

Reprint
as at 1 October 2018



**United Nations Sanctions (Democratic People's Republic
of Korea) Regulations 2017**
(LI 2017/74)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 18th day of April 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 2 of the United Nations Act 1946—

- (a) on the advice and with the consent of the Executive Council:
- (b) for the purpose of giving effect to the following resolutions of the Security Council of the United Nations adopted under the United Nations Charter:
 - (i) resolution 1718 (2006) adopted on 14 October 2006:
 - (ii) resolution 1874 (2009) adopted on 12 June 2009:
 - (iii) resolution 2087 (2013) adopted on 22 January 2013:
 - (iv) resolution 2094 (2013) adopted on 7 March 2013:
 - (v) resolution 2270 (2016) adopted on 2 March 2016:
 - (vi) resolution 2321 (2016) adopted on 30 November 2016:
 - (vii) resolution 2356 (2017) adopted on 2 June 2017:

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.

- (viii) resolution 2371 (2017) adopted on 5 August 2017:
- (ix) resolution 2375 (2017) adopted on 11 September 2017:
- (x) resolution 2397 (2017) adopted on 22 December 2017.

Enacting statement, paragraph (b)(vii): inserted, on 4 January 2018, by regulation 4 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Enacting statement, paragraph (b)(viii): inserted, on 4 January 2018, by regulation 4 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Enacting statement, paragraph (b)(ix): inserted, on 4 January 2018, by regulation 4 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Enacting statement, paragraph (b)(x): inserted, on 28 June 2018, by regulation 4 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

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Regulations

1 Title

These regulations are the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017.

2 Commencement

These regulations come into force on 18 May 2017.

3 Interpretation

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

arms includes—

- (a) related materiel of all types (for example, weapons and ammunition); and
- (b) spare parts for any arms, or for any materiel specified in paragraph (a); and
- (c) specified military equipment; and
- (d) the items and other things listed in Annex III of resolution 2321 (2016); and
- (e) WMD-related and ballistic missile-related goods

base metal means—

- (a) copper;
- (b) iron or iron ore;
- (c) lead or lead ore;
- (d) nickel;
- (e) titanium ore;
- (f) vanadium ore;
- (g) zinc

bunkering service, in relation to a ship, includes—

- (a) the provision of fuel to the ship; and
- (b) the provision of supplies to the ship; and
- (c) other servicing of the ship

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

classified information has the meaning given in section 7 of the Immigration Act 2009

Committee means the Committee established by paragraph 12 of resolution 1718 (2006)

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

Customs means the New Zealand Customs Service

designated person means—

- (a) an individual designated by or under—
 - (i) paragraph 8(d) or (e) of resolution 1718 (2006):
 - (ii) Annex I of resolution 2087 (2013):
 - (iii) Annex I of resolution 2094 (2013):
 - (iv) Annex I of resolution 2270 (2016):
 - (v) Annex I of resolution 2321 (2016):
 - (vi) Annex I of resolution 2356 (2017):
 - (vii) Annex I of resolution 2371 (2017):
 - (viii) Annex I of resolution 2375 (2017):
 - (ix) Annex I of resolution 2397 (2017):
- (b) an entity designated by or under—
 - (i) paragraph 8(d) of resolution 1718 (2006):
 - (ii) Annex II of resolution 2087 (2013):
 - (iii) Annex II of resolution 2094 (2013):
 - (iv) Annex II of resolution 2270 (2016):
 - (v) Annex II of resolution 2321 (2016):
 - (vi) Annex II of resolution 2356 (2017):
 - (vii) Annex II of resolution 2371 (2017):
 - (viii) Annex II of resolution 2375 (2017):
 - (ix) Annex II of resolution 2397 (2017):
- (c) an individual or entity that the Secretary determines is—
 - (i) acting on behalf, or at the direction, of another designated person:
 - (ii) assisting the evasion of measures contained in the resolutions:
 - (iii) violating the provisions of the resolutions:
- (d) an individual that the Secretary determines—

- (i) meets the description in paragraph 8 of resolution 2397 (2017); but
- (ii) is not the subject of an exception specified in paragraph 8 of resolution 2397 (2017)

designated ship means a ship that has been designated by the Committee under paragraph 6 of resolution 2371 (2017)

DPRK means the Democratic People's Republic of Korea

DPRK ship means a ship registered in DPRK or owned or controlled by DPRK

earth and stone—

- (a) means items falling within HS chapter 25; and
- (b) includes magnesite and magnesia

electrical equipment means items falling within HS chapter 85

financial service has the meaning given in section 5(1) of the Financial Service Providers (Registration and Dispute Resolution) Act 2008

financial service provider has the meaning given in section 4 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008

fishing right includes a fishing licence, permit, authority, or other right to fish

food and agricultural products means items falling within HS chapters 07, 08, and 12

Harmonised System has the same meaning as in regulation 2(1) of the Customs and Excise Regulations 1996

HS chapter means the chapter identified by 2 digits in the Harmonised System

immigration officer has the meaning given in section 4 of the Immigration Act 2009

industrial machinery means items falling within HS chapters 84 and 85

iron, steel, and other metals means items falling within HS chapters 72 to 83

luxury goods means an item listed in any of the following:

