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20 August 2019

**CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965**

Notification under article VIII

Submitted by New Zealand

In accordance with the provisions of article VIII of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, the Secretary-General has received the attached notification from the Government of New Zealand regarding differences between New Zealand practices and the present standards of the Convention.



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1 August 2019

Mr Kitack Lim
Secretary-General
International Maritime Organization
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Sir,

I present to you my compliments and have the honour, in accordance with Article VIII (1) of the Convention on Facilitation of International Maritime Traffic, 1965 (the Convention), as amended, to notify you of the following differences between national practices and the following Standards to the Convention, as provided in the 2016 amendments to its Annex:

Table 1: Differences between FAL Convention Standards and New Zealand national practice

FAL Convention Standard	Reason for Difference
<p>Arrival, stay and departure of the ship</p> <p>Standard 2.19</p> <p><i>“If errors are found in the data transmitted as provided for in appendix 1 of this annex, which have been signed by or on behalf of a shipowner or master, or otherwise authenticated, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate the laws or regulations of the port State.”</i></p>	<p>Section 12 and section 24 of New Zealand’s Customs and Excise Act 2018 requires ship owners or masters to provide an advance notice of arrival and an inward report.</p> <p>Section 37 of the Act also requires ship owners or masters to provide required information to obtain a ‘Certificate of Clearance’ before departing New Zealand.</p> <p>It is an offence under the Act to provide any documents under these provisions that are erroneous, misleading, or defective in any material particular; or any supporting document that is erroneous, misleading, or</p>

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	<p>not genuine.</p> <p>Under section 54 of the Act, it is a defence to a prosecution if the defendant proves—</p> <p>a) <i>that, in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or</i></p> <p>b) <i>that, in any case where it is alleged that anything unlawful was done, the defendant took all reasonable steps to ensure that it was not done.</i></p> <p>New Zealand is therefore unable to implement Standard 2.19, since to do so would undermine enforcement by putting the onus on the public authority to prove faulty information was deliberately supplied.</p>
<p>Stowaways <u>Standard 4.7.1</u></p> <p><i>“Public authorities shall report all stowaway incidents of which they become aware to the Secretary-General of the International Maritime Organization.”</i></p>	<p>Since New Zealand does not collate information on stowaways, it is unable to report such instances to the Secretary-General, as required under Standard 4.7.1.</p>

I am further honoured to request that you, in accordance with Article VIII(4) of the Convention, inform Contracting Governments of this notification.

Please accept, Sir, the assurance of my highest consideration.

Yours faithfully,



Rt Hon Sir Jerry Mateparae GNZM, QSO
New Zealand High Commissioner to the United Kingdom
Permanent Representative of New Zealand to the International Maritime Organization