



United Nations Sanctions (Iran) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of August 2010

Present:

His Excellency the Governor-General in Council

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

- (a) acting on the advice and with the consent of the Executive Council; and
- (b) for the purpose of giving effect to the following resolutions of the Security Council of the United Nations, adopted pursuant to the United Nations Charter, and 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 the following resolutions:
 - (i) resolution 1737 (2006), adopted on 23 December 2006:
 - (ii) resolution 1747 (2007), adopted on 24 March 2007:
 - (iii) resolution 1803 (2008), adopted on 3 March 2008:
 - (iv) resolution 1929 (2010), adopted on 9 June 2010.

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Regulations

- 1 Title**
These regulations are the United Nations Sanctions (Iran) Regulations 2010.
- 2 Commencement**
These regulations come into force on 2 September 2010.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

arms includes—

- (a) related materiel of all types (for example, weapons, ammunition, military equipment, or paramilitary equipment); and
- (b) spare parts for any arms, or for any goods specified in paragraph (a)

asset includes any financial asset or economic resource

ballistic missile-related technology means goods that are technology related to any activity or activities (including, without limitation, launches) related to ballistic missiles capable of delivering nuclear weapons

Committee means the Committee established by paragraph 18 of resolution 1737 (2006) of the Security Council of the United Nations

designated persons has the meaning given to it by regulation 4

IAEA means the International Atomic Energy Agency

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 all or any of the following documents:

- (a) document INFCIRC/254/Rev.9/Part 1; and
- (b) document INFCIRC/254/Rev.7/Part 2; and
- (c) document S/2010/263

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 military equipment means goods that are—

- (a) all or any of the following items (as those items are defined for the purpose of the United Nations Register of Conventional Arms (established on 1 January 1992 under United Nations General Assembly resolution A/RES/46/36 L of 6 December 1991)): battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles, or missile systems; or
- (b) related materiel of all types (for example, spare parts for any goods specified in paragraph (a)); or
- (c) items that are the subject of a determination—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 8 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect

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

- (a) set out in document INFCIRC/254/Rev.7/Part 2, and the supply, sale, or transfer of which is not permitted by paragraph 8(a) of resolution 1803 (2008) of the Security Council of the United Nations; or
- (b) set out in sections A.1, B.1, B.2, B.3, B.4, B.5, B.6, and B.7 of document INFCIRC/254/Rev.9/Part 1, 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/2010/263; or
 - (d) that could or would contribute to Iran's enrichment-related, or reprocessing, or heavy water-related activities, to the development of nuclear weapon delivery systems, or to the pursuit of activities related to other topics that the IAEA has expressed concerns about or identified as outstanding, and that, in any of those cases, are the subject of a determination—
 - (i) made by the Security Council of the United Nations, by the Committee, or by New Zealand (acting by and through the Secretary of Foreign Affairs and Trade signing and dating a document recording the determination made by New Zealand); and
 - (ii) made under paragraph 3(d), 4(b), or 4(c) of resolution 1737 (2006), or under paragraph 13 of resolution 1929 (2010), of the Security Council of the United Nations; 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 the security by way of loan, mortgage, pledge, or bailment, whether in respect of a legal or an equitable interest.

Compare: SR 2007/74 r 3(1), (2)

4 Designated persons defined

- (1) **Designated persons** means persons or entities designated—
- (a) in (all or any of Parts A, B, C, D, and E of) the Annex to resolution 1737 (2006) of the Security Council of the United Nations; or
 - (b) in Annex I to resolution 1747 (2007) of the Security Council of the United Nations; or
 - (c) in Annex I, II, or III to resolution 1803 (2008) of the Security Council of the United Nations; or