- (a) Part 1 of Schedule 1;
- (b) Annex IV of resolution 2094 (2013);
- (c) Annex IV of resolution 2270 (2016);
- (d) Annex IV of resolution 2321 (2016)

machinery means items falling within HS chapter 84

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

resolution 1718 (2006) means resolution 1718 of the Security Council, adopted on 14 October 2006

resolution 1874 (2009) means resolution 1874 of the Security Council, adopted on 12 June 2009

resolution 2087 (2013) means resolution 2087 of the Security Council, adopted on 22 January 2013

resolution 2094 (2013) means resolution 2094 of the Security Council, adopted on 7 March 2013

resolution 2270 (2016) means resolution 2270 of the Security Council, adopted on 2 March 2016

resolution 2321 (2016) means resolution 2321 of the Security Council, adopted on 30 November 2016

resolution 2356 (2017) means resolution 2356 of the Security Council, adopted on 2 June 2017

resolution 2371 (2017) means resolution 2371 of the Security Council, adopted on 5 August 2017

resolution 2375 (2017) means resolution 2375 of the Security Council, adopted on 11 September 2017

resolution 2397 (2017) means resolution 2397 (2017) of the Security Council, adopted on 22 December 2017

resolutions means resolution 1718 (2006), resolution 1874 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016), resolution 2356 (2017), resolution 2371 (2017), resolution 2375 (2017), and resolution 2397 (2017)

restricted export goods means—

- (a) any item that is listed in Part 1 or 2 of Schedule 1; and
- (b) luxury goods

restricted import goods means any item that is listed in Schedule 2

seafood means any of the following in all forms: fish and crustaceans, molluscs, and other aquatic invertebrates

Secretary means the Secretary of Foreign Affairs and Trade

ship has the meaning given in section 2(1) of the Ship Registration Act 1992

specified military equipment—

- (a) means battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, or missiles or missile systems (as defined for the purpose in the United Nations Register of Conventional Arms); and
- (b) includes—
 - (i) any related materiel; and
 - (ii) components and spare parts for any specified military equipment or for any materiel referred to in subparagraph (i); and
- (c) includes any item (except food, medicine, or any item notified to or approved by the Committee in accordance with paragraph 8(a) or (b) of resolution 2270 (2016)) that is determined by the Secretary as being capable of contributing to the development of the operational capabilities of DPRK's armed forces; and
- (d) includes any item determined by the Committee as being capable of military use (whether or not the item also has some other non-military use)

specified person has the meaning given in regulation 48

textile means any cloth or fabric and includes—

- (a) any thread, yarn, or material from which a cloth or fabric can be made; and
- (b) any partially or fully completed product made from a cloth or fabric

transportation vehicles means items falling within HS chapters 86 to 89

United Nations Register of Conventional Arms means the United Nations Register of Conventional Arms established on 1 January 1992 under United Nations General Assembly resolution A/RES/46/36 L of 6 December 1991

vessels means items falling within HS chapter 89

WMD means weapons of mass destruction

WMD-related and ballistic missile-related goods means items, materials, goods, or technology—

- (a) described in—
 - (i) INFCIRC/254/Rev.9/Part 1a:
 - (ii) INFCIRC/254/Rev.7/Part 2a:
 - (iii) INFCIRC/254/Rev.11/Part 1:
 - (iv) INFCIRC/254/Rev.8/Part 2:
 - (v) Security Council document S/2012/947:
 - (vi) Annex III of resolution 2094 (2013):
 - (vii) Security Council document S/2017/728; or
- (b) determined by the Secretary as being capable of contributing to DPRK's nuclear or ballistic missile programmes or other WMD programmes

wood means items falling within HS chapter 44.

- (2) The Secretary must publish a notice, in the *Gazette* and on the Internet site of the Ministry of Foreign Affairs and Trade, of any determination made under—
 - (a) paragraph (c) or (d) of the definition of designated person in subclause (1):
 - (b) paragraph (c) or (d) of the definition of specified military equipment in subclause (1):
 - (c) paragraph (b) of the definition of WMD-related and ballistic missile-related goods in subclause (1):
 - (d) the definition of training in regulation 10(3):
 - (e) regulation 41(1)(d):
 - (f) regulation 44(1)(a)(iii):
 - (g) regulation 47(1)(c).

Regulation 3(1) **base metal**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **bunkering service**: amended, on 28 June 2018, by regulation 5(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **bunkering service** paragraph (a): amended, on 28 June 2018, by regulation 5(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **bunkering service** paragraph (b): amended, on 28 June 2018, by regulation 5(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **bunkering service** paragraph (c): amended, on 28 June 2018, by regulation 5(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

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) **designated person** paragraph (a)(i): amended, on 4 January 2018, by regulation 5(1)(a) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (a)(vi): inserted, on 4 January 2018, by regulation 5(1)(b) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (a)(vii): inserted, on 4 January 2018, by regulation 5(1)(b) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (a)(viii): inserted, on 4 January 2018, by regulation 5(1)(b) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (a)(ix): inserted, on 28 June 2018, by regulation 5(2)(a) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **designated person** paragraph (b)(vi): inserted, on 4 January 2018, by regulation 5(1)(c) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (b)(vii): inserted, on 4 January 2018, by regulation 5(1)(c) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (b)(viii): inserted, on 4 January 2018, by regulation 5(1)(c) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **designated person** paragraph (b)(ix): inserted, on 28 June 2018, by regulation 5(2)(b) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **designated person** paragraph (d): inserted, on 28 June 2018, by regulation 5(2)(c) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **designated ship**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **earth and stone**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **electrical equipment**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **fishing right**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **food and agricultural products**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **Harmonised System**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **HS chapter**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **industrial machinery**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **iron**: revoked, on 28 June 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **iron, steel, and other metals**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **luxury goods** paragraph (a): replaced, on 28 June 2018, by regulation 5(5) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **machinery**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **precious metals**: revoked, on 4 January 2018, by regulation 5(5) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **resolution 2356 (2017)**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **resolution 2371 (2017)**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **resolution 2375 (2017)**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **resolution 2397 (2017)**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **resolutions**: replaced, on 28 June 2018, by regulation 5(6) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **restricted export goods**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **restricted import goods**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **seafood**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **textile**: inserted, on 4 January 2018, by regulation 5(4) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **transportation vehicles**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **vessels**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(1) **WMD-related and ballistic missile-related goods** paragraph (a)(v): amended, on 4 January 2018, by regulation 5(3)(a) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **WMD-related and ballistic missile-related goods** paragraph (a)(vi): amended, on 4 January 2018, by regulation 5(3)(b) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **WMD-related and ballistic missile-related goods** paragraph (a)(vii): inserted, on 4 January 2018, by regulation 5(3)(c) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 3(1) **wood**: inserted, on 28 June 2018, by regulation 5(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(2)(a): amended, on 28 June 2018, by regulation 5(7) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 3(2)(d): amended, on 28 June 2018, by regulation 5(8) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Arms

