

1968/152



**THE UNITED NATIONS SANCTIONS (SOUTHERN RHODESIA)
REGULATIONS 1968**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of August 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the United Nations Act 1946, 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 resolutions of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on the 16th day of December 1966 and the 29th day of May 1968, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Southern Rhodesia the measures set out in those resolutions, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the United Nations Sanctions (Southern Rhodesia) Regulations 1968.

(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 meaning as in the Customs Act 1966:

“Importer” has the same meaning as in the Customs Act 1966:

“New Zealand” includes Niue and the Tokelau Islands:

“New Zealand aircraft” means any aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 1964:

“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.

3. Importation of goods from Southern Rhodesia prohibited—(1) The importation into New Zealand of any goods being the produce or manufacture of Southern Rhodesia is hereby prohibited:

Provided that this subclause shall not apply with respect to any goods, not being goods whose importation was prohibited by regulation 3 of the United Nations Sanctions (Southern Rhodesia) Regulations 1966*, in respect of which the Minister of Customs is satisfied that they had been exported from Southern Rhodesia on or before the 29th day of May 1968.

(2) All the provisions of the Customs Acts with respect to prohibited imports (except the provisions as to monetary penalties in section 48 (10) of the Customs Act 1966) shall extend and apply with respect to goods whose importation is prohibited by this regulation, in all respects as if the importation of the goods were prohibited under section 48 of the Customs Act 1966.

(3) If a Collector of Customs has reason to suspect that any goods imported into New Zealand are goods whose importation is prohibited by this regulation he may detain the goods.

(4) The importer of any such goods for which payment has not been made shall pay the purchase price of the goods into a special account to be kept at the Reserve Bank of New Zealand.

(5) Where any such goods have been imported into New Zealand before the commencement of these regulations, and payment for the goods has not been made or has not been fully made, all money payable by the importer in respect of the goods shall be paid into the account referred to in subclause (4) of this regulation, and not otherwise.

(6) All money in the said account shall be dealt with in such manner as the Minister of Finance may direct.

(7) If any dispute arises as to the purchase price of any such goods imported into New Zealand or as to the date of payment thereof the Comptroller of Customs may determine the matter, and his decision shall be final.

4. Exportation of goods to Southern Rhodesia prohibited—(1) Except with the consent of the Minister of External Affairs, the exportation from New Zealand to Southern Rhodesia, whether directly or indirectly, of any goods is hereby prohibited.

(2) All the provisions of the Customs Acts with respect to prohibited exports (except subsection (6) 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.

5. Prohibited transactions—(1) 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 they are being or have been or are intended to be exported from Southern Rhodesia:

Provided that in any prosecution for an offence against this subclause it shall be a defence to prove that—

- (a) The goods were exported from Southern Rhodesia on or before the 29th day of May 1968; and
- (b) The sale, transfer, carriage, or delivery of or other dealing with the goods was not one that was prohibited by regulation 5 of the United Nations Sanctions (Southern Rhodesia) Regulations 1966*.

(2) No person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand, do any act knowing that it promotes or is calculated to promote the exportation from Southern Rhodesia of any goods.

(3) Except with the consent of the Minister of External Affairs, 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—

- (a) They are intended to be imported into Southern Rhodesia; or
- (b) They are to be supplied or delivered to or to the order of any person in Southern Rhodesia; or
- (c) They will be used for the purposes of any business carried on in or operated from Southern Rhodesia.

(4) Except with the consent of the Minister of External Affairs, no person shall do any act knowing that it promotes or is calculated to promote the importation into Southern Rhodesia of any goods.

(5) No person shall in New Zealand, and no New Zealand citizen shall in any place outside New Zealand,—

- (a) Manufacture or assemble, or be engaged or concerned in the manufacture or assembly of, any equipment or materials, knowing that they are intended to be used in the manufacture or assembly in Southern Rhodesia of aircraft or motor vehicles:
- (b) Do any act knowing that it promotes or is calculated to promote the manufacture or assembly in Southern Rhodesia of aircraft or motor vehicles.

