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PROSPECTIVE

SCHEDULES

SCHEDULE 1

Section 5

TRADE SANCTIONS

PART 1

TRADE SANCTIONS

- 1 The purposes referred to in section 5(1) are the purposes set out in paragraphs 2 to 16.
- 2 Preventing the export of goods of a prescribed description—
 - (a) to, or for the benefit of—
 - (i) designated persons (see section 9),
 - (ii) persons connected with a prescribed country, or
 - (iii) a prescribed description of persons connected with a prescribed country, or
 - (b) to, for the benefit of, or for use in, a prescribed country.
- 3 Preventing the import of all goods, or of goods of a prescribed description—
 - (a) which are consigned from a prescribed country,
 - (b) which originate in a prescribed country,
 - (c) which are consigned from or imported, manufactured, produced or owned by—
 - (i) designated persons,
 - (ii) persons connected with a prescribed country, or
 - (iii) a prescribed description of persons connected with a prescribed country,
 - (d) for the benefit of—
 - (i) designated persons,
 - (ii) persons connected with a prescribed country, or
 - (iii) a prescribed description of persons connected with a prescribed country, or
 - (e) for the benefit of a prescribed country.
- 4 Preventing the movement outside the United Kingdom of goods of a prescribed description—
 - (a) to, or for the benefit of—
 - (i) designated persons,
 - (ii) persons connected with a prescribed country, or

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- (iii) a prescribed description of persons connected with a prescribed country,
- (b) to, or for the benefit of, a prescribed country,
- (c) from a prescribed country,
- (d) which originate in a prescribed country, or
- (e) in specified ships (see section 14).
- 5 Preventing a transfer of technology of a prescribed description—
- (a) to, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country,
- (b) to a place (see paragraph 36) in a prescribed country,
- (c) to, or for the benefit of, persons outside the United Kingdom, where the transfer is from a designated person, a person connected with a prescribed country or a place in a prescribed country,
- (d) to a place outside the United Kingdom, where the transfer is from a designated person, a person connected with a prescribed country or a place in a prescribed country,
- (e) to persons (other than designated persons) in the United Kingdom, where the person effecting, or responsible for, the transfer has reason to believe that the technology may be used in a prescribed country, or
- (f) to a place in the United Kingdom, where the person effecting, or responsible for, the transfer has reason to believe that the technology may be used in a prescribed country.
- 6 Preventing goods or technology of a prescribed description from being made available—
- (a) to, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country,
- (b) for the benefit of, or for use in, a prescribed country, or
- (c) for use in connection with specified ships.
- 7 Preventing the acquisition of goods or technology of a prescribed description—
- (a) from, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country,
- (iii) a prescribed description of persons connected with a prescribed country, or
- (iv) persons on board specified ships, or
- (b) in, or which originate in, a prescribed country.
- 8 Preventing land, or land of a prescribed description, from being made available to, or for the benefit of—
- (a) designated persons,
- (b) persons connected with a prescribed country, or

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- (c) a prescribed description of persons connected with a prescribed country.
- 9 Preventing the acquisition of land, or land of a prescribed description—
- (a) from, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country, or
- (b) in a prescribed country.
- 10 Preventing—
- (a) activities of a prescribed description relating (directly or indirectly) to military activities from being carried on for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country, or
- (b) activities of a prescribed description from being carried on, where the activities relate (directly or indirectly) to military activities carried on, or proposed to be carried on, in a prescribed country.
- 11 Preventing all services, or services of a prescribed description, from being provided—
- (a) to, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country, or
- (b) in the United Kingdom by a prescribed description of persons connected with a prescribed country.
- 12 Preventing all services, or services of a prescribed description, from being procured—
- (a) from, or for the benefit of—
- (i) designated persons,
- (ii) persons connected with a prescribed country, or
- (iii) a prescribed description of persons connected with a prescribed country, or
- (b) for provision in a prescribed country.
- 13 Preventing services, or services of a prescribed description, from being provided or procured, where the services relate to—
- (a) the export of goods of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 2(a),
- (b) the export of goods of a prescribed description to, for the benefit of, or for use in, a prescribed country,
- (c) the import of goods, or goods of a prescribed description, which are consigned from, or originate in, a prescribed country,
- (d) the import of goods, or goods of a prescribed description, which are consigned from or imported, manufactured, produced or owned by persons as mentioned in paragraph 3(c),

