

**Reprint
as at 29 November 2010**



**United Nations Sanctions (Liberia)
Regulations 2001**

(SR 2001/134)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of June 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 2 of the United Nations Act 1946, Her 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 to resolution 1343 (2001) of the Security Council of the United Nations, adopted pursuant to

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Foreign Affairs and Trade.

the United Nations Charter on 7 March 2001, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Liberia the measures set out in paragraphs 5 to 7 of that resolution,—
makes the following regulations.

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Regulations

1 Title

These regulations are the United Nations Sanctions (Liberia) Regulations 2001.

2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

3 Interpretation

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

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

committee means the committee established under paragraph 21 of resolution 1521 of the Security Council of the United Nations

Customs or **the Customs** and **Customs officer** have the same meaning as in section 2(1) of the Customs and Excise Act 1996

designated close ally or associate of the former Taylor regime means an individual who is—

- (a) a senior official, or other close ally or associate, of the former Taylor regime; and
- (b) designated by or under 1 or more resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

designated entity means an entity that is—

- (a) owned or controlled, directly or indirectly, by—
 - (i) a member, or designated close ally or associate, of the former Taylor regime; or
 - (ii) a person acting on behalf, or at the direction, of a member, or designated close ally or associate, of the former Taylor regime; and
- (b) designated by or under 1 or more of the resolutions of the Security Council as an entity against whom a sanction imposed by those resolutions and provided for in regulation 16A is to be imposed

designated person means,—

- (a) for the measures (which relate to entry to, or transit through, New Zealand) in regulation 16, a person designated under paragraph 7(a) of resolution 1343 or paragraph 4 of resolution 1521 of the Security Council of the United Nations;
- (b) for the measures (which relate to assets and funds, etc) in regulations 16A and 16B, a person designated under paragraph 1 of resolution 1532 of the Security Council of the United Nations

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

former Taylor regime or **member of the former Taylor regime** means the former President of Liberia Charles Taylor, and any member of his immediate family who is designated by or under 1 or more of the resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

Minister means the Minister of Foreign Affairs and Trade

money includes—

- (a) the banknotes and other currency 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

New Zealand includes Tokelau

New Zealand aircraft means an 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—

- (a) includes a share, stock, bond, debenture, debenture stock, mortgage, lien, treasury bill, coupon or warrant representing dividends or interest, and a life or endowment insurance policy, in whatever currency the security is expressed; and
- (b) also includes any document or means by which the right to the ownership or provision of any money or security, or any interest in money or a security, may be exercised; but
- (c) does not include a promissory note or bill of exchange

UNMIL means the United Nations Mission in Liberia.

- (2) A reference in these regulations to the transfer of a security includes a reference to a transfer of a security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.
- (3) The Minister may publish, in any manner the Minister thinks fit (for example, by notice in the *Gazette*, or publication on the Internet, or both),—
 - (a) a list of the names of any individuals designated by or under 1 or more resolutions of the Security Council as individuals against whom a sanction imposed by those resolutions and provided for in these regulations is to be imposed; and
 - (b) a list of the names or descriptions of any designated entities; and

- (c) any additions to, or deletions from, the lists referred to in paragraphs (a) and (b).

Compare: SR 2000/223 r 3; SR 2001/26 r 3

Regulation 3: substituted, on 14 January 2005, by regulation 3 of the United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

Regulation 3(1) **committee**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 3(1) **designated person**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 3(1) **UNMIL**: added, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Prohibited exports

4 Exportation of arms to Liberia prohibited

- (1) Except with the consent of the Minister, the exportation of arms from New Zealand to Liberia, whether directly or indirectly, is prohibited.
- (2) Subclause (1) does not apply to—
- (a) arms, related materiel, training, and assistance intended solely for the support of, or use by,—
 - (i) UNMIL; or
 - (ii) international training and reform programmes approved by the committee for the Liberian armed forces, the Liberian special security services, and the Liberian Police; or
 - (b) non-lethal military equipment and related technical assistance—
 - (i) that is intended solely for self-protection or humanitarian aid; and
 - (ii) the supply of which has been approved in advance by the committee; or
 - (c) protective clothing (including flak jackets and military helmets) temporarily exported to Liberia by the following persons for their own personal use in that country:
 - (i) United Nations personnel:

- (ii) representatives of the media, humanitarian and development workers, and associated personnel.

