

Reprint  
as at 11 April 2019



## United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Regulations 2007

(SR 2007/356)

Regulation name: amended, on 11 April 2019, by regulation 5 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 19th day of November 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 2 of the United Nations Act 1946, His Excellency the Governor-General, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect (in part) to the following resolutions of the Security Council of the United Nations adopted under the United Nations Charter:
  - (i) resolution 1267 (1999), adopted on 15 October 1999:
  - (ii) resolution 1333 (2000), adopted on 19 December 2000:
  - (iii) resolution 1390 (2002), adopted on 16 January 2002:
  - (iv) resolution 1988 (2011), adopted on 17 June 2011:

---

#### 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 Foreign Affairs and Trade.**

- (v) resolution 1989 (2011), adopted on 17 June 2011:
- (vi) resolution 2253 (2015), adopted on 17 December 2015:
- (vii) resolution 2255 (2015), adopted on 21 December 2015,—

makes the following regulations.

Enacting statement, paragraph (b): replaced, on 11 April 2019, by regulation 4 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

## Contents

	Page
1 Title	3
2 Commencement	3
3 Interpretation	3
3A Transitional, savings, and related provisions	5
<i>Export of arms to specified entity prohibited</i>	
4 Exportation of arms to specified entity prohibited	5
5 Customs and Excise Act 2018 to apply to prohibited exports	6
6 Detention of prohibited exports	6
7 Prohibited exports not to be loaded onto ships or aircraft	6
8 Power to withhold clearance of ship or aircraft	6
<i>Transactions in relation to dealing in arms with specified entity prohibited</i>	
9 Transactions with specified entity in relation to arms prohibited	6
<i>Carriage of arms to specified entity prohibited</i>	
10 Carriage of arms to specified entity prohibited	7
11 Liability of owner, charterer, master, or pilot in command	7
<i>Provision to specified entity of technical advice, assistance, or training relating to military activities prohibited</i>	
12 Provision to area controlled by specified entity of technical advice, assistance, or training relating to military activities prohibited	8
<i>Entry of certain persons into New Zealand</i>	
13 Entry of certain persons into New Zealand	8
<i>Miscellaneous provisions</i>	
14 Offences	9
15 Attorney-General's consent and certificate in certain cases	9
16 Customs and Excise Act 2018 not affected	9
17 Revocation	9
<b>Schedule 1</b>	<b>10</b>
<b>Transitional, savings, and related provisions</b>	

## Regulations

### 1 Title

These regulations are the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Regulations 2007.

Regulation 1: amended, on 11 April 2019, by regulation 5 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

### 2 Commencement

These regulations come into force on 23 November 2007.

### 3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

**1988 Committee** means the committee established under paragraph 30 of resolution 1988 (2011) of the Security Council, adopted under the United Nations Charter on 17 June 2011

**Al-Qaida** means the Al-Qaida organisation

**Al-Qaida entity**, for a measure that is set out or referred to in 1 or more ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions, and that is provided for in these regulations, means—

- (a) Al-Qaida; or
- (b) ISIL (Da'esh); or
- (c) an entity that is not Al-Qaida or ISIL (Da'esh) but is designated by or under those resolutions as an entity—
  - (i) that is associated with Al-Qaida or ISIL (Da'esh); and
  - (ii) to which that measure is to be applied

**arms** includes—

- (a) related *matériel* of all types (for example, weapons, ammunition, military vehicles and equipment, or paramilitary equipment); and
- (b) spare parts for any arms, or for any goods specified in paragraph (a)

**Customs or the Customs** has the same meaning as Customs in section 5(1) of the Customs and Excise Act 2018

**Customs officer** has the same meaning as in section 5(1) of the Customs and Excise Act 2018

**entity** means a person, group, trust, partnership, or fund, or an unincorporated association or organisation

**ISIL (Da'esh)** means the splinter group of Al-Qaida known as the Islamic State in Iraq and the Levant (ISIL), also known as the Islamic State in Iraq and al Sham (ISIS), and also known as Da'esh

**ISIL (Da'esh) and Al-Qaida sanctions committee** means the committee established under paragraph 6 of resolution 1267 (1999) of the Security Council, adopted under the United Nations Charter on 15 October 1999

**ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions** means resolutions of the Security Council relating to ISIL (Da'esh), Al-Qaida, or the Taliban

**Minister** means the Minister of Foreign Affairs

**New Zealand** includes Tokelau

**New Zealand aircraft** means any aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 1990

**New Zealand ship** means a ship registered in New Zealand, or recognised by the law of New Zealand as a ship belonging to New Zealand

