

**Reprint
as at 14 June 2018**



United Nations Sanctions (Somalia) Regulations 1992
(SR 1992/42)

United Nations Sanctions (Somalia) Regulations 1992: revoked, on 14 June 2018, by regulation 23(a) of the United Nations Sanctions (Somalia) Regulations 2018 (LI 2018/68).

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 16th day of March 1992

Present:

Her Excellency the Governor-General in Council

Pursuant to the United Nations Act 1946, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of giving effect to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 23 January 1992, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Somalia the measures set out in paragraph 5 of that resolution, hereby makes the following regulations.

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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 and commencement

- (1) These regulations may be cited as the United Nations Sanctions (Somalia) Regulations 1992.

- (2) These regulations shall come into force on 20 March 1992.

2 Interpretation

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

AMISOM means the mission established by member States of the African Union and authorised by paragraph 4 of resolution 1744 (2007) of the Security Council of the United Nations

asset includes any financial asset or economic resource

Committee means the Committee established by paragraph 11 of resolution 751 (1992) of the Security Council of the United Nations

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

designated person means a person or entity designated by the Committee in accordance with paragraph 8 of resolution 1844 (2008) of the Security Council of the United Nations

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the United Nations Act 1946

money includes—

- (a) the banknotes and other currency and money orders of New Zealand or any other country; and
- (b) promissory notes and bills of exchange; and
- (c) any credit in an account with any person

New Zealand includes Tokelau

New Zealand aircraft means any aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 1990

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

security—

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

- (2) A reference in these regulations to the transfer of a security includes a reference to a transfer of a security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.
- (3) The Minister may publish, in any manner the Minister thinks fit (for example, by notice in the *Gazette*, or publication on the Internet, or both),—
 - (a) a list of the names of any persons designated as designated persons; and
 - (b) any additions to, or deletions from, the list referred to in paragraph (a).

Regulation 2(1) **AMISOM**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Somalia) Amendment Regulations 2008 (SR 2008/397).

Regulation 2(1) **asset**: inserted, on 7 May 2009, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(1) **Committee**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Somalia) Amendment Regulations 2008 (SR 2008/397).

Regulation 2(1) **Customs** or **the Customs**, and **Customs officer**: inserted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

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

Regulation 2(1) **designated person**: inserted, on 7 May 2009, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(1) **Minister**: inserted, on 7 May 2009, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(1) **money**: inserted, on 7 May 2009, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(1) **security**: added, on 7 May 2009, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(2): added, on 7 May 2009, by regulation 4(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 2(3): added, on 7 May 2009, by regulation 4(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Prohibited exports

3 Exportation of weapons and military equipment to Somalia prohibited

- (1) Except with the consent of the Minister, the exportation of weapons and military equipment from New Zealand to Somalia, whether directly or indirectly, is prohibited.
- (2) Subclause (1) does not apply to—
 - (a) weapons or military equipment intended solely for the support of or use by AMISOM; or
 - (b) non-lethal military equipment if—
 - (i) that equipment is intended solely for humanitarian or protective use; and
 - (ii) the supply of that equipment is approved in advance by the Committee; or

- (c) weapons or military equipment if—
 - (i) those weapons or that military equipment is intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1 to 3 of resolution 1744 (2007) of the Security Council of the United Nations; and
 - (ii) the provision of those weapons or that military equipment is not disallowed by the Committee; or
- (d) protective clothing (including flak jackets and military helmets) temporarily exported to Somalia by the following persons for their own personal use in that country:
 - (i) United Nations personnel;
 - (ii) representatives of the media, humanitarian and development workers, and associated personnel; or
- (e) weapons or military equipment destined for the sole use of member States and regional organisations undertaking measures in accordance with paragraph 6 of resolution 1851 of the Security Council of the United Nations (relating to the suppression of acts of piracy and armed robbery at sea off the coast of Somalia).

Regulation 3: substituted, on 20 November 2008, by regulation 5 of the United Nations Sanctions (Somalia) Amendment Regulations 2008 (SR 2008/397).

