

## STATUTORY INSTRUMENTS

# 2019 No. 600

## The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019

### PART 1

#### General

#### Citation and commencement

1.—(1) These Regulations may be cited as the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019.

(2) These Regulations come into force in accordance with regulations made under section 56 of the Act.

#### Commencement Information

- I1** Reg. 1 not in force at made date, see [reg. 1\(2\)](#)  
**I2** Reg. 1 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(a\)](#)

#### Interpretation

2.—<sup>[F1]</sup>(1) In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

<sup>[F2]</sup>“the Amendment Regulations 2021” means the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2021;

<sup>[F3]</sup>“the Amendment Regulations 2022” means the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022;

<sup>[F3]</sup>“aircraft licence” means a licence under regulation 33A;

“arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);

“Belarus” means the Republic of Belarus;

“CEMA” means the Customs and Excise Management Act 1979 <sup>M1</sup>;

“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

“conduct” includes acts and omissions;

<sup>[F4]</sup>“consular post” has the same meaning as in the Vienna Convention on Consular Relations done at Vienna on 24 April 1963, and any reference to the functions of a consular post is to be read in accordance with that Convention;

“diplomatic mission”, and any reference to the functions of a diplomatic mission, are to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;]

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;

“the Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;

“the EU Belarus Regulation” means Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus<sup>M2</sup>, as it has effect in EU law;

“the Government of Belarus” includes its public bodies, corporations or agencies, or any person acting on its behalf or at its direction;

[<sup>F5</sup>“humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out humanitarian and relief activities in Belarus for the benefit of the civilian population of Belarus;]

[<sup>F6</sup>“OFCOM” means the Office of Communications;]

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4;

“trade licence” means a licence under regulation 33;

“Treasury licence” means a licence under regulation [<sup>F7</sup>32];

“United Kingdom person” has the same meaning as in section 21 of the Act.]

[<sup>F8</sup>(2) For the purposes of [<sup>F9</sup>Part 3 (Finance), Part 5 (Trade), Part 5A (Aircraft), Part 5B (Ships) and Part 6 (Exceptions and licences)], a person is to be regarded as “connected with” Belarus if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Belarus,
- (b) an individual who is, or an association or combination of individuals who are, located in Belarus,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Belarus, or
- (d) a person, other than an individual, which is domiciled in Belarus.]

#### Textual Amendments

- F1** Reg. 2 renumbered as reg. 2(1) (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **3(1)**
- F2** Words in reg. 2(1) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **3(2)(a)**
- F3** Words in reg. 2(1) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **3(a)**
- F4** Words in reg. 2(1) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **3(2)(b)**
- F5** Words in reg. 2(1) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **3(2)(c)**
- F6** Words in reg. 2(1) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **3**

- F7** Word in [reg. 2\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **3(2)(d)**
- F8** [Reg. 2\(2\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **3(3)**
- F9** Words in [reg. 2\(2\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **3(b)**

#### Commencement Information

- I3** [Reg. 2](#) not in force at made date, see [reg. 1\(2\)](#)
- I4** [Reg. 2](#) in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(b)**

#### Marginal Citations

- M1** [1979 c.2](#). Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.
- M2** [OJ L 134 20.5.2006](#), p.1.

### Application of prohibitions and requirements outside the United Kingdom

**3.—(1)** A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) [<sup>F10</sup>In this regulation] a “relevant prohibition” means any prohibition imposed—

[<sup>F11</sup>(a) regulation 9(2) (confidential information),]

(b) by Part 3 (Finance),

(c) by Part 5 (Trade), <sup>F12</sup>...

[<sup>F13</sup>(ca) by regulation 29C(6) (disclosure of confidential information), <sup>F14</sup>...]

[<sup>F15</sup>(cb) by Part 5B (Ships), or]

(d) by a condition of a Treasury licence or a trade licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement <sup>F16</sup>... by conduct in the territorial sea.

