

Reprint
as at 1 October 2008

Customs Export Prohibition Order
2005

(SR 2005/158)

Customs Export Prohibition Order 2005: expired, on 1 October 2008, by clause 3.

Pursuant to section 56 of the Customs and Excise Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and being of the opinion that the prohibitions effected by this order are necessary in the public interest, makes the following order.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This order is administered in the New Zealand Customs Service.

Schedule
**Prohibited weapons and dual-use weapon-related
exports**

3

1 Title

This order is the Customs Export Prohibition Order 2005.

2 Commencement

This order comes into force on 1 October 2005.

3 Expiry

This order expires on the close of 30 September 2008.

4 Prohibited pounamu exports

- (1) The exportation of pounamu in its natural state, and partly or wholly processed pounamu, is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Minister of Customs.
- (2) The Minister may give his or her consent as provided in sub-clause (1) only on written advice—
 - (a) from Te Runanga o Ngai Tahu; or
 - (b) if the pounamu is extracted from the catchment of the Arahura river, from the Mawhera Incorporation.
- (3) This prohibition does not apply to—
 - (a) articles made from pounamu (for example, jewellery, pendants, or sculptures, containing pounamu):
 - (b) consignments that are being exported by a single exporter and in which the total weight of pounamu does not exceed 5 kilograms.
- (4) In this clause—

Mawhera Incorporation has the meaning given to that term by section 8 of the Ngai Tahu Claims Settlement Act 1998

pounamu has the meaning given to that term by section 2 of the Ngai Tahu (Pounamu Vesting) Act 1997

Te Runanga o Ngai Tahu means Te Runanga o Ngai Tahu as established by section 6 of Te Runanga o Ngai Tahu Act 1996.

5 Prohibited fisheries exports

The exportation of the following goods is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Minister of Fisheries:

- (a) live New Zealand green-lipped mussels with a shell size of less than 50 mm in length:
- (b) toheroa.

6 Prohibited weapons and dual-use weapon-related exports

The exportation of the goods specified in the Schedule is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Secretary of Foreign Affairs and Trade.

Schedule

cl 6

**Prohibited weapons and dual-use
weapon-related exports**

1 Nuclear weapon related dual-use goods

Dual-use goods that may have application in a nuclear weapons programme.¹

2 Chemical weapons precursors

Precursor chemicals,¹ except where those chemicals are subject to prohibitions and consents applying by virtue of section 10 of the Chemical Weapons (Prohibition) Act 1996.

3 Biological agents¹

Biological agents.

4 Certain conventional weapons and other dual-use goods

Certain conventional weapons, and other dual-use goods that are intended for military use or may have military applications

¹ Lists of goods of this kind are available from the Head Office of the Ministry of Foreign Affairs and Trade in Wellington for inspection by the public free of charge.

or may be used for the production of military goods or goods that may have military applications. Lists of the goods concerned are available from the Head Office of the Ministry of Foreign Affairs and Trade in Wellington for inspection by the public free of charge.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 October 2005, prohibits the exportation of various goods under the Customs and Excise Act 1996 except with the relevant Ministerial or official consent.

The prohibited exports are—

- certain New Zealand pounamu (greenstone):
- certain green-lipped mussels and toheroa:
- dual-use goods that may have application in a nuclear weapons programme:
- certain chemical weapons precursors:
- biological agents:
- certain conventional weapons, and other dual-use goods that are intended for military use or may have military applications or may be used for the production of military goods or goods that may have military applications.

This order continues prohibitions that were formerly in place under the Customs Export Prohibition Order 2002 (SR 2002/256). That order, as amended in 2004, expired on the close of 30 September 2005.

There are only 2 changes (or kinds of changes) from that order.

First, the prohibition on the exportation of some merino and booroola-merino sheep and their reproductive material has been removed.

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Secondly, the reference to “greenshell” mussels has been replaced with a reference to “green-lipped” mussels.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 June 2005.

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Notes**1 *General***

This is an eprint of the Customs Export Prohibition Order 2005. It incorporates all the amendments to the Customs Export Prohibition Order 2005 as at 1 October 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Customs Export Prohibition Order 2005 (SR 2005/158): clause 3
