



**THE UNITED NATIONS SANCTIONS (FEDERAL REPUBLIC OF
YUGOSLAVIA (SERBIA AND MONTENEGRO)) REGULATIONS
1992, AMENDMENT NO. 2**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of April 1993

Present:

THE HON. DOUG KIDD 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 17th day of April 1993, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of the Federal Republic of Yugoslavia (Serbia and Montenegro) the measures set out in Part B of that resolution, hereby makes the following regulations.

ANALYSIS

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| <p>1. Title and commencement</p> <p>2. Extended application of regulations 3 to 14</p> <p>3. Prohibition on dealings in assets, money, or securities in New Zealand</p> <p>4. New heading and regulation inserted</p> <p style="padding-left: 40px;"><i>Prohibition in Relation to Certain Other Services</i></p> <p>16A. Prohibition on supply of certain other services</p> <p>5. New regulations substituted</p> <p>17A. Prohibition on transshipment of goods through the Federal Republic of Yugoslavia (Serbia and Montenegro) and certain other areas</p> <p>17B. Prohibited transactions in relation to the transshipment of goods through the Federal Republic of Yugoslavia (Serbia and Montenegro) and certain other areas</p> | <p>6. Liability of owner, charterer, master, or pilot in command</p> <p>7. New headings and regulations inserted</p> <p style="padding-left: 40px;"><i>Detention and Forfeiture of Vessels, Freight Vehicles, Aircraft, or Cargoes</i></p> <p>20A. Automatic detention of certain vessels, freight vehicles, or aircraft</p> <p>20B. Detention and forfeiture of vessels, freight vehicles, aircraft, or cargoes used in contravention of these regulations</p> <p style="padding-left: 40px;"><i>Prohibition on Movement of New Zealand Ships</i></p> <p>20C. Prohibition on entry by New Zealand ships into territorial sea of Federal Republic of Yugoslavia (Serbia and Montenegro)</p> <p>20D. Liability of owner and master of ship</p> <p>8. Revocation</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment No. 2, and shall be read together with and deemed part of the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day of April 1993.

2. Extended application of regulations 3 to 14—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

“2A. (1) Subject to subclause (2) of this regulation, regulations 3 to 14 of these regulations shall apply not only in respect of the Federal Republic of Yugoslavia (Serbia and Montenegro) but also in respect of—

“(a) The United Nations Protected Areas in the Republic of Croatia; and

“(b) Those areas of the Republic of Bosnia and Herzegovina that are at any time under the control of Bosnian Serb forces.

“(2) In respect of the areas described in paragraphs (a) and (b) of subclause (1) of this regulation, regulations 3 (2) and 11 (2) of these regulations shall apply as if, for the expression ‘30th day of May 1992’, there were substituted in each case the expression ‘27th day of April 1993’.”

3. Prohibition on dealings in assets, money, or securities in New Zealand—The principal regulations are hereby amended by revoking regulation 16, and substituting the following regulation:

“16. 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 or controlled, directly or indirectly, in New Zealand—

- “(a) By the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro); or
- “(b) By any agencies or bodies controlled by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro); or
- “(c) By any commercial, industrial, or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro).”

4. New heading and regulation inserted—The principal regulations are hereby amended by inserting, after regulation 16, the following heading and regulation:

“Prohibition in Relation to Certain Other Services

“16A. **Prohibition on supply of certain other services**—(1) This regulation applies to any service other than—

- “(a) A service to which regulation 15 or regulation 16 or regulation 19 of these regulations applies; or
- “(b) A telecommunications service; or
- “(c) A postal service; or
- “(d) A legal service in respect of any transaction permitted under these regulations.

“(2) 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 provide or cause to be provided any service to which this regulation applies to any person or body for the purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro).”

5. New regulations substituted—The principal regulations are hereby amended by revoking regulations 17A and 17B (as inserted by the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment No. 1), and substituting the following regulations:

“17A. **Prohibition on transshipment of goods through the Federal Republic of Yugoslavia (Serbia and Montenegro) and certain other areas**—(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) Except with the consent of the Minister of External Relations and Trade, no ship or aircraft to which this regulation applies shall be used for the transshipment of any goods through—

- “(a) The Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube; or

- “(b) The United Nations Protected Areas in the Republic of Croatia; or
“(c) Those areas of the Republic of Bosnia and Herzegovina which are at any time under the control of Bosnian Serb forces.

“(3) Subject to subclause (2) of this regulation, except with the consent of the Minister of External Relations and Trade, no ship or aircraft to which this regulation applies shall be used for the transshipment of any of the following goods through the Federal Republic of Yugoslavia (Serbia and Montenegro):

- “(a) Crude oil and petroleum products:
“(b) Coal:
“(c) Energy-related equipment:
“(d) Iron, steel, and other metals:
“(e) Chemicals:
“(f) Rubber and tyres:
“(g) Vehicles, aircraft, and motors of all types.

“17B. Prohibited transactions in relation to the transshipment of goods through the Federal Republic of Yugoslavia (Serbia and Montenegro) and certain other areas—Except with the consent of the Minister of External Relations and Trade, no person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, enter into or be concerned in any sale, transfer, carriage, or delivery of or other dealing with any goods knowing that those goods will be transhipped contrary to regulation 17A of these regulations.”

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

(1) Regulation 18 (1) of the principal regulations (as amended by the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment No. 1) is hereby amended by omitting the expression “or regulation 17A (2)”, and substituting the expression “or regulation 17A (2) or regulation 17A (3)”.

