

Reprint
as at 1 October 2018



Imports and Exports (Restrictions) Act 1988

Public Act 1988 No 157
Date of assent 29 November 1988
Commencement see section 1(2)

Act name: substituted, on 8 July 2003, by section 5(1) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Contents

	Page
Title <i>[Repealed]</i>	2
1 Short Title and commencement	2
2 Interpretation	2
2A Act binds the Crown	4
3 Prohibition of imports	4
3A Prohibition of exports	5
3B Conditional prohibition of exportation	6
<i>Application to Environmental Protection Authority for permits</i>	
3BA General requirements for permits	6
3BB Conditions on permits	7
3BC Refusal of permits	7
<i>Imports and Exports (Restrictions) Register</i>	
3BD Register	7
3BE Information to be included in register	8

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation, and Employment.

3BF	Environmental Protection Authority to allow New Zealand Customs Service access to register	8
	<i>Miscellaneous provisions</i>	
3C	Forms	8
3D	Order in Council not invalid	9
3E	Other Acts not affected	9
4	Offences	9
5	Delegation of powers by Minister and Secretary <i>[Repealed]</i>	11
6	Regulations	11
7	Savings	12

Title *[Repealed]*

1 Short Title and commencement

- (1) This Act may be cited as the Imports and Exports (Restrictions) Act 1988.
- (2) This Act shall come into force on 1 December 1988.

Section 1(1): amended, on 8 July 2003, by section 5(2) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

decision-maker means the person authorised by an Order in Council to grant a licence or permit, being—

- (a) the Minister; or
- (b) the Minister for the Environment; or
- (c) the Environmental Protection Authority; or
- (d) a prescribed person

Environmental Protection Authority or **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

goods means all kinds of movable property, including animals, organisms, chemicals, and waste

international obligation means—

- (a) the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on 10 September 1998; and includes the Annexes to the Convention, and any amendments to, or substitutions of, those documents that are or will become binding on New Zealand:

- (b) the Convention on Persistent Organic Pollutants, done at Stockholm on 23 May 2001; and includes the Annexes to the Convention, and any amendments to, or substitutions of, those documents that are or will become binding on New Zealand:
- (c) the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, done at Basel on 22 March 1989; and includes the Annexes to the Convention, and any amendments to, or substitutions of, those documents that are or will become binding on New Zealand:
- (d) the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, done at Waigani on 16 September 1995; and includes the Annexes to the Convention, and any amendments to, or substitutions of, those documents that are or will become binding on New Zealand:
- (e) any other international obligation that is or becomes binding on New Zealand and that provides for the restriction on, or the prohibition of, the exportation of certain chemicals, products, organisms, wastes, or other substances that pose a risk to human health or to the environment

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

permit means a permit to import or export goods provided for under section 3 or 3A

prescribed means prescribed by an Order in Council for the time being in force under section 3 or section 3A; and, in relation to forms, includes prescribed by the decision-maker

register means the Imports and Exports (Restrictions) Register required by section 3BD.

- (2) The terms **chief executive**, **Customs controlled area**, **Customs place**, **exportation**, and **importation** have the same meanings as in section 5(1) of the Customs and Excise Act 2018.
- (3) The Customs and Excise Act 2018 (except sections 374 and 388 to 391) applies to any goods the importation or exportation of which is prohibited under this Act as if the importation or exportation of the goods were prohibited, or were an offence, under the Customs and Excise Act 2018.
- (4) *[Repealed]*

Section 2(1) **decision-maker**: inserted, on 1 July 2011, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **Environmental Protection Authority or EPA**: inserted, on 1 July 2011, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **goods**: inserted, on 1 July 2011, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **international obligation**: inserted, on 8 July 2003, by section 6(1) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 2(1) **Minister**: substituted, on 8 July 2003, by section 6(2) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 2(1) **Ministry**: repealed, on 1 July 2011, by section 4(3) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **permit**: inserted, on 1 July 2011, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **prescribed**: substituted, on 8 July 2003, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 2(1) **prescribed**: amended, on 1 July 2011, by section 4(4) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **register**: added, on 1 July 2011, by section 4(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(1) **Secretary**: repealed, on 7 September 2000, by section 8(1) of the Ministry of Economic Development Act 2000 (2000 No 28).