- (d) by the Security Council of the United Nations or the Committee pursuant to paragraph 10 of resolution 1737 (2006) of the Security Council of the United Nations; or
 - (e) in Annex I or II of resolution 1929 (2010) of the Security Council of the United Nations.
- (2) For the purposes only of regulations 5 and 22 to 24 (which relate to funds, etc), **designated persons** includes (despite subclause (1))—
- (a) persons who, or entities that, are the subject of a determination (that they have assisted designated individuals or entities in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations)—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 11 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect; and
 - (b) the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III, and designated by paragraph 19, of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (c) persons who, or entities that, are the subject of a determination (that they have assisted all or any of the entities specified in paragraph (b) in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations)—
 - (i) made by the Security Council of the United Nations or the Committee; and
 - (ii) made under paragraph 19 of resolution 1929 (2010) of the Security Council of the United Nations; and
 - (iii) that has not ceased to have effect.
- (3) For the purposes only of regulations 5 and 25 (on entry into and transit through New Zealand), **designated persons** includes (despite subclause (1)) persons designated by the Se-

curity Council of the United Nations or the Committee pursuant to paragraph 3 of resolution 1803 (2008) of the Security Council of the United Nations.

Compare: SR 2007/74 r 3(1)

5 Publication of details of persons, goods, equipment, etc

The Minister may, by notice in the *Gazette*, 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 Internet sites 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 who, or entities that, are designated persons (as that term is defined in regulation 4):
 - (ii) any persons or entities acting on behalf, or at the direction, of, or owned or controlled by, 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) a list of the names of all or any of the following goods:
 - (i) any goods referred to in the definition (in regulation 3(1)) of ballistic missile-related technology:
 - (ii) any goods referred to in the definition (in regulation 3(1)) of nuclear weapon, missile, or enrichment-related goods:
 - (iii) any goods referred to in paragraphs (a) and (b) of the definition (in regulation 3(1)) of specified military equipment:
 - (iv) any goods referred to in paragraphs (a), (b), and (c) of the definition (in regulation 3(1)) of specified nuclear weapon, missile, or enrichment-related goods:

- (d) any additions to, or deletions from, any of the lists referred to in paragraphs (a), (b), and (c):
- (e) any determinations (relating to designated persons and) of the kind referred to in regulation 4(2)(c):
- (f) any determinations of the kind referred to in paragraph (c) of the definition (in regulation 3(1)) of specified military equipment:
- (g) any determinations of the kind referred to in paragraph (d) of the definition (in regulation 3(1)) of specified nuclear weapon, missile, or enrichment-related goods.

Compare: SR 2007/74 r 3(3)

Importation, exportation, etc

6 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 2007/74 r 4

7 Exportation of specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, or ballistic missile-related technology

- (1) No person may directly or indirectly export goods that are specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, or ballistic missile-related technology 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 2007/74 r 5

8 Customs and Excise Act 1996 to apply to prohibited imports, prohibited exports, and other goods and arms

- (1) All provisions of the Customs and Excise Act 1996 and of any regulations made under that Act with respect to prohibited imports (except sections 209 and 237(2)) apply with respect to goods whose importation is prohibited by regulation 6 and goods and arms to which subclause (3) applies in all respects as if the importation of the goods or arms were prohibited by or under section 54 of that Act.
- (2) All provisions of the Customs and Excise Act 1996 and of any regulations made under that Act with respect to prohibited exports (except sections 209 and 237(2)) apply with respect to goods whose exportation is prohibited by regulation 7 and goods and arms to which subclause (3) applies in all respects as if the exportation of the goods or arms were prohibited under section 56 of that Act.
- (3) This subclause applies to items of cargo to or from Iran, and in New Zealand, if—
 - (a) the items are all or any of the following:
 - (i) arms:
 - (ii) ballistic missile-related technology:
 - (iii) specified military equipment:
 - (iv) specified nuclear weapon, missile, or enrichment-related goods; and
 - (b) a Customs officer believes on reasonable grounds on the basis of information available to the officer that the items are being sold, transferred, carried, delivered, or otherwise dealt with, or exported, contrary to regulation 13(1), 14(1), or 15(1), or otherwise contrary to all or any of the following paragraphs of the following resolutions of the Security Council of the United Nations:
 - (i) paragraphs 3, 4, and 7 of resolution 1737 (2006):
 - (ii) paragraph 5 of resolution 1747 (2007):
 - (iii) paragraph 8 of resolution 1803 (2008):
 - (iv) paragraphs 8 and 9 of resolution 1929 (2010).

