

DISALLOWABLE INSTRUMENT



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

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

Customs (Advance Notice of Arrival) Rules 2018

Signed at Wellington

This 12th day of August 2018

Carolyn Tremain

Comptroller of Customs

Customs (Advance Notice of Arrival) Rules 2018

CR 2018/ANA

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Part 1

Rules

Section 1 Title, commencement, and application

1.1 Title

These rules are the *Customs (Advance Notice of Arrival) Rules 2018*.

1.2 Commencement

These rules come into force on 1 October 2018.

1.3 Application and purpose

These rules apply to advance notices by craft required under section 12(1) of the Act and are made for the purpose of prescribing the way in which notices are to be provided to Customs.

1.4 Interpretation

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

Act means the Customs and Excise Act 2018

Form means a form prescribed by the Chief Executive and set out in these rules and includes a form in an electronic message format, the content of which is prescribed by the Chief Executive

Joint Border Management System (JBMS) has the meaning given to it in section 302(4) of the Act

Regulations means the Customs and Excise Regulations 1996

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 motor launches)

Trade Single Window (TSW) means the computer system application jointly managed by Customs and the Ministry for Primary Industries as part of the JBMS 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.

Section 2 Form and manner of Advance Notices of Arrival

2.1 Person in charge of craft must provide notice in way prescribed

2.1(1) A person in charge of a craft required by section 12(1) of the Act to provide advance notice of that craft's arrival in New Zealand must provide the notice in accordance with 2.2, 2.3 and 2.4.

2.2 Form and manner of advance notice - aircraft

2.2(1) Subclause 2.2(2) applies to aircraft arriving in New Zealand on commercial passenger and cargo services.

2.2(2) In respect of aircraft to which this subclause applies, every advance notice of arrival must be in accordance with Electronic Message Format E12 as specified in Schedule 1 to these Rules.

Note: an advance notice of arrival is not required for private or non-commercial aircraft

2.3 Form of advance notice – ships and boats

2.3(1) In respect of small craft, every advance notice of arrival must be in accordance with Form NZCS 340 as specified in Schedule 3 to these Rules.

2.3(2) In respect of all ships and boats other than small craft, every advance notice of arrival must be in accordance with Form NZCS 344 as specified in Schedule 2 to these Rules.

Note: further guidance for commercial ships and cruise liners, including electronic template files for supporting documentation, can be found on the New Zealand Customs Service website:

<https://www.customs.govt.nz/business/import/commercial-ships-and-cruise-liners/>

2.4 Requirement to provide answers and make declaration

2.4(1) The person making an advance notice of arrival in any form specified under 2.2 or 2.3 must provide the answers to all matters as are required in or by that form.

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

2.5 Notes

2.5(1)

Where a prescribed form contains any explanatory or other notes such notes are not part of the form, but are intended for the guidance of the person completing the advance notice of arrival.

Part 2 Schedules

Schedule 1

2.2 - Form E12

General requirements:

- (a) The data below must be submitted in electronic data format UNEdifact PaxLST to the JBMS. More information on the format can be found in the WCO/IATA/ICAO *Guidelines on Advance Passenger Information*.
- (b) All fields below must be completed.

Flight Information

Airline Code and Flight Number

Note:

- i. Airline code should be the code assigned by the International Air Transport Association (IATA)
- ii. If the aircraft operation does not have an assigned IATA code contact Customs for guidance

Last Place/Port of Call for Aircraft

Note:

Place/Port of Initial Arrival for Aircraft

Note:

Scheduled Departure Dates/Times

Note:

Date and time is the local date and time at departure location

Scheduled Local Arrival Dates/Times

Note:

Date and time is the local date and time at place of arrival

Subsequent Place(s)/Port(s) of Call within the Country (for Progressive Flights)

Note:

Place/Port of Final Destination within the Country (for Progressive Flights)

Note:

Number of Passengers and Number of Crew Members

Note:

Data relating to each individual passenger and crew member

Official Travel Document Number

Note:

Passport or other official travel document

Issuing State or Organisation of the Official Travel Document

Official Travel Document Type

Expiration Date of Official Travel Document

Surname/Given Name(s)

Note: Family name and given name(s) as they appear on the official travel document

