
STATUTORY INSTRUMENTS

2018 No. 179

The Venezuela (Sanctions) (Overseas Territories) Order 2018

PART 2

Restrictions on goods and services

Arms and related materiel

- 7.—(1) It is an offence for a person to knowingly—
- (a) sell, supply, transfer or export (directly or indirectly) arms and related materiel to any person in Venezuela,
 - (b) provide (directly or indirectly) technical assistance, brokering services or other services relating to arms and related materiel, or to the provision, manufacture, maintenance or use of arms and related materiel, to any person in Venezuela or for use in Venezuela, or
 - (c) provide (directly or indirectly) financing or financial assistance relating to arms and related materiel, or to the sale, supply, transfer or export of arms and related materiel, or to the provision of related technical assistance, brokering services or other services, to any person in Venezuela or for use in Venezuela.
- (2) It is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (3) for the carriage of arms and related materiel if the carriage is, or forms part of, carriage from any place to any person in Venezuela.
- (3) The following fall within this paragraph—
- (a) a ship, aircraft or vehicle within the Territory,
 - (b) a ship or aircraft registered in the Territory, or
 - (c) any other ship or aircraft that is for the time being chartered to a person who falls within article 2(1)(a) or (b).
- (4) A “relevant person” in relation to a ship, aircraft or vehicle falling within paragraph (3)(a) or (b) means—
- (a) the owner or master of the ship,
 - (b) the owner, charterer, operator or commander of the aircraft, or
 - (c) the owner, driver or operator of the vehicle.
- (5) A “relevant person” in relation to a ship or aircraft falling within paragraph (3)(c) means—
- (a) the charterer of the ship or aircraft, or
 - (b) the master of the ship or operator of the aircraft.
- (6) Paragraph (2) is without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.
- (7) Paragraphs (1) and (2) do not apply where the—
- (a) sale, supply, transfer or export of arms and related materiel,

- (b) provision of technical assistance, brokering services or other services,
- (c) provision of financing or financial assistance, or
- (d) use of a ship, aircraft or vehicle for the carriage of arms and related materiel,

is carried out pursuant to a contract concluded before 13th November 2017 or to an ancillary contract necessary for the execution of such a contract, provided that the person seeking to perform the contract has provided notice of the contract to the Governor or a competent authority pursuant to article 2 of the Council Decision before 16th March 2018.

(8) Paragraphs (1) and (2) do not apply in respect of protective clothing, including flak jackets and military helmets, which are temporarily exported to Venezuela by persons in the service of the United Nations, persons in the service of the European Union or its Member States, representatives of the media or humanitarian or development workers or associated personnel for their personal use only.

- (9) This article is subject to articles 11 and 12.

Providing assistance relating to military activities

8.—(1) It is an offence for a person to knowingly—

- (a) provide (directly or indirectly) technical assistance, brokering services or other services relating to military activities to any person in Venezuela or for use in Venezuela, or
- (b) provide (directly or indirectly) financing or financial assistance relating to military activities, or for the provision of technical assistance, brokering services or other services relating to military activities, to any person in Venezuela or for use in Venezuela.

(2) Paragraph (1) does not apply where the—

- (a) technical assistance, brokering services or other services, or
- (b) financing or financial assistance,

is provided pursuant to a contract concluded before 13th November 2017 or to an ancillary contract necessary for the execution of such a contract, provided that the person seeking to perform the contract has provided notice of the contract to the Governor or a competent authority pursuant to article 2 of the Council Decision before 16th March 2018.

Equipment which might be used for internal repression

9.—(1) It is an offence for a person to knowingly—

- (a) sell, supply, transfer or export (directly or indirectly) equipment which might be used for internal repression to any person in Venezuela or for use in Venezuela,
- (b) provide (directly or indirectly) technical assistance, brokering services or other services related to equipment which might be used for internal repression to any person in Venezuela or for use in Venezuela, or
- (c) provide (directly or indirectly) financing or financial assistance related to equipment which might be used for internal repression to any person in Venezuela or for use in Venezuela.

(2) It is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (3) for the carriage of equipment which might be used for internal repression if the carriage is, or forms part of, carriage from any place to any person in Venezuela.

(3) The following fall within this paragraph—

- (a) a ship, aircraft or vehicle within the Territory,
- (b) a ship or aircraft registered in the Territory, or

- (c) any other ship or aircraft that is for the time being chartered to a person who falls within article 2(1)(a) or (b).
- (4) A “relevant person” in relation to a ship, aircraft or vehicle falling within paragraph (3)(a) or (b) means—
 - (a) the owner or master of the ship,
 - (b) the owner, charterer, operator or commander of the aircraft, or
 - (c) the owner, driver or operator of the vehicle.
- (5) A “relevant person” in relation to a ship or aircraft falling within paragraph (3)(c) means—
 - (a) the charterer of the ship or aircraft, or
 - (b) the master of the ship or operator of the aircraft.
- (6) Paragraph (2) is without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.
- (7) Paragraphs (1) and (2) do not apply in respect of protective clothing, including flak jackets and military helmets, which are temporarily exported to Venezuela by persons in the service of the United Nations, persons in the service of the European Union or its Member States, representatives of the media or humanitarian or development workers or associated personnel for their personal use only.
- (8) This article is subject to articles 11 and 12.

Surveillance equipment and surveillance services

- 10.**—(1) It is an offence for a person to knowingly—
- (a) sell, supply, transfer or export (directly or indirectly) surveillance equipment to any person in Venezuela or for use in Venezuela,
 - (b) provide (directly or indirectly) technical assistance or brokering services relating to surveillance equipment, or relating to the installation, provision, manufacture, maintenance or use of the equipment and technology specified in Annex II to the Council Regulation, or to the provision, installation, operation or updating of any software specified in that Annex, to any person in Venezuela or for use in Venezuela,
 - (c) provide (directly or indirectly) financing or financial assistance relating to surveillance equipment to any person in Venezuela or for use in Venezuela, or
 - (d) provide surveillance services to, or for the direct or indirect benefit of, the Government of Venezuela, its public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.
- (2) This article is subject to articles 11 and 12.