

Reprint
as at 9 July 2021



**Anti-Money Laundering and Countering Financing of
Terrorism (Cross-border Transportation of Cash)
Regulations 2010**
(SR 2010/352)

Rt Hon Sir Peter Blanchard, Administrator of the Government

Order in Council

At Wellington this 4th day of October 2010

Present:

His Excellency the Administrator of the Government in Council

Pursuant to sections 70(a), (b), and (c), 153(c) and (j), and 154(1)(e) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, His Excellency the Administrator of the Government makes the following regulations acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) insofar as the regulations, under section 154(1)(e) of that Act, prescribe a threshold value and its application, on the recommendation of the Minister of Justice made after compliance with section 154(2) and (3) of that Act (which impose substantive and procedural preconditions for the making of any such recommendation).

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.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title

These regulations are the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Regulations 2010.

2 Commencement

- (1) These regulations come into force on 16 October 2010.
- (2) However, regulations 3, 5, and 6 (as replaced on 16 October 2015) come into force on 16 October 2015.

Regulation 2(2): inserted, on 16 October 2015, by regulation 4 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2015 (LI 2015/236).

3 Expiry

[Revoked]

Regulation 3: revoked, on 18 January 2018, by regulation 4 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2017 (LI 2017/304).

4 Interpretation

In these regulations, unless the context otherwise requires, the **Act** means the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

5 Threshold value and its application prescribed

- (1) The value \$10,000 is prescribed by this subclause as the only threshold value for the purposes of sections 68 and 69 of the Act.

- (2) The persons, transactions, and financial activities to which that sole prescribed threshold value applies are therefore prescribed by this subclause as all persons, all transactions, and all financial activities.

Regulation 5: replaced, on 16 October 2015, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2015 (LI 2015/236).

Regulation 5(1): amended, on 18 January 2018, by regulation 5 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2017 (LI 2017/304).

6 Prescribed information to be included in border cash report

A report under subpart 6 of Part 2 of the Act must contain the information set out in the Schedule.

Regulation 6: replaced, on 9 July 2021, by regulation 4 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

7 Information cash report must contain prescribed

[Revoked]

Regulation 7: revoked, on 9 July 2021, by regulation 5 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

8 Completion of cash report in cases of incapacity

If a person required to give a cash report (**A**) is (for example, because of minority or physical or mental disability) incapable of completing it, then it must be completed on A's behalf,—

- (a) if A is competent to manage A's own affairs in relation to A's property, by a person (**B**) authorised by A to act on A's behalf; and
- (b) in every other case, by a person (**B**) responsible for A's personal care and welfare or for property of A that is or includes the cash to which the report relates.

Schedule Border cash report

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Schedule: replaced, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

- 1 The following information about the person's (A's) requirement to give a report:
- (a) whether they are moving cash of NZ\$10,000 or more (or foreign equivalent) into New Zealand:
 - (b) whether they are moving cash of NZ\$10,000 or more (or foreign equivalent) out of New Zealand:
 - (c) whether they are receiving cash of NZ\$10,000 or more (or foreign equivalent) from outside New Zealand.

Schedule clause 1: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

- 2 The following information about A's arrival in or departure from New Zealand:
- (a) the flight or name of ship or craft, and flight number (if applicable):
 - (b) if A is arriving in New Zealand,—
 - (i) their place of arrival in New Zealand; and
 - (ii) their date of arrival; and
 - (iii) the place or places from which A departed to come to New Zealand (transit point or points); and
 - (iv) if not already provided, the place from which A commenced travel:
 - (c) if A is departing from New Zealand,—
 - (i) their place of departure from New Zealand; and
 - (ii) their date of departure; and
 - (iii) the place or places to which they are travelling (transit point or points).

Schedule clause 2: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

- 3 The following information about A's nationality, travel documents, identity, and residence:
- (a) their country of citizenship:
 - (b) their passport number:

- (c) whether they are a New Zealand resident:
- (d) their full name:
- (e) their date of birth:
- (f) their gender:
- (g) their email address:
- (h) their occupation:
- (i) if A is resident in New Zealand,—
 - (i) their full address; and
 - (ii) their home, work, and mobile phone numbers:
- (j) if A is not resident in New Zealand,—
 - (i) their full address; and
 - (ii) their phone number (best contact).

Schedule clause 3: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

- 4 If A is carrying all or some of the threshold amount in cash,—
- (a) the total estimated value of all cash they are carrying in NZD; and
 - (b) for each currency being carried,—
 - (i) the type of currency; and
 - (ii) the amount; and
 - (iii) the approximate current NZD exchange rate; and
 - (iv) the estimated value in NZD; and
 - (v) the overseas location (including the location and country) from which, or to which, cash is being moved.

Schedule clause 4: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

- 5 If A is carrying all or some of the threshold amount in bearer negotiable instruments (**BNIs**),—
- (a) the total estimated value of all BNIs they are carrying in NZD; and
 - (b) for each type of BNI being carried,—
 - (i) the type of BNI; and
 - (ii) the currency the BNI is denoted in; and
 - (iii) the value of the BNI in NZD using the current (approximate) exchange rate; and
 - (iv) the issuer or drawer of the BNI, and the location (including the location and country) of the issuer or drawer; and

- (v) the payee or beneficiary of the BNI, and the location (including the location and country) of the payee or beneficiary (if specified); and
- (vi) the overseas location (including the location and country) from which, or to which, the BNI is being moved.

Schedule clause 5: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

6 If A is carrying cash or BNIs (or both) above the threshold amount,—

- (a) where the funds came from; and
- (b) the reason A is carrying the funds into or out of New Zealand; and
- (c) what A plans to do with the funds.

Schedule clause 6: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

7 If A is moving cash or BNIs on behalf of a person, business, or organisation, the following information in respect of that person, business, or organisation:

- (a) their full name:
- (b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:
- (c) their home, work, and mobile phone numbers:
- (d) whether A is acting on behalf of a financial institution:
- (e) their business identification number (if applicable):
- (f) their occupation, business, or main activity:
- (g) A's relationship to the person, business, or organisation.

Schedule clause 7: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

8 If A will deliver cash or BNIs to a person, business, or organisation, the following information in respect of that person, business, or organisation:

- (a) their full name:
- (b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:
- (c) their home, work, and mobile phone numbers:
- (d) their business identification number (if applicable):
- (e) their occupation, business, or main activity:

(f) A's relationship to the person, business, or organisation.

Schedule clause 8: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

9 If a person (**B**) is completing the form on A's behalf, the following information about B:

(a) their full name:

(b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:

(c) their home, work, and mobile phone numbers:

(d) their email address:

(e) their occupation, business, or main activity:

(f) the reason why B is completing the report on A's behalf:

(g) the relationship between B and A.

Schedule clause 9: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

10 A declaration by A (or, if B is completing the form on behalf of A, by B) by written or electronic signature, or by electronic attestation, declaration, or affirmation, that they are satisfied that, to the best of their knowledge, all answers are true and correct.

Schedule clause 10: inserted, on 9 July 2021, by regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144).

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

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*

Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021 (LI 2021/144)

Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2017 (LI 2017/304)

Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2015 (LI 2015/236)