



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 (Certificates of Clearance) Rules 2024

**Signed** at Wellington

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

Christine Stevenson

Chief Executive, New Zealand Customs Service

# Customs (Certificates of Clearance) Rules 2024

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# Part 1

## Rules

### Section 1 Preliminary provisions

#### 1.1 Title

These rules are the Customs (Certificates of Clearance) Rules 2024.

#### 1.2 Commencement

These rules come into force on 9 September 2024.

#### 1.3 Application and purpose

1.3(1) These rules shall apply to all certificates of clearance provided under section 37 of the Act.

1.3(2) These rules prescribe the forms by which certificates of clearance may be granted for the purposes of section 37(6) 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

**Comptroller** means the Comptroller of Customs who is the Chief Executive of the New Zealand Customs Service

**Regulations** means the Customs and Excise Regulations 1996

**Sea craft** means—

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

(b) excludes small craft

**Small craft** means any ship or boat not used for hire or reward (for example, privately owned and operated yachts and launches)

**Trade Single Window** means a 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 (Certificates of Clearance) Rules 2004 are revoked.

## **Section 2 General provisions**

### **2.1 Certificates of clearance for sea craft**

2.1(1) This clause applies to sea craft.

2.1(2) A certificate of clearance must—

- (a) contain the information specified in Schedule 1; and
- (b) be provided in a form or medium approved by the chief executive (*see* rule 2.5).

### **2.2 Certificates of clearance for aircraft**

2.2(1) This clause applies to aircraft.

2.2(2) A certificate of clearance must—

- (a) contain the information specified in Schedule 2; and
- (b) be provided in a form or medium approved by the chief executive (*see* rule 2.5).

### **2.3 Certificates of clearance for small craft**

2.3(1) This clause applies to small craft.

2.3(2) A certificate of clearance must—

- (a) contain the information specified in Schedule 3; and
- (b) be provided in a form or medium approved by the chief executive (*see* rule 2.5).

### **2.4 Requirement to provide answers and make declaration**

2.4(1) The person completing a certificate under these rules must provide the answers to all matters as are required in or by the applicable form.

2.4(2) Where the form in these rules requires a declaration to be made, the person must make any such declaration.

### **2.5 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 and 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).

**2.6 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**

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## Schedule 1

### **Prescribed Information for Certificate of Clearance for ships and boats other than small craft (sea craft)**

r 2.1

The following information in relation to the departure details:

- Name of ship
- Date and time of departure
- Port of departure and port of destination
- Name of person in charge
- Name and address of ship's agent in New Zealand
- IMO number
- Gross register tonnes
- For all certificates of clearance other than those granted via Trade Single Window, segregated ballast tanks total tonnage (tankers only)

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 visited 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 embarked in New Zealand
- Total number of passengers on departure
- Total number of passengers embarked in New Zealand

Certification that the specified person in charge of the specified craft has complied with the relevant provisions and is granted a certificate of clearance from New Zealand

For all certificates of clearance other than those granted via the Trade Single Window, signature of Customs officer and appropriate stamp.

## Schedule 2

### **Prescribed Information for Certificate of Clearance for aircraft**

r 2.2

The following information in relation to the aircraft:

- Customs Place
- Full name of person in charge of aircraft
- Full name of aircraft
- Destination outside of New Zealand.

Certification that the specified person in charge of the specified aircraft has complied with the relevant provisions and is granted a certificate of clearance from New Zealand.

Signature of Customs officer and appropriate stamp.



### **Schedule 3**

#### **Prescribed Information for Certificate of Clearance for small craft** r 2.3

The following information in relation to the registration details:

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

The following information in relation to 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

Certification that the specified person in charge of the specified craft has complied with the relevant provisions and is granted a certificate of clearance from New Zealand.

Signature of Customs officer and appropriate stamp.

## 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 (Certificates of Clearance) Rules 2024. These rules replace the Customs (Certificates of Clearance) Rules 2004 (the **Former Rules**).

These rules prescribe the form in which a certificate of clearance may be granted for a craft to depart from New Zealand, in accordance with section 37(6) of the Customs and Excise Act 2018 (the **Act**). The key provisions are as follows:

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

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

*Reliance on section 53 of the Legislation Act 2019*

These rules are made under sections 37(6) 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 2.5* 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.

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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