargo Reports intended to be given
  - The names of the persons who will be giving each Outward Cargo Report

For tankers only, the following information in relation to total tonnage of persistent (P) and non-persistent (NP) oil carried:

- List of New Zealand ports visited
- For each New Zealand port visited:
  - Total tonnage of persistent (P) oil carried on arrival
  - Total tonnage of P oil loaded
  - Total tonnage of non-persistent (NP) oil carried on arrival
  - Total tonnage of NP oil loaded

Declaration that the advance notice of departure, comprising Parts A and B of this schedule, and the electronically lodged outward crew and passenger lists, are true and correct, with:

- Signature of person in charge or owner; and
- Date of signature

*Part B: Supporting documents checklist*

- Confirmation of whether or not crew list sent electronically
- Confirmation of whether or not passenger list sent electronically
- Confirmation of whether craft stores requisitions are attached
- Confirmation of whether controlled drugs and firearms list is attached.

## Schedule 3

### Prescribed Information for Advance Notice of Departure for aircraft

r 2.2

#### *Part A: Aircraft information*

- Operator
- Owner
- Flight number
- Aircraft registration number
- Country of registration
- Date of departure
- Airport of departure
- Airport of destination of flight
- Other airports visited en route

#### *Part B: Crew and passenger information*

- For each person on board:
  - Passport or official travel document number
  - Issuing state or organisation for passport or official travel document
  - Surname
  - Given names
  - Date of birth
  - Gender
  - Traveller status (passenger, crew member, or in transit)

#### *Part C: Cargo*

- Was cargo loaded onto the aircraft in New Zealand, whether originating in New Zealand or transhipped in New Zealand for export? (Yes/No)
- If YES: State:
  - The number of Outward Cargo Reports intended to be given
  - The names of the persons who will be giving each Outward Cargo Report.

*Part D: Supporting documents*

- For the cargo reports attached, specify the number of electronic reports and manual reports

Declaration that the information contained in the advance notice of departure is true and correct, with:

- Signature of person in charge or owner of the craft; and
- Date of signature.

## Schedule 4

### Prescribed Information for Advance Notice of Departure for small craft

r 2.3

#### *Part A: Registration details*

- Name of small craft
- Registration number
- Date of registration
- Country of registration
- Port of registration
- Sail number
- Home port
- Name of person in charge
- Total number of persons on board

#### *Part B: Departure details*

- Port of departure
- Date of departure
- Time of departure
- Next overseas port
- Intended date of return to New Zealand
- Intended port of return
- Intended itinerary (list)
- For any commercial cargo:
  - List all goods carried in or on the craft, whether in the course of international trade or for sale or supply in those goods, but excludes the personal effects of crew and passengers and stores for craft
- Specify whether any firearms are carried in or on the craft, and if so, the makes, models and serial numbers.
- Specify whether any controlled drugs or medicines are carried in or on the craft, and if so, specify the name and quantity.
- Quantity of the following stores on board:

- Spirits
- Beer
- Wine
- Cigarettes/tobacco
- Small craft status (select one):
  - Visiting overseas craft
    - Specify if you have sold or otherwise disposed of any equipment from your craft while in New Zealand? (Yes/No)
    - If yes, provide details
  - Departing New Zealand craft
  - Craft being permanently exported

*Part C: Crew and passenger details (Person in Charge first)*

- For each person on board, state their:
  - Surname
  - First name/s
  - Nationality
  - Date of birth
  - Passport number
  - Overseas contact address
  - Next of kin, relationship
  - Address/telephone of next of kin

*Part D: Craft details*

- Craft type (select one):
  - Yacht
  - Motor launch
  - Other (specify)
- Design
- Yacht rig (select one):
  - Cutter
  - Sloop

- Ketch
- Yawl
- Schooner
- Mast construction (select one):
  - Alloy
  - Timber
  - Composite
  - Other (specify)
- Hull construction (select one):
  - Steel
  - Alloy
  - Ferro
  - Cement
  - Fibreglass
  - Composite
  - Other (specify)
- Length, in metres or feet
- Beam, in metres or feet
- Draught, in metres or feet
- Gross tonnage
- Colours of the:
  - Mast
  - Deckhouse/Superstructure (tops)
  - Deckhouse/Superstructure (sides)
  - Hull (above water line)
  - Hull (below water line)
  - Decks
  - Dodgers/sail covers
  - Sails
- Specify engine:
  - Make