4 Arms: exportation and importation prohibited

- (1) A person must not—
 - (a) export, directly or indirectly, arms from New Zealand knowing that the arms are intended to be exported to DPRK, or are intended for use in, or for the benefit of, DPRK; or
 - (b) import, directly or indirectly, arms into New Zealand knowing that the arms are from DPRK (whether or not the arms originated in DPRK).
- (2) However, subclause (1) and regulations 5 to 10 do not apply to an importation, exportation, or activity that is—
 - (a) undertaken for the purposes described in paragraph 8(a) of resolution 2270 (2016) and approved in advance by the Minister; or
 - (b) approved in advance by the Committee.

5 Arms: loading onto craft prohibited

The master or pilot of a craft must not allow arms to be loaded or taken onto the craft knowing that the arms are intended to be exported to DPRK, or are intended for use in, or for the benefit of, DPRK.

6 Arms: carrying on New Zealand craft prohibited

- (1) A person must not use a New Zealand craft to carry arms knowing that—
 - (a) the craft is carrying the arms; and
 - (b) the carriage is, or forms part of, the carriage of those arms—
 - (i) from any place to DPRK; or
 - (ii) to any place from DPRK.
- (2) Subclause (1) applies to,—

- (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, if the master or pilot is a New Zealand citizen.

7 Arms: Customs may refuse certificate of clearance

Customs may refuse to grant a certificate of clearance for a craft that a Customs officer has reasonable cause to suspect is loaded with arms that are intended to be exported to DPRK, or are intended for use in, or for the benefit of, DPRK.

Regulation 7: amended, on 28 June 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

8 Arms: application of Customs and Excise Act 2018

The provisions of the Customs and Excise Act 2018 (except sections 388 and 389) apply in relation to arms that are—

- (a) imported to New Zealand from DPRK as if the arms were goods the importation of which is prohibited under section 96 of that Act:
- (b) intended to be exported to DPRK, or are intended for use in, or for the benefit of, DPRK, as if the arms were goods the exportation of which is prohibited under section 96 of that Act.

Regulation 8: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

9 Arms: dealing prohibited

- (1) A person must not sell, transfer, or otherwise deal with any arms knowing that the arms are intended to be supplied, sold, or transferred, directly or indirectly,—
 - (a) to DPRK, or are for use in, or for the benefit of, DPRK; or
 - (b) to any place from DPRK.
- (2) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

10 Arms: assistance and training prohibited

- (1) A person must not knowingly provide any assistance or training to, or at the request of, any person in DPRK relating to the supply, sale, transfer, manufacture, or use of arms.
- (2) A person must not knowingly procure any assistance or training from any person in DPRK relating to the supply, sale, transfer, manufacture, or use of arms.

- (3) In this regulation,—
- assistance** includes technical assistance, any kind of financial assistance, and advice and assistance relating to the repair, servicing, or refurbishment of arms
- training** includes training in any discipline that the Secretary determines could contribute to DPRK's proliferation of sensitive nuclear activities or the development of nuclear weapon delivery.
- (4) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Restricted export goods

Heading: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

11 Restricted export goods: exportation prohibited

- (1) A person must not export, directly or indirectly, restricted export goods from New Zealand knowing that the goods are intended—
- (a) to be exported to DPRK; or
 - (b) for use in DPRK; or
 - (c) for the benefit of DPRK.
- (2) However, subclause (1) and regulations 12 to 16 do not apply in relation to the exportation of—
- (a) a new helicopter or a new or used ship, if the exportation has been approved in advance by the Committee; or
 - (b) spare parts needed to maintain the safe operation of any DPRK commercial civilian passenger aircraft as set out in paragraph 7 of resolution 2397 (2017); or
 - (c) luxury goods, if—
 - (i) the goods are for personal use; and
 - (ii) the goods are intended to be returned to New Zealand.

Regulation 11: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

12 Restricted export goods: loading onto craft prohibited

The master or pilot of a craft must not allow restricted export goods to be loaded or taken onto the craft knowing—

- (a) that the goods are restricted export goods; and
- (b) that the goods are intended—
 - (i) to be exported to DPRK; or
 - (ii) for use in DPRK; or
 - (iii) for the benefit of DPRK.

Regulation 12: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

13 Restricted export goods: carrying on New Zealand craft prohibited

- (1) A person must not use a New Zealand craft to carry restricted export goods knowing that—
 - (a) the craft is carrying restricted export goods; and
 - (b) the carriage is, or forms part of, the carriage of those goods from any place to DPRK.
- (2) Subclause (1) applies to,—
 - (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, if the master or pilot is a New Zealand citizen.

Regulation 13: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

14 Restricted export goods: Customs may refuse certificate of clearance

Customs may refuse to grant a certificate of clearance for a craft that a Customs officer has reasonable cause to suspect is loaded with restricted export goods that are intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 14: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

15 Restricted export goods: application of Customs and Excise Act 2018

The provisions of the Customs and Excise Act 2018 (except sections 388 and 389) apply in relation to restricted export goods as if the goods were goods the exportation of which is prohibited under section 96 of that Act, if the goods are intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 15: replaced, on 1 October 2018 (immediately after being replaced by section 443(4) of the Customs and Excise Act 2018 (2018 No 4)), by regulation 20 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

16 Restricted export goods: dealing prohibited

- (1) A person must not sell, transfer, or otherwise deal with any restricted export goods knowing that the goods are intended—
 - (a) to be supplied, sold, or transferred, directly or indirectly, to DPRK; or
 - (b) for use in DPRK; or
 - (c) for the benefit of DPRK.
- (2) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 16: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Restricted import goods

Heading: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

17 Restricted import goods: importation prohibited

- (1) A person must not import, directly or indirectly, restricted import goods into New Zealand knowing that the goods are from DPRK (whether or not the goods originated in DPRK).
- (2) However, subclause (1) and regulations 18 to 20 do not apply to—
 - (a) an importation or any other activity that—
 - (i) relates to coal that is described in paragraph 26 of resolution 2321 (2016), as replaced by paragraph 8 of resolution 2371 (2017); and
 - (ii) is approved in advance by the Minister; or
 - (b) a transaction that—
 - (i) is described in paragraph 26 of resolution 2321 (2016), as replaced by paragraph 8 of resolution 2371 (2017); and
 - (ii) is approved in advance by the Minister; or
 - (c) an importation of gold, silver, a rare metal, a base metal, or a textile that—
 - (i) is for personal use; and
 - (ii) had originated in any place outside DPRK.