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- (e) the import of goods, or goods of a prescribed description, for the benefit of persons as mentioned in paragraph 3(d),
 - (f) the import of goods, or goods of a prescribed description, for the benefit of a prescribed country,
 - (g) the movement of goods of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 4(a),
 - (h) the movement of goods of a prescribed description to, or for the benefit of, a prescribed country,
 - (i) the movement of goods of a prescribed description from a prescribed country, or which originate in a prescribed country,
 - (j) the movement of goods of a prescribed description in specified ships,
 - (k) the transfer of technology of a prescribed description to, or for the benefit of, persons as mentioned in sub-paragraph (a), (c) or (e) of paragraph 5,
 - (l) the transfer of technology of a prescribed description to a place as mentioned in sub-paragraph (b), (d) or (f) of paragraph 5,
 - (m) the making available of goods or technology of a prescribed description to, or for the benefit of, persons as mentioned in paragraph 6(a),
 - (n) the making available of goods or technology of a prescribed description for the benefit of, or for use in, a prescribed country,
 - (o) the making available of goods or technology of a prescribed description for use in connection with specified ships,
 - (p) the acquisition of goods or technology of a prescribed description from, or for the benefit of, persons as mentioned in paragraph 7(a),
 - (q) the acquisition of goods or technology of a prescribed description in, or which originate in, a prescribed country,
 - (r) the making available of land, or land of a prescribed description, to, or for the benefit of, persons as mentioned in paragraph 8,
 - (s) the acquisition of land, or land of a prescribed description, from, or for the benefit of, persons as mentioned in paragraph 9(a),
 - (t) the acquisition of land, or land of a prescribed description, in a prescribed country,
 - (u) the carrying on of activities of a prescribed description as mentioned in sub-paragraph (a) of paragraph 10 for the benefit of persons as mentioned in that sub-paragraph,
 - (v) the carrying on of activities of a prescribed description as mentioned in paragraph 10(b), or
 - (w) the provision or procurement of other services, or services of a prescribed description, which relate to a matter mentioned in any of sub-paragraphs (a) to (v).
- 14 Preventing services, or services of a prescribed description, from being provided or procured, where the services relate to—
- (a) the provision of other services, or services of a prescribed description, to, or for the benefit of, persons as mentioned in paragraph 11(a),
 - (b) the provision of other services, or services of a prescribed description, in the United Kingdom by a prescribed description of persons connected with a prescribed country,
 - (c) the procurement of other services, or services of a prescribed description, from, or for the benefit of, persons as mentioned in paragraph 12(a),

