

STATUTORY INSTRUMENTS

2020 No. 612

**EXITING THE EUROPEAN UNION
SANCTIONS**

The Lebanon (Sanctions) (EU Exit) Regulations 2020

Made - - - - 18th June 2020
Laid before Parliament 22nd June 2020
Coming into force in accordance with regulation 1(2)

The Secretary of State ^{M1}, in exercise of the powers conferred by sections 1(1)(a) and (3)(a), 3(1)(b)(ii) and (d)(ii), 5, 15(2)(a) and (b), (3) and (6), 16, 17, 19, 20, 21(1), 54(1) and (2), 56 and 62(6) of, and paragraphs 2(b), 4(b), 5(a)(ii) and (b), 6(a)(ii) and (b), 11(a)(ii), 13(b), (h), (k), (l), (m), (n), and (w), 14(a), (f) and (k), 17(a), 20, 21 and 27 of Schedule 1 to, the Sanctions and Anti-Money Laundering Act 2018 ^{M2}, and having decided, upon consideration of the matters set out in 56(1) of that Act, that it is appropriate to do so, makes the following Regulations:

Modifications etc. (not altering text)

- C1** Regulations extended (British overseas territories) (with modifications) (31.12.2020 immediately after S.I. 2020/950 has come into force) by [The Lebanon \(Sanctions\) \(Overseas Territories\) Order 2020 \(S.I. 2020/1124\)](#), art. 2, Schs. 1, 2

Marginal Citations

- M1** The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c.13) is conferred on an “appropriate Minister”. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.
- M2** [2018 c.13](#).

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Lebanon (Sanctions) (EU Exit) Regulations 2020.

(2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Act.

Commencement Information

- I1** Reg. 1 not in force at made date, see reg. 1(2)
I2 Reg. 1 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Interpretation

2. In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

“arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable;

“CEMA” means the Customs and Excise Management Act 1979 ^{M3};

“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

“conduct” includes acts and omissions;

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;

“the EU Lebanon Regulation” means Council Regulation [\(EC\) No 1412/2006](#) of 25 September 2006, concerning certain restrictive measures in respect of Lebanon ^{M4}, as it has effect in EU law;

“Lebanon” means the Lebanese Republic;

“resolution 1701” means resolution 1701 (2006) adopted by the Security Council on 11 August 2006;

“trade licence” means a licence under regulation 17;

“United Kingdom person” has the same meaning as in section 21 of the Act.

Commencement Information

- I3** Reg. 2 not in force at made date, see reg. 1(2)
I4 Reg. 2 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

- M3** [1979 c.2](#). Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.
M4 OJ No. L 267, 27.9.2006, p.2.

Applications of prohibitions and requirements outside the United Kingdom

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) In this regulation, a “relevant prohibition” means any prohibition imposed by—

(a) Part 2 (Trade), or

- (b) a condition of a trade licence.
- (4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.
- (5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.
- (6) In this regulation, a “relevant requirement” means any requirement imposed—
 - (a) by or under Part 4 (Information and records), or by reason of a request made under a power conferred by that Part, or
 - (b) by a condition of a trade licence.
- (7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

Commencement Information

- I5** Reg. 3 not in force at made date, see reg. 1(2)
- I6** Reg. 3 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Purposes

4. The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the obligations that the United Kingdom has by virtue of paragraph 15 of resolution 1701.

Commencement Information

- I7** Reg. 4 not in force at made date, see reg. 1(2)
- I8** Reg. 4 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

PART 2

Trade

CHAPTER 1

Interpretation

Definition of “military goods” and “military technology”

5. In this Part—
- “military goods” means—
- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008^{M5}, other than any thing which is military technology, and
 - (b) any tangible storage medium on which military technology is recorded or from which it can be derived;
- “military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology.

Commencement Information

- I9** Reg. 5 not in force at made date, see reg. 1(2)
I10 Reg. 5 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

- M5** [S.I. 2008/3231](#). Schedule 2 was substituted by [S.I. 2017/85](#) and subsequently amended by [S.I. 2017/697](#); [S.I. 2018/165](#); [S.I. 2018/939](#); [S.I. 2019/137](#); and [S.I. 2019/989](#). There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.

Interpretation of other expressions used in this Part

6.—(1) Paragraphs 32 and 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.

(2) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.

(3) In this Part—

“brokering service” means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to)—

- (a) the selection or introduction of persons as parties or potential parties to the arrangement,
- (b) the negotiation of the arrangement,
- (c) the facilitation of anything that enables the arrangement to be entered into, and
- (d) the provision of any assistance that in any way promotes or facilitates the arrangement;

“technical assistance”, in relation to goods or technology, means—

- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- (b) any other technical service relating to the goods or technology;

“transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.

(4) For the purposes of this Part, a person is to be regarded as “connected with” Lebanon if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Lebanon,
- (b) an individual who is, or an association or combination of individuals who are, located in Lebanon,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Lebanon, or
- (d) a person, other than an individual, which is domiciled in Lebanon.

Commencement Information

- I11** Reg. 6 not in force at made date, see reg. 1(2)
I12 Reg. 6 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

CHAPTER 2

Military goods and military technology

Export of military goods

- 7.—(1) The export of military goods to, or for use in, Lebanon is prohibited.
- (2) Paragraph (1) is subject to Part 3 (Exceptions and licences).

Commencement Information

- I13** Reg. 7 not in force at made date, see reg. 1(2)
- I14** Reg. 7 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Supply and delivery of military goods

- 8.—(1) A person must not directly or indirectly supply or deliver military goods from a third country to a place in Lebanon.
- (2) Paragraph (1) is subject to Part 3 (Exceptions and licences).
- (3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Lebanon.
- (4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Lebanon.