Regulation 17: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

18 Restricted import goods: carrying on New Zealand craft prohibited

- (1) A person must not use a New Zealand craft to carry restricted import goods knowing that—
 - (a) the craft is carrying restricted import goods; and

- (b) the carriage is, or forms part of, the carriage of those restricted import goods to any place from DPRK.
- (2) Subclause (1) applies,—
 - (a) in the case of a New Zealand registered craft,—
 - (i) to the owner of the craft; and
 - (ii) to the master or pilot in command of the craft:
 - (b) in the case of a New Zealand chartered craft,—
 - (i) to the charterer of the craft; and
 - (ii) to the master or pilot in command of the craft, if the master or pilot is a New Zealand citizen.

Regulation 18: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

19 Restricted import goods: dealing prohibited

- (1) A person must not sell, transfer, or otherwise deal with restricted import goods knowing that the goods are intended to be supplied, sold, or transferred, directly or indirectly, to any place from DPRK.
- (2) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 19: replaced, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

20 Restricted import goods: application of Customs and Excise Act 2018

The provisions of the Customs and Excise Act 2018 (except sections 388 and 389) apply in relation to restricted import goods imported to New Zealand from DPRK as if the restricted import goods were goods the importation of which is prohibited under section 96 of that Act.

Regulation 20: replaced, on 1 October 2018, by regulation 21 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Fishing rights

Heading: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Statues

[Revoked]

Heading: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

21 Fishing rights: dealing prohibited

- (1) A person must not knowingly procure or transfer, directly or indirectly, fishing rights from DPRK.

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

Regulation 21: replaced, on 1 October 2018 (immediately after being replaced by section 443(4) of the Customs and Excise Act 2018 (2018 No 4)), by regulation 22 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

22 Statues: carrying on New Zealand craft prohibited

[Revoked]

Regulation 22: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

23 Statues: application of Customs and Excise Act 1996

[Revoked]

Regulation 23: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

24 Statues: dealing prohibited

[Revoked]

Regulation 24: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Crude oil

Heading: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

22 Crude oil: exportation prohibited

- (1) A person must not export, directly or indirectly, crude oil from New Zealand (whether or not the crude oil originated in New Zealand) knowing that the crude oil is intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

- (2) However, subclause (1) and regulations 23 to 27 do not apply to an exportation that is—

- (a) undertaken for the purposes described in paragraph 4 of resolution 2397 (2017) and approved in advance by the Committee; or
- (b) approved in advance by the Minister.

Regulation 22: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

23 Crude oil: loading onto craft prohibited

The master or pilot in command of a craft must not allow crude oil to be loaded onto the craft knowing that the crude oil is intended—

- (a) to be exported to DPRK; or

- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 23: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

24 Crude oil: carrying on New Zealand craft prohibited

- (1) A person must not use a New Zealand craft to carry crude oil knowing that—
 - (a) the craft is carrying crude oil; and
 - (b) the carriage is, or forms part of, the carriage of the crude oil for use in or by DPRK.
- (2) Subclause (1) applies,—
 - (a) in the case of a New Zealand registered craft,—
 - (i) to the owner of the craft; and
 - (ii) to the master or pilot in command of the craft:
 - (b) in the case of a New Zealand chartered craft,—
 - (i) to the charterer of the craft; and
 - (ii) to the master or pilot in command of the craft, if the master or pilot is a New Zealand citizen.

Regulation 24: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

25 Crude oil: Customs may refuse certificate of clearance

Customs may refuse to grant a certificate of clearance for a craft that a Customs officer has reasonable cause to suspect is loaded with crude oil that is intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 25: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

26 Crude oil: application of Customs and Excise Act 1996

The provisions of the Customs and Excise Act 1996 (except section 209) apply in relation to crude oil as if crude oil were goods the exportation of which is prohibited under section 56(1) of that Act if the crude oil is intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 26: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

27 Crude oil: dealing prohibited

- (1) A person must not knowingly supply, sell, or transfer crude oil to DPRK.
- (2) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 27: inserted, on 28 June 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Coal and iron

[Revoked]

Heading: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

25 Coal and iron: importation prohibited

[Revoked]

Regulation 25: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

26 Coal and iron: carrying on New Zealand craft prohibited

[Revoked]

Regulation 26: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

27 Coal and iron: application of Customs and Excise Act 1996

[Revoked]

Regulation 27: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

28 Coal and iron: dealing prohibited

[Revoked]

Regulation 28: revoked, on 4 January 2018, by regulation 6 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Specified petroleum products

Heading: replaced, on 28 June 2018, by regulation 8 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

29 Definition of specified petroleum product

In regulations 30 to 34A, **specified petroleum product** means aviation fuel, any other refined petroleum product, or any natural gas liquid or condensate.

