

**Reprint
as at 19 February 2016**



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

United Nations Sanctions (Iran) Regulations 2010: revoked, on 19 February 2016, by regulation 35 of the United Nations (Iran—Joint Comprehensive Plan of Action) Regulations 2016 (LI 2016/9).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of August 2010

Present:

His Excellency the Governor-General in Council

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

- (a) acting on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to the following resolutions of the Security Council of the United Nations, adopted pursuant to the United Nations Charter, and 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 the following resolutions:
 - (i) resolution 1737 (2006), adopted on 23 December 2006:
 - (ii) resolution 1747 (2007), adopted on 24 March 2007:
 - (iii) resolution 1803 (2008), adopted on 3 March 2008:
 - (iv) resolution 1929 (2010), adopted on 9 June 2010.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

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Regulations

1 Title

These regulations are the United Nations Sanctions (Iran) Regulations 2010.

2 Commencement

These regulations come into force on 2 September 2010.

3 Interpretation

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

arms includes—

- (a) related materiel of all types (for example, weapons, ammunition, military equipment, or paramilitary equipment); and
- (b) spare parts for any arms, or for any goods specified in paragraph (a)

asset includes any financial asset or economic resource

ballistic missile-related technology means goods that are technology related to any activity or activities (including, without limitation, launches) related to ballistic missiles capable of delivering nuclear weapons

Committee means the Committee established by paragraph 18 of resolution 1737 (2006) of the Security Council of the United Nations

designated persons has the meaning given to it by regulation 4

IAEA means the International Atomic Energy Agency

Minister means the Minister of Foreign Affairs

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 an 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

nuclear weapon, missile, or enrichment-related goods means goods that are items, materials, equipment, goods, or technology set out in all or any of the following documents:

- (a) document INFCIRC/254/Rev.9/Part 1; and
- (b) document INFCIRC/254/Rev.7/Part 2; and
- (c) document S/2010/263

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

specified military equipment means goods that are—

- (a) all or any of the following items (as those items are defined for the purpose of 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)): battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles, or missile systems; or
- (b) related materiel of all types (for example, spare parts for any goods specified in paragraph (a)); or
- (c) items that are the subject of a determination—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 8 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect

specified nuclear weapon, missile, or enrichment-related goods means goods that are items, materials, equipment, goods, or technology—

- (a) set out in document INFCIRC/254/Rev.7/Part 2, and the supply, sale, or transfer of which is not permitted by paragraph 8(a) of resolution 1803 (2008) of the Security Council of the United Nations; or
- (b) set out in sections A.1, B.1, B.2, B.3, B.4, B.5, B.6, and B.7 of document INFCIRC/254/Rev.9/Part 1, except—
 - (i) equipment covered by B.1 when the equipment is for light water reactors;
 - (ii) low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for light water reactors; or
- (c) set out in document S/2010/263; or
- (d) that could or would contribute to Iran's enrichment-related, or reprocessing, or heavy water-related activities, to the development of nuclear weapon delivery systems, or to the pursuit of activities related to other topics that the IAEA has expressed concerns about or identified as outstanding, and that, in any of those cases, are the subject of a determination—

- (i) made by the Security Council of the United Nations, by the Committee, or by New Zealand (acting by and through the Secretary of Foreign Affairs and Trade signing and dating a document recording the determination made by New Zealand); and
 - (ii) made under paragraph 3(d), 4(b), or 4(c) of resolution 1737 (2006), or under paragraph 13 of resolution 1929 (2010), of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect.
- (2) A reference in these regulations to the transfer of a security includes a reference to a transfer of the security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.

Compare: SR 2007/74 r 3(1), (2)

4 Designated persons defined

- (1) **Designated persons** means persons or entities designated—
 - (a) in (all or any of Parts A, B, C, D, and E of) 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 pursuant to paragraph 10 of resolution 1737 (2006) of the Security Council of the United Nations; or
 - (e) in Annex I or II of resolution 1929 (2010) of the Security Council of the United Nations.
- (2) For the purposes only of regulations 5 and 22 to 24 (which relate to funds, etc), **designated persons** includes (despite subclause (1))—
 - (a) persons who, or entities that, are the subject of a determination (that they have assisted designated individuals or entities in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations)—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 11 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect; and

- (b) the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III, and designated by paragraph 19, of resolution 1929 (2010) of the Security Council of the United Nations; and
- (c) persons who, or entities that, are the subject of a determination (that they have assisted all or any of the entities specified in paragraph (b) in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations)—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 19 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect.
- (3) For the purposes only of regulations 5 and 25 (on entry into and transit through New Zealand), **designated persons** includes (despite subclause (1)) persons designated by the Security Council of the United Nations or the Committee pursuant to paragraph 3 of resolution 1803 (2008) of the Security Council of the United Nations.