Commencement Information

- I15** Reg. 8 not in force at made date, see reg. 1(2)
- I16** Reg. 8 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Making military goods and military technology available

- 9.—(1) A person must not—
- (a) directly or indirectly make military goods or military technology available to a person connected with Lebanon;
 - (b) directly or indirectly make military goods or military technology available for use in Lebanon.
- (2) Paragraph (1) is subject to Part 3 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Lebanon;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Lebanon.

Commencement Information

- I17** Reg. 9 not in force at made date, see reg. 1(2)
I18 Reg. 9 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Transfer of military technology

- 10.**—(1) A person must not—
- (a) transfer military technology to a place in Lebanon;
 - (b) transfer military technology to a person connected with Lebanon.
- (2) Paragraph (1) is subject to Part 3 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in Lebanon;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Lebanon.

Commencement Information

- I19** Reg. 10 not in force at made date, see reg. 1(2)
I20 Reg. 10 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Technical assistance relating to military goods and military technology

- 11.**—(1) A person must not directly or indirectly provide technical assistance relating to military goods or military technology—
- (a) to a person connected with Lebanon, or
 - (b) for use in Lebanon.
- (2) Paragraph (1) is subject to Part 3 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Lebanon;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Lebanon.

Commencement Information

- I21** Reg. 11 not in force at made date, see reg. 1(2)
I22 Reg. 11 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Financial services and funds relating to military goods and military technology

12.—(1) A person must not directly or indirectly provide, to a person connected with Lebanon, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of military goods,
- (b) the direct or indirect supply or delivery of military goods,
- (c) directly or indirectly making military goods or military technology available to a person,
- (d) the transfer of military technology, or
- (e) the direct or indirect provision of technical assistance relating to military goods or military technology.

(2) A person must not directly or indirectly make funds available to a person connected with Lebanon in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of military goods to, or for use in, Lebanon,
- (b) the direct or indirect supply or delivery of military goods to a place in Lebanon,
- (c) directly or indirectly making military goods or military technology available—
 - (i) to a person connected with Lebanon, or
 - (ii) for use in Lebanon,
- (d) the transfer of military technology—
 - (i) to a person connected with Lebanon, or
 - (ii) to a place in Lebanon, or
- (e) the direct or indirect provision of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Lebanon, or
 - (ii) for use in Lebanon.

(4) Paragraphs (1) to (3) are subject to Part 3 (Exceptions and licences).

(5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Lebanon;
- (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Commencement Information

I23 Reg. 12 not in force at made date, see reg. 1(2)

I24 Reg. 12 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Brokering services: non-UK activity relating to military goods and military technology

13.—(1) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of military goods from a third country to a place in Lebanon,
- (b) directly or indirectly making military goods available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Lebanon, or
 - (ii) to a place in Lebanon,
- (c) directly or indirectly making military technology available in a third country for transfer—
 - (i) to a person connected with Lebanon, or
 - (ii) to a place in Lebanon,
- (d) the transfer of military technology from a place in a third country—
 - (i) to a person connected with Lebanon, or
 - (ii) to a place in Lebanon,
- (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Lebanon, or
 - (ii) for use in Lebanon,
- (f) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Lebanon, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 12(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 12(3),
- (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Lebanon, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 12(1), or
- (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 12(3).

(2) Paragraph (1) is subject to Part 3 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“third country” means—

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or Lebanon, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Lebanon.

Commencement Information

- I25** Reg. 13 not in force at made date, see reg. 1(2)
I26 Reg. 13 in force at 31.12.2020 by [S.I. 2020/1514, reg. 9](#)

CHAPTER 3
Further provision

Circumventing etc. prohibitions

14.—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in Chapter 2 of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

Commencement Information

- I27** Reg. 14 not in force at made date, see reg. 1(2)
I28 Reg. 14 in force at 31.12.2020 by [S.I. 2020/1514, reg. 9](#)

Defences

15.—(1) Paragraph (2) applies where a person relies on a defence under Chapter 2 of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

Commencement Information

- I29** Reg. 15 not in force at made date, see reg. 1(2)
I30 Reg. 15 in force at 31.12.2020 by [S.I. 2020/1514, reg. 9](#)

PART 3

Exceptions and licences

[^{F1}Finance: exception for authorised conduct in a relevant country

15A.—(1) Where a person's conduct in a relevant country would, in the absence of this regulation, contravene a prohibition in Chapter 2 of Part 2 (Trade) (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

- (a) under the law of the relevant country, and
- (b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

(2) In this regulation—

“relevant country” means—

- (a) any of the Channel Islands,
- (b) the Isle of Man, or
- (c) any British overseas territory.

(3) Nothing in this regulation affects the application of a prohibition in a case where it would be incompatible with a UN obligation for the prohibition not to apply.]

Textual Amendments

- F1** Reg. 15A inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No.3\) Regulations 2020 \(S.I. 2020/950\)](#), regs. 1(2), **9(2)**; [S.I. 2020/1514](#), reg. 17

Exception for acts done for purposes of national security or prevention of serious crime

16.—(1) Where an act would, in the absence of this paragraph, be prohibited by any prohibition in Part 2 (Trade), that prohibition does not apply to the act if the act is one which a responsible officer has determined would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of Part 4 (Information and records) or Part 6 (Maritime enforcement), that requirement does not apply if a responsible officer has determined that not doing the thing in question would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(3) In this regulation “responsible officer” means a person in the service of the Crown or holding office under the Crown, acting in the course of that person's duty.