Regulation 29: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

30 Specified petroleum product: exportation prohibited

- (1) A person must not export, directly or indirectly, a specified petroleum product from New Zealand (whether or not the specified petroleum product originated in New Zealand) knowing that the specified petroleum product is intended—
- (a) to be exported to DPRK; or
 - (b) for use in DPRK; or
 - (c) for the benefit of DPRK.
- (2) However, subclause (1) and regulations 31 to 34A do not apply,—
- (a) in the case of aviation fuel,—
 - (i) if its exportation has been approved in advance by the Committee; or
 - (ii) if it is sold or supplied outside DPRK for use by a civilian passenger aircraft during the aircraft's flight to or from DPRK; or
 - (b) in the case of any other refined petroleum product, if it is the subject of an exception set out in—
 - (i) paragraph 14 of resolution 2375 (2017); or
 - (ii) paragraph 5 of resolution 2397 (2017).

Regulation 30: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 30(1): amended, on 28 June 2018, by regulation 9(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 30(2)(b): replaced, on 28 June 2018, by regulation 9(2) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

31 Specified petroleum product: loading onto craft prohibited

The master or pilot of a craft must not allow a specified petroleum product to be loaded onto the craft knowing that the specified petroleum product is intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 31: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

32 Specified petroleum product: carrying on New Zealand craft prohibited

- (1) A person must not use a New Zealand craft to carry a specified petroleum product knowing that—
- (a) the craft is carrying a specified petroleum product; and
 - (b) the carriage is, or forms part of, the carriage of that specified petroleum product for use in or by DPRK.

- (2) Subclause (1) applies,—
- (a) in the case of a New Zealand registered craft,—
 - (i) to the owner of the craft; and
 - (ii) to the master or pilot in command of the craft:
 - (b) in the case of a New Zealand chartered craft,—
 - (i) to the charterer of the craft; and
 - (ii) to the master or pilot in command of the craft, if the master or pilot is a New Zealand citizen.

Regulation 32: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

33 Specified petroleum product: Customs may refuse certificate of clearance

Customs may refuse to grant a certificate of clearance for a craft that a Customs officer has reasonable cause to suspect is loaded with a specified petroleum product, that is intended—

- (a) to be exported to DPRK; or
- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 33: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 33 heading: replaced, on 28 June 2018, by regulation 10(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 33: amended, on 28 June 2018, by regulation 10(2) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 33: amended, on 28 June 2018, by regulation 10(3) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

34 Specified petroleum product: dealing prohibited

- (1) A person must not sell, transfer, or otherwise deal with a specified petroleum product knowing that the specified petroleum product is intended to be supplied, sold, or transferred, directly or indirectly, for use in or by DPRK.
- (2) Subclause (1) applies to a person in New Zealand and to a New Zealand citizen in any place outside New Zealand.

Regulation 34: replaced, on 4 January 2018, by regulation 7 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

34A Specified petroleum product: application of Customs and Excise Act 2018

The provisions of the Customs and Excise Act 2018 (except sections 388 and 389) apply in relation to a specified petroleum product as if the specified petroleum product were goods the exportation of which is prohibited under section 96 of that Act if the specified petroleum product is intended—

- (a) to be exported to DPRK; or

- (b) for use in DPRK; or
- (c) for the benefit of DPRK.

Regulation 34A: replaced, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

34B Crude oil: dealing prohibited

[Revoked]

Regulation 34B: revoked, on 28 June 2018, by regulation 11 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Inspection of goods

35 Certain goods must be inspected

- (1) A person must not knowingly, directly or indirectly, import goods of the type specified in subclause (2) to New Zealand, or export goods of that type from New Zealand, unless the person presents the goods to Customs for inspection.
- (2) This regulation applies to the importation and exportation of goods—
 - (a) that have originated in DPRK;
 - (b) that are destined for DPRK;
 - (c) the importation or exportation of which has been brokered by or on behalf of the Government of DPRK, a national of DPRK, or a designated person;
 - (d) that have been carried on or are to be carried on—
 - (i) a ship that is registered in DPRK or that uses the DPRK flag; or
 - (ii) an aircraft registered in DPRK.

Regulation 35(1): amended, on 28 June 2018, by regulation 12 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Joint ventures

Heading: inserted, on 4 January 2018, by regulation 8 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

35A Joint ventures prohibited

- (1) In this regulation and regulation 35B, **restricted person or entity** means a person or entity who—
 - (a) is a national of DPRK (and not a citizen or permanent resident of New Zealand); or
 - (b) is a corporation, partnership, trust, or other entity (the **entity**) incorporated or established under DPRK law or that can otherwise reasonably be regarded as a DPRK entity.

- (2) A person must not enter into, maintain, or operate a joint venture or any other co-operative enterprise with any person or entity (**B**), knowing that B is a restricted person or entity.

Regulation 35A: inserted, on 4 January 2018, by regulation 8 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

35B Termination of existing joint venture

- (1) A person who entered into a joint venture or any other co-operative enterprise with any person or entity (**C**) before 12 September 2017 must not maintain, operate, or participate in the joint venture or other co-operative enterprise after 8 January 2018, knowing that C is a restricted person or entity.
- (2) Subclause (1) does not apply with regard to a joint venture or other co-operative enterprise that—
- (a) is one of the projects specifically excepted in paragraph 18 of resolution 2375 (2017); or
 - (b) is the subject of an application made before 9 January 2018 to the Committee for approval of the joint venture or other co-operative enterprise.
- (3) If an application is made to the Committee for approval of the joint venture or other co-operative enterprise and the Committee decides not to approve the application, the person who entered into the joint venture or other co-operative enterprise must not maintain, operate, or participate in the joint venture or other co-operative enterprise after the expiry of 120 days after the Committee's decision.

Regulation 35B: inserted, on 4 January 2018, by regulation 8 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Prohibitions relating to ships and aircraft

36 Provision of bunkering services to DPRK ships prohibited

- (1) A person must not provide or assist in the provision of bunkering services to a DPRK ship if the person has reasonable grounds to believe that the ship has on board any item—
- (a) whose importation is prohibited by these regulations; or
 - (b) whose exportation is prohibited by these regulations.
- (2) Subclause (1) does not apply if the provision of bunkering services is necessary—
- (a) to facilitate the inspection of the ship's cargo or the seizure or disposal of any specified goods on the ship; or
 - (b) for humanitarian purposes.