Compare: SR 2007/74 r 6

9 Disposal of those goods and arms

- (1) This regulation applies to goods or arms—

- (a) whose importation is prohibited by regulation 6, whose exportation is prohibited by regulation 7, or to which regulation 8(3) applies; and
 - (b) that, under section 237(1) of the Customs and Excise Act 1996 (as applied by regulation 8(1) or (2)), are forfeited goods in which the Crown has property.
- (2) Goods or arms to which this regulation applies—
- (a) must not be disposed of in accordance with section 237(2) of the Customs and Excise Act 1996; and
 - (b) must instead be disposed of in accordance with paragraph 16 of resolution 1929 (2010) of the Security Council of the United Nations.

10 Detention of prohibited imports, prohibited exports, and other goods or arms

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

- (a) goods whose importation is prohibited by regulation 6;
or
- (b) goods whose exportation is prohibited by regulation 7;
or
- (c) goods or arms to which regulation 8(3) applies.

Compare: SR 2007/74 r 7

11 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 7, knowing that the goods are intended to be exported in contravention of that regulation.

Compare: SR 2007/74 r 8

12 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 7.

Compare: SR 2007/74 r 9

*Dealings in relation to or procurement of
certain equipment, goods, or arms*

13 Transactions with persons in Iran in relation to specified military equipment or 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 military equipment or 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 2007/74 r 10

14 Procurement of nuclear weapon, missile, or enrichment-related goods, or arms

- (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, or any arms, 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 arms or to goods or arms of a particular class if the Minister has consented to that sale, transfer, carriage, or delivery of, or other dealing with, those goods or arms.

Compare: SR 2007/74 r 11

*Carriage of certain equipment, goods, or arms***15 Carriage of specified military equipment, nuclear weapon, missile, or enrichment-related goods, arms, or ballistic missile-related technology**

- (1) No ship or aircraft to which subclause (3) applies may be used for—
 - (a) the carriage of any specified military equipment, specified nuclear weapon, missile, or enrichment-related goods, arms, or ballistic missile-related technology if the carriage is, or forms part of, the carriage of those goods or arms from any place to Iran; or
 - (b) the carriage of any nuclear weapon, missile, or enrichment-related goods, or arms, if the carriage is, or forms part of, the carriage of those goods or arms (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 or arms under regulation 6(2), 7(2), 13(2), or 14(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 6, 7, 13, and 14.
Compare: SR 2007/74 r 12

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

- (1) If any ship or aircraft is used in contravention of regulation 15, 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 or arms carried on the ship or aircraft were or included goods or arms (as the case may be)—
 - (i) to which regulation 15(1)(a) applies; or
 - (ii) to which regulation 15(1)(b) applies; or
 - (b) that the carriage of the goods or arms was, or formed part of, the carriage of goods or arms (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 2007/74 r 13

*Iranian investment involving uranium mining or
nuclear materials and technology*

17 Financial transactions of specified kind prohibited

- (1) No person in New Zealand, and no New Zealand citizen in any place outside New Zealand, may conduct a financial transaction of the specified kind with or for—
 - (a) any person in Iran; or
 - (b) a national of Iran outside 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) For the purposes of subclause (1), a person conducts a financial transaction if he or she—
 - (a) is a party to the transaction; or
 - (b) procures the transaction; or

- (c) supplies or provides any financial services (as defined in regulation 18(5)) or related services that facilitate the transaction.
- (3) Subclause (1) does not apply if the Minister has consented to the conduct of that financial transaction of the specified kind.
- (4) Financial transactions are of the specified kind for the purposes of subclauses (1) and (3) if their purpose or their effect is, in whole or in part, to enable any person or entity specified in subclause (1)(a), (b), (c), or (d) to acquire an interest, or to in any other way invest, in any commercial activity outside Iran involving either or both of the following:
 - (a) uranium mining;
 - (b) production or use of nuclear materials and technology as set out in document INFCIRC/254/Rev.9/Part 1 (for example, production or use by way of uranium enrichment or reprocessing activities, heavy-water activities, or ballistic missile-related technology).

