



THE UNITED NATIONS SANCTIONS (SOUTH AFRICA) REGULATIONS 1980

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of September
1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the United Nations Act 1946, and, in respect only of regulation 8 of these regulations, pursuant to the Customs Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of giving effect to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on the 4th day of November 1977, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of South Africa the measures set out in that resolution, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (South Africa) Regulations 1980.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Customs Acts”, “Collector of Customs”, and “Comptroller of Customs” have the same meanings as in the Customs Act 1966:

“New Zealand” includes Tokelau.

3. Exportation of arms and related materials to South Africa prohibited—(1) Except with the consent of the Minister of Foreign Affairs, the exportation from New Zealand to South Africa, whether directly or indirectly, of any of the following goods is hereby prohibited:

- (a) Weapons, ammunition, military vehicles and equipment, para-military police equipment and related materials of any type, including spare parts for any such goods:
 - (b) Equipment and supplies used in the manufacture or maintenance of any of the goods specified in paragraph (a) of this subclause:
 - (c) Aircraft, and spare parts for aircraft.
- (2) All the provisions of the Customs Acts with respect to prohibited exports (except subsections (6) and (6A) of section 70 of the Customs Act 1966) shall extend and apply with respect to goods whose exportation is prohibited by this regulation, in all respects as if the exportation of the goods were prohibited under section 70 of the Customs Act 1966.
- (3) If a Collector of Customs has reason to suspect that any goods being exported are goods whose exportation is prohibited by this regulation he may detain the goods.
- (4) The master of a ship or the pilot in command of an aircraft shall not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by this regulation, knowing that the goods are intended to be exported in contravention of this regulation.
- (5) A Collector of Customs may withhold the clearance of any ship or aircraft so long as there are on board it any goods known to him to be goods whose exportation is prohibited by this regulation.

4. Granting of licences prohibited—Except with the consent of the Minister of Foreign Affairs, the granting of any licence by a company registered in New Zealand under the Companies Act 1955 to a firm, enterprise, or organisation for the manufacture or maintenance in South Africa of any of the goods specified in regulation 3 (1) (a) of these regulations is hereby prohibited.

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

6. Customs Acts not affected—Nothing in these regulations shall limit or affect the operation of the Customs Acts.

7. Regulations in force in Cook Islands and Niue—(1) Whereas pursuant to Article 46 of the Constitution of the Cook Islands (as set out in the Schedule to the Cook Islands Constitution Act 1964) the High Commissioner of the Cook Islands, acting on the advice of the Cabinet of Ministers of the Cook Islands has requested and consented to the enactment of a provision extending the provisions of these regulations to the Cook Islands: It is therefore enacted as follows:

These regulations, except the definition of the term "New Zealand" in regulation 2, shall extend to the Cook Islands as part of the law of the Cook Islands.

(2) Whereas in accordance with Article 36 of the Constitution of Niue (as set out in the Second Schedule to the Niue Constitution Act 1974) the Cabinet of Ministers of Niue has requested and consented to the enactment of a provision extending the provisions of these regulations to Niue: It is therefore enacted as follows:

These regulations, except the definition of the term "New Zealand" in regulation 2, shall extend to Niue as part of the law of Niue.

8. Revocation—The Customs Export Prohibition Order 1971* is hereby consequentially revoked.

A. C. McLEOD,
Acting for Clerk of the Executive Council.

*S.R. 1971/59

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made for the purpose of giving effect to the resolution of the Security Council of the United Nations, adopted on 4 November 1977, concerning the exportation of arms and other military goods to South Africa, and related matters.

Regulation 1 relates to the Title and commencement.

Regulation 2 is an interpretative provision.

Regulation 3 prohibits the exportation from New Zealand to South Africa of any goods of a class specified in subclause (1).

Regulation 4 prohibits the granting by any New Zealand company to any commercial enterprise in South Africa of a licence to manufacture or maintain any goods of a class so specified.

Regulation 5 is a supportive penal provision.

Regulation 6 is a drafting provision.

Regulation 7 extends the regulations to the Cook Islands and Niue, with the advice and consent of those countries.

Regulation 8 is a consequential drafting provision.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 October 1980.

These regulations are administered in the Ministry of Foreign Affairs.