



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 (Applications for Customs-controlled Area Licences) Rules 2024

**Signed** at Wellington

This 9<sup>th</sup> day of December 2024

Christine Stevenson

Chief Executive, New Zealand Customs Service

# Customs (Applications for Customs-controlled Area Licences) Rules 2024

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# Part 1

## Rules

### Section 1 Preliminary provisions

#### 1.1 Title

These rules are the Customs (Applications for Customs-controlled Area Licences) Rules 2024.

#### 1.2 Commencement

These rules come into force on 1 April 2025.

#### 1.3 Application and purpose

1.3(1) These rules apply to applications for areas to be licensed as Customs-controlled areas in accordance with section 57(1) of the Act.

1.3(2) These rules prescribe the way an application is to be made for the purposes of section 57(2) 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

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

**storage** means, for the purposes of rule 2.2, storage of alcoholic products in accordance with regulation 6(a) of the Regulations

**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 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 (Applications for Customs-controlled Area Licences) Rules 2021 are revoked.

## **Section 2 Requirements for and form of Customs-controlled area applications**

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

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

### **2.2 Form of application**

An application for a Customs-controlled area licence must—

- (a) contain the information specified in:
  - (i) Schedule 1; or
  - (ii) if the application is for a licence for the manufacture or storage of alcoholic products, Schedule 2; and
- (b) be provided to Customs in a form or medium approved by the chief executive (*see* rule 2.4); and
- (c) be accompanied by the declaration(s) required under rule 2.3.

### **2.3 Fit and Proper Person Declaration**

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

- (a) if the applicant is a natural person, the applicant;
- (b) if the applicant is a body corporate,—
  - (i) the person making the application on behalf of the body corporate; and
  - (ii) any of the applicant's directors or senior managers, if directed by a Customs officer;
- (c) every person employed by the applicant with day-to-day responsibility for the operation of the area to be licensed as a Customs-controlled area.

2.3(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(3) A declaration required under rule 2.3 must be submitted at the time the application under rule 2.2 to which the declaration relates is made.

2.3(4) Despite rule 2.3(3), for persons to whom rule 2.3(1)(b)(ii) applies, a declaration must be submitted by the time specified by a Customs officer.

## **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 to 3.

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 application or declaration under these rules must provide the answers to all matters as are required in or by the applicable form.

2.5(2) Where a form in these rules requires a declaration to be made, the person must make any such declaration.

## **2.6 Alterations to form**

2.6(1) Without limiting the generality of section 52 of the Legislation Act 2019, a form 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**

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## Schedule 1

### Prescribed Information for application for Customs-controlled Area licence (TSW)

r 2.2(a)(i)

#### General requirements and notes:

- (a) All fields must be completed unless otherwise indicated in TSW.
- (b) Only some of the fields included in this Schedule will be required as part of the application. Other fields may be displayed but will be optional.

#### Applicant – person or organisation

##### Premises

- Full premises name
- Trading as (if applicable)
- Contact details, including contact type, phone number and email address
- External reference number

##### Physical Address of area to be licenced

- Street number
- Unit number
- Property name
- Street name
- Street suffix
- Suburb
- State
- Postcode
- Floor level
- Property type
- Street type
- RD number
- Town/city
- Country

**Postal Address of area to be licenced and Client Billing Address (if not same as above)**

- Street number
- Unit number
- PO Box
- Property name
- Street name
- Street suffix
- Suburb
- State
- Postcode
- Floor level
- Private Bag
- Property type
- Street type
- RD number
- Town/city
- Country

**Contact person**

- Contact person name
- Position in organisation
- Whether the specified contact person is to be set as the primary contact
- Contact phone numbers
- Email address

**Whether the applicant wants to apply for a Customs-controlled area licence**

**Legal description of area to be licenced**

- Lot
- Deposit number



**Purpose of licence**

- Select appropriate category

**Additional information**

- Activity to be undertaken in the area licenced
- Security measures in place at the area to be licensed (e.g. alarms, cameras, etc.)
- Excisable goods that are to be manufactured or stored in the area to be licenced
- Additional information, comments, and files to support the application

**Lodgement notifications**

## **Schedule 2**

### **Prescribed Information for application for Customs-controlled Area licence (manufacture or storage of alcoholic products) r 2.2(a)(ii)**

#### **Applicant details**

In relation to the applicant or person completing the application on behalf of the applicant:

- Name
- Email
- Phone
- Preferred contact method
- Physical address

#### **Responsible persons in relation to the applicant**

In relation to persons responsible for the day-to-day management of the area, management or oversight of finances, record-keeping and staffing, and contact persons for the applicant and area to be licensed:

- Name
- Email
- Phone number
- Position in business

#### **Business registration details**

- Business name
- NZBN number
- TSW registration number (if applicable)

#### **Location details of area to be licenced**

In relation to the area to be licensed:

- Street address
- Lot number
- DP (Deposited Plan) number

- Site map

### **Purpose of the proposed Customs-controlled area**

- Whether manufacturing of alcoholic products will be occurring at the premises. If so, the following details:
  - Stages of manufacturing that will occur
  - Type of beverages to be manufactured, including intended strengths
  - Method for measuring alcohol strength
  - Other products that will be manufactured at the premises
  - Other entities that may use the premises to manufacture alcoholic products
- Whether storage of excisable goods will be occurring at the premises. If so, the following details:
  - Who the goods will belong to
  - What goods will be stored

