



United Nations Sanctions (Iran) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 19th day of March 2007

Present:

His Excellency the Governor-General in Council

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

- (a) on the advice and with the consent of the Executive Council; and
 - (b) for the purpose of giving effect to resolution 1737 (2006) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 23 December 2006, 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 that resolution,—
- makes the following regulations.

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Regulations

1 Title

These regulations are the United Nations Sanctions (Iran) Regulations 2007.

2 Commencement

These regulations come into force on 23 March 2007.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—
asset includes any financial asset or economic resource

Committee means the Committee established by paragraph 18 of the resolution

designated persons means persons or entities designated in the Annex to the resolution, or by the Security Council of the United Nations or the Committee under paragraph 12 of the resolution, as being engaged in, directly associated with, or providing support for, Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems

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 the provisions of the lists in documents S/2006/814 and S/2006/815

resolution means resolution 1737 (2006) of the Security Council of the United Nations

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

- (a) set out in INFCIRC/254/Rev.7/Part 2 in document S/2006/814; or
 - (b) set out in sections A.1, B.1, B.2, B.3, B.4, B.5, B.6, and B.7 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814, 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/2006/815, except items covered by 19.A.3 of Category II; or
 - (d) that could contribute to Iran's enrichment-related, reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems, and that, in either case, are the subject of a determination—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 3(d) of the resolution; 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 a security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.

- (3) The Minister may, by notice in the *Gazette*, or 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 websites 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 or entities who are designated persons (as that term is defined in subclause (1)):
 - (ii) any persons or entities acting on behalf, or at the direction, of 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) any additions to, or deletions from, either or both of the lists referred to in paragraphs (a) and (b):
 - (d) any determinations of the kind referred to in paragraph (c) of the definition (in subclause (1)) of specified nuclear weapon, missile, or enrichment-related goods.

Importation and exportation

4 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 2006/382 r 4

5 Exportation of specified nuclear weapon, missile, or enrichment-related goods

- (1) No person may directly or indirectly export goods that are specified nuclear weapon, missile, or enrichment-related goods 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 2006/382 r 5

6 Customs and Excise Act 1996 to apply to prohibited imports and prohibited exports

- (1) All provisions of the Customs and Excise Act 1996 with respect to prohibited imports (except section 209) apply with respect to goods whose importation is prohibited by regulation 4 in all respects as if the importation of the goods were prohibited by or under section 54 of that Act.
- (2) All provisions of the Customs and Excise Act 1996 with respect to prohibited exports (except section 209) apply with respect to goods whose exportation is prohibited by regulation 5 in all respects as if the exportation of the goods were prohibited under section 56 of that Act.

Compare: SR 2006/382 r 6

7 Detention of prohibited imports or prohibited exports

A Customs officer may detain any goods he or she suspects on reasonable grounds to be—

- (a) goods whose importation is prohibited by regulation 4;
or
- (b) goods whose exportation is prohibited by regulation 5.

Compare: SR 2006/382 r 7

8 Prohibited exports 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 any goods whose exportation is prohibited by regulation 5, knowing that the goods are intended to be exported in contravention of that regulation.

Compare: SR 2006/382 r 8

9 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 5.

Compare: SR 2006/382 r 9

*Dealings with nuclear weapon, missile, or enrichment-related goods***10 Transactions with persons in Iran in relation to 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 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 2006/382/ r 10

11 Procurement of nuclear weapon, missile, or enrichment-related goods

- (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, 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 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 2006/382 r 11

Carriage of nuclear weapon, missile, or enrichment-related goods

12 Carriage of nuclear weapon, missile, or enrichment-related goods

- (1) No ship or aircraft to which subclause (3) applies may be used for—
 - (a) the carriage of any specified nuclear weapon, missile, or enrichment-related goods if the carriage is, or forms part of, the carriage of those goods from any place to Iran; or
 - (b) the carriage of any nuclear weapon, missile, or enrichment-related goods if the carriage is, or forms part of, the carriage of those goods (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 under regulation 4(2), 5(2), 10(2), or 11(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 4, 5, 10, and 11.

