

**Reprint
as at 1 October 2018**



United Nations Sanctions (Iraq) Regulations 1991 (SR 1991/92)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 4th day of June 1991

Present:

The Hon D C McKinnon presiding in Council

Pursuant to the United Nations Act 1946, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of giving effect to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 6 August 1990, and to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 25 September 1990, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Iraq and Kuwait the measures set out in those resolutions, and to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 2 March 1991, requesting the Government of New Zealand and all other member States of the United Nations to take all appropriate action to cooperate with the Government and people of Kuwait in the reconstruction of their country, and to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 3 April 1991, calling upon the Government of New Zealand and all other mem-

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.

ber States of the United Nations to apply or to continue to apply in respect of Iraq the measures set out in Part F of that resolution, hereby makes the following regulations.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the United Nations Sanctions (Iraq) Regulations 1991.
- (2) These regulations shall come into force on 7 June 1991.

2 Interpretation

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

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

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

importer has the same meaning as in the Customs and Excise Act 2018

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

money includes—

- (a) the bank notes and other currency, postal notes, and money orders of New Zealand or any other country; and
- (b) promissory notes and bills of exchange; and
- (c) any credit in an account with any person, whether that account is held in New Zealand or outside New Zealand

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

securities—

- (a) includes shares, stock, bonds, debentures, debenture stock, mortgages, liens, treasury bills, coupons or warrants representing dividends or interest, and life or endowment insurance policies, in whatever currency the securities are expressed and whether they are situated in New Zealand or elsewhere; and
- (b) also includes any document or means whereby the right to the ownership or provision of any money or security, or any interest therein, may be exercised; but
- (c) does not include promissory notes or bills of exchange

specified goods—

- (a) means weapons; and
 - (b) includes—
 - (i) related material of all kinds, such as arms, ammunition, missiles, military vehicles, and equipment, or paramilitary equipment; and
 - (ii) spare parts for any weapons, or for any goods specified in paragraph (i); and
 - (iii) the means of production for such equipment; but
 - (c) does not include any weapons or other related materials required by the Authority (as defined in Security Council Resolution 1483 (2003)) to serve the purposes of that and other related resolutions of the Security Council.
- (2) Any reference in these regulations to the transfer of any security includes a reference to a transfer of the security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.

Regulation 2(1) **chief executive**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2(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 2(1) **Customs** or **the Customs**, **Customs officer**, and **chief executive**: revoked, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2(1) **the Customs Acts**, **Collector**, and **Comptroller**: revoked, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

Regulation 2(1) **Customs officer**: inserted, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2(1) **importer**: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 2(1) **specified goods**: added, on 27 June 2003, by regulation 3 of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibited imports

[Revoked]

Heading: revoked, on 27 June 2003, by regulation 4(a) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

3 Importation of goods from Iraq prohibited

[Revoked]

Regulation 3: revoked, on 27 June 2003, by regulation 4(a) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

4 Application of Customs and Excise Act 1996 to prohibited imports

[Revoked]

Regulation 4: revoked, on 27 June 2003, by regulation 4(a) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

5 Detention of, and payment for, prohibited imports

[Revoked]

Regulation 5: revoked, on 27 June 2003, by regulation 4(a) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibited exports

6 Exportation of specified goods to Iraq prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may directly or indirectly export specified goods to Iraq.
- (2) Subclause (1) does not apply to particular specified goods or to specified goods of a particular class if the Minister has consented to the exportation of those goods.
- (3) Subclause (1) does not apply to any arms or related material authorised in advance by the Government of Iraq or by a multilateral force under unified command to serve the purposes of Resolution 1546 and other related resolutions of the Security Council.

Regulation 6: substituted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Iraq) Amendment Regulations 2008 (SR 2008/392).

7 Application of Customs and Excise Act 2018 to prohibited exports

All the provisions of the Customs and Excise Act 2018 with respect to prohibited exports (except sections 388 and 389) apply to specified goods whose exportation is prohibited by regulation 6 as if the exportation of the specified goods were prohibited under section 96 of the Customs and Excise Act 2018.