Section 2(2): substituted, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2(2): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(2): amended, on 1 July 2011, by section 4(5) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 2(2): amended, on 8 July 2003, by section 6(3) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 2(3): replaced, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(4): repealed, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

2A Act binds the Crown

This Act binds the Crown.

Section 2A: inserted, on 8 July 2003, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

3 Prohibition of imports

- (1) The Governor-General may from time to time by Order in Council prohibit, in the public interest, the importation into New Zealand of—
 - (a) any specified goods:
 - (b) goods of any specified class or classes:
 - (c) all goods except goods of a specified class or specified classes:
 - (d) all goods whatever (without specification of any such goods or of the class or classes to which they belong).
- (2) Any prohibition imposed pursuant to this section—

- (a) may be general; or
 - (b) may be limited to the importation of goods from any specified place or by or from any specified person or class of persons; or
 - (c) may, whether general or limited, be absolute or conditional.
- (3) A conditional prohibition allows the importation of goods subject to—
- (a) the grant of a licence or permit by the decision-maker on terms and conditions specified in the licence or permit; or
 - (b) prescribed conditions.
- (4) A conditional prohibition may require payment of consideration to the decision-maker in respect of the application for, or the granting of, a licence or permit.
- (5) A licence or permit authorising the importation of goods may be granted before or after the goods have been imported.

Section 3 heading: substituted, on 8 July 2003, by section 8(1) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 3(3): substituted, on 1 July 2011, by section 5 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3(4): substituted, on 1 July 2011, by section 5 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3(5): substituted, on 1 July 2011, by section 5 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3A Prohibition of exports

- (1) The Governor-General, if satisfied that it is necessary to give effect to an international obligation, may, by Order in Council, prohibit the exportation from New Zealand of—
- (a) specified goods:
 - (b) goods of a specified class or classes.
- (2) A prohibition may be—
- (a) general:
 - (b) limited to the exportation of goods to a specified place or class of places:
 - (c) limited to the exportation of goods to a specified person or class of persons:
 - (d) limited to the exportation of goods by a specified person or class of persons:
 - (e) absolute:
 - (f) conditional.

Section 3A: inserted, on 8 July 2003, by section 9 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

3B Conditional prohibition of exportation

- (1) A conditional prohibition allows the exportation of goods subject to—
 - (a) the grant of a licence or permit by the decision-maker; or
 - (b) prescribed conditions.
- (2) The terms and conditions of a licence or permit must be consistent with the prohibition.
- (3) A conditional prohibition may require payment of consideration to the decision-maker in respect of the application for, or the granting of, a licence or permit.

Section 3B: inserted, on 8 July 2003, by section 9 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 3B(1)(a): amended, on 1 July 2011, by section 6(1) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3B(3): amended, on 1 July 2011, by section 6(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Application to Environmental Protection Authority for permits

Heading: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BA General requirements for permits

- (1) This section and sections 3BB and 3BC apply if an Order in Council made under section 3 or 3A allows the importation or exportation of goods under the authority of a permit granted by the Environmental Protection Authority.
- (2) Any person may apply to the Environmental Protection Authority for a permit.
- (3) An application for a permit must be in the prescribed form.
- (4) The Environmental Protection Authority may revoke a permit if the Authority is satisfied that the holder of the permit has—
 - (a) failed to comply with a condition of the permit; or
 - (b) made a false declaration or statement or provided incorrect information in the holder's application for the permit; or
 - (c) been convicted of an offence against this Act or an offence involving a convention chemical or waste.
- (5) The Order in Council may specify the process and requirements for applying for a permit.
- (6) In this section and section 3BC **convention chemical or waste** means a chemical or waste in relation to which an Order in Council has been made under section 3 or 3A to give effect to an international obligation.

Section 3BA: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BB Conditions on permits

- (1) The Environmental Protection Authority may impose conditions that address the following matters on a permit allowing the importation of goods:
 - (a) the use to which the goods will be put in New Zealand:
 - (b) the provision of information to the Authority concerning the movement and location of the goods:
 - (c) insurance requirements relating to the importation of the goods and their presence in New Zealand:
 - (d) the labelling, packaging, handling, storage, transport, processing, or disposal of the goods:
 - (e) liability for the goods if they cannot be used for the purpose for which they were imported.
- (2) The Environmental Protection Authority may impose conditions that address the following matters on a permit allowing the export of goods:
 - (a) the provision of information to the Authority concerning the movement and location of the goods:
 - (b) insurance requirements relating to the export of the goods:
 - (c) the labelling, packaging, handling, storage, transport, processing, or disposal of the goods:
 - (d) liability for the goods if they cannot be used for the purpose for which they were exported.

