

Version  
as at 1 September 2022



## United Nations Sanctions (Somalia) Regulations 2018 (LI 2018/68)

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 14th day of May 2018

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 2(1) of the United Nations Act 1946 on the advice and with the consent of the Executive Council.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**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 (Somalia) Regulations 2018.

### 2 Commencement

These regulations come into force on 14 June 2018.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**African Union Strategic Concept** means the African Union Strategic Concept of 5 January 2012 and includes any subsequent African Union strategic concept fulfilling largely the same purpose

**agent of a designated person** means—

- (a) any person who acts on behalf of, or at the direction of,—
  - (i) a designated person; or
  - (ii) another person who, directly or indirectly, acts on behalf of the designated person; or
- (b) any entity owned or controlled by a designated person or by a person described in paragraph (a)

**arms** means weapons and military equipment, including—

- (a) related materiel; and
- (b) spare parts (including spare parts for related materiel)

**ATMIS** means the African Union Transition Mission in Somalia

**certificate of clearance** means a certificate of clearance granted under the Customs and Excise Act 2018

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

**Committee** means the committee established under paragraph 11 of resolution 751

**component** means an improvised explosive device component

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

**Customs** means the New Zealand Customs Service

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

**designated person** means an individual or entity designated by the Committee or Security Council as—

- (a) a person to whom or to which arms embargo measures set out in resolutions 1844, 2111, 2142, and 2182 apply; or
- (b) a person to whom or to which asset freeze measures set out in resolutions 1844 and 2182 apply; or
- (c) an individual to whom travel ban measures set out in resolution 1844 apply

**EUTM** means the European Union Training Mission

**improvised explosive device component** or **IED component** means any of the following:

- (a) nitrocellulose containing more than 12.5% nitrogen weight for weight:
- (b) trinitrophenylmethylnitramine (tetryl):
- (c) nitroglycerin, except when packaged or prepared in individual medicinal doses:
- (d) a mixture containing 1 or more components listed in paragraphs (a) to (c):
- (e) any equipment or device specially designed to initiate an explosive by electrical or non-electrical means, including a firing set, a detonator, an igniter, or a detonating cord:
- (f) technology required for the production or use of a component listed in paragraphs (a) to (e)

**Minister** means the Minister of Foreign Affairs

**New Zealand** includes Tokelau

**New Zealand chartered craft** means a craft that is not a New Zealand registered craft but is chartered to a New Zealand citizen or an entity incorporated or constituted under the law of New Zealand

**New Zealand craft** means a New Zealand registered craft or a New Zealand chartered craft

**New Zealand registered craft**—

- (a) means a craft registered in New Zealand; and
- (b) includes, whether or not it is actually registered,—
  - (i) an aircraft required to be registered in New Zealand under the Civil Aviation Act 1990; and
  - (ii) a ship required or entitled to be registered in New Zealand under the Ship Registration Act 1992

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

**prohibited arms** means arms other than those described in regulation 6(2)

**property**—

- (a) means everything that is capable of being owned, whether it is—
  - (i) real or personal property:
  - (ii) tangible or intangible property:
  - (iii) inside or outside New Zealand; and
- (b) includes a legal or an equitable estate or interest in property

**resolution 751** means resolution 751 (1992) of the Security Council of the United Nations, adopted on 24 April 1992

**resolution 1844** means resolution 1844 (2008) of the Security Council of the United Nations, adopted on 20 November 2008

**resolution 2111** means resolution 2111 (2013) of the Security Council of the United Nations, adopted on 24 July 2013

**resolution 2142** means resolution 2142 (2014) of the Security Council of the United Nations, adopted on 5 March 2014

**resolution 2182** means resolution 2182 (2014) of the Security Council of the United Nations, adopted on 24 October 2014

**resolution 2607** means resolution 2607 (2021) of the Security Council of the United Nations, adopted on 15 November 2021

