



**THE UNITED NATIONS SANCTIONS (LIBYA) REGULATIONS
1993**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of November 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL 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, and to a resolution of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on the 8th day of November 1993, 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 1993.

(2) These regulations shall come into force on the 3rd day of December 1993.

2. Interpretation—(1) 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:

“Libyan undertaking” means any commercial, industrial, or public utility undertaking which is owned or controlled, directly or indirectly, by—

(a) The Government or public authorities of Libya; or

(b) Any entity, wherever located or organised, which is owned or controlled by the Government of Libya or by a public authority of Libya; or

(c) Any person identified by any state as acting on behalf of the Government of Libya or a public authority of Libya, or of an entity described in paragraph (b) of this definition:

“Money” includes—

(a) The bank notes and other currency, postal notes, 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, whether that account is held in New Zealand or outside New Zealand:

“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:

“Securities”—

(a) Includes shares, stock, bonds, debentures, debenture stock, mortgages, liens, treasury bills, coupons or warrants representing dividends or interest, and life or endowment insurance policies, in whatever currency the securities are expressed and whether they are situated in New Zealand or elsewhere; and

(b) Also includes any document or means whereby the right to the ownership or provision of any money or security, or any interest therein, may be exercised; but

(c) Does not include promissory notes or bills of exchange.

(2) Any reference in these regulations to the transfer of any 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.

Prohibited Exports

3. Exportation of certain goods to Libya prohibited—Except with the consent of the Minister of Foreign Affairs 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:
- (d) Any of the items listed in the Schedule to these regulations, and any types of equipment or supplies used in the manufacture or maintenance of those items:
- (e) Any materials destined for the construction, improvement, or maintenance of Libyan civilian or military airfields and associated facilities and equipment.

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 Foreign Affairs 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 or enter into or renew arrangements for 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 renewal of any 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; or
- (f) Provide any engineering or other services for the maintenance of any Libyan civil or military airfields or associated facilities and equipment, except emergency equipment and equipment and services directly related to civilian air traffic control; or
- (g) Provide any advice, assistance, or training to Libyan pilots, flight engineers, or aircraft and ground maintenance personnel associated with the operation of aircraft and airfields within Libya; or
- (h) Provide any grants of licensing arrangements for the manufacture or maintenance of the items listed in the Schedule to these regulations; or
- (i) Enter into or be concerned in any commercial transaction with Libyan Arab Airlines, including the honouring or endorsement of any tickets or other documents issued by that airline.

(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 Foreign Affairs 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 paragraphs (a) to (e) of regulation 3 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.

Prohibitions in Relation to Money, Securities, and Assets

10. Prohibition in relation to transfer or delivery of money or securities—(1) Subject to subclause (2) of this regulation, except with the consent of the Minister of Finance, no person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, send, transfer, or deliver, or cause to be sent, transferred, or delivered, whether directly or indirectly, any money or securities to or for the benefit of—

- (a) The Government of Libya; or
- (b) Any public authority of Libya; or
- (c) Any Libyan undertaking.

(2) Subclause (1) of this regulation shall not apply to any money or securities derived from the sale or supply of—

- (a) Any petroleum or petroleum products, including natural gas and natural gas products; or
- (b) Any agricultural products or commodities—originating in Libya and exported from Libya after the 3rd day of December 1993, provided that the money or securities are paid into a separate bank account or bank accounts exclusively for these funds.

11. Prohibition on dealings in assets, money, or securities in New Zealand—Except with the consent of the Minister of Finance, no person shall knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any assets, money, or securities held in New Zealand, whether directly or indirectly,—

- (a) By the Government of Libya; or
- (b) Any public authority of Libya; or
- (c) Any Libyan undertaking.

Prohibition on Carriage of Prohibited Exports

12. 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 Foreign Affairs and Trade has been given under any other provision of these regulations.

13. Liability of owner, charterer, master, or pilot in command—

(1) If any ship or aircraft is used in contravention of regulation 12 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

14. Prohibition on take off, landing, or passage of aircraft—

(1) Except with the consent of the Minister of Foreign Affairs 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 Foreign Affairs 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

15. 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.

16. 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.

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

18. Revocation—The United Nations Sanctions (Libya) Regulations 1992* are hereby revoked.

SCHEDULE

Reg. 3 (d)

PROHIBITED EXPORTS UNDER REGULATION 3 (d)

1. Pumps of medium or large capacity whose capacity is equal to or larger than 350 cubic metres per hour and drivers (gas turbines and electric motors) designed for use in the transportation of crude oil and natural gas.

2. Equipment designed for use in crude oil export terminals, being—

(a) Loading buoys or single point moorings (spm); or

(b) Flexible hoses for connection between underwater manifolds (plem) and single point mooring and floating loading hoses of large sizes (from 12'' to 16'); or

(c) Anchor chains.

3. Equipment which is not specially designed for use in crude oil export terminals but which because of its large capacity can be used for this purpose, namely,—

(a) Loading pumps of large capacity (4,000 m³/h) and small head (10 bars);

(b) Boosting pumps within the same range of flow rates;

(c) Inline pipe line inspection tools and cleaning devices (i.e., pigging tools) (16'' and above);

(d) Metering equipment of large capacity (1,000 m³/h and above).

4. Refinery equipment, being—

(a) Boilers meeting American Society of Mechanical Engineers 1 standards; or

(b) Furnaces meeting American Society of Mechanical Engineers 8 standards; or

(c) Fractionation columns meeting American Society of Mechanical Engineers 8 standards; or

(d) Pumps meeting American Petroleum Institute 610 standards; or

(e) Catalytic reactors meeting American Society of Mechanical Engineers 8 standards; or

(f) Prepared catalysts, including—

(i) Catalysts containing platinum; and

(ii) Catalysts containing molybdenum.

5. Spare parts destined for items specified in clauses 1 to 4 of this Schedule.

MARIE SHROFF,
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 3 December 1993, revoke and replace the United Nations Sanctions (Libya) Regulations 1992. These regulations—

- (a) Continue the existing sanctions in place in respect of Libya; and
- (b) Give effect to the resolution of the Security Council of the United Nations, adopted on 8 November 1993, imposing additional sanctions in respect of Libya.

The additional sanctions require a number of additional provisions.

Two further categories of goods are now prohibited exports. They are—

- (a) Materials destined for the construction, improvement, or maintenance of airfields; and
- (b) Materials relating to the collection and refining of petroleum as listed in the Schedule to the regulations.

Further categories of prohibited services are set out. These are—

- (a) Further services relating to aircraft and airfields; and
- (b) The granting of licensing arrangements for the manufacture or maintenance of the items listed in the Schedule to the regulations.

Commercial transactions with Libyan Arab Airlines, including the honouring or endorsement of any tickets or other documents issued by that airline are prohibited.

Prohibitions are imposed in relation to the transfer or delivery of money or securities to or to the benefit of—

- (a) The Government of Libya; or
- (b) Any public authority of Libya; or
- (c) Any Libyan undertaking (as defined).

Prohibitions are imposed on dealings in assets, money, or securities held in New Zealand—

- (a) By the Government of Libya; or
- (b) Any public authority of Libya; or
- (c) Any Libyan undertaking.

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