(4) Nothing in this regulation affects the application of a prohibition or requirement in a case where it would be incompatible with a UN obligation for the prohibition or requirement not to apply.

Commencement Information

- I31** Reg. 16 not in force at made date, see reg. 1(2)
I32 Reg. 16 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Trade licences

17.—(1) The prohibitions in Chapter 2 of Part 2 (Trade) do not apply to anything done under the authority of a licence issued by the Secretary of State under this paragraph.

- (2) A licence under paragraph (1)—
 - (a) must specify the acts authorised by it;
 - (b) may be general or may authorise acts by a particular person or persons or a particular description;
 - (c) may—
 - (i) contain conditions;

(ii) be of indefinite duration or a defined duration.

(3) Where the Secretary of State issues a licence under paragraph (1), the Secretary of State may vary, revoke or suspend it at any time.

(4) Where the Secretary of State issues, varies, revokes or suspends a licence under paragraph (1) which authorises acts by a particular person, the Secretary of State must give written notice to that person of the issue, variation, revocation or suspension of the licence.

(5) Where the Secretary of State issues, varies, revokes or suspends a general licence or a licence which authorises acts by persons of a particular description under paragraph (1), the Secretary of State must take such steps as the Secretary of State considers appropriate to publicise the issue, variation, revocation or suspension of the licence.

Commencement Information

I33 Reg. 17 not in force at made date, see reg. 1(2)

I34 Reg. 17 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Licensing offences

18.—(1) A person (“P”) commits an offence if P knowingly or recklessly—

(a) provides information that is false in a material respect, or

(b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a trade licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a trade licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.

Commencement Information

I35 Reg. 18 not in force at made date, see reg. 1(2)

I36 Reg. 18 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

PART 4

Information and records

Application of information powers in CEMA

19.—(1) Section 77A of CEMA ^{M6} applies in relation to a person carrying on a relevant activity as it applies in relation to a person concerned in the importation or exportation of goods but as if—

(a) in subsection (1), the reference to a person concerned in the importation or exportation of goods for which for that purpose an entry is required by regulation 5 of the Customs Controls on Importation of Goods Regulations 1991 ^{M7} or an entry or specification is required by or under CEMA were to a person carrying on a relevant activity;

(b) any other reference to importation or exportation were to a relevant activity;

- (c) any other reference to goods were to the goods, technology, services or funds to which the relevant activity relates.
- (2) For the purposes of paragraph (1), a “relevant activity” means an activity which would, unless done under the authority of a trade licence, constitute a contravention of—
- (a) any prohibition in Chapter 2 of Part 2 (Trade) except the prohibition in regulation 7(1) (export of military goods), or
 - (b) the prohibition in regulation 14 (circumventing etc. prohibitions).

Commencement Information

- I37** Reg. 19 not in force at made date, see reg. 1(2)
- I38** Reg. 19 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

- M6** Section 77A was inserted by the [Finance Act 1987 \(c.16\)](#), **section 10** and amended by [S.I. 1992/3095](#).
- M7** [S.I. 1991/2724](#) is amended by [S.I. 1992/3095](#); [S.I. 1993/3014](#); and [S.I. 2011/1043](#) and is prospectively revoked by [S.I. 2018/1247](#).

General trade licences: records

20.—(1) This regulation applies in relation to a person (“P”) who does any act authorised by a general licence issued under regulation 17 (trade licences) (“the licence”).

(2) P must keep a register or record containing such details as may be necessary to allow the following information to be identified in relation to each act done under the authority of the licence—

- (a) a description of the act;
- (b) a description of any goods, technology, services or funds to which the act relates;
- (c) the date of the act or the dates between which the act took place;
- (d) the quantity of any goods or funds to which the act relates;
- (e) P's name and address;
- (f) the name and address of any consignee of goods to which the act relates or any recipient of technology, services or funds to which the act relates;
- (g) in so far as it is known to P, the name and address of the end-user of the goods, technology, services or funds to which the act relates;
- (h) if different from P, the name and address of the supplier of any goods to which the act relates;
- (i) any further information required by the licence.

(3) The register or record relating to an act must be kept until the end of the calendar year in which the register or record is created and for a further period of 4 years from the end of that calendar year.

(4) P must notify the Secretary of State in writing of P's name and the address at which the register or record may be inspected, and must make a further such notification if those details change.

(5) A notification under paragraph (4) must be given no later than 30 days after—

- (a) P first does any act authorised by the licence, or
- (b) there is any change to the details previously notified.

(6) A person who fails to comply with a requirement in paragraph (2), (3) or (4) commits an offence.

Commencement Information

- I39** Reg. 20 not in force at made date, see reg. 1(2)
I40 Reg. 20 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

General trade licences: inspection of records

21.—(1) A person authorised by the Secretary of State or the Commissioners (an “official”) may at any reasonable hour enter premises notified under regulation 20(4) (general trade licences: records) for the purposes of monitoring compliance with, or detecting evasion of, regulation 20(2) or (3).

(2) An official may require any person on the premises to produce any register or record required to be kept under regulation 20, or any document included in such a register or record, that is in the person's possession or control.

(3) An official may inspect and copy any such register, record or document.

(4) An official must, if requested to do so, produce documentary evidence that he or she is authorised to exercise a power conferred by this regulation.

(5) A person commits an offence if, without reasonable excuse, the person—

- (a) intentionally obstructs an official in the performance of any of the official's functions under this regulation, or
- (b) fails to produce a register, record or document when reasonably required to do so by an official under this regulation.

