
STATUTORY INSTRUMENTS

1992 No. 975

The Libya (United Nations Sanctions) Order 1992

Application of Articles 3, 5, 6, 7, 8, 9 and 10

11.—(1) The provisions of articles 3, 5, 6, 7, 8, 9 and 10 of this Order shall apply to any person within the United Kingdom 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; or
- (b) is a body corporate incorporated or constituted under the law of any part of the United Kingdom.

(2) Subject to the provisions of paragraphs (3) to (9) of this article, any person specified in paragraph (1) of this article who contravenes the provisions of article 3, 5, 6, 7, 8, 9 or 10 of this Order shall be guilty of an offence under this Order.

(3) In the case of proceedings for an offence in contravention of article 3 of this Order 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 goods specified in Schedule I to this Order or that the goods were to be supplied or delivered to or to the order of a person connected with Libya.

(4) In the case of proceedings for an offence in contravention of article 5 of this Order it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the transaction in question was for the transfer to, or the use of the right in question by, a person connected with Libya or that the right in question was to be transferred or used for or in connection with the manufacture or maintenance of goods specified in Part A of Schedule I to this Order.

(5) In the case of proceedings for an offence in contravention of article 6 of this Order it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the advice, assistance or training was being provided to a person connected with Libya or that it related to the supply, delivery, manufacture, maintenance or use of any goods specified in Part A of Schedule I to this Order.

(6) In the case of proceedings for an offence in contravention of article 7 or 8 of this Order 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 a Libyan aircraft or that the component or the machinery, tackle, furniture or equipment was part of a Libyan aircraft, as the case may be.

(7) In the case of proceedings for an offence in contravention of article 9(2)(a) of this Order it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the carriage of persons or goods was by a person connected with Libya.

(8) In the case of proceedings for an offence in contravention of article 10(1)(a) of this Order, 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 Libya; 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; and
 - (ii) he made all reasonable enquiries to ascertain whether the bond was given in respect of such a contract.

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(9) In the case of proceedings for an offence in contravention of article 10(1)(b) of this Order, 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 Libya; 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; 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.