
STATUTORY INSTRUMENTS

2012 No. 1756

**The Iran (Restrictive Measures)
(Overseas Territories) Order 2012**

Further export and import restrictions relating to listed goods etc.

Offences related to goods and technology listed in Annex I or II

10.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports (directly or indirectly) goods or technology listed in Annex I or II to the Council Regulation to any Iranian person, entity or body or for use in Iran;
- (b) purchases, imports or transports from Iran (directly or indirectly) goods or technology listed in Annex I or II to the Council Regulation, whether or not the item concerned originated in Iran;
- (c) provides (directly or indirectly) technical assistance or brokering services related to goods or technology listed in Annex I or II to the Council Regulation, or related to the provision, manufacture, maintenance and use of goods listed in either of those Annexes, to any Iranian person, entity or body or for use in Iran; or
- (d) provides (directly or indirectly) financing or financial assistance related to goods or technology listed in Annex I or II to the Council Regulation (including in particular grants, loans and export credit insurance) for any sale, supply, transfer or export of such items, or for any provision of related technical assistance, to any Iranian person, entity or body or for use in Iran.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

(3) A licence may be granted to authorise a transaction in relation to goods or technology referred to in paragraph (1)(a), or assistance or brokering services referred to in paragraph (1)(c) or (d), if—

- (a) the goods, technology, assistance or brokering services are for food, agricultural, medical or other humanitarian purposes, and
- (b) in those cases where the transaction concerns goods or technology contained in the Nuclear Suppliers Group or Missile Technology Control Regime lists, the Sanctions Committee established pursuant to paragraph 18 of the Security Council Resolution has determined in advance and on a case-by-case basis that the transaction would clearly not contribute to the development of technologies in support of Iran’s proliferation-sensitive nuclear activities, or to the development of nuclear weapon development delivery systems.

Offences related to goods and technology listed in Annex III

11.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports (directly or indirectly) the goods or technology listed in Annex III to the Council Regulation to any Iranian person, entity or body or for use in Iran;

- (b) provides (directly or indirectly) technical assistance or brokering services related to the goods or technology listed in Annex III, or related to the provision, manufacture, maintenance and use of goods listed in that Annex, to any Iranian person, entity or body or for use in Iran; or
- (c) provides (directly or indirectly) financing or financial assistance related to the goods or technology listed Annex III (including in particular grants, loans and export credit insurance) for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any Iranian person, entity or body or for use in Iran.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

(3) The Governor must not grant a licence for an activity mentioned in paragraph (1), and may annul, suspend, modify or revoke a licence that has already been so granted, if the Governor reasonably believes that the activity is or may be intended for use in connection with—

- (a) Iran’s enrichment-related, reprocessing or heavy water-related activities,
- (b) the development of nuclear weapon delivery systems by Iran, or
- (c) the pursuit by Iran of activities related to other topics about which the International Atomic Energy Agency has expressed concerns or has identified as outstanding.

Offences related to key equipment or technology listed in Annex VI

12.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports (directly or indirectly) key equipment or technology listed in Annex VI to the Council Regulation to any Iranian person, entity or body or for use in Iran;
- (b) provides (directly or indirectly) technical assistance or brokering services related to the key equipment and technology listed in Annex VI, or related to the provision, manufacture, maintenance and use of goods listed in that Annex, to any Iranian person, entity or body or for use in Iran;
- (c) provides (directly or indirectly) financing or financial assistance related to key equipment or technology listed in Annex VI to any Iranian person, entity or body or for use in Iran.

(2) Paragraph (1) does not apply to, and does not prohibit the execution of an obligation arising from—

- (a) a transaction required by a trade contract concluded before the date on which this Order comes into force, or an ancillary contract necessary for the execution of such a contract, that concerns key equipment or technology for—
 - (i) the exploration of crude oil and natural gas,
 - (ii) the production of crude oil and natural gas, or
 - (iii) the refining or liquefaction of natural gas; or
- (b) a transaction required by a trade contract or agreement concluded before the date on which this Order comes into force and relating to an investment in Iran made before that date,

if the person, entity or body seeking to engage in, or provide assistance to, the transaction, has informed the Governor of the Territory in which it is established at least 20 working days in advance.

