

Version
as at 17 December 2022



**Customs Export Prohibition (Strategic Goods) Order
2021**
(LI 2021/216)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 16th day of August 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 96 of the Customs and Excise Act 2018—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Customs made after being satisfied of the matter set out in section 96(5) of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Transitional, savings, and related provisions	2
4 Exportation of certain strategic goods prohibited	2

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the New Zealand Customs Service.

Schedule 1	3
Transitional, savings, and related provisions	
Schedule 2	4
Goods prohibited from exportation	

Order

1 Title

This order is the Customs Export Prohibition (Strategic Goods) Order 2021.

2 Commencement

This order comes into force on 1 October 2021.

Order: confirmed, on 17 December 2022, by section 10(d) of the Secondary Legislation Confirmation Act 2022 (2022 No 82).

3 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

4 Exportation of certain strategic goods prohibited

- (1) The exportation of the goods specified in Schedule 2 is prohibited.
- (2) However, a person may export those goods if the person—
 - (a) has the consent of the Secretary of Foreign Affairs and Trade; and
 - (b) does so in accordance with the terms of that consent.

Schedule 1
Transitional, savings, and related provisions

cl 3

Part 1
Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.

Schedule 2

Goods prohibited from exportation

cl 4

Nuclear weapon-related goods

- 1 Equipment (including associated software and technologies) that may have application in the development, production, or use of nuclear weapons or their means of delivery.
- 2 Dual-use goods (including associated software and technologies) that may have application in the development, production, or use of nuclear weapons or their means of delivery.
- 3 Any document used for the purpose of transferring (including by electronic means) the software or technology described in item 1 or 2 to a person or place outside New Zealand.

Chemical weapon-related goods

- 4 Precursor chemicals that may have application in the development or production of chemical weapons, except where those chemicals are subject to prohibitions and consents applying by virtue of section 10 of the Chemical Weapons (Prohibition) Act 1996.
- 5 Biopolymers and biocatalysts that may have application in the development, production, or use of chemical weapons or their means of delivery.
- 6 Equipment (including associated software and technologies) that may have application in the development, production, or use of chemical weapons or their means of delivery.
- 7 Dual-use goods (including associated software and technologies) that may have application in the development, production, or use of chemical weapons or their means of delivery.
- 8 Any document used for the purpose of transferring (including by electronic means) any software or technology described in item 6 or 7 to a person or place outside New Zealand.

Biological agent-related goods

- 9 Biological agents.
- 10 Equipment (including associated software and technologies) that may have application in the development, production, or use of biological agents or their means of delivery.
- 11 Dual-use goods (including associated software and technologies) that may have application in the development, production, or use of biological agents or their means of delivery.

- 12 Any document used for the purpose of transferring (including by electronic means) any software or technology described in item 10 or 11 to a person or place outside New Zealand.

Conventional weapons and military weapon-related goods

- 13 Conventional weapons (including associated software and technologies) that are intended for military use or may have military applications.
- 14 Military equipment (including associated software and technologies).
- 15 Dual-use goods (including associated software and technologies) that are intended for military use or may have military applications or may have application in the development, production, or use of military goods.
- 16 Any document used for the purpose of transferring (including by electronic means) any software or technology described in item 13, 14, or 15 to a person or place outside New Zealand.

Michael Webster,
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 is made under the Customs and Excise Act 2018 and prohibits the export of certain strategic goods. The prohibited goods are those listed in *Schedule 2* and include specified military goods, specified dual-use goods, items that may be destined for use in biological agents or chemical weapons, and related documents.

The Secretary of Foreign Affairs and Trade maintains the New Zealand Strategic Goods List, which lists the items, software, and technologies for the prohibited goods. The New Zealand Strategic Goods List is available on the Ministry of Foreign Affairs and Trade Internet site (<https://www.mfat.govt.nz>).

This order comes into force on 1 October 2021 and continues the prohibition in clause 5 and the Schedule of the Customs Export Prohibition Order 2017, which expires at the close of 30 September 2021.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It will be revoked at the close of 31 December 2022, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(b) of that Act. If the order is confirmed, it will remain in force until revoked or amended.

Notes**1 General**

This is a consolidation of the Customs Export Prohibition (Strategic Goods) Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Confirmation Act 2022 (2022 No 82): section 10(d)