- Model
- Power (HP/Kw)
- Passage speed under motor
- Fuel capacity
- Fuel consumption
- Details of electronics:
  - Radar 1:
    - Make
    - Model
    - Range
  - Radar 2:
    - Make
    - Model
    - Range
  - SSB:
    - Make
    - Model
    - Call sign
  - VHF:
    - Make
    - Model
    - Call sign
  - HAM:
    - Make
    - Model
    - Call sign
  - Cellphone:
    - Make
    - Model
    - Number
  - INMARSAT voice:
    - Make



- Model
  - MMSA numbers
- INMARSAT fax:
  - Make
  - Model
  - MMSA numbers
- INMARSAT data:
  - Make
  - Model
  - MMSA numbers
- GPS 1:
  - Make
  - Model
- GPS 2:
  - Make
  - Model
- Radar detector (CARD):
  - Make
  - Model
- Radar reflector:
  - Make
  - Model
- SART:
  - Make
  - Model
- EPIRB 121.5/406mHz:
  - Make
  - Model
  - Serial number (if 121.5 beacon)
- List radio schedules maintained, including:
  - Frequencies
  - Times

- Shore station
- Details of other equipment:
  - Life raft:
    - Make
    - Model
    - Capacity
  - Dinghy/tender:
    - Make
    - Model
    - Length
    - Capacity
    - Colour
  - Outboard motor:
    - Make
    - Model
    - Power (HP/Kw)
  - Flares, including whether these are:
    - Parachute
    - Hand held
    - Smoke
    - Other (specify)
- Describe any other identifying features of the craft

*Part E: Border clearance levy information*

- Preferred email address for Border Clearance Levy Invoice

*Part F: Ownership details*

- Name of owner
- Owner's address
- Owner's contact information:
  - Telephone
  - Mobile phone

- Facsimile
- Email

Declaration by the person in charge of the craft that the particulars stated in the advance notice of departure provided are true and correct, with:

- Name of the person in charge;
- Signature of person in charge; and
- Date of signature.

## Explanatory Note

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

These rules, which come into force on 9 September 2024, are the Customs (Advance Notice of Departure) Rules 2024. They replace the Customs (Advance Notice of Departure) Rules 2014 (the **Former Rules**).

These rules prescribe the way in which an advance notice of departure may be provided to Customs under section 37(2)(a) of the Customs and Excise Act 2018 (**the Act**). The key provisions are as follows:

- *Rule 2.1* and *Schedules 1-2* relate to ships and boats other than small craft (sea craft)
- *Rule 2.2* and *Schedule 3* relate to for aircraft
- *Rule 2.3* and *Schedule 4* relate to small craft.

These rules do not substantially alter the effect of the Former Rules, but instead modernise the drafting and structure of them.

*Note:* Regulation 17A of the Customs and Excise Regulations 1996 provides for the time for delivery of an advance notice of departure.

*Reliance on section 53 of the Legislation Act 2019*

These rules are made under sections 37(7)(a) and 421(1) of the Act, as extended by section 53(2)(c) of the Legislation Act 2019. Section 53(2) of the Legislation Act 2019 provides that a power in legislation to approve or prescribe a form includes a power to authorise a prescribed person to approve or prescribe a form or medium for supplying information or making information available.

*Rule 2.4* therefore provides for the chief executive of the New Zealand Customs Service to approve the form or medium in which the information set out in the Schedules to these rules must be provided to Customs.

This is consistent with section 53(2)(c) of the Legislation Act 2019, which provides that a power in legislation to prescribe a form includes a power to authorise a prescribed person to approve or prescribe a form or medium for supplying information or making information available.

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These rules are secondary legislation, under the Legislation Act 2019. They are published on the New Zealand Customs Service's website: [www.customs.govt.nz](http://www.customs.govt.nz).

These rules are administered by the New Zealand Customs Service.

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