Commencement Information

- I41** Reg. 21 not in force at made date, see reg. 1(2)
I42 Reg. 21 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Disclosure of information

22.—(1) The Secretary of State or the Commissioners may, in accordance with this regulation, disclose—

- (a) any information obtained under or by virtue of Part 3 (Exceptions and licences), this Part or Part 6 (Maritime enforcement), or
- (b) any information held in connection with—
 - (i) anything done under or by virtue of Part 2 (Trade), or
 - (ii) any exception or licence under Part 3 or anything done in accordance with such an exception or under the authority of such a licence.

(2) Information referred to in paragraph (1) may be disclosed for, or in connection with, any of the following purposes—

- (a) the purpose stated in regulation 4 (purposes);
- (b) the exercise of functions under these Regulations;
- (c) facilitating, monitoring or ensuring compliance with these Regulations;
- (d) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the United Kingdom—
 - (i) for an offence under any provision of these Regulations, or

- (ii) for an offence under CEMA in connection with a prohibition mentioned in regulation 7(1) (export of military goods);
 - (e) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in any of the Channel Islands, the Isle of Man or any British overseas territory for an offence—
 - (i) under a provision in any such jurisdiction that is similar to a provision of these Regulations, or
 - (ii) in connection with a prohibition in any such jurisdiction that is similar to a prohibition referred to in sub-paragraph (d)(ii);
 - (f) compliance with an international obligation ^{M8};
 - (g) facilitating the exercise by an authority outside the United Kingdom or by an international organisation of functions which correspond to functions under these Regulations.
- (3) Information referred to in paragraph (1) may be disclosed to the following persons—
- (a) a police officer;
 - (b) any person holding or acting in any office under or in the service of—
 - (i) the Crown in right of the Government of the United Kingdom,
 - (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,
 - (iii) the States of Jersey, Guernsey or Alderney or the Chief Pleas of Sark,
 - (iv) the Government of the Isle of Man, or
 - (v) the Government of any British overseas territory;
 - (c) any law officer of the Crown for Jersey, Guernsey or the Isle of Man;
 - (d) the Scottish Legal Aid Board;
 - (e) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England, the Jersey Financial Services Commission, the Guernsey Financial Services Commission or the Isle of Man Financial Services Authority;
 - (f) any other regulatory body (whether or not in the United Kingdom);
 - (g) any organ of the United Nations;
 - (h) the Council of the European Union, the European Commission or the European External Action Service;
 - (i) the Government of any country;
 - (j) any other person where the Secretary of State or the Commissioners (as the case may be) consider that it is appropriate to disclose the information.
- (4) Information referred to in paragraph (1) may be disclosed to any person with the consent of a person who, in their own right, is entitled to the information.
- (5) In paragraph (4) “in their own right” means not merely in the capacity as a servant or agent of another person.
- (6) In paragraph (1)(b)—
- (a) the reference to information includes information obtained at a time when any provision of these Regulations is not in force, and
 - (b) the reference to a licence under Part 3 includes—
 - (i) a licence or authorisation which is treated as if it were a licence which had been issued under that Part, and

(ii) a licence which is deemed to have been issued under that Part.

Commencement Information

- I43** Reg. 22 not in force at made date, see reg. 1(2)
I44 Reg. 22 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

- M8** Section 1(8) of the Sanctions and Anti-Money Laundering Act 2018 defines an “international obligation” as an obligation of the United Kingdom created or arising by or under any international agreement.

Part 4: supplementary

23.—(1) A disclosure of information under regulation 22 (disclosure of information) does not breach any restriction on such disclosure imposed by statute or otherwise.

(2) But nothing in that regulation authorises a disclosure that—

- (a) contravenes the data protection legislation, or
(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ^{M9}.

(3) Nothing in this Part is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.

(4) Regulation 22 does not limit the circumstances in which information may be disclosed apart from that regulation.

(5) Nothing in this Part limits any conditions which may be contained in a trade licence.

(6) In this regulation—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act) ^{M10};

“privileged information” means information with respect to which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

Commencement Information

- I45** Reg. 23 not in force at made date, see reg. 1(2)
I46 Reg. 23 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

- M9** [2016 c.25](#). Amendments have been made by the [Policing and Crime Act 2017 \(c.3\)](#), [Schedule 9](#), paragraph 74; the [Data Protection Act 2018 \(c.12\)](#), [Schedule 19](#), paragraphs 198-203; [S.I. 2018/652](#) and [S.I. 2018/1123](#). Saving provisions are made by [S.I. 2017/859](#).
M10 [2018 c.12](#). There are amendments to this Act but none are relevant to these Regulations.

PART 5

Enforcement

Penalties for offences

24.—(1) A person who commits an offence under any provision of Part 2 (Trade) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates' court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(2) A person who commits an offence under regulation 18, 20(6) or 21(5) (offences in connection with trade licences) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F3}the general limit in a magistrates' court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(3) In relation to an offence committed before [^{F4}2nd May 2022], the reference in each of paragraphs (1)(a) and (2)(a) to [^{F5}the general limit in a magistrates' court] is to be read as a reference to 6 months.

Textual Amendments

- F2** Words in [reg. 24\(1\)\(a\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), [Sch. Pt. 2](#) Table
- F3** Words in [reg. 24\(2\)\(a\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), [Sch. Pt. 2](#) Table
- F4** Words in [reg. 24\(3\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(2), [Sch. Pt. 2](#)
- F5** Words in [reg. 24\(3\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), [Sch. Pt. 2](#) Table

Commencement Information

- I47** Reg. 24 not in force at made date, see [reg. 1\(2\)](#)
- I48** Reg. 24 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Liability of officers of bodies corporate etc.