**Secretary** means the Secretary of Foreign Affairs and Trade

**UNSOM** means the United Nations Assistance Mission in Somalia.

Regulation 3 **AMISOM**: revoked, on 1 September 2022, by regulation 4(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **arms**: replaced, on 1 September 2022, by regulation 4(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **ATMIS**: inserted, on 1 September 2022, by regulation 4(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **certificate of clearance**: amended, on 1 September 2022, by regulation 4(3) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **component**: inserted, on 1 September 2022, by regulation 4(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **craft**: amended, on 1 September 2022, by regulation 4(4) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **Customs officer**: amended, on 1 September 2022, by regulation 4(5) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **improvised explosive device component or IED component**: inserted, on 1 September 2022, by regulation 4(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **prohibited arms**: inserted, on 1 September 2022, by regulation 4(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 3 **resolution 2607**: inserted, on 1 September 2022, by regulation 4(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

#### 4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

#### *Arms*

#### 5 Exporting arms to designated person

- (1) A person must not directly or indirectly export arms knowing that the arms are intended to be sold or transferred to a designated person or an agent of a designated person.

- (2) Subclause (1) is not limited by regulation 6.

## **6 Exporting arms to Somalia**

- (1) A person must not directly or indirectly export arms to Somalia knowing that the arms are intended to be exported to Somalia, or are intended for use in, or for the benefit of, Somalia.
- (2) Subclause (1) does not apply to the following:
- (a) arms intended solely for the development of the security forces of the Federal Government of Somalia to provide security for the Somali people, if—
    - (i) the arms are not arms specified in Annex A or B of resolution 2607; or
    - (ii) in the case of arms specified in Annex A of resolution 2607, the arms are supplied by New Zealand or an international, regional, or sub-regional organisation and the Committee has approved the exportation in advance; or
    - (iii) in the case of arms specified in Annex B of resolution 2607, the arms are supplied by New Zealand or an international, regional, or sub-regional organisation and the Committee has been notified of the exportation in advance:
  - (b) *[Revoked]*
  - (c) arms that are intended solely for support of or use by United Nations personnel (including UNSOM), ATMIS (or the strategic partners of ATMIS acting solely under the African Union Strategic Concept and in concert with ATMIS), or EUTM:
  - (d) arms that are intended solely for use by a member State or an international, regional, or sub-regional organisation to take measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, if those measures are—
    - (i) taken at the request of the Federal Government of Somalia (notified to the Secretary-General of the United Nations); and
    - (ii) in accordance with international law:
  - (e) arms intended solely for the development of Somali security sector institutions to provide security for the Somali people, if—
    - (i) the arms are not arms specified in Annex A or B of resolution 2607; or
    - (ii) in the case of arms specified in Annex A of resolution 2607, the arms are supplied by New Zealand or an international, regional, or sub-regional organisation and the Committee has approved the exportation in advance; or

- (iii) in the case of arms specified in Annex B of resolution 2607,—
  - (A) the arms are supplied by New Zealand or an international, regional, or sub-regional organisation; and
  - (B) the Committee and the Federal Government of Somalia have been notified of the exportation in advance; and
  - (C) the Committee has not, within 5 working days after receiving the notification, made a negative decision on the exportation:
- (f) 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 (including UNSOM):
  - (ii) representatives of the media, humanitarian and development workers, and associated personnel:
- (g) non-lethal military equipment supplied by New Zealand or an international, regional, or sub-regional organisation, if—
  - (i) that equipment is intended solely for self-protection or humanitarian aid; and
  - (ii) the Committee has been notified of the exportation in advance:
- (h) arms carried for defensive purposes on vessels, if the vessels are intended to enter Somali ports on temporary visits only and the arms are intended to remain aboard at all times.

