

Reprint  
as at 1 October 2018



## United Nations Sanctions (Yemen) Regulations 2014 (LI 2014/148)

Rt Hon Dame Sian Elias, Administrator of the Government

### Order in Council

At Wellington this 12th day of May 2014

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 2 of the United Nations Act 1946, Her Excellency the Administrator of the Government makes the following regulations—

- (a) acting on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to resolution 2140 (2014) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 26 February 2014, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Yemen the measures set out in that resolution.

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#### 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.**

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## Regulations

- 1 Title**  
These regulations are the United Nations Sanctions (Yemen) Regulations 2014.
- 2 Commencement**  
These regulations come into force on 16 May 2014.
- 3 Interpretation**  
(1) In these regulations, unless the context otherwise requires,—

**agent of a designated person** means—

- (a) any person who acts on behalf of, or at the direction of,—
  - (i) a designated person; or
  - (ii) another person who, directly or indirectly, acts on behalf of the designated person; or
- (b) any entity owned or controlled by a designated person or by a person described in paragraph (a)

**arms** includes—

- (a) related materiel of all types (including weapons, ammunition, military vehicles and equipment, and paramilitary equipment); and
- (b) spare parts for any arms or related materiel

**certificate of clearance** means a certificate of clearance granted under the Customs and Excise Act 2018

**charterer**, in relation to a craft, includes a person acting as the agent of the charterer of the craft

**Committee** means the Committee established by paragraph 19 of resolution 2140

**craft** has the meaning given to it by section 5(1) of the Customs and Excise Act 2018

**Customs and Excise Act 2018** includes any regulations made under that Act with respect to prohibited exports

**Customs officer** has the meaning given to it by section 5(1) of the Customs and Excise Act 2018

**designated person** means an individual or entity designated by the Committee or Security Council as one to whom or to which the measures set out in the relevant resolution apply

**Minister** means the Minister of Foreign Affairs

**New Zealand** includes Tokelau

**New Zealand chartered craft** means a craft that is not a New Zealand registered craft but is chartered to a New Zealand citizen, or an entity incorporated or constituted under the law of New Zealand

**New Zealand craft** means a New Zealand registered craft or a New Zealand chartered craft

**New Zealand registered craft**—

- (a) means a craft registered in New Zealand; and
- (b) includes, whether or not it is actually registered,—
  - (i) an aircraft required to be registered in New Zealand under the Civil Aviation Act 1990; and

- (ii) a ship required or entitled to be registered in New Zealand under the Ship Registration Act 1992

**owner**, in relation to a craft, includes a person acting as the agent of the owner  
**property**—

- (a) means everything that is capable of being owned, whether it is—
  - (i) real or personal property:
  - (ii) tangible or intangible property:
  - (iii) inside or outside New Zealand; and
- (b) includes a legal or an equitable estate or interest in property

**relevant resolution** means,—

- (a) in relation to regulations 3A to 3G, resolution 2216:
- (b) in relation to regulations 4 to 7, resolution 2140:
- (c) in relation to this regulation, either or both of those resolutions, as the case may be

**resolution 2140** means resolution 2140 (2014) of the Security Council of the United Nations adopted on 26 February 2014

**resolution 2216** means resolution 2216 (2015) of the Security Council of the United Nations adopted on 14 April 2015

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

- (2) 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 designated persons; and
  - (b) any additions to, or deletions from, the list.

Regulation 3: replaced, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

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

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

Regulation 3(1) **Customs and Excise Act 1996**: revoked, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

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

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

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

### *Exportation of arms*

Heading: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### **3A Prohibition on exporting arms intended for designated persons**

A person must not directly or indirectly export arms that are intended to be sold or transferred to a designated person or an agent of a designated person.

Regulation 3A: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### **3B Prohibition on loading arms onto craft**

The master or pilot of a craft must not allow arms to be loaded onto the craft if he or she knows that the arms are intended to be exported in breach of regulation 3A.

Regulation 3B: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### **3C Customs must not grant certificate of clearance**

The Customs must not grant a certificate of clearance in respect of a craft that a Customs officer has reasonable cause to suspect is loaded with arms whose exportation is prohibited by regulation 3A.

Regulation 3C: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### **3D Application of Customs and Excise Act 2018**

- (1) The provisions of the Customs and Excise Act 2018 (except sections 186(b)(ii), 188(1)(b), 188(2), 189(2), 388, and 389, and clauses 1(3)(b), 4(2)(b), and 6 of Schedule 5) apply to arms whose exportation is prohibited by regulation 3A as if they were goods the exportation of which is prohibited under section 96 of that Act.
- (2) The Comptroller of Customs must give any of those arms to which the Crown has title as forfeited goods to a person authorised in writing by the Secretary of Foreign Affairs to receive the arms (instead of disposing of the arms under section 189(2) of the Customs and Excise Act 2018).

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

### *Dealing with and carrying arms*

Heading: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### **3E Prohibition on dealing with arms intended for designated persons**

- (1) A person must not sell, transfer, or otherwise deal with, any arms knowing that they are intended to be sold or transferred to a designated person or an agent of a designated person.

- (2) Subclause (1) applies both to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 3E: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

**3F Prohibition on New Zealand craft carrying arms intended for designated persons**

- (1) A New Zealand craft must not be used to carry arms that are intended to be sold or transferred to a designated person or an agent of a designated person.

- (2) Each of the following persons is guilty of an offence if a New Zealand craft is used in breach of subclause (1):

(a) in the case of a New Zealand registered craft,—

- (i) the owner of the craft; and  
(ii) the master or pilot in command of the craft:

(b) in the case of a New Zealand chartered craft,—

- (i) the charterer of the craft; and  
(ii) the master or pilot in command of the craft, so long as the master or pilot is a New Zealand citizen.