25.—(1) Where an offence under these Regulations, committed by a body corporate—

- (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
- (b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Paragraph (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

- (a) in the case of a partnership, to a partner;
- (b) in the case of an unincorporated body other than a partnership—
 - (i) where the body's affairs are managed by its members, to a member of the body;
 - (ii) in any other case, to a member of the governing body.

(4) Section 171(4) of CEMA (which is a provision similar to this regulation) does not apply to any offence under these Regulations to which that provision would, in the absence of this paragraph, apply.

Commencement Information

- I49** Reg. 25 not in force at made date, see reg. 1(2)
- I50** Reg. 25 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Jurisdiction to try offences

26.—(1) Where an offence under these Regulations is committed outside the United Kingdom—

- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

(2) In the application of paragraph (1) to Scotland any such proceedings against a person may be taken—

- (a) in any sheriff court district in which the person is apprehended or is in custody, or
- (b) in such sheriff court district as the Lord Advocate may determine.

(3) In paragraph (2) “sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act) ^{M11}.

Commencement Information

- I51** Reg. 26 not in force at made date, see reg. 1(2)
- I52** Reg. 26 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Marginal Citations

- M11** [1995 c.46](#).

Procedure for offences by unincorporated bodies

27.—(1) Paragraphs (2) and (3) apply if it is alleged that an offence under these Regulations has been committed by an unincorporated body (as opposed to by a member of the body).

(2) Proceedings in England and Wales or Northern Ireland for such an offence must be brought against the body in its own name.

(3) For the purposes of proceedings for such an offence brought against an unincorporated body—

(a) rules of court relating to the service of documents have effect as if the body were a body corporate;

(b) the following provisions apply as they apply in relation to a body corporate—

(i) section 33 of the Criminal Justice Act 1925 ^{M12} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M13};

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 ^{M14} and Article 166 of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981 ^{M15}.

(4) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations is to be paid out of the funds of the body.

Commencement Information

I53 Reg. 27 not in force at made date, see reg. 1(2)

I54 Reg. 27 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Marginal Citations

M12 1925 c.86. Section 33 was amended by the [Statute Law \(Repeals\) Act 2004 \(c.14\)](#), [section 1\(1\)](#) and Schedule 1, Part 17. Other amendments have been made to section 33 that are not relevant to these Regulations.

M13 1980 c.43. Amendments have been made to Schedule 3 that are not relevant to these Regulations.

M14 1945 c. 15 (N.I.).

M15 [S.I. 1981/1675 \(N.I. 26\)](#).

Time limit for proceedings for summary offences

28.—(1) Proceedings for an offence under these Regulations which is triable only summarily may be brought within the period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor's knowledge.

(2) But such proceedings may not be brought by virtue of paragraph (1) more than 3 years after the commission of the offence.

(3) A certificate signed by the prosecutor as to the date on which the evidence in question came to the prosecutor's knowledge is conclusive evidence of the date on which it did so; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(4) In relation to proceedings in Scotland—

(a) section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date of commencement of summary proceedings) applies for the purposes of this regulation as it applies for the purposes of that section, and

(b) references in this regulation to the prosecutor are to be treated as references to the Lord Advocate.

Commencement Information

- I55** Reg. 28 not in force at made date, see reg. 1(2)
I56 Reg. 28 in force at 31.12.2020 by S.I. 2020/1514, reg. 9

Trade enforcement: application of CEMA

29.—(1) Where the Commissioners investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that a relevant offence has been committed, or
- (b) whether a person should be prosecuted for such an offence,

the matter is to be treated as an assigned matter.

(2) In paragraph (1) “assigned matter” has the meaning given by section 1(1) of CEMA ^{M16}.

(3) In this regulation a “relevant offence” means an offence under—

- (a) Part 2 (Trade),
- (b) regulation 18 (licensing offences),
- (c) regulation 20(6) (general trade licences: records), or
- (d) regulation 21(5) (general trade licences: inspection of records).

(4) Section 138 of CEMA ^{M17} (arrest of persons) applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence as it applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence for which the person is liable to be arrested under the customs and excise Acts ^{M18}, but as if—

- (a) any reference to an offence under, or for which a person is liable to be arrested under, the customs and excise Acts were to a relevant offence;
- (b) in subsection (2), the reference to any person so liable were to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence.

(5) The provisions of CEMA mentioned in paragraph (6) apply in relation to proceedings for a relevant offence as they apply in relation to proceedings for an offence under the customs and excise Acts, but as if—

- (a) any reference to the customs and excise Acts were to any of the provisions mentioned in paragraph (3)(a) to (d);
- (b) in section 145(6), the reference to an offence for which a person is liable to be arrested under the customs and excise Acts were to a relevant offence;
- (c) in section 151, the reference to any penalty imposed under the customs and excise Acts were to any penalty imposed under these Regulations in relation to a relevant offence;
- (d) in section 154(2)—
 - (i) the reference to proceedings relating to customs or excise were to proceedings under any of the provisions mentioned in paragraph (3)(a) to (d), and
 - (ii) the reference to the place from which any goods have been brought included a reference to the place to which goods have been exported, supplied or delivered or the place to or from which technology has been transferred.

(6) The provisions of CEMA are sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155 ^{M19} (legal proceedings).

