
STATUTORY INSTRUMENTS

2021 No. 1146

The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021

PART 7

Information, enforcement etc.

Application of information powers in the Customs and Excise Management Act 1979(1)

28. In regulation 43 (trade: application of information powers in CEMA)—

- (a) in paragraph (1)(a), omit “an entry is required by regulation 5 of the Customs Controls on Importation of Goods Regulations 1991(2) or”;
- (b) for paragraph 2(a) substitute—
 - “(a) any prohibition in Chapters 2, 2A, 2B or 2C of Part 5 (Trade) except the prohibitions in regulation 21(1) (export of restricted goods and tobacco industry goods), regulation 27B(1) and (2) (export of dual-use goods), and regulation 27I(1) and (2) (import of potash and petroleum products), or”.

Disclosure of information

29. In regulation 46 (disclosure of information)—

- (a) in paragraph (1)(b)(i), after “Part 5 (Trade),” insert “Part 5A (Aircraft),”;
- (b) in paragraph (2)(d)(ii), for “regulation 21(1) (export of restricted goods),” substitute “regulation 21(1) (export of restricted goods and tobacco industry goods), regulation 27B(1) or (2) (export of dual-use goods), or regulation 27I(1) or (2) (import of potash and petroleum)”.

Penalties for offences

30. In regulation 48 (penalties for offences)—

- (a) in paragraph (1), after “Part 3 (Finance),” insert “, regulation 29D(1), (2) or (3) (aircraft: offences)”;
- (b) in paragraph (4), after “person who commits an offence under regulation”, insert “29D(4) (confidentiality),”.

Jurisdiction to try offences

31. In regulation 50(1) (jurisdiction to try offences), after “Part 3 (Finance),” insert “Part 5A (Aircraft),”.

(1) **1979 c. 2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.**

(2) **S.I. 1991/2724**, amended by **S.I. 1992/3095**; **S.I. 1993/3014**; and **S.I. 2011/1043**; and revoked by **S.I. 2018/1247**.

Modification of penalties under the Customs and Excise Management Act 1979

32. In regulation 54 (trade offences in CEMA: modification of penalty)—

- (a) in paragraph (1), after “regulation 21(1)”, insert “(export of restricted goods or tobacco industry goods) or 27B(1) or (2) (export of dual-use goods)”;
- (b) in paragraph (3), after “regulation 21(1)”, insert “(export of restricted goods and tobacco industry goods), 27B(1) or (2) (export of dual-use goods), or 27I(1) or (2) (import of potash and petroleum products)”;
- (c) after paragraph (4), insert—
 - “(5) Paragraph (6) applies where a person is guilty of an offence under section 50(2) or (3) of CEMA(3) in connection with a prohibition mentioned in regulation 27I(1) or (2) (import of potash and petroleum products).

(6) Where this paragraph applies, the reference to 7 years in section 50(4)(b) of CEMA(4) is to be read as a reference to 10 years.”

Monetary penalties

33. For regulation 56 (monetary penalties), substitute—

“**56.** Each provision in Part 5 (Trade) which contains a prohibition imposed for a purpose mentioned in section 3(1) or (2) of the Act is to be regarded as not being financial sanctions legislation for the purposes of Part 8 of the Policing and Crime Act 2017(5).”

Maritime enforcement

34. In regulation 57(2) (exercise of maritime enforcement powers)—

- (a) after sub-paragraph (d) insert—
 - “(da) a prohibition in regulation 27B(1) or (2) (export of dual-use goods);
 - (db) the prohibition in regulation 27C(1) (supply and delivery of dual-use goods);
 - (dc) a prohibition in regulation 27D(1) (making dual-use goods and dual-use technology available);
 - (dd) a prohibition in regulation 27E(1) (transfer of dual-use technology);
 - (de) a prohibition in regulation 27I(1) or (2) (import of potash and petroleum products);
 - (df) a prohibition in regulation 27J(1) or (3) (acquisition of potash and petroleum products);
 - (dg) a prohibition in regulation 27K(1) or (2) (supply and delivery of potash and petroleum products);”;
- (b) in sub-paragraph (e) for “to (d)”, substitute “to (dg)”.

Trade: overlapping offences

35. In regulation 65(a) (trade: overlapping offences), after “article 34,”, insert “35,”.

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- (3) Section 50(2) and (3) have been amended by the Police and Criminal Evidence Act 1984 (c. 60) and the Taxation (Cross-border Trade) Act 2018 (c. 22).
 - (4) Section 50(4) has been amended by the Finance Act 1988 (c. 39); the Criminal Justice and Immigration Act 2008 (c. 4); the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12); S.I. 1996/2686; and S.I. 2015/664.
 - (5) See section 143(4)(f) and (4A), as inserted by the Sanctions and Anti-Money Laundering Act 2018 (c. 13), section 59(4) and Schedule 3, paragraph 8(1) and (3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