Regulation 7: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

8 Detention of prohibited exports

If any Customs officer has reason to suspect that any specified goods being exported are specified goods whose exportation is prohibited by regulation 6, that Customs officer may detain the specified goods.

Regulation 8: amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 8: amended, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

9 Loading of prohibited exports onto ships or aircraft prohibited

The master of a ship or the pilot in command of an aircraft shall not permit to be laden in the ship or aircraft any specified goods whose exportation is prohibited by regulation 6, knowing that the specified goods are intended to be exported in contravention of that regulation.

Regulation 9: amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

10 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 specified goods known to a Customs officer to be specified goods whose exportation is prohibited by regulation 6.

Regulation 10: substituted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

Regulation 10: amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibited transactions in relation to exports

[Revoked]

Heading: revoked, on 27 June 2003, by regulation 4(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

11 Prohibited transactions in relation to exports from Iraq

[Revoked]

Regulation 11: revoked, on 27 June 2003, by regulation 4(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

12 Prohibition on promotion of exportation or transshipment of goods from Iraq

[Revoked]

Regulation 12: revoked, on 27 June 2003, by regulation 4(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibitions in relation to weapons

13 Prohibitions in relation to weapons

- (1) Except with the consent of the Minister of Foreign Affairs and Trade, no person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, sell, transfer, carry, or deliver, or cause to be sold, transferred, carried, or delivered,—
- (a) technology related to the production, utilisation, or stockpiling of weapons; or
 - (b) materials and services designed to be used in giving training in relation to the design, development, manufacture, use, maintenance, or support of weapons; or
 - (c) technical support services in relation to the design, development, manufacture, use, maintenance, or support of weapons,—

to the Government of Iraq or to the benefit of the Government of Iraq or to any commercial undertaking, industrial undertaking, or public utility undertaking in Iraq or to the benefit of any commercial undertaking, industrial undertaking, or public utility undertaking in Iraq or to any person in Iraq or to the benefit of any person in Iraq or to the benefit of any business carried on in or operated from Iraq.

- (2) Without limiting the generality of subclause (1)(a), it is hereby declared that subclause (1)(a) applies in respect of the sale, transfer, carriage, or delivery under a licensing or other arrangement of technology related to the production, utilisation, or stockpiling of weapons.

Regulation 13(1): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Prohibited transactions in relation to imports

[Revoked]

Heading: revoked, on 27 June 2003, by regulation 4(c) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

14 Prohibited transactions in relation to imports into Iraq

[Revoked]

Regulation 14: revoked, on 27 June 2003, by regulation 4(c) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

15 Prohibition on promotion of importation of specified goods into Iraq

[Revoked]

Regulation 15: revoked, on 27 June 2003, by regulation 4(c) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibitions in relation to money, securities, and assets

Heading: revoked, on 3 October 2003, pursuant to regulation 3 of the United Nations Sanctions (Iraq) Amendment Regulations (No 2) 2003 (SR 2003/218).

16 Prohibition in relation to transfer or delivery of money or securities

[Revoked]

Regulation 16: revoked, on 27 June 2003, by regulation 4(c) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

17 Prohibition on dealings in assets, money, or securities in New Zealand

[Revoked]

Regulation 17: revoked, on 3 October 2003, by regulation 3 of the United Nations Sanctions (Iraq) Amendment Regulations (No 2) 2003 (SR 2003/218).

*Prohibition on carriage of goods***18 Prohibition on carriage of specified goods to Iraq**

- (1) This regulation applies to—
 - (a) any New Zealand ship:
 - (b) any New Zealand aircraft:
 - (c) any other ship or aircraft that is for the time being chartered to any person, being a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.
- (2) Without prejudice to the generality of the foregoing provisions of these regulations, no ship or aircraft to which this regulation applies shall be used for the carriage of any specified goods—
 - (a) *[Revoked]*
 - (b) if the carriage is, or forms part of, carriage from any place outside Iraq to any destination in Iraq or to any person for the purposes of any business carried on in or operated from Iraq.
- (3) *[Revoked]*
- (4) Nothing in this regulation shall apply to any carriage of specified goods in respect of which the consent of the Minister of Foreign Affairs and Trade has been given under any other provision of these regulations.