Commencement Information

- I57** Reg. 29 not in force at made date, see reg. 1(2)
I58 Reg. 29 in force at 31.12.2020 by [S.I. 2020/1514, reg. 9](#)

Marginal Citations

- M16** The definition of “assigned matter” in section 1(1) of CEMA was amended by the [Commissioners for Revenue and Customs Act 2005 \(c.11\)](#), [Schedule 4, paragraph 22\(a\)](#); the [Scotland Act 2012 \(c.11\)](#), [section 24\(7\)](#); and the [Wales Act 2014 \(c.29\)](#), [section 7\(1\)](#).
- M17** Section 138 of CEMA was amended by the [Police and Criminal Evidence Act 1984 \(c.60\)](#), [section 114\(1\)](#), [Schedule 6, paragraph 37](#) and [Schedule 7, Part 1](#); the [Finance Act 1988 \(c.39\)](#), [section 11](#); the [Serious Organised Crime and Police Act 2005 \(c.15\)](#), [Schedule 7, paragraph 54](#); [S.I. 1989/1341 \(N.I. 12\)](#); and [S.I. 2007/288](#).
- M18** “The customs and excise Acts” is defined in section 1 of CEMA.
- M19** Section 145 of CEMA was amended by the [Police and Criminal Evidence Act 1984, section 114\(1\)](#); the [Commissioners for Revenue and Customs Act 2005 \(c.11\)](#), [Schedule 4, paragraph 23\(a\)](#); and [S.I. 2014/834](#). Section 147 was amended by the [Criminal Justice Act 1982 \(c.48\)](#), [Schedule 14, paragraph 42](#); the [Finance Act 1989 \(c.26\)](#), [section 16\(2\)](#); and the [Criminal Justice Act 2003 \(c.44\)](#), [Schedule 3, paragraph 50](#). Section 152 was amended by the [Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 26](#), and [Schedule 5](#). Section 155 was amended by the [Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 27](#), and [Schedule 5](#).

Trade offences in CEMA: modification of penalty

30.—(1) Paragraph (2) applies where a person is guilty of an offence under section 68(2) of CEMA in connection with a prohibition mentioned in regulation 7(1) (export of military goods).

(2) Where this paragraph applies, the reference to 7 years in section 68(3)(b) of CEMA ^{M20} is to be read as a reference to 10 years.

(3) Paragraph (4) applies where a person is guilty of an offence under section 170(2) of CEMA in connection with a prohibition mentioned in regulation 7(1).

(4) Where this paragraph applies, the reference to 7 years in section 170(3)(b) of CEMA ^{M21} is to be read as a reference to 10 years.

Commencement Information

- I59** Reg. 30 not in force at made date, see reg. 1(2)
I60 Reg. 30 in force at 31.12.2020 by [S.I. 2020/1514, reg. 9](#)

Marginal Citations

- M20** The words “7 years” were inserted in section 68(3)(b) of CEMA by the [Finance Act 1988, section 12](#).
M21 The words “7 years” were inserted in section 170(3)(b) of CEMA by the [Finance Act 1988, section 12](#).

Monetary penalties

31. The following provisions are to be regarded as not being financial sanctions legislation for the purposes of Part 8 of the Policing and Crime Act 2017 ^{M22}—

- (a) regulation 9(1)(a) (making military goods and military technology available);
- (b) regulation 10(1)(b) (transfer of military technology);

- (c) regulation 12(1) and (2) (financial services and funds relating to military goods and military technology);
- (d) regulation 13(1)(f)(i) and (g) (brokering services relating to financial services and funds relating to military goods and military technology).

Commencement Information

- I61** Reg. 31 not in force at made date, see reg. 1(2)
- I62** Reg. 31 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Marginal Citations

- M22** [2017 c.3](#). See section 143(4)(f) and (4A), as inserted by the Sanctions and Anti-Money Laundering Act 2018, Schedule 3, paragraph 8(2) and (3).

PART 6

Maritime enforcement

Exercise of maritime enforcement powers

32.—(1) A maritime enforcement officer may, for a purpose mentioned in paragraph (2) or (3), exercise any of the maritime enforcement powers in relation to—

- (a) a British ship in foreign waters or international waters,
- (b) a ship without nationality in international waters, or
- (c) a foreign ship in international waters,

and a ship within sub-paragraph (a), (b) or (c) is referred to in this Part as “a relevant ship”.

(2) The maritime enforcement powers may be exercised for the purpose of enforcing any of the following—

- (a) the prohibition in regulation 7(1) (export of military goods);
- (b) a prohibition in regulation 8(1) (supply and delivery of military goods);
- (c) a prohibition in regulation 9(1)(a) or (b) (making military goods and military technology available);
- (d) a prohibition in regulation 10(1)(a) or (b) (transfer of military technology);
- (e) a prohibition imposed by a condition of a licence issued under regulation 17 (trade licences) in relation to a prohibition mentioned in any of sub-paragraphs (a) to (d).

(3) The maritime enforcement powers may also be exercised in relation to a relevant ship for the purpose of—

- (a) investigating the suspected carriage of relevant goods on the ship, or
- (b) preventing the continued carriage on the ship of goods suspected to be relevant goods.

(4) In this Part, “the maritime enforcement powers” are the powers conferred by regulations 34 (power to stop, board, search etc.) and 35 (seizure power).

(5) This regulation is subject to regulation 36 (restrictions on exercise of maritime enforcement powers).

Commencement Information

- I63** Reg. 32 not in force at made date, see reg. 1(2)
I64 Reg. 32 in force at 31.12.2020 by S.I. 2020/1514, reg. 9

Maritime enforcement officers

33.—(1) The following persons are “maritime enforcement officers” for the purposes of this Part—

- (a) a commissioned officer of any of Her Majesty's ships;
- (b) a member of the Ministry of Defence Police (within the meaning of section 1 of the Ministry of Defence Police Act 1987^{M23});
- (c) a constable—
 - (i) who is a member of a police force in England and Wales,
 - (ii) within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012^{M24}, or
 - (iii) who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;
- (d) a special constable—
 - (i) appointed under section 27 of the Police Act 1996^{M25},
 - (ii) appointed under section 9 of the Police and Fire Reform (Scotland) Act 2012, or
 - (iii) in Northern Ireland, appointed by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847^{M26};
- (e) a constable who is a member of the British Transport Police Force;
- (f) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013^{M27}, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964^{M28};
- (g) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act)^{M29};
- (h) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a maritime enforcement officer under this Part.