Compare: SR 2007/74 r 3(1)

5 Publication of details of persons, goods, equipment, etc

The Minister may, by notice in the *Gazette*, by publication via the Internet, or in any other manner the Minister thinks fit, give public notice of all or any of the following, or of details of Internet sites that (at the date of the public notice) provided all or any of the following:

- (a) a list of the names, descriptions, or other identifying details of all or any of the following:
 - (i) any persons who, or entities that, are designated persons (as that term is defined in regulation 4):
 - (ii) any persons or entities acting on behalf, or at the direction, of, or owned or controlled by, persons or entities of the kind specified in subparagraph (i):
- (b) a list of the names, descriptions, or other identifying details of all or any of the following:
 - (i) any entities owned or controlled by Iran:
 - (ii) any persons or entities acting on behalf, or at the direction, of Iran or an entity owned or controlled by Iran:
- (c) a list of the names of all or any of the following goods:
 - (i) any goods referred to in the definition (in regulation 3(1)) of ballistic missile-related technology:

- (ii) any goods referred to in the definition (in regulation 3(1)) of nuclear weapon, missile, or enrichment-related goods:
- (iii) any goods referred to in paragraphs (a) and (b) of the definition (in regulation 3(1)) of specified military equipment:
- (iv) any goods referred to in paragraphs (a), (b), and (c) of the definition (in regulation 3(1)) of specified nuclear weapon, missile, or enrichment-related goods:
- (d) any additions to, or deletions from, any of the lists referred to in paragraphs (a), (b), and (c):
- (e) any determinations (relating to designated persons and) of the kind referred to in regulation 4(2)(c):
- (f) any determinations of the kind referred to in paragraph (c) of the definition (in regulation 3(1)) of specified military equipment:
- (g) any determinations of the kind referred to in paragraph (d) of the definition (in regulation 3(1)) of specified nuclear weapon, missile, or enrichment-related goods:
- (h) any classes, descriptions, or kinds of provision or receipt of goods or services that the Minister has by notice in the *Gazette* under regulation 21(4) declared to be business that could not contribute to specified violations (as that term is defined in regulation 21(3)).

Compare: SR 2007/74 r 3(3)

Regulation 5(h): added, on 23 December 2010, by regulation 4 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Importation, exportation, etc

6 Importation of nuclear weapon, missile, or enrichment-related goods

- (1) No person may directly or indirectly import into New Zealand from Iran goods that are nuclear weapon, missile, or enrichment-related goods.
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that importation of those goods.

Compare: SR 2007/74 r 4

7 Exportation of specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, or ballistic missile-related technology

- (1) No person may directly or indirectly export goods that are specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, or ballistic missile-related technology from New Zealand—
 - (a) to Iran; or
 - (b) for use in Iran; or
 - (c) for the benefit of Iran.

- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that exportation of those goods.

Compare: SR 2007/74 r 5

8 Customs and Excise Act 1996 to apply to prohibited imports, prohibited exports, and other goods and arms

- (1) All provisions of the Customs and Excise Act 1996 and of any regulations made under that Act with respect to prohibited imports (except sections 209 and 237(2)) apply with respect to goods whose importation is prohibited by regulation 6 and goods and arms to which subclause (3) or (4) applies in all respects as if the importation of the goods or arms were prohibited by or under section 54 of that Act.
- (2) All provisions of the Customs and Excise Act 1996 and of any regulations made under that Act with respect to prohibited exports (except sections 209 and 237(2)) apply with respect to goods whose exportation is prohibited by regulation 7 and goods and arms to which subclause (3) or (4) applies in all respects as if the exportation of the goods or arms were prohibited under section 56 of that Act.
- (3) This subclause applies to goods or arms that—
- (a) are all or any of the following being exported or imported to or from Iran, and are in New Zealand:
 - (i) arms:
 - (ii) ballistic missile-related technology:
 - (iii) specified military equipment:
 - (iv) specified nuclear weapon, missile, or enrichment-related goods; and
 - (b) a Customs officer believes on reasonable grounds on the basis of information available to the officer are being sold, transferred, carried, delivered, or otherwise dealt with, or exported, contrary to regulation 13(1), 14(1), or 15(1), or otherwise contrary to all or any of the following paragraphs of the following resolutions of the Security Council of the United Nations:
 - (i) paragraphs 3, 4, and 7 of resolution 1737 (2006):
 - (ii) paragraph 5 of resolution 1747 (2007):
 - (iii) paragraph 8 of resolution 1803 (2008):
 - (iv) paragraphs 8 and 9 of resolution 1929 (2010).
- (4) This subclause applies to goods or arms that—
- (a) are being exported or imported to or from Iran, and are in New Zealand; and