(6) In this regulation a “relevant requirement” means any requirement imposed—

(a) by or under Part 7 (Information and records), or by reason of a request made under a power conferred by [<sup>F17</sup>that Part,]

(b) by a condition of a [<sup>F18</sup>Treasury licence, a trade licence or an aircraft licence],

[<sup>F19</sup>(c) by a direction under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft), or

(d) by a direction under regulation 29H (movement of ships).]

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

### Textual Amendments

- F10** Words in reg. 3(3) substituted (31.12.2020 immediately after IP completion day) by The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 (S.I. 2020/590), regs. 1(2), **6(2)**; S.I. 2020/1514, **reg. 4**
- F11** Reg. 3(3)(a) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(a)(i)**
- F12** Word in reg. 3(3)(c) omitted (14.10.2021 at noon) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **4(a)**
- F13** Reg. 3(3)(ca) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **4(b)**
- F14** Word in reg. 3(3)(ca) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(a)(ii)**
- F15** Reg. 3(3)(cb) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(a)(iii)**
- F16** Words in reg. 3(5) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(b)**
- F17** Words in reg. 3(6)(a) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(c)(i)**
- F18** Words in reg. 3(6)(b) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(c)(ii)**
- F19** Reg. 3(6)(c)(d) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **4(c)(iii)**

### Commencement Information

- I5** Reg. 3 not in force at made date, see [reg. 1\(2\)](#)
- I6** Reg. 3 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Purposes

4. The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Government of Belarus to—

- (a) respect democratic principles and institutions, the separation of powers and the rule of law in Belarus,
- (b) refrain from actions, policies or activities which repress civil society in Belarus,
- (c) investigate properly and institute criminal proceedings against the persons responsible for the disappearances of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski, <sup>F20</sup> ...
- (d) comply with international human rights law and to respect human rights, including in particular to—
  - (i) respect the right to life of persons in Belarus;
  - (ii) respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Belarus, including inhuman or degrading conditions in prisons;
  - (iii) afford persons in Belarus charged with criminal offences the right to a fair trial;
  - (iv) respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Belarus;
  - (v) afford journalists, human rights defenders and other persons in Belarus the right to freedom of expression, association and peaceful assembly;

- (vi) secure the human rights of persons in Belarus without discrimination, including on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- [<sup>F21</sup>(e) cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including by supporting or facilitating Russia's actions in respect of Ukraine, and
- (f) refrain from any other action which undermines or threatens peace, security or stability in Europe.]

#### Textual Amendments

- F20** Word in reg. 4(c) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **5(a)**
- F21** Reg. 4(e)(f) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **5(b)**

#### Commencement Information

- I7** Reg. 4 not in force at made date, see reg. 1(2)
- I8** Reg. 4 in force at 22.3.2019 by S.I. 2019/627, reg. 12(1)(c)

## PART 2

### Designation of persons

#### Power to designate persons

5.—(1) The Secretary of State may designate persons <sup>M3</sup> by name for the purposes of any of the following—

- (a) regulations 11 to 15 (Finance); <sup>F22</sup>...
- (b) regulation 17 (Immigration) [<sup>F23</sup>; and]
- [<sup>F24</sup>(c) regulation 27N (technical assistance in relation to aircraft and ships);
- [<sup>F25</sup>(ca) regulation 27P (internet services);]
- (d) regulations 29A and 29CA (aircraft);
- (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.).]

[<sup>F26</sup>(1A) The Secretary of State may provide that persons of a description specified by the Secretary of State are designated persons for the purposes of any of the following—

- (a) regulations 11 to 15 (finance);
- (b) regulation 17 (immigration);
- (c) regulation 27N (technical assistance relating to aircraft and ships);
- [ regulation 27P (internet services);]
- <sup>F27</sup>(ca)
- (d) regulations 29A and 29CA (aircraft);
- (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.).]

(2) The Secretary of State may designate different persons for the purposes of [<sup>F28</sup>different provisions mentioned in] paragraph (1) [<sup>F29</sup>or (1A)].

