Version
as at 17 December 2022

Customs Export Prohibition (Pounamu) Order 2021

(LI 2021/214)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 16th day of August 2021

Present:
The Right Hon Jacinda Ardern presiding in Council

This order is made under section 96 of the Customs and Excise Act 2018—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister of Customs made after being satisfied of the matter set out in section 96(5) of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the New Zealand Customs Service.

Order

1 Title

This order is the Customs Export Prohibition (Pounamu) Order 2021.

2 Commencement

This order comes into force on 1 October 2021.

Order: confirmed, on 17 December 2022, by section 10(b) of the Secondary Legislation Confirmation Act 2022 (2022 No 82).

3 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

4 Exportation of certain pounamu prohibited

(1) The exportation of pounamu in its natural state, and partly or wholly processed pounamu, is prohibited.

(2) However, a person may export the pounamu if the person—

(a) has the consent of the Minister of Customs; and

(b) does so in accordance with the terms of that consent.

(3) The Minister may give their consent only on written advice—

(a) from Te Rūnanga o Ngāi Tahu; or

(b) if the pounamu is extracted from the catchment of the Arahura river, from the Māwhera Incorporation.

(4) This prohibition does not apply to—

(a) articles made from pounamu (for example, jewellery, pendants, or sculptures containing pounamu):

(b) consignments that are being exported by a single exporter and in which the total weight of pounamu does not exceed 5 kg.

(5) In this clause,—

Māwhera Incorporation has the meaning given to it by section 8 of the Ngāi Tahu Claims Settlement Act 1998

pounamu has the meaning given to it by section 2 of the Ngai Tahu (Pounamu Vesting) Act 1997

Te Rūnanga o Ngāi Tahu means Te Rūnanga o Ngāi Tahu as established by section 6 of the Te Runanga o Ngai Tahu Act 1996.

Schedule 1
Transitional, savings, and related provisions

cl 3

Part 1
Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on 1 October 2021 and prohibits the exportation of certain New Zealand pounamu without the consent of the Minister of Customs.

This order continues the prohibition of the exportation of pounamu contained in clause 3 of the Customs Export Prohibition Order 2017, which expires at the close of 30 September 2021.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 31 December 2022, unless confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(b) of that Act. If the order is confirmed, it will continue until revoked or amended.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 19 August 2021.

Notes

1 General

This is a consolidation of the Customs Export Prohibition (Pounamu) Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Confirmation Act 2022 (2022 No 82): section 10(b)

Wellington, New Zealand:
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