

**NIUE LAWS
LEGISLATION AS AT DECEMBER 2006**

EXPORT LICENCES REGULATIONS 1966

SR1966/90 – 8 June 1966

1 Title

These are the Export Licences Regulations 1966.

2 Interpretation

In these regulations –

"goods" means all kinds of personal property, and includes any ship and any animal;

"Minister" means the Minister of Customs.

3 Goods not to be exported without licence

(1) Except as provided in regulation 11 no goods shall be exported from Niue except in accordance with these regulations and with the terms of a licence issued under this regulations.

(2) These regulations shall apply with respect to the export of any goods, notwithstanding that a licence or other authority for the export of the goods may be in force under any Act or under any regulations other than these regulations.

(3) The issue of a licence under these regulations with respect to any goods shall not absolve any person from the obligation to comply with the requirements of any Act or of any other regulations with respect to the export of the goods.

4 Kinds of licences

(1) A licence under these regulations may be –

(a) A particular licence; or

(b) A general licence; or

(c) A purchaser's licence.

(2) A particular licence shall be a licence to export the goods specified therein in a ship or aircraft specified therein.

(3) A general licence shall be a licence to export goods from Niue during a specified period. Any such licence shall, according to its tenor, apply with respect to goods of all kinds, or be limited to the specified kind or specified kinds of goods mentioned therein.

(4) A purchaser's licence shall be a licence to export from Niue any goods that have been purchased in Niue out of any credit or currency made available in Niue in exchange for any overseas credit or currency, in order to provide for the purchase of the goods for export.

5 Applications for licences

(1) Application may be made –

(a) For a particular licence or a purchaser's licence to the Manager with whom the entry for export is to be lodged.

(b) For a general licence, to the Manager.

(2) Every application for a particular licence or a purchaser's licence shall be made on the entry.

(3) Every application for a general licence shall be made in quadruplicate.

6 Forms of applications and licences

Every application and any licence granted shall be –

(a) In the case of a particular licence and a purchaser's licence, included in form 22, 27, or 35 as the case may require, being forms 22, 27 and 35 within the meaning of the Customs Regulations 1968;

(b) In the case of a general licence, in form 2 in the Schedule.

7 Grant or refusal of licence

The Manager may grant any licence applied for or decline to grant it.

8 Revocation of general licence

(1) Any general licence may at any time be revoked by the Manager if he thinks fit.

(2) On the revocation of a general licence the Manager shall forthwith give to the licensee notice in writing of the revocation and of the date when the revocation has become or becomes effective.

9 Security may be required

(1) Before any licence is issued under these regulations the applicant for the licence shall, if required to do so by the Manager, give security for compliance with the terms of the licence and with the requirements of these regulations.

(2) Unless in any case some other security is accepted as sufficient by the Manager, the security referred to in paragraph (1) shall be a bond, in such form as the Manager approves, executed in favour of the Government of Niue by the applicant and by one or more sureties approved by the Manager.

(3) Any bond or other security given in respect of a particular licence or a purchaser's licence shall, unless the Manager otherwise determines, be for a sum equal to twice the estimated value of the goods to which the licence relates at the time and place of export.

(4) Any bond or other security given in respect of a general licence shall be for such sum as the Manager considers adequate.

10 Right of appeal to Minister

From any decision of the Manager under these regulations there shall be a right of appeal to the Minister, whose decision shall be final.

11 Exceptions

(1) Nothing in these regulations shall apply with respect to –

- (a) Any goods shipped as stores in any ship or aircraft about to depart for any country outside Niue;
- (b) Any other goods in respect of which the Minister by direction in writing determines that these regulations shall not apply.

(2) Without limiting the general authority conferred on the Minister by paragraph (1) any such direction may relate to –

- (a) Any goods intended solely for use or consumption in any specified place or in any specified places;
- (b) Any goods of a specified kind or of specified kinds;
- (c) Any goods to be exported in a specified manner or at or within a specified time;
- (d) Any goods to be exported by a specified person or a specified class of persons.

(3) Any direction given by the Minister for the purposes of this regulation may at any time be varied or revoked in like manner.

12 Offences

(1) Every person commits an offence and is liable in accordance with the Customs Act 1966 to a penalty not exceeding 2 penalty units who –

- (a) In any application for a licence under these regulations, makes or causes or permits to be made, any statement that to his knowledge is false or misleading in any material particular; or
- (b) In relation to any such application, misleads or attempts to mislead the Manager;
or

(c) Fails to comply with any provision of these regulations.

(2) Nothing in this regulation shall limit the liability of any person under any provision of section 48 or Part 2 of the Customs Act 1966 in any case to which any such provision applies.

SCHEDULE Form 2

Export Licences Regulations 1966

APPLICATION FOR GENERAL LICENCE TO EXPORT GOODS

To the Revenue Manager, Niue

Full name of applicant:

Address:

.....

Local office of bank in Niue to which shipping documents are to be delivered:.....

Duration of licence:

The applicant hereby applies for a general licence to export goods from Niue in terms of the particulars set out above.

Date: Signature:

I hereby license the exportation of goods in terms of the above application and in accordance with the Export Licences Regulations 1966.

Date: Signature:

Revenue Manager