- (b) a Customs officer believes on reasonable grounds on the basis of information available to the officer are being provided or received in contravention of regulation 21B(1) (which imposes a duty to be registered for business with Iran when doing that business).
- (5) Subclauses (1) and (2) are subject to regulation 10A.

Compare: SR 2007/74 r 6

Regulation 8(1): amended, on 23 December 2010, by regulation 5(1) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 8(2): amended, on 23 December 2010, by regulation 5(2) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 8(3): substituted, on 23 December 2010, by regulation 5(3) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 8(4): added, on 23 December 2010, by regulation 5(3) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 8(5): added, on 23 December 2010, by regulation 5(3) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

9 Disposal of those goods and arms

- (1) This regulation applies to goods or arms—
 - (a) whose importation is prohibited by regulation 6, whose exportation is prohibited by regulation 7, or to which regulation 8(3) applies; and
 - (b) that, under section 237(1) of the Customs and Excise Act 1996 (as applied by regulation 8(1) or (2)), are forfeited goods in which the Crown has property.
- (2) Goods or arms to which this regulation applies—
 - (a) must not be disposed of in accordance with section 237(2) of the Customs and Excise Act 1996; and
 - (b) must instead be disposed of in accordance with paragraph 16 of resolution 1929 (2010) of the Security Council of the United Nations.

10 Detention of prohibited imports, prohibited exports, and other goods or arms

- (1) A Customs officer may detain any goods or arms he or she suspects on reasonable grounds to be—
 - (a) goods whose importation is prohibited by regulation 6; or
 - (b) goods whose exportation is prohibited by regulation 7; or
 - (c) goods or arms to which regulation 8(3) or (4) applies.
- (2) The Customs officer may, in detaining the goods or arms, use any reasonably necessary force.

Compare: SR 2007/74 r 7

Regulation 10(1)(c): amended, on 23 December 2010, by regulation 6(1) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 10(2): added, on 23 December 2010, by regulation 6(2) of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

10A Procedure after detention of certain goods being exported or imported without registration

- (1) This regulation applies if a Customs officer detains under regulation 10 goods to which regulation 8(4) applies and that are not all or any of the following:
 - (a) arms:
 - (b) goods whose importation is prohibited by regulation 6:
 - (c) goods whose exportation is prohibited by regulation 7:
 - (d) goods to which regulation 8(3) applies.
- (2) All or any of the following involved in the provision or receipt of the goods may, after the goods are detained, apply to be registered under regulation 21B in respect of his, her, or its involvement in their provision or receipt:
 - (a) a person in New Zealand:
 - (b) a New Zealand citizen in any place outside New Zealand:
 - (c) an entity incorporated or constituted under New Zealand law, or otherwise subject to New Zealand's jurisdiction.
- (3) The goods cannot be seized or forfeited under Part 14 of the Customs and Excise Act 1996 unless—
 - (a) a person, citizen, or entity was required to be, but was not, registered under regulation 21B in respect of the provision or receipt of the goods; and either
 - (b) no application to be registered under regulation 21B in respect of their provision or receipt is made within 20 working days after the date on which they were detained; or
 - (c) an application of that kind is made within that 20-working-day period but has been finally determined and not approved.
- (4) Section 226(6) to (8) of the Customs and Excise Act 1996 apply to the goods, before they are so seized and forfeited, as if they were goods specified in section 226(1) of that Act.
- (5) This regulation overrides regulation 8(1) and (2), but does not prevent or restrict a prosecution of a person, citizen, or entity, in accordance with regulations 27 and 28, for an offence of acting in contravention of, or failing to comply in any respect with, the provisions of all or any of regulations 21 to 21D.