[<sup>F30</sup>(3) For the purposes of these Regulations, persons “designated under regulation 5” for the purpose of a particular regulation means—

- (a) persons who are designated by name under paragraph (1) for the purposes of that particular regulation, and
- (b) where the Secretary of State makes provision under paragraph (1A) that persons of a specified description are designated persons for the purposes of that particular regulation, persons of that description.]

#### Textual Amendments

- F22** Word in reg. 5(1)(a) omitted (14.10.2021 at noon) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **5(a)**
- F23** Word in reg. 5(1)(b) substituted for full stop (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **5(b)**
- F24** Reg. 5(1)(c)-(e) substituted for reg. 5(1)(c) (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **6(a)**
- F25** Reg. 5(1)(ca) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **4(a)**
- F26** Reg. 5(1A) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **6(b)**
- F27** Reg. 5(1A)(ca) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **4(b)**
- F28** Words in reg. 5(2) substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **6(3)**; S.I. 2020/1514, **reg. 4**
- F29** Words in reg. 5(2) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **6(c)**
- F30** Reg. 5(3) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **6(d)**

#### Commencement Information

- I9** Reg. 5 not in force at made date, see [reg. 1\(2\)](#)
- I10** Reg. 5 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(d)**

#### Marginal Citations

- M3** “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

#### [<sup>F31</sup>Conditions for the designation of persons by name

**5A.—**(1) The Secretary of State may choose whether to designate a person under regulation 5(1) (power to designate persons by name) in accordance with—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the standard procedure.

(3) The Secretary of State may not provide that a person is a designated person under regulation 5(1) except where condition A is met.

(4) Condition A is that the Minister has reasonable grounds to suspect that that person is an involved person.

(5) Paragraphs (6) to (8) apply where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the urgent procedure.

(6) The Secretary of State may designate a person mentioned in regulation 5(1) where condition A is not met, but conditions B and C are met.

(7) The person ceases to be a designated person at the end of the period of 56 days beginning with the day following the day on which the person became a designated person unless, within that period, the Secretary of State certifies that—

- (a) condition A is met, or
- (b) conditions B and C continue to be met.

(8) Where the Secretary of State makes a certification under paragraph (7)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in paragraph (7), unless within that period the Secretary of State certifies that condition A is met.

(9) Condition B is that relevant provision (whenever made) applies to, or in relation to, the person under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(10) Condition C is that the Secretary of State considers that it is in the public interest to make designations under the urgent procedure.

(11) For the purposes of Condition B, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(12) In this regulation, “involved person” has the meaning given in regulation 6(2) (meaning of involved person).

#### **Textual Amendments**

**F31** Regs. 5A, 5B inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), 7

#### **Conditions for the designation of persons by description**

**5B.**—(1) The Secretary of State may choose whether persons mentioned in regulation 5(1A) (power to designate persons by description) are designated persons under—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the standard procedure.

(3) The Secretary of State may not provide that persons of a specified description are designated persons under regulation 5(1A) except where conditions A and C are met.

(4) Paragraphs (5) to (7) apply where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the urgent procedure.

(5) The Secretary of State may provide that persons of a specified description are designated persons where condition C is not met, but conditions A, D and E are met.

(6) The persons of the specified description cease to be designated persons at the end of the period of 56 days beginning with the day following the day on which the persons became designated persons unless, within that period, the Secretary of State certifies that—

- (a) conditions A and C are met, or
- (b) conditions A, D and E continue to be met.

(7) Where the Secretary of State makes a certification under paragraph (6)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in paragraph (6), unless within that period the Secretary of State certifies that conditions A and C are met.

(8) Condition A is that the description of persons specified is such that a reasonable person would know whether that person fell within it.

(9) Condition C is that the Secretary of State has reasonable grounds to suspect—

- (a) in a case where the specified description is members of a particular organisation, that the organisation is an involved person, or
- (b) in the case of any other specified description, that any person falling within that description would necessarily be an involved person.

(10) Condition D is that the description of persons specified is of persons (or some persons) to which, or in relation to which, relevant provision (whenever made) applies under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(11) Condition E is that the Secretary of State considers that it is in the public interest to provide that persons of a specified description are designated persons under the urgent procedure.

