

**Reprint
as at 2 September 2010**



**United Nations Sanctions (Iran)
Amendment Regulations 2008**

(SR 2008/261)

United Nations Sanctions (Iran) Amendment Regulations 2008: revoked, on 2 September 2010, pursuant to regulation 30 of the United Nations Sanctions (Iran) Regulations 2010 (SR 2010/264).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of August 2008

Present:
The Right Hon Helen Clark presiding in Council

Note

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

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

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

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

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to resolution 1803 (2008) of the Security Council of the United Nations, adopted under the United Nations Charter on 3 March 2008, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Iran the measures set out in that resolution,—

makes the following regulations.

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Regulations

- 1 Title**

These regulations are the United Nations Sanctions (Iran) Amendment Regulations 2008.
- 2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations amended

These regulations amend the United Nations Sanctions (Iran) Regulations 2007.

4 Interpretation

- (1) Regulation 3(1) is amended by revoking the definition of **designated persons** and substituting the following definition:

“**designated persons** means persons or entities designated—

- “(a) in the Annex to resolution 1737 (2006) of the Security Council of the United Nations; or
- “(b) in Annex I to resolution 1747 (2007) of the Security Council of the United Nations; or
- “(c) in Annex I, II, or III to resolution 1803 (2008) of the Security Council of the United Nations; or
- “(d) by the Security Council of the United Nations or the Committee for the purposes of those resolutions”.

- (2) Regulation 3(1) is amended by revoking paragraph (a) of the definition of **specified nuclear weapon, missile, or enrichment-related goods** and substituting the following paragraph:

“(a) set out in INFCIRC/254/Rev.7/Part 2 of document S/2006/814, except as permitted by paragraph 8(a) of resolution 1803 (2008) of the Security Council of the United Nations; or”.

- (3) Paragraph (c) of the definition of **specified nuclear weapon, missile, or enrichment-related goods** in regulation 3(1) is amended by omitting “, except items covered by 19.A.3 of Category II”.

5 New regulations 16A and 16B, and heading, inserted

The following regulations and heading are inserted after regulation 16:

“16A Exceptions to regulations 15 and 16

- “(1) The Minister may consent to any dealing with an asset, money, or security if the Minister is satisfied that the dealing is necessary—

“(a) for basic expenses, and prior notice of the Minister’s intention to consent has been given to the Committee; or

- “(b) for extraordinary expenses, and prior notice of the Minister’s intention to consent has been given to the Committee and the Committee has approved the dealing; or
 - “(c) to satisfy a judicial, administrative, or arbitral lien or judgment that took effect before 23 December 2006, other than a lien or judgment for the benefit of a designated person, and prior notice of the Minister’s intention to consent has been given to the Committee; or
 - “(d) for activities directly related to the items specified in paragraph 3(b)(i) or (ii) of resolution 1737 (2006) (which relate to nuclear material and equipment exclusively for use in light water reactors), and prior notice of the Minister’s intention to consent has been given to the Committee.
- “(2) 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 individual or entity that arose before the date of designation.
- “(3) Interest and other earnings and payments added to an account under subclause (2) are subject to regulations 15(1) and 16(1).
- “(4) 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—
 - “(i) the contract is not directly or indirectly related to any of the prohibited items, materials, goods, technologies, assistance, training, financial assistance, investment, brokering, or services referred to in paragraphs 3, 4, and 6 of resolution 1737 (2006); and
 - “(ii) the payment will not directly or indirectly be received by any designated person; and
 - “(b) at least 10 working days’ notice of the Minister’s intention to consent has been given to the Committee.
- “(5) Regulations 15(1) and 16(1) do not apply to an act authorised by a consent under subclauses (1), (2), or (4).

- “(6) Regulation 17 does not apply to the giving of a consent under subclauses (1), (2), or (4).

“Entry and transit of designated persons

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

- “(1) No person designated in Annex II of resolution 1803 (2008) of the Security Council of the United Nations, and no other person designated by the Security Council or the Committee for the purposes of that resolution, may enter New Zealand, or transit through New Zealand, if the travel would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- “(2) Subclause (1) does not apply so as to prevent a designated person from entering or transiting through New Zealand if—
- “(a) the travel is for activities directly related to the items in paragraph 3(b)(i) or (ii) of resolution 1737 (2006) (which relate to nuclear material and equipment exclusively for use in light water reactors); or
 - “(b) the Committee has determined that the travel is justified on the grounds of humanitarian need, including religious obligations; or
 - “(c) the Committee has concluded that the travel would otherwise further the objectives of resolution 1803 (2008) of the Security Council of the United Nations.
- “(3) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- “(4) A permit or visa may be granted or issued, under the Immigration Act 1987, to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the permit or visa is consistent with subclause (1).
- “(5) This regulation operates in addition to the requirements of the Immigration Act 1987 and of any regulations made under that Act.”

6 New regulation 17 substituted

Regulation 17 is revoked and the following regulation substituted:

“17 Preconditions to consent

Before consenting to an activity under regulation 4(2), 5(2), 10(2), 11(2), 14(3), or 16(2), the Minister must be satisfied that the activity is not inconsistent with the measures set out in paragraphs 3, 4, 6, 7, and 12 of resolution 1737 (2006), paragraphs 4 and 5 of resolution 1747 (2007), or paragraphs 5, 7, and 8 of resolution 1803 (2008) of the Security Council of the United Nations.”

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 August 2008.

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Notes

1 *General*

This is a reprint of the United Nations Sanctions (Iran) Amendment Regulations 2008. The reprint incorporates all the amendments to the regulations as at 2 September 2010, as specified in the list of amendments at the end of these notes.

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

2 *Status of reprints*

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

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

3 *How reprints are prepared*

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

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

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

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

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

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

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

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

United Nations Sanctions (Iran) Regulations 2010 (SR 2010/264): regulation
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