



United Nations Sanctions (Liberia) Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 20th day of December 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 2 of the United Nations Act 1946, Her 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 1532 (2004) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 12 March 2004, calling upon the Government of New Zealand and all other member States of the United Nations to apply in respect of Liberia the measures set out in that resolution,—

makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the United Nations Sanctions (Liberia) Amendment Regulations 2004.
- (2) In these regulations, the United Nations Sanctions (Liberia) Regulations 2001¹ are called “the principal regulations”.

¹ SR 2001/134

2 Commencement

These regulations come into force on 14 January 2005.

3 New regulation 3 substituted

The principal regulations are amended by revoking regulation 3, and substituting the following regulation:

“3 Interpretation

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

“**arms** includes—

“(a) related materiel of all types, such as weapons, ammunition, military vehicles and equipment, or paramilitary equipment; and

“(b) spare parts for any arms, or for any goods specified in paragraph (a)

“**Customs or the Customs and Customs officer** have the same meaning as in section 2(1) of the Customs and Excise Act 1996

“**designated close ally or associate of the former Taylor regime** means an individual who is—

“(a) a senior official, or other close ally or associate, of the former Taylor regime; and

“(b) designated by or under 1 or more resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

“**designated entity** means an entity that is—

“(a) owned or controlled, directly or indirectly, by—

“(i) a member, or designated close ally or associate, of the former Taylor regime; or

“(ii) a person acting on behalf, or at the direction, of a member, or designated close ally or associate, of the former Taylor regime; and

“(b) designated by or under 1 or more of the resolutions of the Security Council as an entity against whom a sanction imposed by those resolutions and provided for in regulation 16A is to be imposed

“**entity** means a person, group, trust, partnership, or fund, or an unincorporated association or organisation

“**former Taylor regime or member of the former Taylor regime** means the former President of Liberia Charles Taylor, and any member of his immediate family who is designated by or under 1 or more of the resolutions of the Security Council as an individual against whom a sanction imposed by those resolutions and provided for in regulation 16A or 16B is to be imposed

“**Minister** means the Minister of Foreign Affairs and Trade

“**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

“**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.
- “(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 publish, in any manner the Minister thinks fit (for example, by notice in the *Gazette*, or publication on the Internet, or both),—
- “(a) a list of the names of any individuals designated by or under 1 or more resolutions of the Security Council as individuals against whom a sanction imposed by those resolutions and provided for in these regulations is to be imposed; and
 - “(b) a list of the names or descriptions of any designated entities; and
 - “(c) any additions to, or deletions from, the lists referred to in paragraphs (a) and (b).

Compare: SR 2000/223 r 3; SR 2001/26 r 3”.

4 New heading and regulations 16A and 16B inserted

The principal regulations are amended by inserting, after regulation 16, the following heading and regulations:

“Funds of or for former Taylor regime, etc

“16A Prohibition on dealings in assets, money, or securities of, or derived from property of, former Taylor regime, etc

- “(1) No person may knowingly transfer, pay for, sell, assign, dispose of, or otherwise deal with any asset, money, or security—
- “(a) that is—

- “(i) owned or controlled, directly or indirectly, by a member, or designated close ally or associate, of the former Taylor regime; or
 - “(ii) held by a designated entity; or
 - “(iii) derived or generated from any asset, money, or security of the kind specified in subparagraph (i) or (ii); 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)(i) or (ii) (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 2001/26 r 15

“16B Prohibition on sending funds to members, or designated close allies or associates, of former Taylor regime

- “(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 money or security—
- “(a) to a member, or designated close ally or associate, of the former Taylor regime; or
 - “(b) for the benefit of a member, or designated close ally or associate, of the former Taylor regime.
- “(2) Subclause (1) does not apply if the Minister has consented to that sending, transfer, or delivery of the money or security.

Compare: SR 2001/26 r 16”.

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 14 January 2005, amend the United Nations Sanctions (Liberia) Regulations 2001 to give effect to resolution 1532 (2004) adopted by the United Nations Security Council on 12 March 2004.

Resolution 1532 (2004) calls for the imposition of sanctions in respect of—

- the **former Taylor regime** (that is, the former president of Liberia Charles Taylor, and designated members of his immediate family); and
- designated close allies and associates of the former Taylor regime; and
- related designated entities.

These amendment regulations—

- freeze assets, money, and securities (**funds**)—
 - owned or controlled by members, or designated close allies or associates, of the former Taylor regime; or
 - held by designated entities owned or controlled by—
 - members, or designated close allies or associates, of the former Taylor regime; or
 - a person acting on behalf, or at the direction, of members, or designated close allies or associates, of the former Taylor regime; and
- freeze funds derived or generated from those funds; and
- prohibit people in New Zealand, and New Zealand citizens outside New Zealand, from sending money or securities to, or for the benefit of, members, or designated close allies or associates, of the former Taylor regime.

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

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