Offences related to crude oil and petroleum products listed in Annex IV

13.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

- (a) imports crude oil or petroleum products listed in Annex IV to the Council Regulation into the Territory if the products originated in Iran, or have been exported from Iran;
 - (b) purchases crude oil or petroleum products listed in Annex IV which are located in or which originated in Iran;
 - (c) transports crude oil or petroleum products listed in Annex IV if the products originated in Iran, or are being exported from Iran to any other country; or
 - (d) provides (directly or indirectly) financing or financial assistance (including financial derivatives, insurance and reinsurance) related to the import, purchase or transport of crude oil and petroleum products listed in Annex IV if the products originated in Iran, or have been imported from Iran.
- (2) Paragraph (1) does not apply to—
- (a) the execution of trade contracts concluded before the date on which this Order comes into force, or ancillary contracts necessary for the execution of such contracts;
 - (b) the execution of other contracts concluded before the date on which this Order comes into force, or ancillary contracts necessary for the execution of such contracts, where the contract specifically provides that the supply of Iranian crude oil and petroleum products, or the proceeds derived from their supply, are for the reimbursement of outstanding amounts to persons, entities or bodies under the jurisdiction of the Territory; or
 - (c) the import, purchase and transport of crude oil or petroleum products which have been exported from Iran before the date on which this Order comes into force, or where the export was made pursuant to paragraph (a) or (b), on or before that date,

if the person, entity or body seeking to perform the contract concerned has informed the Governor of the Territory in which it is established at least 20 working days in advance.

(3) Paragraph (1)(d) does not apply to the provision (directly or indirectly) before the date on which this Order comes into force of third party liability insurance or environmental liability insurance and reinsurance.

Offences related to petrochemical products listed in Annex V

- 14.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —
- (a) imports petrochemical products listed in Annex V to the Council Regulation into the Territory if the products originated in Iran, or have been exported from Iran;
 - (b) purchases petrochemical products listed in Annex V which are located in or which originated in Iran;
 - (c) transports petrochemical products listed in Annex V if the products originated in Iran, or are being exported from Iran to any other country; or
 - (d) provides (directly or indirectly) financing or financial assistance (including financial derivatives, insurance and reinsurance) related to the import, purchase or transport of petrochemical products listed in Annex V if the products originated in Iran, or have been imported from Iran.
- (2) Paragraph (1) does not apply to—
- (a) the execution of trade contracts concluded before the date on which this Order comes into force, or ancillary contracts necessary for the execution of such contracts;
 - (b) the execution of other contracts concluded before the date on which this Order comes into force, or ancillary contracts necessary for the execution of such contracts, where the contract specifically provides that the supply of Iranian petrochemical products, or the proceeds derived from their supply, are for the reimbursement of outstanding amounts to persons, entities or bodies under the jurisdiction of the Territory; or

- (c) the import, purchase and transport of petrochemical products which have been exported from Iran before the date on which this Order comes into force or, where the export was made pursuant to paragraph (b), on or before that date,

if the person, entity or body seeking to perform the contract concerned has informed the Governor of the Territory in which it is established at least 20 working days in advance.

(3) Paragraph (1)(d) does not apply to the provision (directly or indirectly) before the date on which this Order comes into force of third party liability insurance or environmental liability insurance and reinsurance.

Offences related to the movement of gold, precious metals or diamonds listed in Annex VII

- 15.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —
- (a) sells, supplies, transfers or exports (directly or indirectly) gold, precious metals or diamonds, as listed in Annex VII to the Council Regulation, to the Government of Iran;
 - (b) purchases, imports or transports (directly or indirectly) gold, precious metals or diamonds as listed in Annex VII, whether the item concerned originated in Iran or not, from the Government of Iran;
 - (c) provides (directly or indirectly) technical assistance or brokering services, financing or financial assistance, relating to gold, precious metals or diamonds as listed in Annex VII, to the Government of Iran.
- (2) For the purposes of paragraph (1), “the Government of Iran” includes—
- (a) public bodies, corporations and agencies of the Government of Iran,
 - (b) any person, entity or body acting on behalf or at the direction of the Government of Iran, and
 - (c) any entity or body owned or controlled by the Government of Iran.

Offences related to the movement of Iranian bank notes and coins

16. A person to whom this Order applies (“P”) commits an offence if P knowingly sells, supplies, transfers or exports (directly or indirectly) newly printed or unissued Iranian denominated bank notes or minted coinage to, or for the benefit of, the Central Bank of Iran.