Regulation 3(1): amended, on 7 May 2009, by regulation 9 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 3(2)(a): amended, on 7 May 2009, by regulation 5(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 3(2)(c): substituted, on 7 May 2009, by regulation 5(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 3(2)(d)(ii): amended, on 7 May 2009, by regulation 5(3) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 3(2)(e): added, on 7 May 2009, by regulation 5(3) of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

4 Application of Customs and Excise Act 1996 to prohibited exports

All the provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) shall extend and apply with respect to goods whose exportation is prohibited by regulation 3, in all respects as if the exportation of the goods were prohibited under section 56 of the Customs and Excise Act 1996.

Regulation 4: substituted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

5 Detention of prohibited exports

If a Customs officer has reason to suspect that any goods being exported are goods whose exportation is prohibited by regulation 3, the Customs officer may detain the goods.

Regulation 5: substituted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

6 Loading of prohibited exports onto ships or aircraft prohibited

The master of a ship or the pilot in command of an aircraft shall not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by regulation 3, knowing that the goods are intended to be exported in contravention of that regulation.

7 Power to withhold clearance of ship or aircraft

The Customs may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any goods known to a Customs officer to be goods whose exportation is prohibited by regulation 3.

Regulation 7: substituted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

Prohibited transactions in relation to imports of weapons or military equipment

8 Prohibited transactions in relation to imports of weapons or military equipment into Somalia

- (1) Except with the consent of the Minister, no person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, enter into or be concerned in any sale, transfer, carriage, or delivery of or other dealing with any weapons or military equipment, knowing that—

- (a) they are intended to be imported into Somalia; or
- (b) they are to be supplied or delivered to or to the order of any person in Somalia.

- (2) Subclause (1) does not apply to a transaction in relation to weapons or military equipment specified in regulation 3(2).

Regulation 8(1): amended, on 7 May 2009, by regulation 9 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

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

Regulation 8(2): added, on 7 May 2009, by regulation 6 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Prohibition on carriage of weapons or military equipment

9 Prohibition on carriage of weapons or military equipment to Somalia

- (1) This regulation applies to—
 - (a) any New Zealand ship;
 - (b) any New Zealand aircraft;
 - (c) any other ship or aircraft that is, for the time being, chartered to any person being a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.
- (2) Without prejudice to the generality of the foregoing provisions of these regulations, no ship or aircraft to which this regulation applies shall be used for the carriage of any weapons or military equipment if the carriage is, or forms part of, carriage from any place outside Somalia to any destination in Somalia.
- (3) Nothing in this regulation shall apply to any carriage of weapons or military equipment in respect of which the consent of the Minister has been given under any other provision of these regulations.
- (4) Subclause (2) does not apply to the carriage of weapons or military equipment specified in regulation 3(2).

Regulation 9(3): amended, on 7 May 2009, by regulation 9 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 9(3): amended, on 1 July 1993, by section 8(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Regulation 9(4): added, on 7 May 2009, by regulation 7 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

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

- (1) If any ship or aircraft is used in contravention of regulation 9, then,—
 - (a) in the case of a New Zealand ship or aircraft, the owner and the master of the ship or, as the case may be, the owner and the pilot in command of the aircraft; or
 - (b) in the case of any other ship or aircraft, the charterer of the ship or aircraft and, if the master of the ship or pilot in command of the aircraft is a New Zealand citizen, such master or pilot in command—

shall each be guilty of an offence against these regulations, unless he or she proves that he or she did not know and had no reason to suppose that the carriage of goods was, or formed part of, carriage from any place outside Somalia to any destination in Somalia.

- (2) In this regulation, the terms **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case may be, the agent of the charterer.

*Prohibitions on provision of weapons or equipment, or assistance or training
of specified type*

Heading: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10A Provision to Somalia of assistance, advice, or training relating to military activities prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may provide to, or at the request of, any person within Somalia any technical advice, financial or other assistance, or training if that advice, assistance, or training relates to military activities.
- (2) Subsection (1) does not apply if the Minister has consented to that provision of the advice, assistance, or training.
- (3) Subclause (1) does not apply to—
 - (a) technical training or assistance intended solely for the support of or use by AMISOM; or
 - (b) technical training or assistance if—
 - (i) that training or assistance is intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1 to 3 of resolution 1744 (2007) of the Security Council of the United Nations; and
 - (ii) the provision of that assistance is not disallowed by the Committee; or
 - (c) technical assistance if—
 - (i) that assistance is intended solely for the purpose of enhancing the capacity of Somalia and nearby coastal States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the coast of Somalia and nearby coastal States, in accordance with paragraph 5 of resolution 1846 (2008) of the Security Council of the United Nations; and
 - (ii) the provision of that assistance is not disallowed by the Committee.