Regulation 18 heading: amended, on 27 June 2003, by regulation 5(a) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18 heading: amended, on 27 June 2003, by regulation 5(c) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18(2): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18(2)(a): revoked, on 27 June 2003, by regulation 4(d) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18(3): revoked, on 27 June 2003, by regulation 4(d) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18(4): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 18(4): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

19 Liability of owner, charterer, master, or pilot in command

(1) *[Revoked]*

(2) If any ship or aircraft is used in contravention of regulation 18(2)(b), then,—

- (a) in the case of a New Zealand ship or aircraft, the owner and the master of the ship or, as the case may be, the owner and the pilot in command of the aircraft; or
- (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, such master or pilot in command—

shall each be guilty of an offence against these regulations, unless he or she proves that he or she did not know and had no reason to suppose that the carriage of specified goods was, or formed part of, carriage from any place outside Iraq to any destination therein or to any person for the purposes of any business carried on in or operated from Iraq.

(3) In this regulation, the terms **owner** and **charterer**, 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.

Regulation 19(1): revoked, on 27 June 2003, by regulation 4(d) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 19(2): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Prohibitions in relation to aircraft

20 Prohibitions in relation to aircraft

(1) Except with the consent of the Minister of Foreign Affairs and Trade, no person shall cause any aircraft to leave New Zealand if the aircraft is being used for the purpose of carrying specified goods, whether directly or indirectly, to or from a destination in Iraq.

(2) It shall be a defence to a prosecution for an offence against subclause (1) if the person proves that he or she did not know and had no reason to suppose that the aircraft was being used for the purpose of carrying specified goods to or from a destination in Iraq.

(3) Except with the consent of the Minister of Foreign Affairs and Trade, no person shall permit or authorise an aircraft to leave New Zealand if that person has reason to suspect that the aircraft is being used for the purpose of carrying specified goods, whether directly or indirectly, to or from a destination in Iraq.

- (4) Except with the consent of the Minister of Foreign Affairs and Trade, no person shall cause any aircraft to fly over New Zealand or any part of New Zealand if the destination of the aircraft is in Iraq.
- (5) Except with the consent of the Minister of Foreign Affairs and Trade, no person shall permit or authorise an aircraft to fly over New Zealand or any part of New Zealand if that person has reason to suspect that the destination of the aircraft is in Iraq.

Regulation 20(1): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 20(1): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Regulation 20(2): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 20(3): amended, on 27 June 2003, by regulation 5(b) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Regulation 20(3): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Regulation 20(4): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Regulation 20(5): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Prohibition in relation to entry of Iraqi ships

[Revoked]

Heading: revoked, on 27 June 2003, by regulation 4(e) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

21 Prohibition on entry of Iraqi ships

[Revoked]

Regulation 21: revoked, on 27 June 2003, by regulation 4(e) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

22 Detention of Iraqi ships

[Revoked]

Regulation 22: revoked, on 27 June 2003, by regulation 4(e) of the United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139).

Miscellaneous provisions

23 Offences

Every person commits an offence against these regulations and shall be 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.

24 Consent of Attorney-General to proceedings in certain cases

Proceedings for the trial and punishment of any person who is charged with having committed outside New Zealand any offence against these regulations shall not be instituted in any court except with the consent of the Attorney-General and on his or her certificate that it is expedient that the proceedings be instituted.

25 Customs and Excise Act 2018 not affected

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

Regulation 25: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

26 Revocation

The United Nations Sanctions (Iraq and Kuwait) Regulations (No 2) 1990 (SR 1990/292) are hereby revoked.

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Iraq) Regulations 1991 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*

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

United Nations Sanctions (Iraq) Amendment Regulations 2008 (SR 2008/392)

United Nations Sanctions (Iraq) Amendment Regulations (No 2) 2003 (SR 2003/218)

United Nations Sanctions (Iraq) Amendment Regulations 2003 (SR 2003/139)

Customs and Excise Act 1996 (1996 No 27): section 289(2)

Foreign Affairs Amendment Act 1993 (1993 No 48): section 8(1)