Regulation 6(2)(a): replaced, on 1 September 2022, by regulation 5(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(b): revoked, on 1 September 2022, by regulation 5(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(c): replaced, on 1 September 2022, by regulation 5(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(e): replaced, on 1 September 2022, by regulation 5(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(f)(i): replaced, on 1 September 2022, by regulation 5(3) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(g): amended, on 1 September 2022, by regulation 5(4) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(g)(ii): replaced, on 1 September 2022, by regulation 5(5) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 6(2)(h): inserted, on 1 September 2022, by regulation 5(6) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **6A Notification and approval in advance for exempt supplies of arms**

- (1) Any request for approval or notification under regulation 6 in relation to a supply of arms must be made or given—

- (a) by the supplier of the arms (in the case of regulation 6(2)(a)) or by the supplier or the Federal Government of Somalia (in any other case); and
  - (b) at least 5 working days before the arms are delivered.
- (2) If the request or notification is under regulation 6(2)(a), it must include all of the following information that applies in relation to the arms:
- (a) a description of the arms, including the type, calibre, and ammunition:
  - (b) details of the manufacturer and supplier:
  - (c) the proposed date and place of delivery:
  - (d) all relevant information concerning the intended destination unit or the intended place of storage.
- (3) If the request or notification is under regulation 6(2)(e),—
- (a) it must include all the information listed in subclause (2)(a) to (d) that applies in relation to the arms, including serial numbers; and
  - (b) the supplier must provide the Committee and the Federal Government of Somalia, within 30 days after delivery, with written confirmation that the delivery has been completed.
- (4) Confirmation of delivery under subclause (3)(b) must include all of the following information that applies in relation to the arms:
- (a) serial numbers:
  - (b) shipping information:
  - (c) the bill of lading:
  - (d) cargo manifests or packing lists:
  - (e) the specific place of storage.

Regulation 6A: inserted, on 1 September 2022, by regulation 6 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **7 Loading arms onto craft**

The master or pilot-in-command of a craft must not allow arms to be loaded onto the craft knowing that the arms are—

- (a) intended to be sold or transferred to a designated person or an agent of a designated person; or
- (b) prohibited arms intended—
  - (i) to be exported to Somalia; or
  - (ii) for use in, or for the benefit of, Somalia.

Regulation 7(b): replaced, on 1 September 2022, by regulation 7 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).



## **8 Arms: Customs may refuse certificate of clearance**

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

- (a) intended to be sold or transferred to a designated person or an agent of a designated person; or
- (b) prohibited arms intended—
  - (i) to be exported to Somalia; or
  - (ii) for use in, or for the benefit of, Somalia.

Regulation 8 heading: amended, on 1 September 2022, by regulation 8(1) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

Regulation 8(b): replaced, on 1 September 2022, by regulation 8(2) of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **9 Arms: application of Customs and Excise Act 2018**

- (1) The provisions of the Customs and Excise Act 2018 (except sections 186(b)(ii), 188(1)(b), 188(2), 189(2), 388, and 389, and clauses 1(3)(b), 4(2)(b), and 6 of Schedule 5) apply in relation to the following arms as if they were goods the exportation of which is prohibited under section 96 of that Act:
  - (a) arms that are intended to be sold or transferred to a designated person or an agent of a designated person:
  - (b) prohibited arms intended—
    - (i) to be exported to Somalia; or
    - (ii) for use in, or for the benefit of, Somalia.
- (2) The Comptroller of Customs must give any of those arms to which the Crown has title as forfeited goods to a person authorised in writing by the Secretary of Foreign Affairs and Trade to receive the arms (instead of disposing of the arms under section 189(2) of the Customs and Excise Act 2018).

Regulation 9: replaced, on 1 September 2022, by regulation 9 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **10 Dealing with arms**

- (1) A person must not sell, transfer, or otherwise deal with any arms knowing that they are—
  - (a) intended to be sold or transferred to a designated person or an agent of a designated person; or
  - (b) prohibited arms intended—
    - (i) to be exported to Somalia; or
    - (ii) for use in, or for the benefit of, Somalia.
- (2) Subclause (1) applies to—
  - (a) a person in New Zealand; and

- (b) a New Zealand citizen in any place outside New Zealand.

