
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.