37 Procuring crewing services from DPRK prohibited

A person must not knowingly procure crewing services (whether for a ship or for an aircraft) from DPRK.

38 Aircraft not to take off from, land in, or fly over New Zealand

- (1) This regulation applies to an aircraft that has on board any item—
 - (a) whose importation is prohibited by these regulations; or
 - (b) whose exportation is prohibited by these regulations.
- (2) A person who has reasonable grounds to believe that this regulation applies to an aircraft must not permit or authorise the aircraft—
 - (a) to take off from New Zealand; or
 - (b) to land in New Zealand; or
 - (c) to fly over New Zealand.
- (3) Subclause (2)(b) does not apply to an emergency landing.

39 Certain ships to be denied entry to New Zealand ports

- (1) This regulation applies to a ship that—
 - (a) has refused to allow an inspection in accordance with paragraph 12 of resolution 1874 (2009); or
 - (b) is owned or controlled by a designated person; or
 - (ba) is a designated ship; or
 - (c) has on board any item—
 - (i) whose importation is prohibited by these regulations; or
 - (ii) whose exportation is prohibited by these regulations.
- (2) A person who has reasonable grounds to believe that this regulation applies to a ship must not permit or authorise the ship to enter a New Zealand port.
- (3) Subclause (2) does not apply—
 - (a) if the ship's entry to the port is for the purpose of an inspection in accordance with paragraph 12 of resolution 1874 (2009); or
 - (b) in the case of an emergency; or
 - (ba) in the case of a designated ship, if the ship is returning to its port of origin or the Committee has determined in advance that its entry to the port is required for humanitarian purposes or any other purpose consistent with the objectives of the resolutions; or
 - (c) to a New Zealand flagged ship.

Regulation 39(1)(ba): inserted, on 4 January 2018, by regulation 9(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 39(3)(ba): inserted, on 4 January 2018, by regulation 9(2) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

40 Certain ships not to be registered in New Zealand

- (1) A person must not apply to register a ship under the Ship Registration Act 1992 knowing that—
 - (a) the ship is owned or controlled by DPRK; or
 - (b) the ship was deregistered by another State in accordance with paragraph 12 of resolution 2397 (2017).
- (2) However, subclause (1) does not apply to a ship the registration of which has been approved in advance by the Committee.
- (3) This subclause and subclause (4)—
 - (a) apply to any ship that—
 - (i) is registered under the Ship Registration Act 1992; and
 - (ii) is a ship—
 - (A) that is owned or controlled by DPRK; or
 - (B) that the Registrar of Ships has reasonable grounds to believe was involved in activities, or the transport of items, prohibited by the resolutions; but
 - (b) do not apply to a ship the registration of which has been approved in advance by the Committee.
- (4) If subclause (3)(a) applies to a ship,—
 - (a) the ship is treated as a ship that has ceased to be entitled to be registered under the Ship Registration Act 1992; and
 - (b) section 32 of the Ship Registration Act 1992 applies to the ship.
- (5) Nothing in this regulation prevents a person from applying to reregister, or prevents the reregistration of, any ship under the Ship Registration Act 1992—
 - (a) that is no longer owned or controlled by DPRK; or
 - (b) that the Registrar of Ships has reasonable grounds to believe is no longer involved in activities, or the transport of items, prohibited by the resolutions; or
 - (c) that has its registration approved in advance by the Committee, and to which paragraph (a) or (b) applies.

Regulation 40: replaced, on 28 June 2018, by regulation 13 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

41 Craft not to be leased or chartered to DPRK or designated persons

- (1) A person must not lease or charter a ship or an aircraft or provide crew services knowing that the ship or aircraft is leased or chartered, or the services are provided, to—
 - (a) DPRK; or
 - (b) a designated person; or

- (c) a person acting on behalf, or at the direction, of DPRK or a designated person; or
 - (d) a person who the Secretary determines, on reasonable grounds, is involved in activities prohibited by these regulations.
- (2) Subclause (1) does not apply if the lease, charter, or provision of crew services has been approved in advance by the Committee.

42 Registering and dealing with DPRK ships prohibited

- (1) A person must not knowingly register a ship in DPRK or knowingly use the DPRK flag in relation to a ship.
- (2) A person must not own, lease, charter, or operate, or provide any classification, certification, or associated service to, a ship knowing that it is registered in DPRK or uses the DPRK flag.
- (3) Subclauses (1) and (2) do not apply if—
- (a) the person's activity in relation to the ship has been notified to the Committee in accordance with paragraph 20 of resolution 2270 (2016); or
 - (b) in the case of the chartering of a ship, it has been approved in advance by the Committee.
- (4) A person must not provide insurance (including reinsurance) in relation to a ship if the person knows that after 22 December 2017 the ship was involved in activities, or the transport of items, prohibited by the resolutions.
- (5) Subclause (4) does not apply if the provision of the insurance has been approved in advance by the Committee.

Regulation 42(2): amended, on 4 January 2018, by regulation 10(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 42(3): replaced, on 4 January 2018, by regulation 10(2) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 42(4): replaced, on 28 June 2018, by regulation 14 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

42A Ship-to-ship transfers prohibited

- (1) This regulation applies with respect to goods or items that are supplied, sold, or transferred to DPRK or supplied by, sold by, or transferred from DPRK (in this regulation, **goods**).
- (2) A person must not knowingly transfer goods or facilitate a transfer of goods between any ship and a DPRK ship.
- (3) Subclause (2) applies—
- (a) to any person in New Zealand and to a New Zealand citizen in any place outside New Zealand; and
 - (b) in the case of a New Zealand registered craft,—
 - (i) to the owner of the craft; and

- (ii) to the master or pilot in command of the craft; and
- (c) in the case of a New Zealand chartered craft,—
 - (i) to the charterer of the craft; and
 - (ii) to the master or pilot in command of the craft, if the master or pilot is a New Zealand citizen.