Regulation 10(1)(b): replaced, on 1 September 2022, by regulation 10 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **11 Carrying arms on New Zealand craft**

- (1) A person must not use a New Zealand craft to carry arms knowing that—
- (a) the craft is carrying arms; and
  - (b) the carriage is, or forms part of, the carriage of—
    - (i) arms to any place where a designated person is located; or
    - (ii) prohibited arms intended—
      - (A) to be exported to Somalia; or
      - (B) for use in, or for the benefit of, Somalia.
- (2) Subclause (1) applies,—
- (a) in the case of a New Zealand registered craft, to—
    - (i) the owner of the craft; and
    - (ii) the master or pilot-in-command of the craft:
  - (b) in the case of a New Zealand chartered craft, to—
    - (i) the charterer of the craft; and
    - (ii) the master or pilot-in-command of the craft, if the master or pilot is a New Zealand citizen.

Regulation 11(1)(b): replaced, on 1 September 2022, by regulation 11 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **12 Providing assistance or training**

- (1) A person must not provide any assistance or training relating to military activities or to the supply, sale, transfer, manufacture, or use of arms knowing that the assistance or training is provided to—
- (a) a designated person or an agent of a designated person; or
  - (b) any person in Somalia.
- (2) Subclause (1) applies to—
- (a) a person in New Zealand; and
  - (b) a New Zealand citizen in any place outside New Zealand.
- (3) Subclause (1)(b) does not apply to assistance or training intended solely for—
- (a) the development of the security forces of the Federal Government of Somalia to provide security for the Somali people; or
  - (b) support of or use by United Nations personnel (including UNSOM), ATMIS (or the strategic partners of ATMIS acting solely under the African Union Strategic Concept and in concert with ATMIS), or EUTM; or

- (c) the development of Somali security sector institutions to provide security for the Somali people if—
  - (i) the provider of the assistance or training has notified the Committee and the Federal Government of Somalia of the provision at least 5 working days in advance; and
  - (ii) the Committee has not, within 5 working days after receiving the notification, made a negative decision on the provision of the assistance or training.

Regulation 12(3): replaced, on 1 September 2022, by regulation 12 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### *Improvised explosive devices*

Heading: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

#### **12A Exporting IED components**

A person must not directly or indirectly export IED components if the person knows that—

- (a) the components are intended to be used in Somalia to manufacture improvised explosive devices; or
- (b) there is a significant risk that the components will be used in Somalia to manufacture improvised explosive devices.

Regulation 12A: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

#### **12B Loading IED components onto craft**

The master or pilot-in-command of a craft must not allow IED components to be loaded onto the craft if the master or pilot-in-command knows that—

- (a) the components are intended to be used in Somalia to manufacture improvised explosive devices; or
- (b) there is a significant risk that the components will be used in Somalia to manufacture improvised explosive devices.

Regulation 12B: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

#### **12C IED components: Customs may refuse certificate of clearance**

Customs may refuse to grant a certificate of clearance for a craft if a Customs officer has reasonable cause to suspect that the craft is loaded with IED components and that—

- (a) the components are intended to be used in Somalia to manufacture improvised explosive devices; or
- (b) there is a significant risk that the components will be used in Somalia to manufacture improvised explosive devices.

Regulation 12C: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### **12D IED components: application of Customs and Excise Act 2018**

- (1) The provisions of the Customs and Excise Act 2018 (except sections 186(b)(ii), 188(1)(b), 188(2), 189(2), 388, and 389, and clauses 1(3)(b), 4(2)(b), and 6 of Schedule 5) apply in relation to the following IED components as if they were goods the exportation of which is prohibited under section 96 of that Act:
  - (a) components intended to be used in Somalia to manufacture improvised explosive devices; or
  - (b) components at significant risk of being used in Somalia to manufacture improvised explosive devices.
- (2) The Comptroller of Customs must give any of those components to which the Crown has title as forfeited goods to a person authorised in writing by the Secretary of Foreign Affairs and Trade to receive the components (instead of disposing of the components under section 189(2) of the Customs and Excise Act 2018).