- (3) It is a defence to a prosecution under this regulation if the defendant proves that he or she did not know and had no reason to suspect—

- (a) that the craft was carrying arms; or  
(b) that the arms were intended to be sold or transferred to a designated person or an agent of a designated person.

- (4) Subclause (1) does not limit regulations 3A to 3E.

Regulation 3F: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

*Training and assistance*

Heading: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

**3G Prohibition on providing training or assistance to designated persons**

- (1) A person must not provide the following training or assistance to, or at the request of, a designated person or an agent of a designated person:

- (a) training or assistance related to military activities; or  
(b) training or assistance related to the provision, manufacture, maintenance, or use of arms.

- (2) Subclause (1) applies both to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 3G: inserted, on 6 August 2015, by regulation 4 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

*Entry and transit of designated persons*

**4 Prohibition on designated persons entering or transiting through New Zealand**

- (1) A designated person must not enter New Zealand or transit through New Zealand.
- (2) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (3) 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 entry or transit is justified on the grounds of humanitarian need, including religious obligation; or
  - (b) the entry or transit is necessary to give effect to a judicial process; or
  - (c) the Committee or the Minister has determined that the entry or transit would further the objectives of resolution 2140.
- (4) If the Minister has determined that the entry or transit would be justified under subclause (3)(c), the Minister must notify the Committee of that decision within 48 hours after the decision is made.
- (5) 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 subclauses (1) to (3).
- (6) This regulation operates in addition to the requirements of the Immigration Act 2009 and of any regulations made under that Act.

Regulation 4 heading: replaced, on 6 August 2015, by regulation 5(1) of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

Regulation 4(1): replaced, on 6 August 2015, by regulation 5(2) of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

*Property of designated persons*

Heading: replaced, on 6 August 2015, by regulation 6 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

**5 Prohibition on dealing with property of designated persons**

- (1) A person must not knowingly transfer, sell, assign, dispose of, pay for, or otherwise deal with any property located in New Zealand that is owned or controlled, directly or indirectly,—
  - (a) by a designated person; or
  - (b) by an agent of a designated person.
- (2) Subclause (1) does not apply if the Minister has consented to the dealing in accordance with regulation 7.
- (3) It is a defence to a prosecution under this regulation if the defendant proves that he or she dealt with the property in good faith—

- (a) at a time when he or she did not know that the property was property of the kind specified in subclause (1); or
- (b) for the purpose of, or in connection with, the enforcement or intended enforcement of these regulations.

Regulation 5: replaced, on 6 August 2015, by regulation 6 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

## **6 Prohibition on sending property to designated persons**

- (1) A person must not knowingly send, transfer, or deliver any property, or knowingly cause any property to be sent, transferred, or delivered, whether directly or indirectly,—
  - (a) to a designated person; or
  - (b) for the benefit of a designated person.
- (2) Subclause (1) applies both to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.
- (3) Subclause (1) does not apply if the Minister has consented to the sending, transfer, or delivery of the property in accordance with regulation 7.

Regulation 6: replaced, on 6 August 2015, by regulation 6 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

### *Minister's consent in relation to property of designated persons*

Heading: inserted, on 6 August 2015, by regulation 6 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

## **7 Minister may consent to activity prohibited by regulation 5(1) or 6(1)**

- (1) If the Minister consents to an activity under this regulation, the prohibitions in regulations 5(1) and 6(1) do not apply to the activity.
- (2) In deciding whether to consent to an activity under this regulation, the Minister must have regard to paragraphs 12, 13, and 14 of resolution 2140.
- (3) The Minister may consent to an activity prohibited by regulation 5(1) or 6(1) if the Minister is satisfied that the activity is necessary—
  - (a) for a designated person to meet basic expenses, and notice of the Minister's intention to consent has been given to the Committee and the Committee has not, within 5 working days after receiving the Minister's notification, made a negative decision in respect of the dealing; or
  - (b) for a designated person to meet extraordinary expenses, and notice of the Minister's intention to consent has been given to the Committee and the Committee has approved the dealing; or
  - (c) for a designated person to satisfy a judicial, administrative, or arbitral lien or judgment that took effect before 26 February 2014, other than a lien or judgment for the benefit of a designated person, and notice of the Minister's intention to consent has been given to the Committee.



- (4) The Minister may consent to the following being added to an account:
  - (a) interest or other earnings due on the account;
  - (b) payments due under any contract, agreement, or obligation of a designated person that arose before the date of their designation.
- (5) The prohibitions in regulations 5(1) and 6(1) apply to interest and other earnings and payments added to an account under subclause (4).
- (6) The Minister may consent to a payment being made by a designated person under a contract entered into before the person became a designated person if—
  - (a) the Minister is satisfied that the payment will not, directly or indirectly, be received by a designated person; and
  - (b) at least 10 working days' notice of the Minister's intention to consent has been given to the Committee.

Regulation 7: replaced, on 6 August 2015, by regulation 6 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### *Minister's consent*

*[Revoked]*

Heading: revoked, on 6 August 2015, by regulation 7 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

## **8 Preconditions to consent**

*[Revoked]*

Regulation 8: revoked, on 6 August 2015, by regulation 7 of the United Nations Sanctions (Yemen) Amendment Regulations 2015 (LI 2015/172).

#### *Miscellaneous provisions*

## **9 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.

## **10 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.

Michael Webster,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 15 May 2014.

## Reprints notes

### **1** *General*

This is a reprint of the United Nations Sanctions (Yemen) Regulations 2014 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 (Yemen) Amendment Regulations 2015 (LI 2015/172)