(2) In this regulation, “a designated NCA officer” means a National Crime Agency officer who is either or both of the following—

- (a) an officer designated under section 10 of the Crime and Courts Act 2013^{M30} as having the powers and privileges of a constable;
- (b) an officer designated under that section as having the powers of a general customs official.

Commencement Information

- I65** Reg. 33 not in force at made date, see reg. 1(2)
I66 Reg. 33 in force at 31.12.2020 by S.I. 2020/1514, reg. 9

Marginal Citations

- M23** 1987 c.4. Section 1 was amended by the Police Act 1996 (c.16), **Schedule 7**, paragraph 41; the Police (Northern Ireland) Act 1998 (c.32), **Schedule 4**, paragraph 16; the Police (Northern Ireland) Act 2000 (c.32), **section 78(2)**; the Police Reform Act 2002 (c.30), **section 79(3)**; and S.I. 2013/602.
- M24** 2012 asp.8.
- M25** 1996 c.16. Section 27 was amended by the Police and Justice Act 2006 (c.48), **Schedule 2**, paragraph 23; the Policing and Crime Act 2009 (c.26), **Schedule 7**, paragraphs 1 and 6; and the Police Reform and Social Responsibility Act 2011 (c.13), **Schedule 16**, paragraph 26.
- M26** 1847 c.27. Section 79 was amended by S.I. 2006/2167.
- M27** 2013 c.23.
- M28** 1964 c.40. Section 16 was amended by section 29(2) of the Wales Act 2017 (c.4); S.I. 1970/1681; and S.I. 1999/672. Other amendments have been made to section 16 that are not relevant to these Regulations.
- M29** 2009 c.11. Designated customs officials are designated, as either a general customs official or a customs revenue official, under sections 3 and 11 of this Act respectively.
- M30** 2013 c.22.

Power to stop, board, search etc.

34.—(1) This regulation applies if a maritime enforcement officer has reasonable grounds to suspect that a relevant ship is carrying prohibited goods or relevant goods.

(2) The officer may—

- (a) stop the ship;
- (b) board the ship;
- (c) for the purpose of exercising a power conferred by paragraph (3) or regulation 35 (seizure power), require the ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.

(3) Where the officer boards a ship by virtue of this regulation, the officer may—

- (a) stop any person found on the ship and search that person for—
 - (i) prohibited goods or relevant goods, or
 - (ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;
- (b) search the ship, or any thing found on the ship (including cargo) for prohibited goods or relevant goods;

(4) The officer may—

- (a) require a person found on a ship boarded by virtue of this regulation to provide information or produce documents;
- (b) inspect and copy such information or documents.

(5) The officer may exercise a power conferred by paragraph (3)(a)(i) or (b) only to the extent reasonably required for the purpose of discovering prohibited goods or relevant goods.

(6) The officer may exercise the power conferred by paragraph (3)(a)(ii) in relation to a person only where the officer has reasonable grounds to believe that the person might use a thing to cause physical injury or damage to property or to endanger the safety of any ship.

(7) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

Commencement Information

- I67** Reg. 34 not in force at made date, see reg. 1(2)
I68 Reg. 34 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Seizure power

35.—(1) This regulation applies if a maritime enforcement officer is lawfully on a relevant ship (whether in exercise of the powers conferred by regulation 34 (power to stop, board, search etc.) or otherwise).

(2) The officer may seize any of the following which are found on the ship, in any thing found on the ship, or on any person found on the ship—

- (a) goods which the officer has reasonable grounds to suspect are prohibited goods or relevant goods, or
- (b) things within regulation 34(3)(a)(ii).

(3) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

Commencement Information

- I69** Reg. 35 not in force at made date, see reg. 1(2)
I70 Reg. 35 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Restrictions on exercise of maritime enforcement powers

36.—(1) The authority of the Secretary of State is required before any maritime enforcement power is exercised in reliance on regulation 32 (exercise of maritime enforcement powers) in relation to—

- (a) a British ship in foreign waters, or
- (b) a foreign ship in international waters.

(2) In relation to a British ship in foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority under paragraph (1) only if the State in whose waters the power would be exercised consents to the exercise of the power.

(3) In relation to a foreign ship in international waters, the Secretary of State may give authority under paragraph (1) only if—

- (a) the home state has requested the assistance of the United Kingdom for a purpose mentioned in regulation 32(2) or (3),
- (b) the home state has authorised the United Kingdom to act for such a purpose, or
- (c) the United Nations Convention on the Law of the Sea 1982^{M31} or a UN Security Council Resolution otherwise permits the exercise of the power in relation to the ship.

Commencement Information

- I71** Reg. 36 not in force at made date, see reg. 1(2)
I72 Reg. 36 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Marginal Citations

M31 Command 8941.

Interpretation of Part 6

37.—(1) Subject to paragraph (2), any expression used in this Part and in section 19 or 20 of the Act has the same meaning in this Part as it has in section 19 or (as the case may be) section 20 of the Act.

(2) For the purpose of interpreting any reference to “prohibited goods” or “relevant goods” in this Part, any reference in section 19 or 20 of the Act to a “relevant prohibition or requirement” is to be read as a reference to any prohibition specified in regulation 32(2)(a) to (e).