Nationality

Date of Birth

Gender



NZCS 344 | OCTOBER 2018

**New Zealand border agencies
Advance notice of arrival**

PERIOD OF ADVANCE NOTICE		
<p>This form, including supporting documentation, must be provided not less than 48 hours before the estimated time of arrival of the craft in New Zealand. On arrival in New Zealand, the craft must proceed to a designated New Zealand Customs Service and Ministry for Primary Industries port, unless authorised by the Chief Executives of the New Zealand Customs Service and the Ministry for Primary Industries, or compelled by navigation-related requirements or accident or stress of weather or other necessity, to arrive elsewhere. A confirmation of health status 12 to 24 hours prior to arrival at a pilot station must be provided to Health Protection officers at the port of arrival. If the current status of the information contained in this form (including supporting information) changes at any time officials must be notified immediately. Penalties for knowingly giving false or misleading information or failing to provide information required by law include fines or imprisonment for up to one year.</p>		
PART A : CRAFT DETAILS		
1. Craft name:.....		2. Voyage number:
3. IMO / Registration number:	4. MMSI Number:	5. Radio call sign:
6. Craft's fax number:	7. Craft's telex number:	8. Craft's email address:
9. Gross tonnage:	10. Craft type:	11. Towed craft:
12. Has this craft had a different name? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, what was the previous name?		13. Country and port of registration:
14. Name of owner or charterer:		15. Name of person in charge of craft?:
PART B : VOYAGE DETAILS		
16. Estimated date and time of arrival in New Zealand territorial waters: day: month: year: hours:		
17. Estimated date and time of arrival in first port of call in New Zealand: day: month: year: hours:		
18. Estimated date and time of departure from first port of call in New Zealand: day: month: year: hours:		
19. (a) Last overseas port prior to arrival in New Zealand (port and country)		20. Date of departure from the last overseas port prior to arrival in New Zealand
(b) Is this port an ISPS facility? Yes <input type="checkbox"/> No <input type="checkbox"/>		Day: month: year:
21. Craft's first time to New Zealand? Yes <input type="checkbox"/> No <input type="checkbox"/>		22. First port of call in New Zealand:
23. Next New Zealand ports of call, ETAs and ETDs (specify the date)		
(1) Port:	ETA:	ETD:
(2) Port:	ETA:	ETD:
(3) Port:	ETA:	ETD:
(4) Port:	ETA:	ETD:
(5) Port:	ETA:	ETD:
(6) Port:	ETA:	ETD:
24. Next overseas port and country for which the craft is destined:		
PART C : CREW AND PASSENGERS		
25. Number of crew:	26. Are there any New Zealand domiciled crew on board? Yes <input type="checkbox"/> No <input type="checkbox"/>	27. Number of crew leaving the craft in this country:
28. List ports at which crew are leaving this craft:		
29. Number of passengers:	30. Number of passengers leaving the craft in this country:	
31. List ports at which passengers are leaving this craft:		
32. Last stowaway check: day: month: year: Result:		
33. Are goods on board recovered at sea? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, attach details		34. Any stowaways or person on board rescued at sea? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, attach details.
35. Is there any recreational /sporting equipment on board intended for use ashore? (e.g. golf shoes/clubs, sporting boots, fishing gear, bicycles etc) Yes <input type="checkbox"/> No <input type="checkbox"/>		36. Goods for landing and goods for destruction (including per favour goods, goods for other persons). Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, attach list
<p>Note: No goods may be landed without prior approval from a MPI Biosecurity officer)</p>		

PART G : MARITIME SECURITY REPORT	
46. Provide ISSC number: Issuing authority: Expiry date:	47. Security level at which the craft is currently operating?
48. Name and rank of the craft's security officer:	
49. Does the craft have a continuous synopsis record? If YES, who is the issuing authority?	Yes <input type="checkbox"/> No <input type="checkbox"/>
50. Did the craft operate at Security Level Two or above in any of its previous ten ports of call? If YES, attach details	Yes <input type="checkbox"/> No <input type="checkbox"/>
51. Were any special security measures taken at any of the previous ten ports of call? If YES, attach details.	Yes <input type="checkbox"/> No <input type="checkbox"/>
52. Was there any craft to craft contact during the last ten ports of call? If YES, attach details	Yes <input type="checkbox"/> No <input type="checkbox"/>
53. Are details held on board of who is responsible for deciding on the employment of the craft and appointing its crew?	Yes <input type="checkbox"/> No <input type="checkbox"/>
54. Port state control inspection date: Day: month: year:	55. Port of issue of port state control:
PART H : SUPPORTING DOCUMENTS (TO BE ATTACHED, BUT NOT REQUIRED FOR HEALTH OFFICIALS)	
Current Crew List (NZCS 355) <input type="checkbox"/>	Ministry for Primary Industries Master's Declaration <input type="checkbox"/>
Current Passenger List (NZCS 342) <input type="checkbox"/>	Ballast Water Declaration Part 1 <input type="checkbox"/>
Ports of Call List (for the previous two years or since the last visit to this country) <input type="checkbox"/>	Ballast Water Declaration Part 2 <input type="checkbox"/>
PART I : BORDER CLEARANCE LEVY INFORMATION	
Preferred email address for Border Clearance Levy invoice:	Customs use only Invoice number:
PART J : AGENT'S DETAILS	
Date: day: month: year:	Craft's location at the time:
Agent's name:	Agent's phone number:
Agent's fax number:	Agent's email address:
Privacy: The information in this form is used for border security, data matching, immigration, statistical, and certain other purposes authorised by law. The Privacy Act 1993 provides rights of access to, and correction of, personal information held in readily retrievable form. Should you wish to exercise these rights please contact the New Zealand Customs Service, PO Box 2218, Wellington 6140. <i>New Zealand Biosecurity Act 1993, Customs and Excise Act 2018, Health Act 1956, Maritime Transport Act 1994, Maritime Security Act 2004.</i>	
NOTES	
<ol style="list-style-type: none"> This form, including attachments must be provided by email or fax to (a) the New Zealand Customs Service (who will provide a copy to Maritime New Zealand), (b) the Ministry for Primary Industries, and (c) the Health Protection Officer at port of arrival (who does not require the attachments). For New Zealand Customs Service purposes, the term "ship" means a ship or boat as defined in the Customs and Excise Act 2018. "Cargo" includes all manifested cargo and cargo carried per favour by the ship's Master or owner or charterer. For New Zealand Customs Service purposes, "arrival in New Zealand" refers to "New Zealand" as defined in the Customs and Excise Act 2018. For the majority of vessels this will mean arrival in New Zealand's territorial waters, which extend 12 nautical miles from the coast. Officers engaged in the clearance of arriving vessels will discontinue the process if they encounter crew behaviour that they deem inappropriate or a compromise to safety. Delays in the completion of clearance formalities will inevitably result. 	