Compare: SR 2006/382 r 14A; SR 2009/216 r 9

*Provision or transfer of assistance, training,
resources, services, etc*

18 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 either or both of the following:
- (a) the supply, sale, transfer, manufacture, or use of specified nuclear weapon, missile, or enrichment-related goods;
 - (b) the supply, sale, transfer, provision, manufacture, maintenance, or use of specified military equipment.
- (5) **Financial services**, for the purposes of this regulation and of regulation 17, includes investment, brokering, and related services.

Compare: SR 2007/74 r 14

19 Transfer to Iran of ballistic missile-related technology or technical assistance related to activities related to ballistic missiles capable of delivering nuclear weapons

- (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 transfer of ballistic missile-related technology, or of technical assistance related to activities related to ballistic missiles capable of delivering nuclear weapons, 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) Subclause (1) does not apply if the Minister has consented to that transfer of that technology or technical assistance.

20 Provision of bunkering services to certain Iranian-owned, -contracted, or -chartered vessels 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 of bunkering services to an Iranian-owned, -contracted, or -chartered vessel if the person or citizen believes on reasonable grounds that the vessel is carrying all or any of the following:
- (a) arms;
 - (b) ballistic missile-related technology;
 - (c) specified military equipment;
 - (d) specified nuclear weapon, missile, or enrichment-related goods.
- (2) Subclause (1) does not apply if—
- (a) that provision of bunkering services is necessary for humanitarian purposes; or
 - (b) that provision of bunkering services is necessary to facilitate the inspection, or for any necessary seizure or disposal, of the vessel's cargo; or
 - (c) the Minister has consented to that provision of bunkering services.

Compare: SR 2006/382 r 14B; SR 2009/216 r 9

*Duty to exercise vigilance
when doing certain business*

21 Duty arises if business could contribute to Iran's nuclear activities, etc, or other violations

- (1) A person in New Zealand, a New Zealand citizen in any place outside New Zealand, and an entity incorporated or constituted under New Zealand law, or otherwise subject to New Zealand's jurisdiction, must exercise vigilance when doing business if that person, citizen, or entity—
- (a) is doing the business with—
 - (i) a person in Iran; or
 - (ii) an entity incorporated or constituted under Iranian law or otherwise subject to Iran's jurisdiction; or

- (iii) any person or entity acting on behalf, or at the direction, of, or owned or controlled by, an entity specified in subparagraph (ii); and
 - (b) believes on reasonable grounds, and on the basis of information available to that person, citizen, or entity, that the business could contribute to—
 - (i) Iran’s proliferation-sensitive nuclear activities; or
 - (ii) the development by or on behalf of Iran of nuclear weapon delivery systems; or
 - (iii) violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010) of the Security Council of the United Nations.
- (2) Subclause (1)(a)(ii) applies, without limitation, to an entity that is—
 - (a) an Islamic Revolutionary Guard Corps (IRGC, also known as “Army of the Guardians of the Islamic Revolution”) individual or entity as specified in Annex II, and designated by paragraphs 12 and 22, of resolution 1929 (2010) of the Security Council of the United Nations; or
 - (b) an entity of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III, and designated by paragraphs 19 and 22, of resolution 1929 (2010) of the Security Council of the United Nations.

Funds, etc, of or for designated persons, etc

- 22 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 any person or entity acting on behalf, or at the direction, of, or owned or controlled by, 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 2007/74 r 15

23 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 any person or entity acting on behalf, or at the direction, of, or owned or controlled by, a designated person; or
 - (b) for the benefit of a designated person or any 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 2007/74 r 16

24 Exceptions to regulations 22 and 23

- (1) The Minister may consent to any dealing with an asset, money, or security if the Minister is satisfied that the dealing is necessary—
 - (a) for basic expenses, and prior notice of the Minister's intention to consent has been given to the Committee; or
 - (b) for extraordinary expenses, and prior notice of the Minister's intention to consent has been given to the Committee and the Committee has approved the dealing; or

