



Customs and Excise Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 19th day of April 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 10(f) and 286(1)(a) and (b) of the Customs and Excise Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the Customs and Excise Amendment Regulations 2004.
- (2) In these regulations, the Customs and Excise Regulations 1996¹ are called “the principal regulations”.

¹ 1996/232

2 Commencement

These regulations come into force on 20 May 2004.

3 Areas required to be licensed as Customs controlled areas

Regulation 6 of the principal regulations is amended by revoking paragraph (a), and substituting the following paragraph:

“(a) the storage, by or for 1 of the following, of wine manufactured in New Zealand, where that wine cannot be physically accommodated within the manufacturing area in which it was manufactured:

“(i) the manufacturer of the wine:

“(ii) the first owner of the wine, if that person is not also the manufacturer of the wine:”.

4 Second Schedule amended

Form 1 in the Second Schedule of the principal regulations is amended by revoking clause 2(f), and substituting the following paragraph:

“(f) the storage, by or for 1 of the following, of wine manufactured in New Zealand, where that wine cannot be physically accommodated within the manufacturing area in which it was manufactured:

“(i) the manufacturer of the wine:

“(ii) the first owner of the wine, if that person is not also the manufacturer of the wine:”.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 20 May 2004, amend the Customs and Excise Regulations 1996 (“the principal regulations”).

Wine manufactured in New Zealand sometimes cannot be physically accommodated within the area in which it was manufactured, and so is stored in off-site storage areas. Before 1 January 2004, those off-site storage areas were required under section 10(f) of the Customs and Excise Act 1996 (the Act) to be licensed as Customs controlled areas if they were used for the purpose prescribed by regulation 6(a) of the principal regulations, that is, for the storage of the wine—

- by or for the manufacturer of the wine; or
- by or for the first owner of the wine, being the holder of a wine maker's licence under the Wine Makers Act 1981.

(The licensing of those storage areas enables liability for excise duty on the wine to be deferred (*see* sections 72(a) and 76(1) of the Act and regulation 56 of the principal regulations) so that it arises not when the wine is removed from the area in which the wine was manufactured, but instead later, when the wine is removed from the storage area.)

However, amendments to the principal regulations (made on 1 January 2004 by the Wine Act 2003) removed, inadvertently, the storage of the wine by or for first owners of the wine as a prescribed purpose in respect of which areas used for that purpose are required under section 10(f) of the Act to be licensed as Customs controlled areas. These regulations therefore amend the principal regulations to restore that prescribed purpose. (And, in doing that, these regulations also enable liability for excise duty on wine stored in new off-site storage areas used for that purpose to be deferred in the way described above.)

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These regulations are administered in the New Zealand Customs Service.