Regulation 10A: inserted, on 23 December 2010, by regulation 7 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

11 Prohibited exports and other goods not to be loaded onto ships or aircraft

The master of a ship or the pilot in command of an aircraft must not permit to be laden in the ship or aircraft either or both of the following:

- (a) goods the exportation of which is prohibited by regulation 7, and that the master or the pilot knows are intended to be exported in contravention of that regulation:
- (b) goods the exportation of which contravenes regulation 21B(1) (which imposes a duty to be registered for business with Iran when doing that business), and that the master or the pilot knows are intended to be exported in contravention of that regulation.

Compare: SR 2007/74 r 8

Regulation 11: substituted, on 23 December 2010, by regulation 8 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

12 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 any Customs officer knows to be goods whose exportation is prohibited by regulation 7 or goods to which regulation 8(4) applies.

Compare: SR 2007/74 r 9

Regulation 12: amended, on 23 December 2010, by regulation 9 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Dealings in relation to or procurement of certain equipment, goods, or arms

13 Transactions with persons in Iran in relation to specified military equipment or specified nuclear weapon, missile, or enrichment-related goods 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 of, or other dealing with, any specified military equipment or specified nuclear weapon, missile, or enrichment-related goods, knowing that those goods—
 - (a) are intended to be imported by a person in Iran; or
 - (b) are to be supplied or delivered to, or to the order of, a person in Iran; or
 - (c) are for use in, or for the benefit of, Iran.
- (2) Subclause (1) does not apply to particular goods or to goods of a particular class if the Minister has consented to that sale, transfer, carriage, or delivery of, or other dealing with, those goods.

Compare: SR 2007/74 r 10

14 Procurement of nuclear weapon, missile, or enrichment-related goods, or arms

- (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 of, or other dealing with, any nuclear weapon, missile, or enrichment-

related goods, or any arms, knowing that they (whether or not they originated in Iran) are to be supplied or delivered from Iran.

- (2) Subclause (1) does not apply to particular goods or arms or to goods or arms of a particular class if the Minister has consented to that sale, transfer, carriage, or delivery of, or other dealing with, those goods or arms.

Compare: SR 2007/74 r 11

Carriage of certain equipment, goods, or arms

15 Carriage of specified military equipment, nuclear weapon, missile, or enrichment-related goods, arms, or ballistic missile-related technology

- (1) No ship or aircraft to which subclause (3) applies may be used for—
- (a) the carriage of any specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, arms, or ballistic missile-related technology if the carriage is, or forms part of, the carriage of those goods or arms from any place to Iran; or
 - (b) the carriage of any nuclear weapon, missile, or enrichment-related goods, or arms, if the carriage is, or forms part of, the carriage of those goods or arms (whether or not they originated in Iran) to any place from Iran.
- (2) Subclause (1) does not apply if the Minister has consented to that carriage of goods or arms under regulation 6(2), 7(2), 13(2), or 14(2).
- (3) This subclause applies to the following ships and aircraft:
- (a) any New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)); and
 - (b) any other ship or aircraft that is, for the time being, chartered to—
 - (i) any New Zealand citizen; or
 - (ii) any body incorporated or constituted under the law of New Zealand.
- (4) Subclause (1) does not limit regulations 6, 7, 13, and 14.

Compare: SR 2007/74 r 12

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

- (1) If any ship or aircraft is used in contravention of regulation 15, each of the following persons is guilty of an offence against these regulations:
- (a) in the case of a New Zealand ship or New Zealand aircraft (as those terms are defined in regulation 3(1)), the owner and the master of the ship or, as the case requires, the owner and the pilot in command of the aircraft:

- (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, the master or pilot in command.
- (2) However, it is a defence to any offence of that kind if the person concerned proves that he or she did not know and had no reason to suppose—
 - (a) that the goods or arms carried on the ship or aircraft were or included goods or arms (as the case may be)—
 - (i) to which regulation 15(1)(a) applies; or
 - (ii) to which regulation 15(1)(b) applies; or
 - (b) that the carriage of the goods or arms was, or formed part of, the carriage of goods or arms (as the case may be)—
 - (i) from any place to Iran; or
 - (ii) to any place from Iran.
- (3) In this regulation, **owner** and **charterer**, in relation to a ship, include any person acting as the agent of the owner or, as the case requires, the agent of the charterer.