- (c) to satisfy a judicial, administrative, or arbitral lien or judgment that took effect before 23 December 2006, other than a lien or judgment for the benefit of a designated person, and prior notice of the Minister's intention to consent has been given to the Committee; or
 - (d) for activities directly related to the items specified in paragraph 3(b)(i) or (ii) of resolution 1737 (2006) (which relate to nuclear material and equipment exclusively for use in light water reactors), and prior notice of the Minister's intention to consent has been given to the Committee.
- (2) The Minister may consent to the following being added to an account:
 - (a) interest or other earnings due on the account:
 - (b) payments due under any contract, agreement, or obligation of a designated individual or entity that arose before the date of designation.
- (3) Interest and other earnings and payments added to an account under subclause (2) are subject to regulations 22(1) and 23(1).
- (4) The Minister may consent to a payment being made by a designated person under a contract entered into before the person became a designated person if—
 - (a) the Minister is satisfied that—
 - (i) the contract is not directly or indirectly related to any of the prohibited items, materials, goods, technologies, assistance, training, financial assistance, investment, brokering, or services referred to in all or any of paragraphs 3, 4, and 6 of resolution 1737 (2006); and
 - (ii) the payment will not directly or indirectly be received by any designated person; and
 - (b) at least 10 working days' notice of the Minister's intention to consent has been given to the Committee.
- (5) Regulations 22(1) and 23(1) do not apply to an act authorised by a consent under subclause (1), (2), or (4).
- (6) Regulation 26 does not apply to the giving of a consent under subclause (1), (2), or (4).

Compare: SR 2007/74 r 16A

*Entry and transit of designated persons***25 Designated persons to enter New Zealand only if consistent with determinations of Security Council**

- (1) No designated person may enter New Zealand, or transit through New Zealand, if the travel would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.
- (2) Subclause (1) does not apply so as to prevent a designated person from entering or transiting through New Zealand if—
 - (a) the travel is for activities directly related to the items in paragraph 3(b)(i) or (ii) of resolution 1737 (2006) (which relate to nuclear material and equipment exclusively for use in light water reactors); or
 - (b) the Committee has determined that the travel is justified on the grounds of humanitarian need, including religious obligations; or
 - (c) the Committee has concluded that the travel would otherwise further the objectives of resolution 1929 (2010) of the Security Council of the United Nations (for example, if Article XV of the IAEA Statute is engaged).
- (3) Subclause (1) does not apply to a designated person who is a New Zealand citizen.
- (4) A visa may be granted under the Immigration Act 2009 to a designated person only on the advice of the Secretary of Foreign Affairs and Trade that the visa is consistent with subclause (1).
- (5) This regulation operates in addition to the requirements of the Immigration Act 2009 and any regulations made under that Act.
- (6) Until the commencement, at 2 am on 29 November 2010, of section 406(2) of the Immigration Act 2009,—
 - (a) subclause (4) must be read as if the reference to a visa being granted under the Immigration Act 2009 were a reference to a permit or visa being granted or issued under the Immigration Act 1987; and
 - (b) subclause (5) must be read as if the reference to the Immigration Act 2009 and any regulations made under

that Act were a reference to the Immigration Act 1987 and any regulations made under that Act.

Compare: SR 2007/74 r 16B

Minister's consent

26 Preconditions to consent

The Minister may consent to an activity under regulation 6(2), 7(2), 13(2), 14(2), 17(3), 18(3), 19(2), 20(2)(c), 22(2), or 23(2) only if satisfied that the activity is not inconsistent with the measures set out in the following paragraphs of the following resolutions of the Security Council of the United Nations:

- (a) paragraphs 3, 4, 6, 7, and 12 of resolution 1737 (2006):
- (b) paragraphs 4 and 5 of resolution 1747 (2007):
- (c) paragraphs 5, 7, and 8 of resolution 1803 (2008):
- (d) paragraphs 7, 8, 9, and 18 of resolution 1929 (2010).

Compare: SR 2007/74 r 17

Miscellaneous provisions

27 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 2007/74 r 18

28 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 2007/74 r 19

29 Customs and Excise Act 1996 and regulations under it not affected

These regulations do not affect the operation of the Customs and Excise Act 1996 or of any regulations made under that Act.

Compare: SR 2007/74 r 20

30 Revocation

The United Nations Sanctions (Iran) Regulations 2007 (SR 2007/74) are revoked.

