

DISALLOWABLE INSTRUMENT



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

I, Carolyn Tremain, Chief Executive of the New Zealand Customs Service, make the following rules:

Customs (Applications for CASE Licences) Rules 2018

Signed at Wellington

This 12th day of August 2018

Carolyn Tremain

Comptroller of Customs

Customs (Applications for CASE Licences) Rules 2018

CR 2018/CSE1

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Part 1

Rule requirements

Section 1 Title, application and revocation

1.1 Title

These Rules are the *Customs (Applications for CASE Licences) Rules 2018*.

1.2 Application and purpose

These Rules apply to applications for areas to be licenced as CASEs under section 277 of the Act and are made for the purpose of prescribing the way in which applications are to be made.

1.3 Commencement

These Rules come into force on 1 October 2018.

1.4 Interpretation

1.4(1) In these Rules, unless the context otherwise requires-

Act mean the Customs and Excise Act 2018

Form means a form prescribed by the Chief Executive and set out in these Rules

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 (Application for CASE Licences) Rules 2014 (CR 1AAB/2014) are revoked.

Section 2 Applications

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

Every application for an area to be licensed as a CASE must be made in accordance with 2.2 and 2.3.

2.2 Form of application

An application for a CASE licence must be in Form C11A as set out in Schedule 1 of these Rules and be accompanied by the declaration(s) required under 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) If the applicant is a body corporate:
 - (i) The applicant's director; and
 - (ii) the applicant's senior managers; and
- (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 CASE.

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 CASE licence is made.

2.4 Requirement to provide answers

A person making 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 any 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 in the completion of the application.

Part 3

Schedules

Schedule 1

2.2 – Form C11A



FORM C11A | OCTOBER 2018

Application for a Customs-approved area for storing exports (CASE) licence

Section 277, Customs and Excise Act 2018

To the New Zealand Customs Service at (nearest Customs port)
Application is made for a CASE licence for the area specified in this application, for the purpose of storing goods for export (temporarily or otherwise) until they are transported (either directly or via another area or areas) to the place of shipment, and shipped.

- 1 **Name of applicant:**
(Full registered company name or partnership/sole trader/trust names to be shown)
Trading as (where applicable)
- 2 **New Zealand Company Registration Number OR New Zealand Business Number (NZBN)** (if applicable):
- 3 **Applicant TSW Registration Number** (if applicable)
- 4 **Name of person who will be responsible for the general day to day operation of the area to be licensed**
.....
Date of Birth:
Country of Birth:
Gender:
- 5 **Applicant Contact Details**
Contact numbers:
Email address:
- 6 **External Reference Number**
- 7 **Physical Address of the applicant:**
Street Number:
Unit Number:Floor Level:
Property Name:Property Type:
Street Name:Street Type:
Suburb:Town/City:
State:Country:
Postcode:
- 8 **Postal Address of the applicant** (if not same as above)
Street Number:
Unit Number:Floor Level:
Property Name:Property Type:
PO Box:Private Bag:
Street Name:Street Type:
Suburb:Town/City:
State:Country:
Postcode:
- 9 **Names, Position Held, Phone Number and Email Address of other key personnel responsible for the operation of the area to be licensed** (e.g. operational decision-making, finance, staffing or record keeping) if applicable
.....
.....
.....

- 10 **Full Premises Name:**
- Trading as (where applicable)
- 11 **Contact Details for the area to be licensed**
- Contact numbers:
- Email address:
- 12 **Physical Address of area to be licensed:**
- Street Number:
- Unit Number: Floor Level:
- Property Name: Property Type:
- Street Name: Street Type:
- Suburb: Town/City:
- State: Country:
- Postcode:
- 13 **Postal Address of area to be licensed (if not same as above):**
- Street Number:
- Unit Number: Floor Level:
- Property Name: Property Type:
- PO Box: Private Bag:
- Street Name: Street Type:
- Suburb: Town/City:
- State: Country:
- Postcode:
- 14 **Billing Address of area to be licensed (if not same as above):**
- Street Number:
- Unit Number: Floor Level:
- Property Name: Property Type:
- PO Box: Private Bag:
- Street Name: Street Type:
- Suburb: Town/City:
- State: Country:
- Postcode:
- 15 **Legal description of the area to be licensed:**
- Lot:
- Deposit Number:
- 16 **Activity to be undertaken in the area to be licensed and the hours of operation:**
-
-
-
-

17 **Security measures that will be applied to the area to be licensed** (eg, alarms, cameras etc):

.....

18 **Details of procedures and records used to account for the consolidating, packing, repacking, treating, or other handling and storage of goods subject to the control of Customs (if applicable):**

.....

19 **Details of any CASE license that the applicant currently holds or has previously held:**

.....

20 **Details of any Customs-controlled area licence that the applicant currently holds or has previously held:**

.....

21 **Estimate of cargo volumes for the next 3 years in respect of the area to be licensed:**

.....

22 **Nature of cargo to be handled, and equipment for handling cargo in respect of the area to be licensed:**

.....

23 **Additional information or comments to support the application**

.....

Declaration

I hereby declare that the particulars contained in this application are true and correct.