Regulation 42A: inserted, on 4 January 2018, by regulation 11 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Prohibitions relating to financial services

43 Prohibitions in relation to financial services

- (1) A person must not establish a place of business or subsidiary in New Zealand knowing that the place of business or subsidiary is a branch or subsidiary of a financial service provider that is incorporated or established in DPRK or that is incorporated or established by a beneficial owner in DPRK.
- (2) A person must not establish a place of business or subsidiary in DPRK knowing that the place of business or subsidiary is a branch or subsidiary of a financial service provider incorporated or established in New Zealand.
- (3) A person must not obtain any financial service from, or provide any financial service to, a financial service provider knowing that the provider is incorporated or established in DPRK or incorporated or established by a beneficial owner in DPRK.
- (4) A person that provides any financial service to any person or entity in DPRK must stop providing the financial service if the person has reasonable grounds to believe that the financial service could contribute to—
 - (a) DPRK's nuclear, ballistic missile, or WMD programmes; or
 - (b) other activities prohibited by these regulations.
- (5) A person must not provide financial services to any other person knowing that the financial services are intended to be used for trade with DPRK unless the provision of financial services has been approved in advance by the Committee.

Regulation 43(1): amended, on 28 June 2018, by regulation 15(1) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Regulation 43(3): amended, on 28 June 2018, by regulation 15(2) of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Property of designated persons, DPRK, and others

44 Prohibition on dealing with property of designated persons, DPRK, and others

- (1) A person must not transfer, sell, assign, dispose of, pay for, or otherwise deal with any property located in New Zealand knowing that—

- (a) the property is owned or controlled, directly or indirectly, by—
 - (i) a designated person; or
 - (ii) the Government of DPRK or the Workers' Party of Korea; or
 - (iii) a person or an entity that the Secretary has determined is—
 - (A) assisting in the evasion or violation of the measures set out in the resolutions; or
 - (B) associated with DPRK's nuclear or ballistic missile programmes; or
 - (b) the property or the dealing could contribute to—
 - (i) DPRK's nuclear-related, ballistic missile-related, or other WMD-related programmes; or
 - (ii) other activities prohibited by these regulations; or
 - (iii) the evasion of a determination of the Security Council that applies to DPRK and that is made under Article 41 of the Charter of the United Nations.
- (2) Subclause (1) does not apply if the Minister has consented to the dealing in accordance with regulation 46.

45 Prohibition on sending property to designated persons, DPRK, and others

- (1) A person must not send, transfer, or deliver any property, or cause any property to be sent, transferred, or delivered, directly or indirectly, knowing that the property is to be sent, transferred, or delivered to or for the benefit of a person or an entity specified in regulation 44(1)(a).
- (2) Subclause (1) applies 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 46.

46 Minister may consent to activity prohibited by regulation 44 or 45

- (1) If the Minister consents to an activity under this regulation, the prohibitions in regulations 44(1) and 45(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 paragraph 9 of resolution 1718 (2006).
- (3) The Minister may consent to an activity prohibited by regulation 44(1) or 45(1) if the Minister is satisfied that—
 - (a) the activity is necessary for a purpose described in paragraph 9 of resolution 1718 (2006) or paragraph 32 of resolution 2270 (2016); and
 - (b) any notifications and decisions required by the relevant paragraph for the purpose have been given and made in accordance with the relevant paragraph.

Authorisations to work: DPRK nationals

Heading: inserted, on 4 January 2018, by regulation 12 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

46A No work authorisations for DPRK nationals

- (1) A person who is a national of DPRK is not eligible to obtain a visa, or any other authorisation, that would entitle the person to work in New Zealand.
- (2) However, subclause (1) does not apply with regard to a visa or any other authorisation approved in advance by the Committee.

Regulation 46A: inserted, on 4 January 2018, by regulation 12 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

Regulation 46A(2): replaced, on 28 June 2018, by regulation 16 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Entry and transit of designated persons

47 Prohibition on designated persons entering or transiting through New Zealand

- (1) The following persons must not enter New Zealand or transit through New Zealand:
 - (a) an individual who is a designated person;
 - (b) a member of the immediate family of an individual who is a designated person;
 - (c) an individual who the Secretary determines on reasonable grounds—
 - (i) is acting on behalf, or at the direction, of a designated person; or
 - (ii) is assisting in the evasion or violation of the measures set out in the resolutions.
- (2) Subclause (1) does not apply to a 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 person is a representative of the Government of DPRK and the entry or transit is necessary for the person's travel to a United Nations facility to conduct United Nations business; or
 - (c) the Committee has determined that the entry or transit would further the objectives of the resolutions.
- (4) A visa may be granted under the Immigration Act 2009 to a person described in subclause (1) for the purposes of this regulation only on the advice of the Secretary that the visa is consistent with subclauses (2) and (3).

- (5) This regulation operates in addition to the Immigration Act 2009 and any regulations made under that Act and, in relation to a person described in section 17(2)(a) of that Act, applies despite that section.

Deportation of specified persons

48 Specified persons

- (1) A person is a **specified person** if—
- (a) the person—
 - (i) is in New Zealand; and
 - (ii) is a national of any State that is not New Zealand; and
 - (iii) is a designated person or there are reasonable grounds to believe that the person—
 - (A) is acting on behalf, or at the direction, of a designated person; or
 - (B) is assisting in the evasion or violation of the measures set out in the resolutions; or
 - (C) is working for, on behalf of, or at the direction of a financial service provider that is incorporated or established in DPRK or that is incorporated or established by a beneficial owner in DPRK; or
 - (b) the person—
 - (i) is in New Zealand; and
 - (ii) is a national of DPRK; and
 - (iii) is a designated person who has been designated by the Secretary having regard to paragraph 8 of resolution 2397 (2017).
- (2) However, a person is **not a specified person** if—
- (a) the person is a New Zealand citizen; or
 - (b) the person's presence in New Zealand is justified on the grounds of humanitarian need, including religious obligation; or
 - (c) the person's presence in New Zealand is necessary to give effect to a judicial process; or
 - (d) the person is a representative of the Government of DPRK and the person's presence in New Zealand is necessary for the person's travel to a United Nations facility to conduct United Nations business; or
 - (e) the Committee has determined that expelling the person from New Zealand would be contrary to the objectives of the resolutions.