Advance notice of arrival (small craft) (Fax to +64 3 358 0069 or email: yachts@customs.govt.nz)

Section 12, Customs and Excise Act 2018

PERIOD OF ADVANCE NOTICE AND OTHER ADVICE					
<p>This form or the information on this form must be provided not less than 48 hours before the estimated time of arrival (ETA) of the craft in New Zealand. Where it is not possible to give such notice electronically (e.g. by email or fax), the notice may be given by some other means (e.g. by telephone). The New Zealand Customs Service Freephone contact number is 0800 428 786, outside New Zealand +64 9 927 8036.</p> <p>To avoid delays in processing, in addition to providing this Advance Notice of Arrival (Form NZCS 340), you should contact Maritime Radio on VHF channel 16, 2182khz, 4125khz, 6215khz or 8291khz, 12 hours prior to arriving at your nominated Customs port to update or confirm your ETA. Please ensure that Customs continues to be updated via Maritime Radio or directly to Customs at the port of arrival.</p> <p>You should also note that officers engaged in the clearance of arriving craft will discontinue the process if they encounter crew behaviour that they deem inappropriate or a compromise to safety. Delays in the completion of clearance formalities will inevitably result. Penalties for knowingly giving false or misleading information or failing to provide information required by law includes fines or imprisonment for up to one year.</p>					
PART A: CRAFT DETAILS					
Name of craft			Previous name (if known)		
Name of person in charge			Contact details		
Name of owner			Owner's address (Street number, street, city, country, email address)		
Name and address of charterer (if applicable)			Value of craft (NZ\$)		Date of purchase or construction
Country of registration		Port of registration		Registration number	
Gross tonnage		Sail number		Home port	
Radio call sign		Shore station or radio contact details			
Craft type: Yacht <input type="checkbox"/> Motor launch <input type="checkbox"/>		Length (overall) metres		AIS capability	
Other (Specify)				Yes <input type="checkbox"/> No <input type="checkbox"/>	
Yacht rig: Cutter <input type="checkbox"/> Sloop <input type="checkbox"/> Ketch <input type="checkbox"/> Yawl <input type="checkbox"/> Schooner <input type="checkbox"/>		Hull type: Mono <input type="checkbox"/> Catamaran <input type="checkbox"/>		Number of Person on board	
Other (Specify)		Trimaran <input type="checkbox"/> Other (Specify)		Hull colour	
				Superstructure colour	
PART B: VOYAGE DETAILS					
Port of arrival		Estimated date and time of arrival		Port arrived from and date of departure	
				Craft's first time to New Zealand: Yes <input type="checkbox"/> No <input type="checkbox"/>	
LIST PREVIOUS OVERSEAS PORTS (Please list in sequence, last port first)					
1.		2.			
3.		4.			
5.		6.			
PART C: CREW AND PASSENGER DETAILS (PERSON IN CHARGE FIRST)					
<i>(Family name in block letters)</i>			<i>(Attach any additional details of crew members on a separate sheet)</i>		
Family name		First name(s)			
Nationality		Date of birth		Gender Male / Female	
Passport number		Place of issue (City)			
Date and place joining craft					
Family name		First name(s)			
Nationality		Date of birth		Gender Male / Female	
Passport number		Place of issue (City)			
Date and place joining craft					
Family name		First name(s)			
Nationality		Date of birth		Gender Male / Female	
Passport number		Place of issue (City)			
Date and place joining craft					
PART D: COMMERCIAL CARGO (please record on a separate sheet and attach if additional space is required)					
List all goods carried in or on the craft from a point outside New Zealand, 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.					
PART E: OTHER DETAILS					
FIREARMS / OTHER SELF-DEFENCE DEVICES		ANIMALS ON BOARD			
YES <input type="checkbox"/> NO <input type="checkbox"/>		Number of animals		Kind of animals	
				Country and port where loaded	

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.