Signature of applicant or person legally authorised to represent the applicant: Date: / /

Full name of signatory:

Designation of signatory:

General information

(a) This application should be accompanied by the following:

- (i) a letter supporting the application
- (ii) a site plan
- (iii) a copy of the Certificate of Incorporation of the company (where applicable)
- (iv) photo ID of persons listed under sections 4 and 9 of this application
- (v) a completed *Declaration in support of a Customs-approved area for storing exports (CASE) licence application* to support an applicant's fit and proper person status and a Ministry of Justice criminal record for the applicant or person legally authorised to complete the application in the case of a corporate entity **and** person named in section 4 of this application form. The criminal record must not be older than three months from the receipt by Customs of this application. If this person has lived overseas for more than 12 consecutive months within the last five years, a criminal record from the country or countries concerned is also required. These should be dated to within three months of the person leaving that country

(b) Further information may be required as set out in the Customs and Excise Act 2018.

Privacy Act 1993

Section 59(2) of the Customs and Excise Act 2018 requires that the chief executive of the New Zealand Customs Service be satisfied that an applicant for a Customs-approved area for storing exports (CASE) licence be a fit and proper person.

The personal information on this form will be used as part of the assessment of the licence application. Some of this information may be put into a NZ Customs Service database, which includes the Joint Border Management System (JBMS). Exceptions to this are the:

- Declaration in support of a Customs-approved area for storing exports (CASE) licence application (form C12A); and
- Accompanying Ministry of Justice criminal record

supplied by individuals as part of the licence application. These will be kept on an electronic file with access limited to those Customs officers who need access to the information to undertake their duties.

If you do not provide the information required, your application may be refused under section 59(1)(b) of the Customs and Excise Act 2018.

The Privacy Act 1993 provides the right to request access to, and correction of, personal information. If you want to exercise these rights please contact the New Zealand Customs Service on 0800 428 786 or email: feedback@customs.govt.nz or write to us at PO Box 2218, Wellington.



FORM C12A | OCTOBER 2018

Declaration in support of a Customs-approved area for storing exports (CASE) licence application

Use this form with the *Application for CASE licence (form C11A)* to apply for a CASE licence.

Section 59(2) of the Customs and Excise Act 2018 requires that the chief executive of the New Zealand Customs Service be satisfied that an applicant for a CASE licence be a fit and proper person.

If the applicant is a corporate entity this includes evaluating information relating to individuals employed by the entity, including senior managers, any person assuming the responsibility for the day to day operation of an area licensed to be a CASE, and any other person the chief executive considers relevant to the likely compliance within the Customs and Excise Act 2018.

This declaration helps determine whether an applicant is a fit and proper person. Each application will be considered on its individual merits.

A declaration must be completed by the applicant or person legally authorised to complete the application in the case of a corporate entity and the person listed in section 4 of the *Application for a CASE licence (form C11A)*.

A person may be eligible under the Criminal Records (Clean Slate) Act 2004 to state that they have no criminal record(s) even if they do have a conviction(s). See the [Ministry of Justice website](#) for more information

Please tick

1. In the past five years, have you ever received any warnings, diversions, petty offence charges, administrative penalties or infringement notices for non-compliance under the Customs and Excise Act 2018 or Biosecurity Act 1993? Yes ☐ No ☐
2. Have you ever been convicted for an offence 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? Yes ☐ No ☐
3. Have you ever been convicted in New Zealand or in any other country for an offence involving dishonesty or drugs? Yes ☐ No ☐
4. Are you presently facing criminal charges in any areas described in 1, 2 or 3 above? Yes ☐ No ☐
5. Are you currently bankrupt or have had a previous bankruptcy under the Insolvency Act 1967 or the Insolvency Act 2006? Yes ☐ No ☐
6. Have you 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? Yes ☐ No ☐
7. Is there any other information that is relevant to your fit and proper person status that has not been addressed in the questions above? Yes ☐ No ☐

[illegible]

Declaration and consent

of.....
(Name of sole trader, partnership, registered company, trust, as applicable)

I authorise the collection by the chief executive of the New Zealand Customs Service, or his or her delegate from, and the disclosure to the chief executive by, any person, organisation or government department in any country of any information about me for the purposes of determining the eligibility for a CASE licence. I also acknowledge that the chief executive may, at any time, require further information relevant for the purposes of the application.

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

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Important information about filling in this declaration

1. You must tick all boxes that apply.
2. This declaration must be accompanied by a Ministry of Justice criminal record, which is available from the [Ministry of Justice website](#). The declaration and criminal record must not be older than **three months** from the receipt by Customs of the *Application for a CASE licence (form C11A)*. If the person has lived overseas for more than 12 consecutive months within the last five years, a criminal record from that country or countries is also required. This should be dated to within three months of the person leaving that country.
3. Any persons listed in section 9 of the *Application for a CASE licence (form C11A)*, or others involved in the Customs-approved area as owners, directors or senior managers etc. may also be required to complete a declaration and provide a copy of their criminal record, if requested to do so by the chief executive.
4. A CASE licence may be suspended or revoked under section 64 of the Customs and Excise Act 2018 if any false information is provided in relation to the matters on this declaration, or if the chief executive considers the fit and proper person status of the applicant is unsatisfactory.
5. If you don't send us the information we need – your application could be refused under section 59(1)(b) of the Customs and Excise Act 2018.
6. Any information you give us is used only for the purpose of this CASE licence application.
7. You have the right to add information or request a correction to this information. You can do this by contacting the CCA licensing officer at your local Customs office.

Privacy Act 1993

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