
STATUTORY INSTRUMENTS

2019 No. 433

The Democratic Republic of the Congo
(Sanctions) (EU Exit) Regulations 2019

PART 10

Supplementary and final provision

Notices

64.—(1) This regulation applies in relation to a notice required by regulation 35 (licences: general provisions) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a “principal office”—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

“proper officer”—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

Commencement Information

- I1** Reg. 64 not in force at made date, see [reg. 1\(2\)](#)
I2 [Reg. 64](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Article 20 of the Export Control Order 2008

65. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 5 (Trade).

Commencement Information

- I3** Reg. 65 not in force at made date, see [reg. 1\(2\)](#)
I4 [Reg. 65](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Trade: overlapping offences

66. A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34, 37 or 38 of that Order, and
- (b) any provision of Part 5 (Trade) or regulation 37 (trade: licensing offences), 45(6) or 46(5) (offences in connection with record-keeping).

Commencement Information

- I5** Reg. 66 not in force at made date, see [reg. 1\(2\)](#)
I6 [Reg. 66](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Revocation of the EU DRC Regulation

67. Council Regulation (EC) No 1183/2005 of 18 July 2005, imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo, is revoked.

Commencement Information

- I7** Reg. 67 not in force at made date, see [reg. 1\(2\)](#)
I8 [Reg. 67](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Other revocations and amendments

68.—(1) The Democratic Republic of the Congo (Asset-Freezing) Regulations 2012 ^{M1} are revoked.

(2) Articles 4 to 8 of the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 ^{M2} are omitted.

(3) In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017 ^{M3}, omit the following row from the table—

“United Nations Security Council Resolution 1807 (2008) Council Regulation (EC) 1183/2005 of 18th July 2005, imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo.”

Commencement Information

- I9** Reg. 68 not in force at made date, see [reg. 1\(2\)](#)
I10 [Reg. 68](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** [S.I. 2012/1511](#) as amended by [S.I. 2013/472](#), [S.I. 2013/534](#), [S.I. 2016/1208](#), [S.I. 2017/560](#), [S.I. 2017/754](#) and [S.I. 2018/11499](#).
M2 [S.I. 2015/1546](#). No amendments have been made to the articles omitted by this paragraph.
M3 [S.I. 2017/478](#), to which there are amendments not relevant to these Regulations.

Transitional provision: Treasury licences

69.—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under regulation 9 of the 2012 Regulations,
- (b) was in effect immediately before the relevant date, and
- (c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (Finance),

and such a licence is referred to in this regulation as “an existing financial sanctions licence”.

(2) An existing financial sanctions licence [^{F1}which authorises an act which would otherwise be prohibited] has effect on and after the relevant date as if it had been issued by the Treasury under regulation 33(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2012 Regulations is to be treated on and after the relevant date as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

- (a) the 2012 Regulations, or
- (b) the EU DRC Regulation,

is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2012 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on an after the relevant date) be prohibited under Part 3, and
- (c) a decision to grant or refuse the application has not been made before that date.

(6) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 33(1) (Treasury licences).

(7) In paragraphs (3) and (4), a reference to the 2012 Regulations is to be treated as including a reference to the Democratic Republic of the Congo (United Nations Measures) Order 2005 ^{M4}.

(8) In this regulation—

“the 2012 Regulations” means the Democratic Republic of the Congo (Asset-Freezing) Regulations 2012;

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

F1 Words in reg. 69(2) inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), regs. 1(2), **3(6)**; [S.I. 2020/1514](#), reg. 5

Commencement Information

I11 Reg. 69 not in force at made date, see reg. 1(2)

I12 Reg. 69 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M4 [S.I. 2005/1517](#) as revoked and replaced by [S.I. 2012/1511](#).

Transitional provision: trade licences

70.—(1) Paragraph (2) applies to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), and
 - (ii) which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(2) A licence is deemed to have been issued by the Secretary of State at the beginning of the relevant date under regulation 34 (trade licences)—

- (a) disapplying every provision of Part 5 which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) Paragraphs (4) to (6) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date,^{F2}...

[^{F3}(aa) is not an existing trade licence, and]

- (b) authorises an act—
 - (i) which would otherwise be prohibited by the EU DRC Regulation, and
 - (ii) which would (on and after the relevant date, and in the absence of paragraphs (4) to (6)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade sanctions licence”.

(4) An existing trade sanctions licence has effect on and after the relevant date as if it were a licence which had been issued by the Secretary of State under regulation 34.

(5) Any reference in an existing trade sanctions licence to a provision of the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 or the Export Control Order 2008 is to be treated on and after the relevant date as a reference to the corresponding provision of these Regulations (if any).

(6) Any reference in an existing trade sanctions licence to a prohibition in the EU DRC Regulation is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 5 (Trade).

(7) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 5 comes into force.

F2 Word in [reg. 70\(3\)](#) omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), [regs. 1\(2\)](#), [3\(7\)\(a\)](#); [S.I. 2020/1514](#), [reg. 5](#)

F3 [Reg. 70\(3\)\(aa\)](#) inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), [regs. 1\(2\)](#), [3\(7\)\(b\)](#); [S.I. 2020/1514](#), [reg. 5](#)

Commencement Information

I13 Reg. 70 not in force at made date, see [reg. 1\(2\)](#)

I14 Reg. 70 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Transitional provision: pending applications for trade licences

71.—(1) Paragraph (2) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under or pursuant to the Export Control Order 2008,
- (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
- (c) a decision to grant or refuse the application has not been made before the relevant date.

(2) The application is to be treated on and after the relevant date as including an application for a licence under regulation 34 (trade licences).

(3) Paragraph (4) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under the Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 or the EU DRC Regulation,
- (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
- (c) a decision to grant or refuse the application has not been made before the relevant date.

(4) The application is to be treated on and after the relevant date as an application for a licence under regulation 34.

(5) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 5 comes into force.

Commencement Information

- I15** Reg. 71 not in force at made date, see [reg. 1\(2\)](#)
I16 [Reg. 71](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Transitional provisions: prior obligations

72.—(1) Where—

- (a) a person was named in Annex # or Annex Ia of the EU DRC Regulation immediately before the relevant date, and
- (b) the person is a designated person immediately before the relevant date,

any reference in a provision mentioned in [^{F4}paragraph (3)] to the date on which a person became a designated person is a reference to the date on which the person was named in that Annex.

(2) Where, immediately before the relevant date, a person was named by the Security Council or the Committee for the purposes of paragraph 11 of resolution 1807, any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is to be read as a reference to the date on which the person was so named.

(3) The provisions referred to in paragraph (1) are—

- (a) regulation 31(5) (finance: exceptions from prohibitions), and
- (b) paragraphs 6(b)(i) and 9(a) of Schedule 2 (Treasury licences: purposes).

(4) In this regulation—

“designated person” has the same meaning as it has in Part 3 (Finance);

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

- F4** Words in [reg. 72\(1\)](#) substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), [regs. 1\(2\)](#), [3\(8\)](#); [S.I. 2020/1514](#), [reg. 5](#)

Commencement Information

- I17** Reg. 72 not in force at made date, see [reg. 1\(2\)](#)
I18 Reg. 72 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019, PART 10.