(12) For the purposes of Condition D, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(13) In this regulation—

- “involved person” has the meaning given in regulation 6(2) (meaning of “involved person”);
- “organisation” includes any body, association or combination of persons.]



**Textual Amendments**

**F31** Regs. 5A, 5B inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), 7

**Designation [F32 criteria: meaning of “involved person]**

6.—<sup>F33</sup>(1) .....

(2) [<sup>F34</sup>For the purposes of regulations 5A(4) (condition relating to the designation of persons by name) and 5B(9) (condition relating to designation of persons by description)] an “involved person” means a person who—

- (a) is or has been involved in—
  - (i) conduct enabling or facilitating—
    - (aa) the disappearance of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski or Dzmitry Zavadski, or
    - (bb) the failure to investigate properly or institute criminal proceedings against the persons responsible for those disappearances,
  - (ii) the commission of a serious human rights violation or abuse in Belarus,
  - (iii) the repression of civil society or democratic opposition in Belarus,<sup>F35</sup> ...
  - (iv) other actions, policies or activities which undermine democracy or the rule of law in Belarus,
  - [<sup>F36</sup>(v) conduct destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including by supporting or facilitating Russia’s actions in respect of Ukraine, in particular by—
    - (aa) providing logistical support to the Russian army, or
    - (bb) spreading disinformation about Russia’s invasion of Ukraine,
  - (vi) other actions undermining or threatening peace, security or stability in Europe, or
  - (vii) obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity,]
- (b) is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person who is or has been so involved,
- (c) is acting on behalf of or at the direction of a person who is or has been so involved, or
- (d) is a member of, or associated with, a person who is or has been so involved.

(3) Any reference in this regulation to being involved in an activity set out in [<sup>F37</sup>paragraphs (2)(a) (i) to (vi)] above includes being so involved in whatever way and wherever any actions constituting the involvement take place, and in particular includes—

- (a) being responsible for, engaging in, providing support for, or promoting, any such activity;
- (b) providing financial services, or making available funds or economic resources, that could contribute to any such activity;
- (c) being involved in the supply to Belarus of [<sup>F38</sup>goods or technology mentioned in regulation 23(1A) (making available goods and technology to a person connected with, or for use in, Belarus)] or of material related to such goods or technology, or in providing financial services relating to such supply;

(d) being involved in the supply to Belarus of goods or technology which could contribute to any such activity, or in providing financial services relating to such supply;

[<sup>F39</sup>(da) providing support for or obtaining an economic benefit from the Government of Belarus;]

(e) being involved in assisting the contravention or circumvention of any relevant provision.

[<sup>F40</sup>(3A) For the purposes of this regulation, being “involved in obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity” means—

(a) carrying on business as a Government of Belarus-affiliated entity,

(b) carrying on business of economic significance to the Government of Belarus,

(c) carrying on business in a sector of strategic significance to the Government of Belarus,

<sup>F41</sup> ...

(d) owning or controlling directly or indirectly (within the meaning of regulation 7), or working as a manager, director (whether executive or non-executive), trustee, or equivalent, of—

(i) a Government of Belarus-affiliated entity, or

(ii) a person, other than an individual, which falls within sub-paragraph (b) or (c) [<sup>F42</sup>;]

[ holding the right, directly or indirectly, to nominate at least one director (whether executive or non-executive), trustee or equivalent of—

<sup>F43</sup>(e)

(i) a Government of Belarus-affiliated entity, or

(ii) a person, other than an individual, which falls within sub-paragraph (b) or (c).]]

