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STATUTORY INSTRUMENTS

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**1992 No. 1308**

**The Serbia and Montenegro (United Nations  
Sanctions) (Channel Islands) Order 1992**

**Application of articles 3, 5, 7, 8, 9 and 10**

**11.**—(1) The provisions of articles 3, 5(2) and (3), 7, 8, 9 and 10 above shall apply to any person within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey and to any person elsewhere who—

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, or
- (b) is a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(2) Subject to the provisions of paragraphs (3) to (8) below, any person specified in paragraph (1) above who contravenes the provisions of article 3, 5(2) or (3), 7, 8, 9 or 10 above shall, in the Bailiwick in question, be guilty of an offence under this Order.

(3) In the case of proceedings for an offence in contravention of article 3 above, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods were to be supplied or delivered to, or to the order of a person connected with, Serbia or Montenegro.

(4) In the case of proceedings for an offence in contravention of article 5(3) above, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were exported from Serbia or Montenegro or were exported therefrom after 30th May 1992, as the case may be.

(5) In the case of proceedings for an offence in contravention of article 7 above, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the aircraft was an aircraft of Serbia or Montenegro or that the component was part of such an aircraft.

(6) In the case of proceedings for an offence in contravention of article 8 above, it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the aircraft was an aircraft of Serbia or Montenegro or that the machinery, tackle, furniture or equipment was part of such an aircraft.

(7) In the case of proceedings for an offence in contravention of article 9(1)(a) above, it shall be a defence for the accused person to prove that—

- (a) he did not know and had no reason to suppose that payment was made to, or to the order of, a person connected with Serbia or Montenegro; or
- (b)
  - (i) he did not know and had no reason to suppose that the bond was given in respect of a contract the performance of which was unlawful by virtue of this Order or the Export of Goods (Control) (Serbia and Montenegro Sanctions) Order 1992; and
  - (ii) he made all reasonable enquiries to ascertain whether the bond was given in respect of such a contract.

(8) In the case of proceedings for an offence in contravention of article 9(1)(b) above, it shall be a defence for the accused person to prove that—

- (a) he did not know and had no reason to suppose that payment under the bond was or would be to, or to the order of, a person connected with Serbia or Montenegro; or
- (b) (i) he did not know and had no reason to suppose that the bond was given in respect of a contract the performance of which was unlawful by virtue of this Order or the Export of Goods (Control) (Serbia and Montenegro Sanctions) Order 1992; and  
(ii) he made all reasonable enquiries to ascertain whether the bond was given in respect of such a contract:

Provided that sub-paragraph (b) shall not apply where the accused person is a party to the contract in respect of which the bond was given.