Regulation 10A: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10B Provision to designated persons of weapons or equipment, or assistance or training of specified type, prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may enter into or be concerned in any sale, transfer, carriage, or delivery, to a designated person, of—
 - (a) weapons or military equipment; or

- (b) if relating to military activities or to the provision, transfer, manufacture, maintenance, or use of weapons and military equipment,—
 - (i) technical assistance or training; or
 - (ii) financial or other assistance, including investment, brokering, or other financial services.
- (2) Subsection (1) does not apply if the Minister has consented to that sale, transfer, carriage, or delivery of the weapons, equipment, assistance, or training.

Regulation 10B: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Funds of or for designated persons

Heading: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10C Prohibition on dealings in assets, money, or securities of, or derived from property of, designated persons

- (1) No person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—
 - (a) that is owned or controlled, directly or indirectly, by a designated person or a person or entity acting on behalf, or at the direction, of a designated person; and
 - (b) that is located in New Zealand.
- (2) Subclause (1) does not apply if the Minister has consented to that transfer, sale, assignment, or disposal of, payment for, or other dealing with, the asset, money, or security.
- (3) It is a defence to a prosecution under this regulation in respect of any asset, money, or security derived or generated from any asset, money, or security of the kind specified in subclause (1)(a) (a **restricted item**) if the defendant proves that he or she received the asset, money, or security in good faith, at a time when he or she did not know that it was a restricted item or derived or generated from a restricted item.

Regulation 10C: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10D Prohibition on sending funds, etc, to designated persons

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may knowingly send, transfer, or deliver, or knowingly cause to be sent, transferred, or delivered, whether directly or indirectly, any asset, money, or security—
 - (a) to a designated person or a person or entity acting on behalf, or at the direction, of a designated person; or

- (b) for the benefit of a designated person or a person or entity acting on behalf, or at the direction, of a designated person.
- (2) Subclause (1) does not apply if the Minister has consented to that sending, transfer, or delivery of the asset, money, or security.

Regulation 10D: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10E Exceptions to regulations 10C and 10D

- (1) The Minister may consent to any dealing with any asset, money, or security if the Minister is satisfied that the dealing—
 - (a) is necessary for basic expenses within the meaning of paragraph 4(a) of resolution 1844 of the Security Council of the United Nations and is authorised under that paragraph; or
 - (b) is necessary for extraordinary expenses within the meaning of paragraph 4(b) of resolution 1844 of the Security Council of the United Nations and is authorised under that paragraph; or
 - (c) is authorised under paragraph 4(c) of resolution 1844 of the Security Council of the United Nations (which relates to assets, money, or securities subject to judicial, administrative, or arbitral liens or judgments).
- (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 10C(1) and 10D(1).

Regulation 10E: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Entry and transit of designated persons

Heading: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

10F Designated persons to enter New Zealand only if consistent with determinations of Security Council

- (1) No person who is a designated person may enter New Zealand, or transit through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- (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 designated person from entering or transiting through New Zealand if—

- (a) the Committee has determined that the travel is justified on the ground of humanitarian need, including religious obligations; or
 - (b) the Committee has determined that the travel would otherwise further the objectives of Security Council resolutions relating to Somalia.
- (4) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclause (1).
- (5) This regulation operates in addition to the requirements of the Immigration Act 2009 and any regulations made under that Act.

Regulation 10F: inserted, on 7 May 2009, by regulation 8 of the United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

Regulation 10F(4): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 10F(5): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Miscellaneous provisions

11 Offences

Every person commits an offence against these regulations and shall be liable accordingly under section 3 of the United Nations Act 1946, who acts in contravention of or fails to comply in any respect with any of the provisions of these regulations.

12 Consent of Attorney-General to proceedings in certain cases

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

13 Customs and Excise Act 1996 not affected

Nothing in these regulations shall limit or affect the operation of the Customs and Excise Act 1996.

Regulation 13: substituted, on 1 October 1996, by section 289(2) of the Customs and Excise Act 1996 (1996 No 27).

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Somalia) Regulations 1992 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 (Somalia) Regulations 2018 (LI 2018/68): regulation 23(a)

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

United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74)

United Nations Sanctions (Somalia) Amendment Regulations 2008 (SR 2008/397)

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

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