**Security Council** means the Security Council of the United Nations

**specified entity** means an entity that is—

- (a) *[Revoked]*
- (b) an Al-Qaida entity; or
- (c) the Taliban; or
- (d) a Taliban entity

**Taliban** means the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan

**Taliban entity**, for a measure that is set out, or referred to, in 1 or more ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions, and that is provided for in these regulations, means an entity that—

- (a) is not an Al-Qaida entity or the Taliban; but
  - (b) is designated, by or under those resolutions, as an entity to which that measure is to be applied.
- (2) The Minister may publish a list of the names or other identifying details of any entities that are for the time being Al-Qaida entities or Taliban entities for a measure that is—
- (a) set out, or referred to, in 1 or more ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions; and
  - (b) provided for in these regulations, the Terrorism Suppression Act 2002, or any other enactment.
- (3) The list may be published by notice in the *Gazette*, by using the Internet, or by any other means the Minister thinks fit.

Compare: SR 2001/26 r 3

Regulation 3(1) **1988 Committee**: inserted, on 11 April 2019, by regulation 6(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **Al-Qaida and the Taliban Sanctions Resolutions**: revoked, on 11 April 2019, by regulation 6(2) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **Al-Qaida entity**: replaced, on 11 April 2019, by regulation 6(3) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **Customs or the Customs**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3(1) **Customs or the Customs and Customs officer**: revoked, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3(1) **Customs officer**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3(1) **ISIL (Da'esh)**: inserted, on 11 April 2019, by regulation 6(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **ISIL (Da'esh) and Al-Qaida sanctions committee**: inserted, on 11 April 2019, by regulation 6(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **ISIL (Da'esh), Al-Qaida, and the Taliban Resolutions**: inserted, on 11 April 2019, by regulation 6(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **specified entity** paragraph (a): revoked, on 11 April 2019, by regulation 6(4) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **Taliban entity**: amended, on 11 April 2019, by regulation 6(5)(a) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(1) **Taliban entity** paragraph (a): amended, on 11 April 2019, by regulation 6(5)(b) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 3(2)(a): amended, on 11 April 2019, by regulation 6(6) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

### **3A Transitional, savings, and related provisions**

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

Regulation 3A: inserted, on 11 April 2019, by regulation 7 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

#### *Export of arms to specified entity prohibited*

### **4 Exportation of arms to specified entity prohibited**

- (1) No person may directly or indirectly export arms from New Zealand to a specified entity.

- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that exportation of those goods.

Compare: SR 2001/26 r 4

## **5 Customs and Excise Act 2018 to apply to prohibited exports**

All provisions of the Customs and Excise Act 2018 with respect to prohibited exports (except sections 388 and 389) apply to goods whose exportation is prohibited by regulation 4 as if the exportation of the goods were prohibited under section 96 of that Act.

Regulation 5: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

## **6 Detention of prohibited exports**

A Customs officer may detain any goods he or she suspects on reasonable grounds to be goods whose exportation is prohibited by regulation 4.

Compare: SR 2001/26 r 6

## **7 Prohibited exports not to be loaded onto ships or aircraft**

The master of a ship or the pilot in command of an aircraft must not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by regulation 4, knowing that the goods are intended to be exported in contravention of that regulation.

Compare: SR 2001/26 r 7

## **8 Power to withhold clearance of ship or aircraft**

The Customs may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any goods any Customs officer knows to be goods whose exportation is prohibited by regulation 4.

Compare: SR 2001/26 r 8

### *Transactions in relation to dealing in arms with specified entity prohibited*

## **9 Transactions with specified entity in relation to arms prohibited**

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may enter into, or be concerned in, any sale, transfer, carriage, or delivery of, or other dealing with, any of the goods specified in regulation 4, knowing that those goods—

- (a) are intended to be imported by a specified entity; or
- (b) are to be supplied or delivered to, or to the order of, a specified entity.

- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that sale, transfer, carriage, or delivery of, or other dealing with, those goods.

Compare: SR 2001/26 r 9

*Carriage of arms to specified entity prohibited*

**10 Carriage of arms to specified entity prohibited**

- (1) No ship or aircraft may be used for the carriage of any of the goods specified in regulation 4 if the carriage is, or forms part of, the carriage of those goods from any place to a specified entity.
- (2) Subclause (1) does not apply if the Minister has consented to that carriage of the goods under regulation 4(2) or 9(2).
- (3) **Ship or aircraft**, in subclause (1), means—
  - (a) any New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)):
  - (b) any other ship or aircraft that is, for the time being, chartered to—
    - (i) any New Zealand citizen; or
    - (ii) any body incorporated or constituted under the law of New Zealand.
- (4) Subclause (1) does not limit any of regulations 4 to 9.

