

**Reprint
as at 22 November 2012**



United Nations Sanctions (Sierra Leone) Regulations 1997

(SR 1997/281)

United Nations Sanctions (Sierra Leone) Regulations 1997: revoked, on 22 November 2012, by clause 3 of the United Nations Sanctions (Sierra Leone) Regulations Revocation Order 2012 (SR 2012/319).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 3rd day of November 1997

Present:
His Excellency the Governor-General in Council

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

- (a) by and with the advice and consent of the Executive Council; and
- (b) 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 8 October 1997, calling upon the Gov-

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.

ernment of New Zealand and all other member States of the United Nations to apply in respect of Sierra Leone the measures set out in paragraphs 5 and 6 of that resolution,— makes the following regulations.

Contents

	Page
1 Title and commencement	3
2 Interpretation	3
<i>Prohibited exports</i>	
3 Exportation of arms and related <i>matériel</i> to Sierra Leone prohibited	4
4 Application of Customs and Excise Act 1996 to prohibited exports	4
5 Detention of prohibited exports	5
6 Prohibited exports not to be loaded onto ships or aircraft	5
7 Power to withhold clearance of ship or aircraft	5
<i>Prohibited transactions in relation to imports</i>	
8 Prohibited transactions in relation to imports into Sierra Leone	5
<i>Prohibition on carriage of prohibited goods</i>	
9 Prohibition on carriage of arms and related <i>matériel</i> to Sierra Leone	6
10 Duty of owner, charterer, master, or pilot in command	6
<i>Prohibition on importing diamonds originating in Sierra Leone</i>	
<i>[Revoked]</i>	
10A Importation of diamonds from Sierra Leone prohibited <i>[Revoked]</i>	7
10B Application of Customs and Excise Act 1996 to prohibited imports <i>[Revoked]</i>	7
10C Detention of, and payment for, prohibited diamonds <i>[Revoked]</i>	7
<i>Entry of designated persons</i>	
11 Designated persons to enter New Zealand only if consistent with determinations of Security Council	7
<i>Miscellaneous provisions</i>	
12 Offences	9

13	Consent of Attorney-General to proceedings in certain cases	9
14	Customs and Excise Act 1996 not affected	9

Regulations

1 Title and commencement

- (1) These regulations may be cited as the United Nations Sanctions (Sierra Leone) Regulations 1997.
- (2) These regulations come into force on 7 November 1997.

2 Interpretation

In these regulations, unless the context otherwise requires,—
committee means the committee established under paragraph 10 of resolution 1132 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 designated under paragraph 10(f) of resolution 1132 or paragraph 5 of resolution 1171 of the Security Council of the United Nations

Minister means the Minister of Foreign Affairs and Trade

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.

Regulation 2 **committee**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 2 **designated person**: inserted, on 20 November 2008, by regulation 4 of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

*Prohibited exports***3 Exportation of arms and related *matériel* to Sierra Leone prohibited**

- (1) No person may directly or indirectly export from New Zealand to Sierra Leone—
- (a) arms and related *matériel* of all types, including weapons, ammunition, military vehicles, and military or paramilitary equipment; or
 - (b) spare parts for any of the goods specified in paragraph (a).
 - (c) *[Revoked]*
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister consents to the exportation of those goods.
- (3) Subclause (1) does not apply to arms, related *matériel*, or spare parts intended solely for the support of, or use by,—
- (a) the Government of Sierra Leone; or
 - (b) the Military Observer Group of the Economic Community of West African States; or
 - (c) the United Nations.

Regulation 3 heading: amended, on 20 November 2008, by regulation 5(1) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 3(1)(b): amended, on 20 November 2008, by regulation 5(2)(a) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 3(1)(c): revoked, on 20 November 2008, by regulation 5(2)(b) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 3(3): added, on 20 November 2008, by regulation 5(3) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

4 Application of Customs and Excise Act 1996 to prohibited exports

The provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) 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 that Act.

5 Detention of prohibited exports

A Customs officer may detain goods that the Customs officer has reason to suspect are being exported in contravention of regulation 3.

6 Prohibited exports not to be loaded onto ships or aircraft

If a master of a ship or a pilot in command of an aircraft knows that goods are intended to be exported in contravention of regulation 3, the master or the pilot must not permit those goods to be loaded onto the ship or aircraft.

7 Power to withhold clearance of ship or aircraft

If a Customs officer knows that there are on board a ship or aircraft goods intended to be exported in contravention of regulation 3, the Customs may withhold the clearance of the ship or aircraft while the goods remain on board.

Prohibited transactions in relation to imports

8 Prohibited transactions in relation to imports into Sierra Leone

- (1) No person in New Zealand and no person who is a New Zealand citizen outside New Zealand may enter into or be concerned in any sale, transfer, carriage, or delivery of, or other dealing with, any of the goods specified in regulation 3 if the person knows that—
 - (a) they are intended to be imported into Sierra Leone; or
 - (b) they are intended to be supplied or delivered to a person in Sierra Leone; or
 - (c) they are intended to be supplied or delivered in accordance with the directions of a person in Sierra Leone.
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister consents to the sale, transfer, carriage, or delivery of, or other dealing with, those goods.
- (3) Subclause (1) does not apply to goods specified in regulation 3(3).