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- (d) the procurement of other services, or services of a prescribed description, for provision in a prescribed country,
 - (e) projects, industries, sectors or infrastructure of a prescribed description in a prescribed country,
 - (f) activities of a prescribed description carried on, or proposed to be carried on, in a prescribed country,
 - (g) trade with a prescribed country,
 - (h) aircraft registered in a prescribed country,
 - (i) ships registered in a prescribed country,
 - (j) specified ships, or
 - (k) the provision or procurement of other services, or services of a prescribed description, which relate to a matter mentioned in any of sub-paragraphs (e) to (j).
- 15 So far as a UN Security Council Resolution provides for the taking of measures in relation to ships designated for purposes of that resolution, and so far as the purposes set out in this paragraph are relevant to that resolution, preventing—
- (a) the movement outside the United Kingdom of goods of a prescribed description in such ships,
 - (b) goods or technology of a prescribed description from being made available for use in connection with such ships,
 - (c) the acquisition of goods or technology of a prescribed description from persons on board such ships, or
 - (d) the provision or procurement of services which relate to such ships.
- 16 Preventing—
- (a) the export, import, movement, making available or acquisition of objects of cultural interest, or objects of cultural interest of a prescribed description, which have been removed from a prescribed country, or
 - (b) services of a prescribed description from being provided or procured, where the services relate to objects of cultural interest, or objects of cultural interest of a prescribed description, which have been removed from a prescribed country.
- PART 2**
- FURTHER PROVISION
- Further provision*
- 17 Regulations which include provision for a purpose mentioned in Part 1 may describe goods wholly or partly by reference to—
- (a) the uses to which the goods, or any information recorded on or derived from them, may be put,
 - (b) the types of users of the goods, or of any such information,
 - (c) the industries, sectors, infrastructure or projects to which the goods, or any such information, may relate, or
 - (d) the place where the goods originate.

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- 18 Regulations which include provision for a purpose mentioned in paragraph 2 or 3 may describe goods wholly or partly by reference to their being of an amount, quantity or value in excess of a prescribed amount, quantity or value.
- 19 Regulations which include provision for a purpose mentioned in Part 1 may describe technology wholly or partly by reference to—
- (a) the uses to which the technology may be put,
 - (b) the industries, sectors, infrastructure or projects to which the technology may relate, or
 - (c) any activities carried on, or proposed to be carried on, to which the technology may relate.
- 20 Regulations which include provision for a purpose mentioned in Part 1 may describe services wholly or partly by reference to—
- (a) the uses to which the services may be put,
 - (b) the industries, sectors, infrastructure or projects to which the services may relate,
 - (c) any goods, technology or land to which the services may relate,
 - (d) any activities carried on, or proposed to be carried on, to which the services may relate (including the export, import, movement, transfer, making available, acquisition, development, manufacture, production, maintenance or use of goods, technology or land), or
 - (e) any other services to which the services in question may relate.
- 21 Regulations which include provision for a purpose mentioned in Part 1 may include provision having the effect that references to specified provisions of orders made under the Export Control Act 2002 are to operate as references to specified provisions of such orders as amended from time to time.
- 22 Regulations which include provision for a purpose mentioned in Part 1 may include provision having the effect that references to a specified Annex of Council Regulation (EC) No 428/2009 of 5 May 2009 (setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) are to operate as references to that Annex as amended from time to time.
- 23 Regulations which include provision for a purpose mentioned in Part 1 may include provision having the effect that references to a technical list of goods or technology (including a list by reference to which any UN obligation operates) are to operate as references to that list as revised or re-issued from time to time.
- 24 Regulations which include provision for a purpose mentioned in paragraph 2 may include provision in relation to the removal from the United Kingdom of vehicles, ships and aircraft (as an export of goods), whether or not they are moving under their own power or carrying goods or passengers.
- 25 Regulations which include provision for a purpose mentioned in paragraph 3 may include provision in relation to the taking into the United Kingdom of vehicles, ships and aircraft (as an import of goods), whether or not they are moving under their own power or carrying goods or passengers.
- 26 (1) This paragraph applies where regulations include provision for a purpose mentioned in paragraph 15 in relation to ships designated by the Security Council or a subsidiary organ of the Security Council for purposes of a UN Security Council Resolution.

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- (2) The provision may describe the ships by reference to the instrument in which the ships are designated, including by reference to that instrument as varied or supplemented from time to time.