Offences related to restrictions on financing of certain enterprises

- 17.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —
- (a) grants any financial loan or credit to a relevant Iranian person, entity or body;
 - (b) acquires or extends a participation in a relevant Iranian person, entity or body;
 - (c) creates a joint venture with a relevant Iranian person, entity or body; or
 - (d) establishes cooperation with an Iranian person, entity or body engaged in the transmission of natural gas.
- (2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.
- (3) Paragraph (1)(b) and (c) do not apply to the granting of a financial loan or credit, or to the acquisition or extension of a participation, if the following conditions are met—
- (a) the transaction is required by an agreement or contract concluded before the date on which this Order comes into force, and
 - (b) the Governor has been informed at least 20 working days in advance of the agreement or contract.

(4) A licence may be granted to authorise an investment through a transaction referred to in paragraph (1) if—

- (a) the investment is for food, agricultural, medical or other humanitarian purposes, and
- (b) in those cases where the investment is made in an Iranian person, entity or body engaged in the manufacture of goods or technology contained in the Nuclear Suppliers Group or Missile Technology Control Regime lists, the Sanctions Committee has determined in advance and on a case-by-case basis that the transaction would clearly not contribute to the development of technologies in support of Iran’s proliferation-sensitive nuclear activities, or to the development of nuclear weapon development delivery systems.

(5) The Governor must not grant a licence for an activity mentioned in paragraph (1), and may annul, suspend, modify or revoke a licence that has already been so granted, if the Governor reasonably believes that the activity is or may be intended for use in connection with—

- (a) Iran’s enrichment-related, reprocessing or heavy water-related activities,
- (b) the development of nuclear weapon delivery systems by Iran, or
- (c) the pursuit by Iran of activities related to other topics about which the International Atomic Energy Agency has expressed concerns or has identified as outstanding.

(6) For the purposes of paragraph (1)—

“cooperation” means—

- (a) the sharing of investment costs in an integrated or managed supply chain for the receipt or delivery of natural gas directly from or to the territory of Iran, and
- (b) direct cooperation for the purpose of investing in liquefied natural gas facilities within the territory of Iran or in liquefied natural gas facilities directly connected to such facilities;

“exploration of crude oil and natural gas” includes the exploration for, prospection of and management of crude oil and natural gas reserves, as well as the provision of geological services in relation to such reserves;

“petrochemical industry” means production plants for the manufacturing of items in Annex V to the Council Regulation;

“production of crude oil and natural gas” includes bulk gas transmission services for the purpose of transit or delivery to directly interconnected grids;

“refining” means the processing, conditioning or preparation for the ultimately final sale of fuels;

“relevant Iranian person, entity or body” means an Iranian person entity or body engaged —

- (a) in the manufacture of goods or technology listed in the Common Military List or in Annex I or II to the Council Regulation,
- (b) in the exploration or production of crude oil and natural gas, the refining of fuels or the liquefaction of natural gas, or
- (c) in the petrochemical industry.

Offences related to restrictions on investment in certain enterprises

18.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly makes an investment through transactions referred to in article 17(1)(a), (b) or (c) in an Iranian person, entity or body engaged in the manufacture of goods or technology listed in Annex III to the Council Regulation.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

Offences related to restrictions on investment on Iranian uranium mining and nuclear industry

19.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly accepts or approves, by concluding an agreement or by any other means—

- (a) the granting of any financial loan or credit,
- (b) the acquisition or extension of a participation, or
- (c) the creation of a joint venture,

by one or more Iranian persons, entities or bodies in an enterprise engaged in an activity falling within paragraph (2).

(2) The following activities fall within this paragraph—

- (a) uranium mining,
- (b) uranium enrichment and reprocessing of uranium, and
- (c) the manufacture of goods or technology included in the Nuclear Suppliers Group or Missile Technology Control Regime lists.

(3) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

Circumvention of prohibitions in articles 4 to 19

20. A person to whom this Order applies (“P”) commits an offence if P knowingly participates in an activity, the object or effect of which is (directly or indirectly)—

- (a) to circumvent any of the prohibitions in articles 4 to 19, or
- (b) to enable or facilitate the contravention of any such prohibition.