



**THE UNITED NATIONS SANCTIONS (LIBYA) REGULATIONS  
1992**

CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 13th day of April 1992

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to the United Nations Act 1946, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of giving effect to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on the 31st day of March 1992, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Libya the measures set out in that resolution, hereby makes the following regulations.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the United Nations Sanctions (Libya) Regulations 1992.

(2) These regulations shall come into force on the 15th day of April 1992.

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

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

“Libyan aircraft” means any aircraft registered in Libya, or recognised by the law of New Zealand as belonging to Libya:

“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.

*Prohibited Exports*

**3. Exportation of arms and related materials and aircraft to Libya prohibited**—Except with the consent of the Minister of External Relations and Trade, the exportation from New Zealand to Libya, whether directly or indirectly, of any of the following goods is hereby prohibited:

- (a) Weapons, ammunition, military vehicles and equipment, paramilitary 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):
- (c) Aircraft and components for aircraft.

**4. Application of Customs Acts to prohibited exports**—All the provisions of the Customs Acts with respect to prohibited exports (except subsection (6A) of section 70 of the Customs Act 1966) shall extend and apply with respect to goods whose exportation is prohibited by regulation 3 of these regulations, in all respects as if the exportation of the goods were prohibited under section 70 of the Customs Act 1966.

**5. Detention of prohibited exports**—If a Collector has reason to suspect that any goods being exported are goods whose exportation is prohibited by regulation 3 of these regulations, that Collector may detain the goods.

**6. Loading of prohibited exports on to ships or aircraft prohibited**—The master of a ship or the pilot in command of an aircraft shall not permit to be laden in the ship or aircraft any goods whose exportation is prohibited by regulation 3 of these regulations, knowing that the goods are intended to be exported in contravention of that regulation.

**7. Power to withhold clearance of ship or aircraft**—A Collector may withhold the clearance of any ship or aircraft so long as there are on board the ship or aircraft any goods known to that Collector to be goods whose exportation is prohibited by regulation 3 of these regulations.

*Prohibition in relation to aviation and certain other services*

**8. Prohibition on supply of aviation and certain other services**—(1) Except with the consent of the Minister of External Relations and Trade, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, shall—

- (a) Provide or cause to be provided any engineering or maintenance servicing of Libyan aircraft or aircraft components; or
- (b) Give or cause to be given any certification of air-worthiness in respect of any Libyan aircraft; or
- (c) Make payment or cause payment to be made of any new claim or claims against existing insurance contracts in relation to Libyan aircraft; or
- (d) Provide or cause to be provided any new direct insurance for Libyan aircraft; or
- (e) Provide or cause to be provided to Libya or to, or to the benefit of, any person in Libya or any business carried on in or operated from Libya, technical advice, assistance, or training related to the provision, manufacture, maintenance, or use of any goods specified in regulation 3 (a) or regulation 3 (b) of these regulations.

(2) The operation of any Libyan Arab Airlines office in New Zealand is hereby prohibited.

*Prohibited transactions in relation to imports*

**9. Prohibited transactions in relation to imports into Libya**—(1) Except with the consent of the Minister of External Relations and Trade, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, shall 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 (a) or regulation 3 (b) or regulation 3 (c) of these regulations knowing that those goods are intended to be imported into Libya or are to be supplied or delivered to or to the order of any person in Libya.

(2) Without limiting the generality of subclause (1) of this regulation, it is hereby declared that subclause (1) of this regulation applies in respect of any licensing arrangement for the manufacture or maintenance of the goods specified in regulation 3 (a) of these regulations.

*Prohibition on Carriage of Prohibited Exports*

**10. Prohibition on carriage of prohibited exports to Libya**—

- (1) This regulation applies to—
  - (a) Any New Zealand ship;
  - (b) Any New Zealand aircraft;

(c) Any other ship or aircraft that is, for the time being, chartered to any person being a New Zealand citizen or a body incorporated or constituted under the law of New Zealand.

(2) Without prejudice to the generality of the foregoing provisions of these regulations, no ship or aircraft to which this regulation applies shall be used for the carriage of any goods whose exportation is prohibited by regulation 3 of these regulations if the carriage is, or forms part of, carriage from any place outside Libya to any destination in Libya.

(3) Nothing in this regulation shall apply to any carriage of goods in respect of which the consent of the Minister of External Relations and Trade has been given under any other provision of these regulations.

### **11. Liability of owner, charterer, master, or pilot in command—**

(1) If any ship or aircraft is used in contravention of regulation 10 of these regulations, then,—

(a) In the case of a New Zealand ship or aircraft, the owner and the master of the ship or, as the case may be, the owner and the pilot in command of the aircraft; or

(b) In the case of any other ship or aircraft, the charterer of the ship or aircraft and, if the master of the ship or pilot in command of the aircraft is a New Zealand citizen, such master or pilot in command—

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

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

### *Prohibition in relation to movements of aircraft*

### **12. Prohibition on take off, landing, or passage of aircraft—**

(1) Except with the consent of the Minister of External Relations and Trade, no person shall cause any aircraft—

(a) To take off from any destination in New Zealand if the ultimate destination of the aircraft is in Libya; or

(b) To land at any destination in New Zealand if the aircraft has initially taken off from Libya; or

(c) To fly over New Zealand or any part of New Zealand if the ultimate destination of the aircraft is in Libya or if the aircraft has initially taken off from Libya.

(2) Except with the consent of the Minister of External Relations and Trade, no person shall permit or authorise any aircraft—

(a) To take off from any destination in New Zealand if that person has reason to suspect that the ultimate destination of the aircraft is in Libya; or

(b) To land at any destination in New Zealand if that person has reason to suspect that the aircraft has initially taken off from Libya; or

(c) To fly over New Zealand or any part of New Zealand if that person has reason to suspect that the ultimate destination of the aircraft is in Libya or if the aircraft has initially taken off from Libya.

*Miscellaneous Provisions*

**13. 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.

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

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

DIANE WILDERSPIN,  
Acting for Clerk of the Executive Council.

## EXPLANATORY NOTE

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

These regulations, which come into force on 15 April 1992, are made for the purpose of giving effect to the resolution of the Security Council of the United Nations, adopted on 31 March 1992, concerning the imposition of certain sanctions on Libya.

These regulations—

- (a) Prohibit the export from New Zealand to Libya of—
  - (i) Weapons, ammunition, military vehicles and equipment, paramilitary police equipment, and related materials of any type, including spare parts for any such goods:
  - (ii) Equipment and supplies used in the manufacture or maintenance of any of those goods:
  - (iii) Aircraft and components for aircraft:
- (b) Provide that, except with the consent of the Minister of External Relations and Trade, no person in New Zealand, and no New Zealand citizen in any place outside New Zealand, shall supply aviation and certain other services to Libya or to, or to the order of, any person in Libya or in relation to any Libyan aircraft:
- (c) Prohibit a person in New Zealand or a New Zealand citizen outside New Zealand from entering into or being concerned in any sale, transfer, carriage, or delivery of or other dealing with any of the goods whose export is prohibited knowing that those goods are intended to be imported into Libya or are to be supplied or delivered to or to the order of any person in Libya:
- (d) Prohibit the carriage of any prohibited export on any New Zealand ship, New Zealand aircraft, or a ship or aircraft chartered by a New Zealand citizen or a body incorporated or constituted under the law of New Zealand if the carriage is, or forms part of, carriage from any place outside Libya to any destination in Libya:
- (e) Deny permission to any aircraft to take off from, land in, or fly over New Zealand if that aircraft is destined to land in or has taken off from Libya.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 April 1992.

These regulations are administered in the Ministry of External Relations and Trade.