Compare: SR 2006/382 r 12

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

- (1) If any ship or aircraft is used in contravention of regulation 12, 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 carried on the ship or aircraft were or included goods (as the case may be)—
 - (i) to which regulation 12(1)(a) applies; or
 - (ii) to which regulation 12(1)(b) applies; or
 - (b) that the carriage of the goods was, or formed part of, the carriage of goods (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 2006/382 r 13

Provision or transfer of technical or financial assistance, training, financial resources, etc

14 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 the supply, sale, transfer, manufacture, or use of specified nuclear weapon, missile, or enrichment-related goods.
- (5) For the purposes of this regulation financial services includes investment, brokering, and related services.

Compare: SR 2006/382 r 14

Funds, etc, of or for designated persons, etc

15 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 a person or entity acting on behalf, or at the direction, of 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 2006/382 r 15

16 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 a person or entity acting on behalf, or at the direction, of a designated person; or
 - (b) for the benefit of a designated person or a 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 2006/382 r 16

Minister's consent

17 Preconditions to consent

Before consenting to an activity under regulation 4(2), 5(2), 10(2), 11(2), 14(3), 15(2), or 16(2), the Minister must be satisfied that the activity—

- (a) is not inconsistent with the measures set out in paragraphs 3, 4, 6, 7, and 12 of the resolution; or
- (b) is, under paragraph 13, 14, and 15 of the resolution, an activity to which those measures do not apply.

Miscellaneous provisions

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

Compare: SR 2006/382 r 19

19 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 2006/382 r 20

20 Customs and Excise Act 1996 not affected

These regulations do not affect the operation of the Customs and Excise Act 1996.

Compare: SR 2006/382 r 21

Diane Morcom,
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 23 March 2007, give effect to resolution 1737 (2006) of the Security Council of the United Nations adopted on 23 December 2006 calling for the imposition of sanctions in respect of Iran.

These regulations—

- prohibit the exportation from New Zealand of certain specified nuclear weapon, missile, or enrichment-related goods to Iran or for Iran's use or benefit;
- prohibit the importation into New Zealand from Iran of nuclear weapon, missile, or enrichment-related goods as set out in the provisions of the lists in the documents S/2006/814 and S/2006/815;
- 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 certain specified nuclear weapon, missile, or enrichment-related goods if the person knows that the goods are destined for Iran or are nuclear weapon, missile, or enrichment-related goods and are to be supplied or delivered from Iran; and

- engaging in conduct that assists, or results in, the provision or transfer of technical assistance, technical training, financial assistance, financial resources, or financial services related to the supply, sale, transfer, manufacture, or use of certain specified nuclear weapon, missile, or enrichment-related goods; and
- receiving, or being concerned in the provision or transfer of any technical assistance, technical training, financial assistance, financial resources, or financial services of that kind and provided or transferred by, or at the request of, any person in Iran, or a national of Iran outside Iran:
- prohibit the carriage of nuclear weapon, missile, or enrichment-related goods on any New Zealand ship or New Zealand aircraft if the carriage is, or forms part of, the carriage of—
 - certain specified nuclear weapon, missile, or enrichment-related goods to any destination in Iran; or
 - any nuclear weapon, missile, or enrichment-related goods to any place from Iran:
- freeze assets, money, and securities (**funds**) owned or controlled by a designated person or a person or entity acting on behalf, or at the direction, of a designated person:
- freeze funds derived or generated from those funds:
- prohibit people in New Zealand, and New Zealand citizens outside New Zealand, from sending funds to, or for the benefit of, a designated person or a person or entity acting on behalf, or at the direction, of a designated person.

The prohibitions and freezes do not apply to an activity if the Minister of Foreign Affairs consents to that activity. Before giving the consent to the activity, however, the Minister must be satisfied the activity is not inconsistent with, or falls with an exception provided for in, the resolution.

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

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