



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

**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) Amendment Rules 2022

**Signed** at Wellington

This        day of May 2022

Christine Stevenson

Comptroller of Customs

# Customs (Applications for Customs-controlled Area Licences) Amendment Rules 2022

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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) Amendment Rules 2022.

#### 1.2 Application and purpose of rules

These amendment rules revoke form C11 in the Customs (Applications for Customs-controlled Area Licences) Rules 2021, 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.

#### 1.3 Commencement

These amendment rules come into force on 30 June 2022.

#### 1.4 Interpretation

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

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

**Principal Rules** means the Customs (Applications for Customs-controlled Area Licences) Rules 2021

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

## **Section 2      Rules amended**

### **2.1              Amendment to the Principal Rules**

2.1(1)            Revoke Rule 2.2(1) and replace with the following:

“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.

2.1(2)            Revoke Rule 2.2(2).

2.1(3)            Revoke Rule 2.2(3).

2.1(4)            Revoke Rule 2.2(4).

### **2.2              Amendment to Schedule 1 of the Principal Rules**

2.2(1)            Form C11, as set out in Schedule 1 of the Principal Rules, is revoked.

2.2(2)            Form C12, as set out in Schedule 2 of the Principal Rules is revoked and replaced by the Form C12 set out in the Schedule to these amendment rules.

### **2.3              Rules to Continue in Force**

2.3(1)            The Principal Rules continue in force, except to the extent they are amended by these amendment rules.

**Part 2**  
**Schedule**



## Declaration in support of a Customs-controlled Area licence application

Use this form when applying to have a premise licensed as a Customs-controlled area.

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-controlled Area 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 a Customs-controlled Area, 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.

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A declaration must be completed by the Trade Single Window registered user, being:

- the applicant; or,
- in the case of a corporate entity:
  - the person authorised to complete the application on its behalf,
  - any person responsible for day to day operation of the area to be licenced as a Customs-controlled area, as specified as a key contact person.

A declaration may also be required by a corporate entity's directors or senior managers if requested by a Customs officer.

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.

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?	Please tick
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?	Please tick
3. Have you ever been convicted in New Zealand or in any other country for an offence involving dishonesty or drugs?	Please tick
4. Are you presently facing criminal charges in any areas described in 1, 2 or 3 above?	Please tick
5. Are you currently bankrupt or have had a previous bankruptcy under the Insolvency Act 1967 or the Insolvency Act 2008?	Please tick

- 
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? Please tick
- 
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? Please tick
- 

If you ticked "Yes" to any of the questions on the previous page, please provide details below. Include an explanation of the circumstances and steps taken to address the issue and attach any evidence to support these steps (e.g., references, certificates etc.).

Your application is likely to progress more quickly if the information you provide is complete.

[Click or tap here to enter text.](#)

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### Declaration and consent

I Insert full name **being** position held **of** Name of sole trader, partnership, registered company, trust, as applicable hereby declare that the particulars contained in this declaration are true and correct.

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 Customs-controlled area licence. I also acknowledge that the chief executive may, at any time, require further information relevant for the purposes of the application.

Signature: ..... Date: Select date.

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**Send this form with your other application materials to your local Customs office.**

### 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 Customs-controlled Area licence. 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 specified as key contact persons (or others involved in the Customs-controlled 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 a Customs officer.
4. A Customs-controlled Area 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 Customs-controlled Area 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

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-controlled Area 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 New Zealand Customs Service database, which includes the Joint Border Management System (JBMS). Exceptions to this are the:

- › Declaration in support of a Customs-controlled Area Licence Application (form C12); 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 wish to exercise these rights please contact the New Zealand Customs Service on 0800 428 786 or email: [feedback@customs.govt.nz](mailto:feedback@customs.govt.nz) or write to us at PO Box 2218, Wellington.