

STATUTORY INSTRUMENTS

2011 No. 2925

CUSTOMS

**The Export Control (Sudan and South Sudan Sanctions)
and (Miscellaneous Amendments) Regulations 2011**

Made - - - - 6th December 2011
Laid before Parliament 8th December 2011
Coming into force - - 30th December 2011

The Secretary of State is a Minister designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not member States.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations.

Marginal Citations

- M1** [S.I.1994/757](#), to which there are amendments not relevant to these Regulations.
M2 [1972 c.68](#); [section 2\(2\)](#) was amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).

Citation, Commencement and application

^{F1}1.

- F1** Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), [2](#)

Revocation

^{F1}2.

- F1** Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), [2](#)

Changes to legislation: There are currently no known outstanding effects for the The Export Control (Sudan and South Sudan Sanctions) and (Miscellaneous Amendments) Regulations 2011. (See end of Document for details)

Interpretation

^{F1}3.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Offences supplementing the Sudan and South Sudan Regulation

^{F1}4.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Offences related to EU authorisations

^{F1}5.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Penalties

^{F1}6.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Application of the 1979 Act

^{F1}7.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Amendments to the 2008 Order related to South Sudan arms embargo

8. In Part 2 of Schedule 4 to the 2008 Order, at the appropriate place insert “ South Sudan ”.

Review

^{F1}9.

F1 Regulations revoked in part (31.12.2014) by [The Export Control \(Sudan, South Sudan and Central African Republic Sanctions\) Regulations 2014 \(S.I. 2014/3258\)](#), regs. 1(1), **2**

Miscellaneous Amendments

10. The following provisions, which deal with the overlap between the 2008 Order and the instruments listed are omitted—

- (a) regulation 6 of the Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011 ^{M3};
- (b) article 5 of the Export Control (Belarus) and (Syria Amendment) Order 2011 ^{M4};
- (c) article 5 of the Export Control (Syria and Miscellaneous Amendments) Order 2011 ^{M5};
- (d) article 11 of the Export Control (Iran) Order 2011 ^{M6};
- (e) article 4 of the Export Control (Eritrea and Miscellaneous Amendments) Order 2011 ^{M7}.

Marginal Citations

M3 [S.I. 2011/2649](#).

M4 [S.I. 2011/2010](#).

M5 [S.I. 2011/1304](#), amended by [S.I. 2011/2010](#).

M6 [S.I. 2011/1297](#).

M7 [S.I. 2011/1296](#).

Department for Business, Innovation and Skills

Mark Prisk
Minister of State for Business and Enterprise

Changes to legislation: There are currently no known outstanding effects for the The Export Control (Sudan and South Sudan Sanctions) and (Miscellaneous Amendments) Regulations 2011. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for penalties and enforcement of certain restrictive measures in Council Regulation (EC) No 131/2004 imposing certain restrictive measures in respect of Sudan and South Sudan (“the Sudan and South Sudan Regulation”).

The measures include prohibitions on the provision of technical assistance, financing or financial assistance related to military activities to any person, entity or body in, or for use in Sudan or South Sudan.

Regulation 2(1) revokes the Sudan (Technical Assistance and Financing and Financial Assistance) (Penalties and Licenses) Regulations 2004 (S.I. 2004/373), which are replaced by these Regulations.

Regulation 4 makes it an offence to contravene provisions in Articles 2 and 3 of the Sudan and South Sudan Regulation.

Regulation 5 supplements the provisions of the Sudan and South Sudan Regulation that allow a competent authority to authorise activities that are otherwise prohibited. Regulation 5(1) makes it an offence knowingly and recklessly to provide false information for the purpose of obtaining an authorisation. Authorisations may be subject to requirements or conditions which continue even after the activity authorised has been carried out. Regulation 5(3) makes it an offence to fail to comply with such continuing requirements or conditions unless they were imposed after the activity was carried out or amended after that time in such a way as to give rise to non-compliance.

Regulation 6 sets out the penalties relating to the offences in regulations 4 and 5.

Her Majesty's Revenue and Customs will enforce the provisions of the Regulations. Regulation 7 provides that the ancillary provisions which apply to their enforcement of customs and excise legislation apply to the enforcement of these Regulations.

Regulation 8 amends Part 2 of Schedule 4 to the Export Control Order 2008 (S.I.2008/3231) to make South Sudan an ‘embargoed destination’ for the purposes of the application of trade controls under that Order.

Regulation 9 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Regulation 10 amends the instruments listed in that regulation so as to revoke the provisions which deal with the limited overlap between the Export Control Order 2008 and those instruments. A regulatory impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk. Further information is available from the Export Control Organisation, BIS, 1 Victoria Street, London SW1H 0ET and on BIS website (www.bis.gov.uk).

Changes to legislation:

There are currently no known outstanding effects for the The Export Control (Sudan and South Sudan Sanctions) and (Miscellaneous Amendments) Regulations 2011.