Regulation 12D: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### **12E Dealing with IED components**

- (1) A person must not sell, transfer, or otherwise deal with any IED components if the person knows that—
  - (a) the components are intended to be used in Somalia to manufacture improvised explosive devices; or
  - (b) there is a significant risk that the components will be used in Somalia to manufacture improvised explosive devices.
- (2) Subclause (1) applies to—
  - (a) a person in New Zealand; and
  - (b) a New Zealand citizen in any place outside New Zealand.

Regulation 12E: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### **12F Carrying IED components on New Zealand craft**

- (1) A person must not use a New Zealand craft to carry IED components if the person—
  - (a) knows that the craft is carrying IED components; and
  - (b) knows that the carriage is, or forms part of, the carriage of the IED components from any place to Somalia in contravention of regulation 12A.
- (2) Subclause (1) applies,—
  - (a) in the case of a New Zealand registered craft, to—

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

Regulation 12F: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### **12G Notification of dealings with IED components and other explosive precursors and materials**

- (1) A person who directly or indirectly exports, sells, or transfers any IED components to Somalia (otherwise than in breach of regulation 12A or 12E) must notify the Secretary of Foreign Affairs and Trade of the exportation, sale, or transfer no later than 5 working days after it takes place.
- (2) A notification under subclause (1) must include the following information:
  - (a) the proposed use of the components:
  - (b) their end user:
  - (c) the technical specifications of the components:
  - (d) the quantity of components being exported, sold, or transferred.
- (3) A person in the business of exporting, selling, or transferring explosive precursors or materials must—
  - (a) keep a record of any transaction with, or inquiry from, an individual in Somalia regarding explosive precursors or materials; and
  - (b) notify the Secretary of Foreign Affairs and Trade of the transaction or inquiry no later than 5 working days after it takes place.
- (4) This regulation applies to—
  - (a) a person in New Zealand; and
  - (b) a New Zealand citizen in any place outside New Zealand.
- (5) In this regulation, **explosive precursor or material** means any of the following:
  - (a) ammonium nitrate fuel oil (ANFO):
  - (b) nitroglycol:
  - (c) pentaerythritol tetranitrate (PETN):
  - (d) picryl chloride:
  - (e) 2,4,6-trinitrotoluene (TNT):
  - (f) a mixture containing 1 or more materials listed in paragraphs (a) to (e):
  - (g) ammonium nitrate:

- (h) potassium nitrate:
- (i) sodium chlorate:
- (j) nitric acid:
- (k) sulphuric acid:
- (l) any other explosive precursor or material that may be used in the manufacture of improvised explosive devices.

Regulation 12G: inserted, on 1 September 2022, by regulation 13 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

### *Charcoal*

#### **13 Importing charcoal from Somalia**

A person must not directly or indirectly import charcoal into New Zealand knowing that the charcoal is from Somalia (whether or not the charcoal originated in Somalia).

#### **14 Carrying charcoal from Somalia on New Zealand craft**

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

#### **15 Charcoal: application of Customs and Excise Act 2018**

The provisions of the Customs and Excise Act 2018 (except sections 186(b)(ii), 188(1)(b), 188(2), 189(2), 388, and 389, and clauses 1(3)(b), 4(2)(b), and 6 of Schedule 5) apply in relation to charcoal that is imported into New Zealand from Somalia as if the charcoal were goods the importation of which is prohibited under section 96 of that Act.

Regulation 15: replaced, on 1 September 2022, by regulation 14 of the United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222).

## **16 Dealing with charcoal from Somalia**

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

### *Property of designated persons*

## **17 Dealing with property of designated persons**

- (1) A person must not transfer, sell, assign, dispose of, pay for, or otherwise deal with any property located in New Zealand knowing that the property is owned or controlled, directly or indirectly, by a designated person or an agent of a designated person.
- (2) Subclause (1) does not apply if—
  - (a) the dealing is for the purpose of, or in connection with, the enforcement or intended enforcement of these regulations; or
  - (b) the Minister has consented to the dealing in accordance with regulation 19.

