
STATUTORY INSTRUMENTS

1996 No. 3171

PROTECTION OF TRADING INTERESTS

**The Extraterritorial US Legislation (Sanctions against Cuba,
Iran and Libya) (Protection of Trading Interests) Order 1996**

Made - - - - *19th December 1996*
Laid before Parliament *7th January 1997*
Coming into force - - *28th January 1997*

At the Court at Buckingham Palace, the 19th day of December 1996

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996 and shall come into force on 28th January 1997.

[^{F1}(2) In this Order—

- (a) references to the “EC Counter-measures Regulation” are references to Council Regulation (EC) No. 2271/96 protecting against the effects of the extraterritorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, as last amended by Commission Delegated Regulation (EU) 2018/1100 [^{F2}and the Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020];
- (b) unless the context otherwise requires, expressions used shall have the same meaning as in that Regulation.]

F1 Art. 1(2) substituted (1.2.2019) by The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) (Amendment) Order 2018 (S.I. 2018/1357), arts. 1(1), 2

Changes to legislation: There are currently no known outstanding effects for the The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996. (See end of Document for details)

F2 Words in art. 1(2)(a) inserted (1.1.2021) by The Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1660), regs. 1, **2(2)**

Commencement Information

I1 Art. 1 in force at 28.1.1997, see **art. 1(1)**

2.—(1) ^{F3} ... Any person referred to in Article 11 of the EC Counter-measures Regulation^{F4} ... —

^{F5}(i)

^{F5}(ii)

^{F5}(iii)

^{F5}(iv)

^{F5}(v)

who commits a breach of Article 2 or the first paragraph of Article 5 of that Regulation, and any director, manager or other person with management responsibilities to whom the obligation in the first paragraph of Article 2 of that Regulation applies who commits a breach of that paragraph, shall be guilty of an offence and liable —

(a) on conviction on indictment, to a fine;

(b) on summary conviction, to a fine not exceeding the statutory maximum.

^{F6}(2)

(3) No proceedings for an offence under paragraph (1) above shall be instituted in England, Wales or Northern Ireland except by the Secretary of State or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland.

(4) Proceedings against any person for an offence under this section may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

F3 Words in art. 2(1) omitted (1.1.2021) by virtue of The Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1660), regs. 1, **2(3)(a)(i)**

F4 Words in art. 2(1) omitted (1.1.2021) by virtue of The Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1660), regs. 1, **2(3)(a)(ii)**

F5 Art. 2(1)(i)-(v) omitted (1.1.2021) by virtue of The Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1660), regs. 1, **2(3)(a)(iii)**

F6 Art. 2(2) omitted (1.1.2021) by virtue of The Protecting against the Effects of the Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1660), regs. 1, **2(3)(b)**

Commencement Information

I2 Art. 2 in force at 28.1.1997, see **art. 1(1)**

3.—(1) Sections 1(1) and (3) and 2 of the Protection of Trading Interests Act 1980⁽²⁾ and orders made and directions given thereunder shall not apply in respect of any matter to the extent that Article 5 of the EC Counter-measures Regulation applies in respect of it.

(2) Section 6 of that Act shall not apply in respect of a judgment to the extent that Article 6 of that Regulation provides for recovery of damages as a result thereof.

Commencement Information

I3 Art. 3 in force at 28.1.1997, see **art. 1(1)**

[^{F7}4.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The first report under this Order must be published before 1st February 2024.

(3) Subsequent reports must be published at intervals not exceeding five years.

[^{F8}(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015 requires that a review carried out under this article of any regulatory provision which implements an international obligation of the United Kingdom must, so far as is reasonable, have regard to how the obligation is implemented in other countries which are subject to the obligation.]

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this article must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provisions.]

F7 Art. 4 inserted (1.2.2019) by The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) (Amendment) Order 2018 (S.I. 2018/1357), arts. 1(1), **3**

F8 Art. 4(4) substituted (15.12.2022) by The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) (Amendment) (EU Exit) Regulations 2022 (S.I. 2022/1332), regs. 1(1), **2**

N. H. Nicholls
Clerk of the Privy Council

Changes to legislation: There are currently no known outstanding effects for the The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order —

- (a) makes it an offence to breach Article 2 or 5 of Council Regulation (EC) No. 2271/96 of 22nd November 1996 protecting against the effects of the extraterritorial application of legislation adopted by a third country, and
- (b) disapplies sections 1(1) and (3), 2 and 6 of the Protection of Trading Interests Act 1980 to the extent that the Council Regulation applies.

The offence in (a) is punishable by an unlimited fine on indictment or a fine not exceeding the statutory maximum (currently £5,000) on summary conviction: these are the penalties imposed for breach of sections 1(1) and (3) and 2 of the 1980 Act, disapplied as in (b). The offence cannot be committed as a result of acts or omissions in another member state or the acts or omissions outside any member state of nationals of other member states, bodies incorporated in other member states, ship-owners with no relevant connection with the United Kingdom or individuals who were not resident in the United Kingdom at any relevant time.

Changes to legislation:

There are currently no known outstanding effects for the The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996.