Compare: SR 1992/371 r 3

Regulation 4(2): added, on 20 November 2008, by regulation 5 of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

5 Customs and Excise Act 1996 to apply to prohibited exports

All provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) apply with respect to arms whose exportation is prohibited by regulation 4 in all respects as if the exportation of the arms were prohibited under section 56 of that Act.

Compare: SR 1992/371 r 4

6 Detention of prohibited exports

A Customs officer may detain any arms that the Customs officer has reason to suspect are being exported in contravention of regulation 4.

Compare: SR 1992/371 r 5

7 Prohibited exports must not be loaded on to ships or aircraft

If a master of a ship or a pilot in command of an aircraft knows that any arms are intended to be exported in contravention of regulation 4, the master or the pilot must not permit those goods to be loaded on to the ship or aircraft.

Compare: SR 1992/371 r 6

8 Power to withhold clearance of ship or aircraft

If a Customs officer knows that there are on board a ship or aircraft goods intended to be exported in contravention of regulation 4, the Customs may withhold the clearance of the ship or aircraft while the goods remain on board.

Compare: SR 1992/371 r 7

*Transactions relating to imports of arms into
Liberia prohibited*

9 Transactions relating to imports of arms into Liberia prohibited

Except with the consent of the Minister, no person in New Zealand and no person outside New Zealand who is a New Zealand citizen may enter into, or be concerned in, any sale, transfer, carriage, or delivery of, or other dealing with, any arms if the person knows that the arms are—

- (a) intended to be imported into Liberia; or
- (b) to be supplied or delivered to a person in Liberia; or
- (c) to be supplied or delivered in accordance with the directions of a person in Liberia.

Compare: SR 1992/371 r 8

Carriage of arms to Liberia prohibited

10 Carriage of arms to Liberia prohibited

- (1) This regulation applies to the following ships and aircraft:
 - (a) New Zealand ships;
 - (b) New Zealand aircraft;
 - (c) any other ship or aircraft that is, for the time being, chartered to any person who is a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.
- (2) No ship or aircraft to which this regulation applies may be used for the carriage of any arms if the carriage is, or forms part of, carriage from any place outside Liberia to any destination in Liberia.
- (3) Nothing in this regulation applies to the carriage of arms in respect of which the consent of the Minister has been given under regulation 4 or regulation 9.
- (4) This regulation does not limit any of regulations 4 to 9.

Compare: SR 1992/371 r 9

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), the owner and the master of the ship or, as the case requires, 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) It is a defence to any offence if the person concerned proves that he or she did not know, and had no reason to suppose, that the carriage of the arms was, or formed part of, carriage from any place outside Liberia to any destination in Liberia.
- (3) In this regulation, **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case requires, the agent of the charterer.

Compare: SR 1992/371 r 10

Liberia must not be provided with technical assistance or training relating to arms

12 Liberia must not be provided with technical assistance or training relating to arms

Except with the consent of the Minister, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or in accordance with the instructions of, any person in Liberia any technical assistance or training relating to the provision, manufacture, maintenance, or use of arms.

Compare: SR 2000/223 r 12

Prohibition on importing diamonds from Liberia
[Revoked]

Heading: revoked, on 20 November 2008, by regulation 6(1) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

13 Importation of diamonds from Liberia prohibited
[Revoked]

Regulation 13: revoked, on 20 November 2008, by regulation 6(2) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

14 Application of Customs and Excise Act 1996 to prohibited imports

[Revoked]

Regulation 14: revoked, on 20 November 2008, by regulation 6(2) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

15 Detention of, and payment for, prohibited diamonds

[Revoked]

Regulation 15: revoked, on 20 November 2008, by regulation 6(2) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Entry of designated persons

Heading: amended, on 20 November 2008, pursuant to regulation 7(1) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

16 Designated persons to enter New Zealand only if consistent with determinations of Security Council

- (1) No designated person 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 committee has determined that the travel is justified on the grounds of humanitarian need, including religious obligations; or
 - (b) the committee has concluded that the travel would otherwise further the objectives of the Security Council's resolutions.
- (1B) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (2) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclause (1).