(2) Regulation 18 (2) of the principal regulations (as amended by the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment No. 1) is hereby amended by omitting the expression “or regulation 17A (2)”, and substituting the expression “or regulation 17A (2) or regulation 17A (3)”.

7. New headings and regulations inserted—The principal regulations are hereby amended by inserting, after regulation 20, the following headings and regulations:

“Detention and Forfeiture of Vessels, Freight Vehicles, Aircraft, or Cargoes

“20A. Automatic detention of certain vessels, freight vehicles, or aircraft—(1) This regulation applies to any vessel, freight vehicle, or aircraft which is at any time in the territory of New Zealand and in which a majority or controlling interest is held by a person or undertaking in, or operating from, the Federal Republic of Yugoslavia (Serbia and Montenegro).

“(2) If a Collector is satisfied that a vessel, freight vehicle, or aircraft is a vessel, freight vehicle, or aircraft to which this regulation applies, the Collector shall, by notice in writing, give directions for the detention of the vessel, freight vehicle, or aircraft by such persons, in such manner, and for such period as shall be specified in the notice.

“(3) Every person named in a notice given under subclause (2) of this regulation is authorised to take such action as may be specified in the notice and to use such force and assistance as may be necessary for the purposes of detaining the vessel, freight vehicle, or aircraft, as the case may be.

“20B. **Detention and forfeiture of vessels, freight vehicles, aircraft, or cargoes used in contravention of these regulations**—(1) If a Collector is satisfied that a vessel, freight vehicle, aircraft, or cargo—

“(a) Is being used in connection with a contravention of these regulations; or

“(b) Has at any time been used in connection with a contravention of these regulations,—

the Collector may, by notice in writing, give directions for the detention of the vessel, freight vehicle, aircraft, or cargo by such persons, in such manner, and for such period as shall be specified in the notice and, once detained, that vessel, freight vehicle, aircraft, or cargo may, by direction of the Collector, be forfeited.

“(2) Any vessel, freight vehicle, aircraft, or cargo which is forfeited pursuant to this regulation shall, on forfeiture, become the property of the Crown, and shall be sold, destroyed, or otherwise disposed of as the Comptroller may direct.

“(3) Every person named in a notice given under subclause (1) of this regulation is authorised to take such action as may be specified in the notice and to use such force and assistance as may be necessary for the purposes of detaining the vessel, freight vehicle, aircraft, or cargo, as the case may be.

“*Prohibition on Movement of New Zealand Ships*

“20c. **Prohibition on entry by New Zealand ships into territorial sea of Federal Republic of Yugoslavia (Serbia and Montenegro)**—Except with the consent of the Minister of External Relations and Trade or in case of *force majeure*, no New Zealand ship engaged in commercial trade shall enter the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro).

“20d. **Liability of owner and master of ship**—If any ship is used in contravention of regulation 20c of these regulations, then the owner and the master of the ship shall each be guilty of an offence against these regulations.”

8. Revocation—The United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment No. 1 are hereby consequentially revoked.

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 28 April 1993, are for the purpose of giving effect to the resolution of the Security Council of the United Nations, adopted on 17 April 1993.

Regulation 2 inserts a new regulation 2A into the principal regulations. The new regulation provides that regulations 3 to 14 of the principal regulations (which contain certain prohibitions) shall apply not only in respect of the Federal Republic of Yugoslavia (Serbia and Montenegro) but also in respect of—

- (a) The United Nations Protected Areas in the Republic of Croatia; and
- (b) Those areas of the Republic of Bosnia and Herzegovina that are at any time under the control of Bosnian Serb forces.

Regulation 3 revokes regulation 16 of the principal regulations, and substitutes a new regulation 16. The new regulation is an extension of the existing regulation in that the prohibition on dealings in assets, money, or securities which is contained in that section now extends also to assets, money, or securities held or controlled in New Zealand by any commercial, industrial, or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro).

Regulation 4 inserts a new regulation 16A into the principal regulations. The new regulation 16A provides that no person in New Zealand and no New Zealand citizen outside New Zealand shall provide any service not already covered in regulation 15 or regulation 16 or regulation 19 of the principal regulations to any person or body for the purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro). The regulation does not apply to telecommunications services, postal services, and certain specified legal services.

Regulation 5 revokes regulations 17A and 17B of the principal regulations, and substitutes new regulations. The new regulations differ from the existing regulations in that the prohibition on transshipment now extends to all goods and to the following areas:

- (a) The Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube;
- (b) The United Nations Protected Areas in the Republic of Croatia;
- (c) Those areas of the Republic of Bosnia and Herzegovina that are at any time under the control of Bosnian Serb forces.

Regulation 7 inserts new regulations 20A, 20B, 20C, and 20D into the principal regulations. Regulation 20A provides that any vessel, freight vehicle, or aircraft which is at any time in New Zealand's territory and in which a majority or controlling interest is held by a person or undertaking in, or operating from, the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be detained.

Regulation 20B provides that where any vessel, freight vehicle, aircraft, or cargo is used in contravention of these regulations, that vessel, freight vehicle, aircraft, or cargo shall be detained, and may be forfeited.

New regulations 20C and 20D provide that, except in case of *force majeure*, no New Zealand ship engaged in commercial trade shall enter the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro).

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

Date of notification in *Gazette*: 27 April 1993.

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