Section 3BB: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BC Refusal of permits

The Environmental Protection Authority may refuse to grant a permit if the Authority is satisfied that—

- (a) the person who applied for the permit has been convicted of an offence against this Act or an offence involving a convention chemical or waste; or
- (b) the information provided by the person to the Authority is incorrect.

Section 3BC: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Imports and Exports (Restrictions) Register

Heading: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BD Register

- (1) The Environmental Protection Authority, on behalf of the Crown, must keep a register called the Imports and Exports (Restrictions) Register.

- (2) The register may be kept in the form of information stored electronically.
- (3) The Crown owns all information contained in the register.

Section 3BD: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BE Information to be included in register

- (1) The register must record—
 - (a) the details of a permit granted by the Environmental Protection Authority under an Order in Council made under section 3 or 3A; and
 - (b) any other information required to comply with New Zealand's international obligations that is prescribed by regulations.
- (2) In relation to a permit, the register must specify—
 - (a) the name and address of the person to whom the permit was granted; and
 - (b) the goods to which the permit relates; and
 - (c) the amount of the goods that the permit allows to be imported or exported; and
 - (d) the terms and conditions on which the permit was granted; and
 - (e) any other information required by regulations.
- (3) The register may record any other information that the Environmental Protection Authority considers appropriate.

Section 3BE: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3BF Environmental Protection Authority to allow New Zealand Customs Service access to register

The Environmental Protection Authority must provide the New Zealand Customs Service with access to the register.

Section 3BF: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Miscellaneous provisions

Heading: inserted, on 1 July 2011, by section 7 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3C Forms

- (1) For the purposes of this Act, the decision-maker may prescribe forms that he or she considers necessary.
- (2) In all proceedings, a document is sufficient evidence that a form was prescribed if it—
 - (a) is signed by or on behalf of the decision-maker; and

- (b) purports to be a prescribed form, an extract from a prescribed form, a copy of the form, or a copy of the extract.
- (3) A court must take judicial notice of the signature by or on behalf of the decision-maker of a prescribed form or an extract or copy of a prescribed form.

Section 3C: inserted, on 8 July 2003, by section 9 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 3C(1): amended, on 1 July 2011, by section 8(1) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3C(2)(a): amended, on 1 July 2011, by section 8(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3C(3): substituted, on 1 July 2011, by section 8(3) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3D Order in Council not invalid

An Order in Council is not invalid because—

- (a) it leaves a matter to the discretion of the decision-maker:
- (b) it authorises the decision-maker to issue a licence or permit subject to conditions imposed by the decision-maker.

Section 3D: inserted, on 8 July 2003, by section 9 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 3D(a): amended, on 1 July 2011, by section 9(1) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

Section 3D(b): substituted, on 1 July 2011, by section 9(2) of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

3E Other Acts not affected

The provisions of this Act are in addition to, and not in substitution for, the provisions of any other enactment relating to the importation or exportation of any substances or goods, and nothing in this Act limits or otherwise affects any provisions.

Section 3E: inserted, on 8 July 2003, by section 9 of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

4 Offences

- (1) Every person commits an offence who—
 - (a) imports into New Zealand or unships or lands in New Zealand any goods whose importation is prohibited by any Order in Council made under section 3 and in force at the time of importation; or
 - (ab) exports, or transports with intent to export, goods from New Zealand in breach of an Order in Council made under section 3A; or
 - (b) commits any breach of, or fails in any respect to comply with, any term or condition on, or subject to, which there has been granted, under any Order in Council made under section 3 or section 3A, any licence or per-

