



## Anti-Personnel Mines Prohibition Act 1998

Public Act      1998 No 111  
Date of assent      8 December 1998  
Commencement      see section 1(2)

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#### 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 Act is administered by the Ministry of Foreign Affairs and Trade.**

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**An Act to implement in the law of New Zealand the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction**

**1 Short Title and commencement**

- (1) This Act may be cited as the Anti-Personnel Mines Prohibition Act 1998.
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1  
Preliminary provisions**

*Interpretation*

**2 Interpretation**

- (1) In this Act, unless the context otherwise requires,—

**anti-handling device** means a device intended to protect a mine and which is part of, linked to, attached to, or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine

**anti-personnel mine** has the meaning given to it by section 3

**authorised anti-personnel mine** means an anti-personnel mine authorised under section 11

**Convention** means the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, done at Oslo on 18 September 1997 (a copy of the English text of which is set out in the Schedule); and includes any amendments to the Convention made in accordance with Article 13 of the Convention that are, or will become, binding on New Zealand from time to time

**enforcement officer** has the meaning given to it by the Hazardous Substances and New Organisms Act 1996

**inspector of explosives** has the meaning given to it by the Explosives Act 1957

**mine** means a munition designed to be placed under, on, or near the ground or other surface area and to be exploded by the presence, proximity, or contact of a person or a vehicle

**Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**Ministry** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**officer** has the meaning given to it by section 4

**place** includes any area, building, conveyance, or installation in New Zealand where facts relevant to a compliance issue could be expected to be collected

**Secretary** means the chief executive of the Ministry

**transfer** includes importation into, and exportation from, New Zealand.

- (2) Terms and expressions used and not defined in this Act, unless the context otherwise requires, have the same meaning as in the Convention.

### 3 Meaning of anti-personnel mine

For the purposes of this Act, **anti-personnel mine**—

- (a) means a mine designed to be exploded by the presence, proximity, or contact of a person, and that is capable of incapacitating, injuring, or killing 1 or more persons; but
- (b) does not include a mine designed to be detonated by the presence, proximity, or contact of a vehicle as opposed to a person and equipped with an anti-handling device.

### 4 Meaning of officer

- (1) For the purposes of this Act, **officer** means—

- (a) a Police employee;
- (b) a member of the Armed Forces;
- (c) a Customs officer;
- (d) an inspector of explosives;
- (e) an enforcement officer;
- (f) a person appointed under subsection (2).

- (2) The Minister may from time to time, by notice in writing, appoint any person to—

- (a) use, develop, produce, otherwise acquire, possess, retain, or transfer an authorised anti-personnel mine for the purposes of developing, or training persons in, techniques of mine detection, mine clearance, mine deactivation, or mine destruction:
- (b) seize, receive, or acquire an anti-personnel mine for the purposes of deactivating or destroying the mine:
- (c) retain an anti-personnel mine pending the deactivation or destruction of the mine:
- (d) transfer an anti-personnel mine for the purposes of deactivating or destroying the mine:
- (e) deactivate or destroy an anti-personnel mine:
- (f) accompany or assist a member of a fact-finding mission.

Section 4(1)(a): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

### *Purpose of this Act*

## **5 Purpose**

- (1) The purpose of this Act is to implement New Zealand's obligations under the Convention.
- (2) Every person exercising a power or discretion conferred under this Act must have regard to New Zealand's obligations under the Convention.

Compare: 1996 No 37 s 4

### *Act binds the Crown*

## **6 Crown bound**

This Act binds the Crown.

## **Part 2**

### **Prohibitions and offences related to anti-personnel mines**

## **7 Prohibitions and offences**

- (1) No person may—
  - (a) use an anti-personnel mine; or
  - (b) develop, produce, or otherwise acquire an anti-personnel mine; or
  - (c) possess, retain, or stockpile an anti-personnel mine; or
  - (d) transfer to anyone, directly or indirectly, an antipersonnel mine; or
  - (e) assist, encourage, or induce, in any way, anyone to engage in conduct referred to in paragraphs (a) to (d).