Commencement Information

I73 Reg. 37 not in force at made date, see reg. 1(2)

I74 Reg. 37 in force at 31.12.2020 by S.I. 2020/1514, reg. 9

PART 7

Supplementary and final provision

Notices

38.—(1) This regulation applies in relation to a notice required by regulation 17 (trade licences) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a “principal office”—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

“proper officer”—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and

- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;
- “registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

Commencement Information

- I75** Reg. 38 not in force at made date, see reg. 1(2)
- I76** Reg. 38 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Article 20 of the Export Control Order 2008

39. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 2 (Trade).

Commencement Information

- I77** Reg. 39 not in force at made date, see reg. 1(2)
- I78** Reg. 39 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Trade: overlapping offences

40. A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34, 37 or 38 of that Order ^{M32}, and
- (b) any provision of Part 2 (Trade) or regulation 18 (licensing offences), 20(6) or 21(5) (information offences in connection with general trade licences).

Commencement Information

- I79** Reg. 40 not in force at made date, see reg. 1(2)
- I80** Reg. 40 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Marginal Citations

- M32** Articles 37 and 38 have been amended by the Export Control (Amendment)(No.2) Order 2012 ([S.I. 2012/910](#)), Schedule 1, para 11 and article 38 has also been amended by the [Export Control \(Amendment\) Order 2017](#) ([S.I. 2017/85](#)), [article 2\(7\)](#).

Revocations

41.—(1) Council Regulation ([EC](#)) [No 1412/2006](#) of 25 September 2006, concerning certain restrictive measures in respect of Lebanon is revoked.

(2) The Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 ^{M33} are revoked.

Commencement Information

- I81** Reg. 41 not in force at made date, see reg. 1(2)

I82 Reg. 41 in force at 31.12.2020 by [S.I. 2020/1514](#), [reg. 9](#)

Marginal Citations

M33 [S.I. 2006/2681](#).

Transitional provision: trade licences

42.—(1) Paragraph (2) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), and
 - (ii) which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 2 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(2) A licence is deemed to have been issued by the Secretary of State at the beginning of the relevant date under regulation 17 (trade licences)—

- (a) disapplying every provision of Part 2 which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) Paragraphs (4) to (6) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date,
- (b) is not an existing trade licence, and
- (c) authorises an act—
 - (i) which would otherwise be prohibited by the EU Lebanon Regulation, and
 - (ii) which would (on and after the relevant date, and in the absence of paragraphs (4) to (6)) be prohibited by Part 2,

and such a licence or authorisation is referred to in this regulation as an “existing trade sanctions licence”.

(4) An existing trade sanctions licence has effect on and after the relevant date as if it were a licence which had been issued by the Secretary of State under regulation 17.

(5) Any reference in an existing trade sanctions licence to a provision of the Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 or the Export Control Order 2008 is to be treated on and after the relevant date as a reference to the corresponding provision of these Regulations (if any).

(6) Any reference in an existing trade sanctions licence to a prohibition in the EU Lebanon Regulation is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 2.

(7) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 2 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 2 comes into force.

Commencement Information

- I83** Reg. 42 not in force at made date, see reg. 1(2)
I84 Reg. 42 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Transitional provision: pending applications for trade licences

- 43.**—(1) Paragraph (2) applies where—
- (a) an application was made before the relevant date for a licence or authorisation under or pursuant to the Export Control Order 2008,
 - (b) the application is for authorisation of an act prohibited by Part 2 (Trade), and
 - (c) a decision to grant or refuse the application has not been made before the relevant date.
- (2) The application is to be treated on and after the relevant date as including an application for a licence under regulation 17 (trade licences).
- (3) Paragraph (4) applies where—
- (a) an application was made before the relevant date for a licence or authorisation under the Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 or the EU Lebanon Regulation,
 - (b) the application is for authorisation of an act prohibited by Part 2, and
 - (c) a decision to grant or refuse the application has not been made before the relevant date.
- (4) The application is to be treated on and after the relevant date as an application for a licence under regulation 17.
- (5) In this regulation, “the relevant date” means—
- (a) where regulations under section 56 of the Act provide that Part 2 comes into force at a specified time on a day, that time on that day;
 - (b) otherwise, the date on which Part 2 comes into force.

Commencement Information

- I85** Reg. 43 not in force at made date, see reg. 1(2)
I86 Reg. 43 in force at 31.12.2020 by [S.I. 2020/1514](#), **reg. 9**

Foreign and Commonwealth Office

Ahmad
 Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c.13) to establish a sanctions regime in relation to Lebanon for the purposes of compliance with the United Kingdom's United Nations obligations under resolution 1701 (2006). Following the United Kingdom's withdrawal from the European Union, these Regulations also replace the European Union sanctions regime in respect of Lebanon, implemented via an EU Council Decision and Regulation.

The Regulations impose trade restrictions on military goods and technology in relation to Lebanon. Related controls are also imposed on the provision of technical assistance, financial services and funds, and brokering services.

The Regulations provide for certain exceptions to this sanctions regime, in particular in relation to acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Secretary of State to issue licences in respect of activities that would otherwise be prohibited under the trade sanctions imposed.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences.

The Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

Council Regulation (EC) No 1412/2006 of 25 September 2006, concerning certain restrictive measures in respect of Lebanon is revoked by these Regulations. The Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 (S.I. 2006/2681) are also revoked.

An Impact Assessment has not been produced for these Regulations, as they are intended to ensure existing sanctions remain in place following the United Kingdom's withdrawal from the European Union. An Impact Assessment was, however, produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf.

Changes to legislation:

There are currently no known outstanding effects for the The Lebanon (Sanctions) (EU Exit) Regulations 2020.