Compare: SR 2007/74 r 13

*Iranian investment involving uranium mining or
nuclear materials and technology*

17 Financial transactions of specified kind prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may conduct a financial transaction of the specified kind with or for—
 - (a) any person in Iran; or
 - (b) a national of Iran outside Iran; or
 - (c) any entity owned or controlled by Iran; or
 - (d) any person or entity acting on behalf, or at the direction, of Iran or an entity owned or controlled by Iran.
- (2) For the purposes of subclause (1), a person conducts a financial transaction if he or she—
 - (a) is a party to the transaction; or
 - (b) procures the transaction; or
 - (c) supplies or provides any financial services (as defined in regulation 18(5)) or related services that facilitate the transaction.
- (3) Subclause (1) does not apply if the Minister has consented to the conduct of that financial transaction of the specified kind.

- (4) Financial transactions are of the specified kind for the purposes of subclauses (1) and (3) if their purpose or their effect is, in whole or in part, to enable any person or entity specified in subclause (1)(a), (b), (c), or (d) to acquire an interest, or to in any other way invest, in any commercial activity outside Iran involving either or both of the following:
- (a) uranium mining;
 - (b) production or use of nuclear materials and technology as set out in document INFCIRC/254/Rev.9/Part 1 (for example, production or use by way of uranium enrichment or reprocessing activities, heavy-water activities, or ballistic missile-related technology).

Compare: SR 2006/382 r 14A; SR 2009/216 r 9

Provision or transfer of assistance, training, resources, services, etc

18 Provision to or from Iran of technical or financial assistance, training, financial resources, etc, of specified kind prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may engage in conduct that assists, or results in, the provision or transfer of technical assistance, technical training, financial assistance, financial resources, or financial services of the specified kind to—
- (a) Iran; or
 - (b) any recipient in Iran; or
 - (c) any entity owned or controlled by Iran; or
 - (d) any person or entity acting on behalf, or at the direction, of Iran or an entity owned or controlled by Iran.
- (2) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may receive, or be concerned in the provision or transfer of technical assistance, technical training, financial assistance, financial resources, or financial services of the specified kind provided or transferred by, or at the request of,—
- (a) any person in Iran; or
 - (b) a national of Iran outside Iran.
- (3) Subclauses (1) and (2) do not apply if the Minister has consented to that provision or transfer of that technical assistance, technical training, financial assistance, financial resources, or financial services of the specified kind.
- (4) Technical assistance, technical training, financial assistance, financial resources, or financial services are of the specified kind for the purposes of subclauses (1) to (3) if they are related to either or both of the following:
- (a) the supply, sale, transfer, manufacture, or use of specified nuclear weapon, missile, or enrichment-related goods:

- (b) the supply, sale, transfer, provision, manufacture, maintenance, or use of specified military equipment.
- (5) **Financial services**, for the purposes of this regulation and of regulation 17, includes investment, brokering, and related services.

Compare: SR 2007/74 r 14

19 Transfer to Iran of ballistic missile-related technology or technical assistance related to activities related to ballistic missiles capable of delivering nuclear weapons

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may engage in conduct that assists, or results in, the transfer of ballistic missile-related technology, or of technical assistance related to activities related to ballistic missiles capable of delivering nuclear weapons, to—
 - (a) Iran; or
 - (b) any recipient in Iran; or
 - (c) any entity owned or controlled by Iran; or
 - (d) any person or entity acting on behalf, or at the direction, of Iran or an entity owned or controlled by Iran.
- (2) Subclause (1) does not apply if the Minister has consented to that transfer of that technology or technical assistance.

20 Provision of bunkering services to certain Iranian-owned, -contracted, or -chartered vessels prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may engage in conduct that assists or results in the provision of bunkering services to an Iranian-owned, -contracted, or -chartered vessel if the person or citizen believes on reasonable grounds that the vessel is carrying all or any of the following:
 - (a) arms;
 - (b) ballistic missile-related technology;
 - (c) specified military equipment;
 - (d) specified nuclear weapon, missile, or enrichment-related goods.
- (2) Subclause (1) does not apply if—
 - (a) that provision of bunkering services is necessary for humanitarian purposes; or
 - (b) that provision of bunkering services is necessary to facilitate the inspection, or for any necessary seizure or disposal, of the vessel's cargo; or
 - (c) the Minister has consented to that provision of bunkering services.