- (3) This regulation operates in addition to the requirements of the Immigration Act 2009 and of any regulations made under that Act.

Compare: SR 1997/281 r 11

Regulation 16 heading: amended, on 20 November 2008, by regulation 7(1) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 16(1): amended, on 20 November 2008, by regulation 7(2) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 16(1A): inserted, on 20 November 2008, by regulation 7(3) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 16(1B): inserted, on 20 November 2008, by regulation 7(3) of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Regulation 16(2): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 16(3): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Funds of or for former Taylor regime, etc

Heading: inserted, on 14 January 2005, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

16A Prohibition on dealings in assets, money, or securities of, or derived from property of, former Taylor regime, etc

- (1) No person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—
- (a) that is—
 - (i) owned or controlled, directly or indirectly, by a member, or designated close ally or associate, of the former Taylor regime; or
 - (ii) held by a designated entity; or
 - (iii) derived or generated from any asset, money, or security of the kind specified in subparagraph (i) or (ii); and
 - (b) that is located in New Zealand.
- (2) Subclause (1) does not apply if the Minister has consented to that transfer, sale, assignment, or disposal of, payment for, or other dealing with, the asset, money, or security.

- (3) It is a defence to a prosecution under this regulation in respect of any asset, money, or security derived or generated from any asset, money, or security of the kind specified in subclause (1)(a)(i) or (ii) (a **restricted item**) if the defendant proves that he or she received the asset, money, or security in good faith, at a time when he or she did not know that it was a restricted item or derived or generated from a restricted item.

Compare: SR 2001/26 r 15

Regulation 16A: inserted, on 14 January 2005, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

16B Prohibition on sending funds to members, or designated close allies or associates, of former Taylor regime

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred or delivered, whether directly or indirectly, any money or security—
- (a) to a member, or designated close ally or associate, of the former Taylor regime; or
 - (b) for the benefit of a member, or designated close ally or associate, of the former Taylor regime.
- (2) Subclause (1) does not apply if the Minister has consented to that sending, transfer, or delivery of the money or security.

Compare: SR 2001/26 r 16

Regulation 16B: inserted, on 14 January 2005, by regulation 4 of the United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464).

16C Exceptions to regulations 16A and 16B

- (1) Nothing in regulation 16A(1) or 16B(1) applies to any dealing authorised by a consent under subclause (2).
- (2) The Minister may consent to any dealing with any asset, money, or security if the Minister is satisfied that the dealing—
- (a) is necessary for basic expenses within the meaning of paragraph 2(a) of resolution 1532 of the Security Council of the United Nations and is authorised under that paragraph; or

- (b) is necessary for extraordinary expenses within the meaning of paragraph 2(b) of that resolution and is authorised under that paragraph; or
- (c) is authorised under paragraph 2(c) of that resolution (which relates to assets, money, or securities subject to judicial, administrative, or arbitral liens or judgments); or
- (d) comprises the payment into an account to which regulation 16A(1) or 16B(1) applies of interest or other earnings due in respect of that asset, money, or security, or the payment of amounts due under any contract entered into, or under any obligation that arose, before either of those regulations applied to that account, and that those additional payments will be treated in accordance with those regulations.

Regulation 16C: inserted, on 20 November 2008, by regulation 8 of the United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394).

Miscellaneous provisions

17 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 provision of these regulations.

Compare: SR 1992/371 r 11

18 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 without—

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

Compare: SR 1992/371 r 12

19 Customs and Excise Act 1996 not affected

These regulations do not affect the Customs and Excise Act 1996.

20 Revocation

The United Nations Sanctions (Liberia) Regulation 1992 (SR 1992/371) are revoked.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 June 2001.

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Notes

1 *General*

This is a reprint of the United Nations Sanctions (Liberia) Regulations 2001. The reprint incorporates all the amendments to the regulations as at 29 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

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

United Nations Sanctions (Liberia) Amendment Regulations 2008 (SR 2008/394)

United Nations Sanctions (Liberia) Amendment Regulations 2004 (SR 2004/464)