- mit under the authority of which any goods are imported into, or exported from, New Zealand.
- (2) Every person commits an offence who—
- (a) is knowingly concerned in any importation, exportation, transportation, shipment, unshipment, landing, breach, or non-compliance to which subsection (1) applies; or
 - (b) without lawful justification or excuse, removes from any Customs place or Customs controlled area any imported goods whose importation constitutes an offence under this section; or
 - (c) is knowingly concerned in or connives at the removal from any Customs place or Customs controlled area of any goods whose importation constitutes an offence under this section.
- (3) Subsection (3A) applies where goods are imported into, or are exported from, New Zealand under the authority of a licence or permit granted under an Order in Council made under section 3 or section 3A.
- (3A) A person commits an offence who—
- (a) knowingly makes a false declaration or statement for the purpose of obtaining the licence or permit;
 - (b) knowingly makes a false declaration or statement as to compliance with a condition on, or subject to, which the licence or permit was granted;
 - (c) otherwise knowingly makes a false declaration or statement in relation to the importation or exportation of the goods.
- (4) Every person who commits an offence against this section is liable to a fine not exceeding,—
- (a) in the case of an individual, \$5,000, and in the case of a body corporate, \$25,000; or
 - (b) in either case, an amount equal to 3 times the value of the goods to which the offence relates,—
- whichever is the greater.
- (5) Any goods in respect of which any offence against this section is committed shall be forfeited.
- (6) Any Order in Council made under section 3 or section 3A may prescribe fines, in the case of an individual, not exceeding \$5,000, and in the case of a body corporate, not exceeding \$25,000, for the breach of any provision of any such Order in Council not being a breach which is an offence against any of the foregoing provisions of this section.
- (7) *[Repealed]*
- (8) Proceedings for an offence against this section or against any Order in Council made under section 3 or 3A of this Act must be commenced by the chief executive.

(9) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this section or against any Order in Council made under section 3 or 3A ends on the date that is 3 years after the date on which the offence was committed.

(10) When the amount of a fine under this section is to be determined by reference to the value of any goods, their value shall be estimated according to the price for which goods of the like kind and of the best quality, on which duties (if any) have been paid, are available in New Zealand at the time of the offence.

Section 4(1)(ab): inserted, on 8 July 2003, by section 10(1) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(1)(b): substituted, on 8 July 2003, by section 10(2) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(2)(a): amended, on 8 July 2003, by section 10(3) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(2)(b): substituted, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 4(2)(c): substituted, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 4(3): substituted, on 8 July 2003, by section 10(4) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(3A): inserted, on 8 July 2003, by section 10(4) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(6): amended, on 8 July 2003, by section 10(5) of the Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36).

Section 4(7): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 4(8): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 4(9): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 Delegation of powers by Minister and Secretary

[Repealed]

Section 5: repealed, on 1 July 2011, by section 10 of the Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17).

6 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power to make regulations conferred by this section, regulations may be made under this section prescribing fines for offences against the regulations not exceeding \$5,000 in the case of an individual, and \$25,000 in the case of a body corporate.

7 Savings

After the commencement of this Act, the Import Control Regulations 1988 shall have effect as if they had been made under this Act and may be amended or revoked accordingly, and the repeal of the Trade and Industry Act 1956 shall not affect the validity of those regulations or any amendment to those regulations.

Imports and Exports (Restrictions) Amendment Act 2011

Public Act	2011 No 17
Date of assent	17 May 2011
Commencement	see section 2

1 Title

This Act is the Imports and Exports (Restrictions) Amendment Act 2011.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.
- (2) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

Section 2(1): this Act brought into force, on 1 July 2011, by clause 2 of the Imports and Exports (Restrictions) Amendment Act 2011 Commencement Order 2011 (SR 2011/195).

11 Transitional provision

Despite this Act and section 54 of the Environmental Protection Authority Act 2011, an application for a permit made before the commencement of this section must be determined by the Minister responsible for the administration of the Imports and Exports (Restrictions) Act 1988 as if this Act and the Environmental Protection Authority Act 2011 had not been passed.

Reprints notes

1 *General*

This is a reprint of the Imports and Exports (Restrictions) Act 1988 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Criminal Procedure Act 2011 (2011 No 81): section 413

Imports and Exports (Restrictions) Amendment Act 2011 (2011 No 17)

Imports and Exports (Restrictions) Amendment Act 2003 (2003 No 36)

Ministry of Economic Development Act 2000 (2000 No 28): section 8(1)

Customs and Excise Act 1996 (1996 No 27): section 289(1)