### **Business plans**

- The applicant's intended market for products (whether for New Zealand or export)
- The applicant's plans for future growth (if any)

### **Anticipated duty liability**

An estimation of the applicant's excise duty liability for the area for a period of 12 months

### **Record-keeping**

- Confirmation that the business will keep appropriate records to support the excise liability declared to Customs
- Detail as to what form these records will be kept in

### **Declarant information**

- A nominated declarant on behalf of the applicant for Customs to engage with to register as a declarant
- Contact information for the nominated declarant (if different from the applicant's contact person or key personnel provided above)

**Site security measures**

- Acknowledgement of the expectation that alcohol on the premises is secured and that the licensee may be liable for duty on alcohol that is stolen or missing
- General information about what security measures will be in place at the area to be licensed (e.g. alarms, security cameras)

**Declaration**

Declaration that the information provided in this application is true and correct, including the name of the person making the declaration on behalf of the applicant and their position.

## Schedule 3

### Prescribed Information for Fit and Proper Person Declaration

r 2.3

#### General requirements and notes:

- (a) This form is to be used alongside an application for a Customs-controlled area licence, as required under rule 2.2 of these rules. This declaration must be submitted at the time an application for a Customs-controlled area licence is made.
- (b) A declaration must be completed by the applicant, if a natural person; or the person making the application on behalf of the body corporate, if the applicant is a body corporate. In either case, every person employed by the applicant with day-to-day responsibility for the operation of the area to be licensed as a Customs-controlled area must complete this declaration. Other key personnel may be requested by a Customs Officer to complete this declaration.

#### Information for fit and proper person assessment

In relation to the person making a declaration:

- Whether, in the past five years, they have ever received any warnings, diversions, petty offence charges, administrative penalties or infringement notices, or are presently facing criminal charges, for non-compliance under the Customs and Excise Act 2018 or Biosecurity Act 1993
- Whether they have ever been convicted for an offence, or are presently facing criminal charges, under the Customs and Excise Act 2018, the Hazardous Substances and New Organisms Act 1996, the Biosecurity Act 1993, the Immigration Act 2009, the Civil Aviation Act 1990, the Wine Act 2003 or the Maritime Transport Act 1994
- Whether they have ever been convicted in New Zealand or in any other country, or are presently facing criminal charges, for an offence involving dishonesty or drugs
- Whether they are currently bankrupt or have had a previous bankruptcy under the Insolvency Act 1967 or the Insolvency Act 2006
- Whether they have ever been prohibited under section 382, 383, 385 or 386A of the Companies Act 1993 from being a director or a promoter of, or taking part in, the management of a company
- Whether there is any other information that is relevant to their fit and proper person status that has not been addressed through the information already required.

If a person answers in the affirmative in response to any of the questions listed above in this Schedule, then the person must provide further details. This includes—

- An explanation of the circumstances;

- Steps taken to address the issue; and
- Attaching any evidence to support these steps (e.g. references, certificates etc).

### **Declaration and consent**

Declaration that the particulars contained in the declaration are true and correct, together with:

- Full name
- Position held
- Name of sole trader, partnership, registered company or trust (as applicable)
- Signature of the relevant individual and date, for declarations in paper format.

Confirmation that the declarant authorises the chief executive of the New Zealand Customs Service (or their delegate) to collect and receive information about the declarant for the purpose of determining their eligibility for a Customs-controlled area licence, from any person, organisation or government department in any country. This is together with an acknowledgement that the chief executive may, at any time, require further information from the declarant relevant for the purposes of the application.

### **Accompanying information**

The person making the declaration must supply:

- A Ministry of Justice criminal record that is not older than three months from the date Customs receives the relevant application for a Customs-controlled area licence.
- If the person has lived outside New Zealand for more than 12 consecutive months in the 5 years preceding completion of the declaration, a criminal record from the relevant overseas country, or countries, which should be dated to within three months of the person leaving that country or countries.

## 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 1 April 2025, are the Customs (Applications for Customs-controlled Area Licences) Rules 2024. These rules replace the Customs (Applications for Customs-controlled Area Licences) Rules 2021 (the **Former Rules**).

These rules prescribe the way by which an application for a Customs-controlled area licence is made under section 57 of the Customs and Excise Act 2018 (the **Act**). The key provisions are as follows:

- *Rule 2.2* sets out the requirements for a Customs-controlled area licence application.
- *Rule 2.3* sets out the requirements for a fit and proper person declaration, which is required together with an application for a Customs-controlled area licence.
- *Schedules 1 and 2* set out the information that must be provided in an application for a Customs-controlled area licence.
- *Schedule 3* sets out the information that must be provided in a fit and proper person declaration.

These rules contain updates from the Former Rules to reflect Customs business changes and modernisation of processes for Customs-controlled area licence applications.

### *Reliance on section 53 of the Legislation Act 2019*

These rules are made under sections 57(2) and 421 of the Act, as extended by section 53(2) 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.

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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.

Date of notification in the *Gazette*: 13 December 2024.

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