Regulation 8(3): added, on 20 November 2008, by regulation 6 of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

*Prohibition on carriage of prohibited goods***9 Prohibition on carriage of arms and related matériel to Sierra Leone**

- (1) This regulation applies to—
 - (a) New Zealand ships:
 - (b) New Zealand aircraft:
 - (c) any other ship or aircraft that is, for the time being, chartered to any person who is a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.
- (2) No ship or aircraft to which this regulation applies may be used for the carriage of any of the goods specified in regulation 3, if the carriage is, or forms part of, carriage from any place outside Sierra Leone to any destination in Sierra Leone.
- (3) Nothing in this regulation applies to any carriage of goods in respect of which the consent of the Minister has been given under regulation 3(2) or regulation 8(2), or to which regulation 3(3) or 8(3) applies.
- (4) Nothing in this regulation limits the generality of regulations 3 to 8.

Regulation 9 heading: amended, on 20 November 2008, by regulation 7(1) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 9(3): amended, on 20 November 2008, by regulation 7(2) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

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

- (1) An owner of a New Zealand ship and a master of a New Zealand ship must each ensure that the ship is not used in contravention of regulation 9.
- (2) An owner of a New Zealand aircraft and a pilot in command of a New Zealand aircraft must each ensure that the aircraft is not used in contravention of regulation 9.
- (3) A charterer of a ship or aircraft to which regulation 9(1)(c) applies must ensure that the ship or the aircraft is not used in contravention of regulation 9.
- (4) A New Zealand citizen who is the master of a ship to which paragraph (c) of regulation 9(1) applies or the pilot in com-

mand of an aircraft to which that paragraph applies must ensure that the ship or the aircraft is not used in contravention of regulation 9.

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

*Prohibition on importing diamonds originating
in Sierra Leone*
[Revoked]

Heading: revoked, on 20 November 2008, by regulation 8(1) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

10A Importation of diamonds from Sierra Leone prohibited
[Revoked]

Regulation 10A: revoked, on 20 November 2008, by regulation 8(2) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

10B Application of Customs and Excise Act 1996 to prohibited imports
[Revoked]

Regulation 10B: revoked, on 20 November 2008, by regulation 8(2) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

10C Detention of, and payment for, prohibited diamonds
[Revoked]

Regulation 10C: revoked, on 20 November 2008, by regulation 8(2) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Entry of designated persons

Heading: amended, on 20 November 2008, by regulation 9 of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

11 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 so as to prevent a person from entering or transiting through New Zealand if—
- (a) the committee has determined that the travel is justified on the grounds of humanitarian need, including religious obligations; or
 - (b) the travel involves a witness whose presence is required, in accordance with paragraph 8 of resolution 1793 of the Security Council of the United Nations, before the Special Court for Sierra Leone; or
 - (c) the committee has concluded that the travel would otherwise further the objectives of the Security Council's resolutions.
- (3) Subclause (1) does not apply to a person who is a New Zealand citizen.
- (3A) 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).
- (4) This regulation operates in addition to the requirements of the Immigration Act 2009 and any regulations made under that Act.

Regulation 11 heading: substituted, on 20 November 2008, by regulation 10(1) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 11(1): substituted, on 20 November 2008, by regulation 10(2) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 11(2): substituted, on 20 November 2008, by regulation 10(3) of the United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396).

Regulation 11(3A): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Regulation 11(4): substituted, at 2 am on 29 November 2010, by section 406(2) of the Immigration Act 2009 (2009 No 51).

Miscellaneous provisions

12 Offences

- (1) Every person commits an offence against these regulations and is liable accordingly under section 3 of the United Nations Act 1946, who acts in contravention of or fails to comply in any respect with any provision of these regulations.
- (2) It is a defence to a prosecution for failing to comply with a duty imposed by regulation 10 if the defendant proves that the defendant did not know and had no reason to suppose that the carriage of goods was, or formed part of, carriage from any place outside Sierra Leone to any destination in Sierra Leone.

13 Consent of Attorney-General to proceedings in certain cases

- (1) No prosecution for an offence against these regulations alleged to have been committed outside New Zealand may proceed without the leave of the Attorney-General.
- (2) Subclause (1) does not prevent a person alleged to have committed an offence of the kind referred to in that subclause from being arrested (with or without a warrant) or from being remanded in custody or on bail, even though the leave of the Attorney-General under that subclause has not been given; but no further steps may be taken until that leave has been obtained.

14 Customs and Excise Act 1996 not affected

These regulations do not limit or affect the operation of the Customs and Excise Act 1996.

Marie Shroff,
Clerk of the Executive Council.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 General

This is a reprint of the United Nations Sanctions (Sierra Leone) Regulations 1997. The reprint incorporates all the amendments to the regulations as at 22 November 2012, 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 (Sierra Leone) Regulations Revocation Order 2012 (SR 2012/319): clause 3

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

United Nations Sanctions (Sierra Leone) Amendment Regulations 2008 (SR 2008/396)