Compare: SR 2001/26 r 10

**11 Liability of owner, charterer, master, or pilot in command**

- (1) If any ship or aircraft is used in contravention of regulation 10, each of the following persons is guilty of an offence against these regulations:
  - (a) in the case of a New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)), the owner and the master of the ship or, as the case may be, the owner and the pilot in command of the aircraft:
  - (b) in the case of any other ship or aircraft, the charterer of the ship or aircraft and, if the master of the ship or pilot in command of the aircraft is a New Zealand citizen, the master or pilot in command.
- (2) However, it is a defence to any such offence if the person concerned proves that he or she did not know and had no reason to suppose—
  - (a) that the goods carried on the ship or aircraft were or included arms; or
  - (b) that the carriage of the arms was, or formed part of, the carriage of goods from any place to a specified entity.
- (3) **Owner** and **charterer**, in this regulation and in relation to a ship, include any person acting as the agent of the owner or, as the case may be, the agent of the charterer.

Compare: SR 2001/26 r 11

*Provision to specified entity of technical advice, assistance, or training  
relating to military activities prohibited*

Heading: amended, on 11 April 2019, by regulation 8 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

**12 Provision to area controlled by specified entity of technical advice, assistance, or training relating to military activities prohibited**

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or at the request of, any specified entity any technical advice, assistance, or training relating to military activities.
- (2) Subclause (1) does not apply if the Minister has consented to that provision of the advice, assistance, or training.

Compare: SR 2001/26 r 12

Regulation 12 heading: amended, on 11 April 2019, by regulation 9(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 12(1): amended, on 11 April 2019, by regulation 9(2) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 12(2): amended, on 11 April 2019, by regulation 9(3) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

*Entry of certain persons into New Zealand*

**13 Entry of certain persons into New Zealand**

- (1) No person who is a specified entity may enter New Zealand, or transit through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- (1A) Subclause (1) does not apply so as to prevent a person from entering or transiting through New Zealand if—
  - (a) the entry or transit is necessary for the fulfilment of a judicial process; or
  - (b) the 1988 Committee or the ISIL (Da'esh) and Al-Qaida sanctions committee has determined on a case-by-case basis that the entry or transit is justified.
- (1B) Subclause (1) does not apply to a specified entity who is a New Zealand citizen.
- (2) A visa may be granted under the Immigration Act 2009 to a person who is a specified entity only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclauses (1) to (1B).
- (3) This regulation operates in addition to the requirements of the Immigration Act 2009 and any regulations made under that Act.

Compare: SR 2001/26 r 12A



Regulation 13(1A): inserted, on 11 April 2019, by regulation 10(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 13(1B): inserted, on 11 April 2019, by regulation 10(1) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 13(2): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 13(2): amended, on 11 April 2019, by regulation 10(2) of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Regulation 13(3): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

### *Miscellaneous provisions*

#### **14 Offences**

Every person commits an offence against these regulations, and is liable accordingly under section 3 of the United Nations Act 1946, who acts in contravention of or fails to comply in any respect with any of the provisions of these regulations.

Compare: SR 2001/26 r 18

#### **15 Attorney-General's consent and certificate in certain cases**

If an offence against these regulations is alleged to have been committed outside New Zealand, a prosecution for the offence may not be commenced with—

- (a) the Attorney-General's consent; and
- (b) the Attorney-General's certificate that it is expedient that the proceedings be commenced.

Compare: SR 2001/26 r 19

#### **16 Customs and Excise Act 2018 not affected**

These regulations do not affect the operation of the Customs and Excise Act 2018.

Regulation 16: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

#### **17 Revocation**

The United Nations Sanctions (Afghanistan) Regulations 2001 (SR 2001/26) are revoked.

## Schedule 1

### Transitional, savings, and related provisions

r 3A

Schedule 1: inserted, on 11 April 2019, by regulation 11 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

#### Part 1

### Provision relating to United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019

Schedule 1 Part 1: inserted, on 11 April 2019, by regulation 11 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

#### 1 References to previous Title

Every reference in any enactment and in any document to the United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 must, unless the context otherwise provides, be read as a reference to the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Regulations 2007.

Schedule 1 clause 1: inserted, on 11 April 2019, by regulation 11 of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49).

Rebecca Kitteridge,  
for Clerk of the Executive Council.

## Reprints notes

### **1** *General*

This is a reprint of the United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Regulations 2007 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*

United Nations Sanctions (ISIL (Da'esh), Al-Qaida, and Taliban) Amendment Regulations 2019 (LI 2019/49)

Customs and Excise Act 2018 (2018 No 4): section 443(4)

Immigration Act 2009 (2009 No 51): section 406(2)