Compare: SR 2006/382 r 14B; SR 2009/216 r 9

Duty to exercise vigilance when doing certain business

21 Duty arises if business could contribute to Iran’s nuclear activities, etc, or other violations

- (1) A person in New Zealand, a New Zealand citizen in any place outside New Zealand, and an entity incorporated or constituted under New Zealand law, or otherwise subject to New Zealand’s jurisdiction, must exercise vigilance when doing business if that person, citizen, or entity—
 - (a) is doing the business with—
 - (i) a person in Iran; or
 - (ii) an entity incorporated or constituted under Iranian law or otherwise subject to Iran’s jurisdiction; or
 - (iii) any person or entity acting on behalf, or at the direction, of, or owned or controlled by, an entity specified in subparagraph (ii); and
 - (b) believes on reasonable grounds, and on the basis of information available to that person, citizen, or entity, that the business could contribute to—
 - (i) Iran’s proliferation-sensitive nuclear activities; or
 - (ii) the development by or on behalf of Iran of nuclear weapon delivery systems; or
 - (iii) violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations.
- (2) Subclause (1)(a)(ii) applies, without limitation, to an entity that is—
 - (a) an Islamic Revolutionary Guard Corps (IRGC, also known as “Army of the Guardians of the Islamic Revolution”) individual or entity as specified in Annex II, and designated by paragraphs 12 and 22, of resolution 1929 (2010) of the Security Council of the United Nations; or
 - (b) an entity of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III, and designated by paragraphs 19 and 22, of resolution 1929 (2010) of the Security Council of the United Nations.
- (3) In this regulation and regulations 21A to 21D,—

doing business means being in any way involved (even if not for reward) in any provision or receipt of any goods or services (other than exempt household or personal effects or gifts) that does not fall within a class, description, or kind of provision or receipt of goods or services declared under subclause (4) to be business that could not contribute to specified violations

exempt household or personal effects or gifts means goods that—

 - (a) are household or personal effects of, or gifts given or received by, an individual; and

- (b) are, or are to be, provided or received by or on behalf of that individual **specified violations** means activities, development, or violations in subclause (1)(b)(i), (ii), or (iii).
- (4) The Minister may by notice in the *Gazette* from time to time declare specified classes, descriptions, or kinds of provision or receipt of goods or services to be business that could not contribute to specified violations.

Regulation 21(3): added, on 23 December 2010, by regulation 10 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Regulation 21(4): added, on 23 December 2010, by regulation 10 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Duties of persons, citizens, and entities doing business with Iran

Heading: inserted, on 23 December 2010, by regulation 11 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

21A Application of regulations 21B to 21D

Regulations 21B to 21D apply to a person in New Zealand, a New Zealand citizen in any place outside New Zealand, and an entity incorporated or constituted under New Zealand law, or otherwise subject to New Zealand's jurisdiction who or that is, or is to be, doing business (as defined in regulation 21(3)) on or after 1 March 2011 with—

- (a) a person in Iran; or
- (b) an entity incorporated or constituted under Iranian law or otherwise subject to Iran's jurisdiction (including, without limitation, an entity specified in regulation 21(2)(a) or (b)); or
- (c) any person or entity acting on behalf, or at the direction, of, or owned or controlled by, an entity specified in paragraph (b).

Regulation 21A: inserted, on 23 December 2010, by regulation 11 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

21B Duty to be registered for business when doing it

- (1) The person, citizen, or entity may do the business concerned only if when doing that business the person, citizen, or entity is registered with the Secretary in respect of that business.
- (2) The Secretary must on an application for the purpose in a form approved by the Secretary register the person, citizen, or entity in respect of business to be done if satisfied that the application—
 - (a) shows clearly and accurately in respect of the business to be done the matters specified in regulation 21C(1)(a), (b), and (c); and
 - (b) includes a declaration by or on behalf of the person, citizen, or entity that the person, citizen, or entity believes on reasonable grounds that the business to be done could not contribute to specified violations (as defined in regulation 21(3)).

- (3) The Secretary may revoke the registration of the person, citizen, or entity if satisfied on reasonable grounds that—
- (a) the application on which it was based is in any material respect false or misleading; or
 - (b) the person, citizen, or entity has failed or refused to comply with regulation 21C or 21D.