## **18 Sending property to designated persons**

- (1) A person must not send, transfer, or deliver any property, or cause any property to be sent, transferred, or delivered, whether directly or indirectly, knowing that the property is to be sent, transferred, or delivered to, or for the benefit of, a designated person.
- (2) Subclause (1) applies to—
  - (a) a person in New Zealand; and
  - (b) a New Zealand citizen in any place outside New Zealand.
- (3) Subclause (1) does not apply if the Minister has consented to the sending, transfer, or delivery of the property in accordance with regulation 19.

## **19 Minister may consent to prohibited activity**

- (1) If the Minister consents to an activity under this regulation, the prohibitions in regulations 17(1) and 18(1) do not apply to the activity.
- (2) In deciding whether to consent to an activity under this regulation, the Minister must have regard to paragraphs 4 and 5 of resolution 1844 and paragraph 41 of resolution 2182.
- (3) The Minister may consent to an activity prohibited by regulation 17(1) or 18(1) if the Minister is satisfied that the activity is necessary for—

- (a) the United Nations or related, or United Nations-approved, organisations to deliver urgently needed humanitarian assistance in Somalia; or
  - (b) a designated person to meet basic expenses, and notice of the Minister's intention to consent has been given to the Committee and the Committee has not, within 3 working days after receiving the Minister's notification, made a negative decision in respect of the activity; or
  - (c) a designated person to meet extraordinary expenses, and notice of the Minister's intention to consent has been given to the Committee and the Committee has approved the activity; or
  - (d) a designated person to satisfy a judicial, administrative, or arbitral lien or judgment that took effect before 20 November 2008, other than a lien or judgment for the benefit of a designated person, and notice of the Minister's intention to consent has been given to the Committee.
- (4) The Minister may consent to the following being added to an account to which the prohibitions in regulations 17(1) and 18(1) apply:
- (a) interest or other earnings due on the account:
  - (b) payments due under any contract, agreement, or obligation of a designated person that arose before the date of the person's designation.
- (5) The prohibitions in regulations 17(1) and 18(1) apply to interest and other earnings and payments added to an account under subclause (4).

#### *Entry and transit of designated individuals*

### **20 Designated individuals entering or transiting through New Zealand**

- (1) An individual who is a designated person must not enter New Zealand or transit through New Zealand.
- (2) Subclause (1) does not apply to a person who is a New Zealand citizen.
- (3) Subclause (1) does not apply if—
- (a) the Committee has determined that the entry or transit is justified on the grounds of humanitarian need, including religious obligation; or
  - (b) the entry or transit is necessary to give effect to a judicial process; or
  - (c) the Committee has determined that the entry or transit would further the objectives of peace and national reconciliation in Somalia and stability in the region.
- (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 subclauses (2) and (3).
- (5) This regulation operates in addition to the requirements of the Immigration Act 2009 and of any regulations made under that Act.



*Miscellaneous provisions*

**21 Offences**

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

**22 Attorney-General's consent and certificate in certain cases**

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

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

**23 Revocations**

The following regulations are revoked:

- (a) United Nations Sanctions (Somalia) Regulations 1992 (SR 1992/42);
- (b) United Nations Sanctions (Somalia) Amendment Regulations 2008 (SR 2008/397);
- (c) United Nations Sanctions (Somalia) Amendment Regulations 2009 (SR 2009/74).

**Schedule 1**

**Transitional, savings, and related provisions**

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**Part 1**

**Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,  
Clerk of the Executive Council.

## Notes

### **1** *General*

This is a consolidation of the United Nations Sanctions (Somalia) Regulations 2018 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

United Nations Sanctions (Somalia) Amendment Regulations 2022 (SL 2022/222)