Enforcement

- 27 (1) This paragraph applies in relation to any provision of CEMA which specifies a maximum period of imprisonment with which an offence is punishable on conviction on indictment.
- (2) Regulations under this paragraph may modify any such provision in the case of an offence committed in connection with a prohibition or requirement—
- (a) imposed for a purpose mentioned in Part 1, and
 - (b) specified in the regulations.
- (3) The modification may not have the effect that such an offence is punishable with imprisonment for a period exceeding 10 years.
- 28 (1) For the purpose of the enforcement of any relevant prohibition or requirement, regulations under this paragraph may modify any provision of CEMA which—
- (a) determines whether any thing is liable to forfeiture under CEMA by virtue of a contravention of the prohibition or requirement,
 - (b) provides for the treatment of any thing which is so liable by virtue of such a contravention, or
 - (c) confers any power exercisable in relation to a ship, aircraft or vehicle.
- (2) In sub-paragraph (1) a “relevant prohibition or requirement” means a prohibition or requirement—
- (a) imposed for a purpose mentioned in Part 1, and
 - (b) specified in the regulations under this paragraph.

Restriction

- 29 Regulations may not contain prohibitions for a purpose mentioned in Part 1 which have the effect of prohibiting any of the following activities—
- (a) the communication of information in the ordinary course of scientific research,
 - (b) the making of information generally available to the public, or
 - (c) the communication of information that is generally available to the public,
- unless the interference by the regulations in the freedom to carry on the activity in question is necessary (and no more than is necessary).
- 30 The question whether any such interference is necessary is to be determined by the appropriate Minister making the regulations—
- (a) by reference to the circumstances prevailing at the time the regulations are made, and
 - (b) having considered the purpose of the regulations as stated under section 1(3) and the need to respect the freedom to carry on that activity.

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Interpretation

- 31 In this Schedule, any reference to goods, technology, land or services being moved, made available, acquired, provided or procured is to their being moved, made available, acquired, provided or procured (as the case may be) directly or indirectly.
- 32 For the purposes of this Schedule—
- (a) “export” means export from the United Kingdom,
 - (b) goods removed to the Isle of Man from the United Kingdom are not to be regarded as exported, and
 - (c) goods transported out of the United Kingdom by aircraft or ship as stores within the meaning of CEMA (see section 1(1) and (4) of that Act) are to be regarded as exported.
- 33 For the purposes of this Schedule—
- (a) “import” means import into the United Kingdom, but
 - (b) goods removed to the United Kingdom from the Isle of Man are not to be regarded as imported.
- Sub-paragraph (a) does not apply for the purposes of paragraph 34.
- 34 Paragraph 33(b) does not apply to goods imported into the Isle of Man in contravention of any prohibition or requirement and which are of a description the import of which into the United Kingdom is subject to a corresponding prohibition or requirement imposed by regulations for a purpose mentioned in paragraph 3.
- 35 For the purposes of this Schedule—
- (a) goods, technology or land are “acquired” by a person if the person buys, leases, hires, borrows or accepts as a gift the goods, technology or land (as the case may be), and “acquisition” is to be construed accordingly, and
 - (b) a reference to goods which “originate” in a country includes a reference to goods which are manufactured or produced in that country.
- 36 In paragraph 5 “place” includes—
- (a) any vehicle, ship or aircraft,
 - (b) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), or
 - (c) any tent or movable structure.
- 37 In this Schedule—
- “aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities;
- “CEMA” means the Customs and Excise Management Act 1979;
- “objects of cultural interest” includes objects of historical or scientific interest;
- “regulations” means regulations under section 1;
- “ship” includes every description of vessel (including a hovercraft) used in navigation;
- “specified ship” has the meaning given by section 14;
- “technology” means information (including information comprised in software) that is capable of use in connection with—
- (a) the development, production or use of any goods or software, or

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(b) the development of, or the carrying out of, an industrial or commercial activity or an activity of any other kind whatsoever;

“transfer”, in relation to any technology, means a transfer by any means (or combination of means), including oral communication and the transfer of goods on which the technology is recorded or from which it can be derived, other than the export of such goods.

38 Nothing in section 3 prevents any reference to services in this Schedule from including financial services.

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