(6) Except with the consent of the Minister of Finance, no New Zealand citizen shall send, transfer, or deliver, or cause to be sent, transferred, or delivered, whether directly or indirectly, from any

place outside New Zealand to any person in Southern Rhodesia any money or securities. For the purposes of this subclause, the terms "money" and "securities" have the same meanings as in the Exchange Control Regulations 1965*.

6. Carriage of goods exported from or destined for Southern Rhodesia—(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—

- (a) If the goods are being or have been exported from Southern Rhodesia; or
 - (b) If the carriage is, or forms part of, carriage from any place outside Southern Rhodesia to any destination therein or to any person for the purposes of any business carried on in or operated from Southern Rhodesia.
- (3) If any ship or aircraft is used in contravention of paragraph (a) of subclause (2) of this regulation, 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 proves that he did not know and had no reason to suppose that the goods were being or had been exported from Southern Rhodesia.

(4) If any ship or aircraft is used in contravention of paragraph (b) of subclause (2) of this regulation, 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 proves that he did not know and had no reason to suppose that the carriage of the goods was, or formed part of, carriage from any place outside Southern Rhodesia to any destination therein or to any person for the purposes of any business carried on in or operated from Southern Rhodesia.

*S.R. 1965/158
Amendment No. 1: S.R. 1966/97
Amendment No. 2: S.R. 1967/45
Amendment No. 3: S.R. 1968/117

(5) Nothing in paragraph (a) of subclause (2) of this regulation shall apply in any case where it is proved that the goods—

- (a) Were exported from Southern Rhodesia on or before the 29th day of May 1968; and
- (b) Were not goods of a class or kind whose carriage was prohibited by paragraph (a) of regulation 6 of the United Nations Sanctions (Southern Rhodesia) Regulations 1966*.

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

(7) 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.

7. 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.

8. 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 certificate that it is expedient that the proceedings be instituted.

9. Other enactments not affected—Nothing in these regulations shall limit or affect the operation of—

- (a) The Customs Acts;
- (b) The Exchange Control Regulations 1965†.

10. Revocations and saving—(1) The United Nations Sanctions (Southern Rhodesia) Regulations 1966* are hereby revoked.

(2) Notwithstanding the revocation of the said regulations, they shall, so far as they extend to the Cook Islands as part of the law of the Cook Islands by virtue of the United Nations Sanctions (Southern Rhodesia) Regulations 1966, Amendment No. 1‡, continue so to extend to the Cook Islands.

(3) The Customs Import Prohibition (Rhodesia) Order 1965§ is hereby revoked.

P. J. BROOKS,
Clerk of the Executive Council.

*S.R. 1966/222
Amendment No. 1: S.R. 1967/41
†S.R. 1965/158
Amendment No. 1: S.R. 1966/97
Amendment No. 2: S.R. 1967/45
Amendment No. 3: S.R. 1968/117
‡S.R. 1967/41
§S.R. 1965/202

EXPLANATORY NOTE

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

These regulations replace, with modifications, the United Nations Sanctions (Southern Rhodesia) Regulations 1966 and the Customs Import Prohibition (Rhodesia) Order 1965.

The regulations are for the purpose of giving effect to the resolution of the Security Council of the United Nations, adopted on 29 May 1968; and they also embody the provisions of the earlier regulations that gave effect to the resolution of 16 December 1966.

The 1966 regulations prohibited the importation into New Zealand from Southern Rhodesia, and the exportation from New Zealand to Southern Rhodesia, of certain specified goods.

These regulations apply to such importation or exportation of all goods. They also prohibit certain related dealings and transactions, and the carriage of goods in New Zealand ships or New Zealand aircraft.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 August 1968.

These regulations are administered in the Department of External Affairs.