Regulation 48(1): replaced, on 28 June 2018, by regulation 17 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

49 Order for deportation

- (1) If the Minister certifies that a person is a specified person, the Governor-General may, by Order in Council, order the deportation from New Zealand of that person.
- (2) The person named in the order is accordingly liable for deportation.
- (3) The Governor-General may, by Order in Council, revoke an order made under subclause (1).
- (4) An order made under subclause (1) is a deportation order for the purposes of the Immigration Act 2009 and must be treated as if it were made under section 163 of that Act, and the provisions of that Act (including section 176) apply accordingly.

50 No delegation of power to certify that person is specified person

The Minister may not delegate the power to certify that a person is a specified person.

51 Detention and monitoring of person suspected of being specified person

- (1) A person who is, on reasonable grounds, suspected by an immigration officer or a constable of being a specified person is liable to arrest and detention under Part 9 of the Immigration Act 2009 as if he or she were a person who was, on reasonable grounds, suspected by an immigration officer or a constable of constituting a threat or risk to security, and the provisions of that Part apply accordingly.
- (2) Without limiting subclause (1), the provisions of Part 9 of the Immigration Act 2009 apply with the following modifications:
 - (a) the references in sections 314, 316, and 322(2) to the Minister must be treated as references to the Minister of Foreign Affairs; and
 - (b) any other necessary modifications.

52 Classified information

- (1) Classified information may be relied on in making decisions or determining proceedings under the Immigration Act 2009 (as applied and modified by these regulations) if the Minister determines that the classified information relates to matters of security or criminal conduct.

Minister may rely on classified information in deciding whether to certify that person is specified person

- (2) If subclause (1) applies, the Minister may rely on classified information in deciding whether to certify that a person is a specified person.
- (3) Sections 34 to 42 of the Immigration Act 2009 apply, as appropriate and with the modifications set out in subclause (5) and any other necessary modifications, if the Minister makes a decision relying on classified information.

Proceedings involving classified information

- (4) Sections 240 to 244 and 252 to 270 of the Immigration Act 2009 apply, with the modifications set out in subclause (5) and any other necessary modifications, to any proceedings relating to a decision by the Minister that involves classified information to which subclause (1) applies.

References to Minister to be treated as references to Minister of Foreign Affairs

- (5) For the purposes of this regulation, each reference to the Minister in sections 34 to 40, 259, 262, 263, 265, and 267 of the Immigration Act 2009 must be treated as a reference to the Minister of Foreign Affairs.

53 Regulations operate in addition to Immigration Act 2009

Regulations 48 to 52 operate in addition to the Immigration Act 2009 and any regulations made under that Act.

*Minister's consent***54 Minister may consent to prohibited activity**

- (1) If the Minister consents to an activity under this regulation, any prohibition that would otherwise apply to the activity under these regulations does not apply to the activity.
- (2) The Minister may consent to an activity under this regulation only if the Minister is satisfied that the activity is—
- (a) justified on humanitarian grounds; or
 - (b) not inconsistent with the objectives of the resolutions.

Committee exemptions

Heading: inserted, on 4 January 2018, by regulation 13 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

54A Effect of Committee exemptions

If the Committee exempts any activity from the measures imposed by the resolutions, any prohibition that would otherwise apply to the activity under these regulations does not apply to the activity.

Regulation 54A: inserted, on 4 January 2018, by regulation 13 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290).

*Miscellaneous provisions***55 Offences**

For the purposes of section 3(1) of the United Nations Act 1946, a person who contravenes or fails to comply with any provision of these regulations commits an offence against these regulations.

56 Attorney-General's consent needed for certain prosecutions

A prosecution for an offence against these regulations that is alleged to have been committed outside New Zealand may not be commenced without—

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

57 Revocation

The United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006 (SR 2006/382) are revoked.

Schedule 1

Restricted export goods

r 3(1)

Schedule 1: replaced, on 28 June 2018, by regulation 18 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Part 1

Specified luxury goods

Alcoholic beverages

Bone china

Cameras and movie equipment

Carpets and tapestries

Cars, motorcycles, snowmobiles, aircraft, and their parts and accessories

Caviar and its substitutes

Chocolate

Computers, audiovisual equipment, data or software (for example, films or music, or both, recorded or stored digitally), and things on which data or software is or may be recorded or stored

Cosmetics

Crustaceans, molluscs, aquatic invertebrates, and goods containing those species

Crystal glassware

Deer velvet

Designer clothing

Designer furniture

Fountain pens

Fur products and artificial fur products

Honey and its derivatives

Jewellery

Leather bags and clothes

Mobile telephones

Musical instruments

Perfumes

Portable electronic devices (for example, digital audio players, activity trackers, and headsets)

Precious metals of any kind, precious and semi-precious stones, and articles made from them

Ships and their parts and accessories

Sporting goods and equipment

Tobacco

Tuna, toothfish, salmon, and goods containing those species

Works of art, collector's pieces, and antiques

Wristwatches

Part 2
Other goods

Industrial machinery

Iron, steel, and other metals

Transportation vehicles

Schedule 2

Restricted import goods

r 3(1)

Schedule 2: inserted, on 28 June 2018, by regulation 19 of the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86).

Base metals

Coal

Earth and stone

Electrical equipment

Food and agricultural products

Gold

Machinery

Rare metals

Seafood

Silver

Statues

Textiles

Vessels

Wood

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
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Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 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 (Democratic People's Republic of Korea) Amendment Regulations 2018 (LI 2018/86)

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

United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2017 (LI 2017/290)