Regulation 21B: inserted, on 23 December 2010, by regulation 11 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

21C Duties in respect of business records

- (1) The person, citizen, or entity must create as soon as practicable, and must keep for at least 7 years, after the business concerned is concluded electronic or written records that show accurately and clearly the following:
- (a) the identity of every person or entity of the kind specified in regulation 21A(a), (b), or (c) with whom or which that business is done;
 - (b) the steps taken by or on behalf of the person, citizen, or entity to ascertain the identity of every person or entity of the kind specified in regulation 21A(a), (b), or (c) with whom or which that business is done;
 - (c) the general nature of (so not necessarily every transaction that forms part of, or the precise volumes and values of) that business.
- (2) The person, citizen, or entity must, on a request for the purpose by or on behalf of the Secretary, make available for inspection and copying at all reasonable times all records that the person, citizen, or entity has created and kept in compliance or purported compliance with subclause (1).

Regulation 21C: inserted, on 23 December 2010, by regulation 11 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

21D Duty to report material changes in business

The person, citizen, or entity must report to the Secretary the change concerned if, since the person, citizen, or entity first became registered or last reported under this regulation (whichever is the later), there is a change in a matter specified in regulation 21C(1)(a) or (c) in respect of the business done or to be done by the person, citizen, or entity.

Regulation 21D: inserted, on 23 December 2010, by regulation 11 of the United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426).

Funds, etc, of or for designated persons, etc

22 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 any person or entity acting on behalf, or at the direction, of, or owned or controlled by, 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.

Compare: SR 2007/74 r 15

23 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 any person or entity acting on behalf, or at the direction, of, or owned or controlled by, a designated person; or
 - (b) for the benefit of a designated person or any 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.

Compare: SR 2007/74 r 16

24 Exceptions to regulations 22 and 23

- (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 22(1) and 23(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 all or any of 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 22(1) and 23(1) do not apply to an act authorised by a consent under subclause (1), (2), or (4).
- (6) Regulation 26 does not apply to the giving of a consent under subclause (1), (2), or (4).

Compare: SR 2007/74 r 16A

Entry and transit of designated persons

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

- (1) No designated person 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 1929 (2010) of the Security Council of the United Nations (for example, if Article XV of the IAEA Statute is engaged).
- (3) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (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.
- (6) Until the commencement, at 2 am on 29 November 2010, of section 406(2) of the Immigration Act 2009,—
- (a) subclause (4) must be read as if the reference to a visa being granted under the Immigration Act 2009 were a reference to a permit or visa being granted or issued under the Immigration Act 1987; and
 - (b) subclause (5) must be read as if the reference to the Immigration Act 2009 and any regulations made under that Act were a reference to the Immigration Act 1987 and any regulations made under that Act.

Compare: SR 2007/74 r 16B

Minister's consent

26 Preconditions to consent

The Minister may consent to an activity under regulation 6(2), 7(2), 13(2), 14(2), 17(3), 18(3), 19(2), 20(2)(c), 22(2), or 23(2) only if satisfied that the activity is not inconsistent with the measures set out in the following paragraphs of the following resolutions of the Security Council of the United Nations:

- (a) paragraphs 3, 4, 6, 7, and 12 of resolution 1737 (2006);
- (b) paragraphs 4 and 5 of resolution 1747 (2007);
- (c) paragraphs 5, 7, and 8 of resolution 1803 (2008);
- (d) paragraphs 7, 8, 9, and 18 of resolution 1929 (2010).

Compare: SR 2007/74 r 17

Miscellaneous provisions

27 Offences

Every person commits an offence against these regulations, and is liable accordingly under section 3 of the United Nations Act 1946, who acts in contra-

vention of or fails to comply in any respect with any of the provisions of these regulations.

Compare: SR 2007/74 r 18

28 Attorney-General's consent and certificate in certain cases

If an offence against these regulations is alleged to have been committed outside New Zealand, a prosecution for the offence may not be commenced without—

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

Compare: SR 2007/74 r 19

29 Customs and Excise Act 1996 and regulations under it not affected

These regulations do not affect the operation of the Customs and Excise Act 1996 or of any regulations made under that Act.

Compare: SR 2007/74 r 20

30 Revocation

The United Nations Sanctions (Iran) Regulations 2007 (SR 2007/74) are revoked.

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the United Nations Sanctions (Iran) Regulations 2010 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 (Iran—Joint Comprehensive Plan of Action) Regulations 2016 (LI 2016/9): regulation 35

United Nations Sanctions (Iran) Amendment Regulations 2010 (SR 2010/426)