Rebecca Kitteridge,
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 2 September 2010, give effect to 4 resolutions of the Security Council of the United Nations calling for the imposition of sanctions in respect of Iran. They revoke and replace the United Nations Sanctions (Iran) Regulations 2007, which gave effect to resolution 1737 (2006), and were amended in 2007 and 2008 to give effect to resolutions 1747 (2007) and 1803 (2008). The changes to those 2007 regulations necessary to give effect to resolution 1929 (2010) are, in outline, as follows:

- the prohibitions on the importation from Iran of specified nuclear weapon, missile, or enrichment-related goods, and on the exportation to Iran of nuclear weapon, missile, or enrichment-related goods, are updated, and the exportation prohibition is extended to ballistic missile-related technology, in accordance with paragraphs 9 and 13 of resolution 1929 (2010) (*regulations 3(1) and 5 to 12*);
- new prohibitions on the direct or indirect supply, sale or transfer to Iran, from or through New Zealand, or by New Zealand citizens or individuals in New Zealand, or using New Zealand ships or New Zealand aircraft, and whether or not originating in New Zealand, of specified military equipment, in ac-

cordance with paragraph 8 of resolution 1929 (2010) (*regulations 3(1), 7, 13, and 15*):

- a Customs officer is empowered to search for and detain, and Customs and Excise Act 1996 forfeiture and seizure provisions are applied to, and special provision is made for the disposal of, prohibited imports, prohibited exports, and other goods and arms, in accordance with paragraphs 14 and 16 of resolution 1929 (2010) (*regulations 8 to 10*):
- a new prohibition on persons in New Zealand, and on New Zealand citizens outside New Zealand, conducting financial transactions the purpose or effect of which is, in whole or in part, to enable Iranian investment involving uranium mining or nuclear materials and technology (*regulation 17*):
- the prohibition on provision to or from Iran of technical assistance, technical training, financial assistance, financial resources, or financial services is extended to assistance, training, resources, or services related to the supply, sale, transfer, provision, manufacture, maintenance, or use of specified military equipment (*regulations 3(1) and 18*):
- a new prohibition, in accordance with paragraph 9 of resolution 1929 (2010), on persons in New Zealand, and New Zealand citizens outside New Zealand, engaging in conduct that assists or results in the transfer to Iran of ballistic missile-related technology, or technical assistance related to activities related to ballistic missiles capable of delivering nuclear weapons (*regulations 3(1) and 19*):
- a new prohibition, in accordance with paragraph 18 of resolution 1929 (2010), on persons in New Zealand, and New Zealand citizens outside New Zealand, engaging in conduct that assists or results in the provision of bunkering services to an Iranian-owned, -contracted, or -chartered vessel if those persons or citizens believe on reasonable grounds that the vessel is carrying specified goods or arms (*regulation 20*):
- a new duty, in accordance with paragraph 22 of resolution 1929 (2010), on a person in New Zealand, a New Zealand citizen outside New Zealand, and an entity subject to New Zealand's jurisdiction, to exercise vigilance when doing certain business that could contribute to Iran's prolifer-

ation-sensitive nuclear activities, the development of nuclear weapon delivery systems, or violations of the 4 United Nations Security Council resolutions (*regulation 21*):

- the prohibitions on dealings in assets, money, or securities of, or derived from property of, designated persons and on sending funds, etc, to designated persons are extended to all designated persons specified in paragraphs 11, 12, and 19 of resolution 1929 (2010) (*regulations 3(1), 4, and 22 to 24*):
- the prohibition on entry into or transit through New Zealand is extended to all designated persons specified in paragraph 10 of resolution 1929 (2010) (*regulations 3(1), 4, and 25*).

Regulation 5 provides for the Minister of Foreign Affairs to give public notice of details of persons, goods, equipment, etc, to which the regulations apply. At the time of the making of the regulations, copies of document INFCIRC/254/Rev.9/Part 1, document INF-CIRC/254/Rev.7/Part 2, and document S/2010/263 were available at the following Internet site:

- www.un.org/sc/committees/1737/selecdocs.shtml

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