[<sup>F44</sup>(3B) For the purposes of this regulation, a person is involved in “conduct destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine” or “obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity” if they work for, or are affiliated to, the Government of Belarus, as—

(a) an aide or adviser to the President of Belarus;

(b) a head or deputy head of any public body, service or committee subordinate to the President of Belarus or the Council of Ministers of the Republic of Belarus, including the Administration of the President of the Republic of Belarus;

(c) a member of the Security Council of Belarus;

(d) a Prime Minister, First Deputy Prime Minister or Deputy Prime Minister of Belarus;

(e) a Minister or Deputy Minister of any Ministry of Belarus;

(f) a Chairperson or member of the Board of Directors of the National Bank of the Republic of Belarus;

(g) a head or deputy head of the Minsk City Executive Committee or any Regional Executive Committee;

(h) a head or deputy head of any other public body, committee or agency of the Government of Belarus;

(i) a member of the armed forces or law-enforcement organs of Belarus holding a rank of Lieutenant-Colonel, or equivalent, or higher;

(j) a member of the Belarussian security and intelligence services of the rank of Lieutenant-Colonel, or equivalent, or higher; or

(k) a director or manager, or equivalent position or higher, of a Government of Belarus-affiliated entity.

(3C) In paragraph (2)(d), being “associated with” a person includes—

- (a) obtaining a financial benefit or other material benefit from that person;
- (b) being an immediate family member of that person.]

[<sup>F45</sup>(4) In this regulation—

“Belarusian authority” has the meaning given in regulation 15D;

“Government of Belarus-affiliated entity” means a person, other than an individual—

- (a) which is owned or controlled directly or indirectly (within the meaning of regulation 7) by the President of Belarus or a Belarusian authority,
- (b) in which the President of Belarus or a Belarusian authority holds directly or indirectly a minority interest,
- (c) which receives, or has received, financing, directly or indirectly, from the President of Belarus or a Belarusian authority, or
- (d) which otherwise obtains a financial benefit or other material benefit from the President of Belarus or a Belarusian authority;

[<sup>F46</sup>“immediate family member” means—

- (a) a wife or husband;
- (b) a civil partner;
- (c) a parent or step-parent;
- (d) a child or step-child;
- (e) a sibling or step-sibling;
- (f) a niece or nephew;
- (g) an aunt or uncle;
- (h) a grandparent;
- (i) a grandchild;]

“minority interest” means any shareholding, voting right or right to appoint or remove members of the board of directors which does not meet the condition set out in regulation 7(2);

“relevant provision” means—

- (a) any provision of Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);
- (b) any provision of the law of a country other than the United Kingdom made for purposes corresponding to a purpose of any provision of Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);

“sector of strategic significance to the Government of Belarus” means—

- (a) the Belarusian chemicals sector;
- (b) the Belarusian construction sector;
- (c) the Belarusian defence sector;
- (d) the Belarusian electronics sector;
- (e) the Belarusian energy sector;
- (f) the Belarusian extractives sector;
- (g) the Belarusian forestry sector;
- (h) the Belarusian financial services sector;
- (i) the Belarusian information, communications and digital technologies sector;
- (j) the Belarusian mechanical engineering sector;

- (k) the Belarusian metallurgy sector;
- (l) the Belarusian transport sector.]

(5) Nothing in any paragraph of sub-paragraph (2)(a) is to be taken to limit the meaning of any of the other paragraphs of that sub-paragraph.

(6) Nothing in any sub-paragraph of paragraph (3) is to be taken to limit the meaning of any of the other sub-paragraphs of that paragraph.

<sup>F47</sup>(7) .....

**Textual Amendments**

- F32** Words in [reg. 6 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(a)**
- F33** [Reg. 6\(1\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(b)**
- F34** Words in [reg. 6\(2\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(c)(i)**
- F35** Word in [reg. 6\(2\)\(a\)\(iii\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(c)(ii)(aa)**
- F36** [Reg. 6\(2\)\(a\)\(v\)-\(vii\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(c)(ii)(bb)**
- F37** Words in [reg. 6\(3\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(d)(i)**
- F38** Words in [reg. 6\(3\)\(c\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(d)(ii)**
- F39** [Reg. 6\(3\)\(da\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **6(a)**
- F40** [Reg. 6\(3A\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(e)**
- F41** Word in [reg. 6\(3A\)\(c\)](#) omitted (9.6.2023) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **5(a)(i)**
- F42** [Reg. 6\(3A\)\(d\)\(ii\)](#): semicolon substituted for full stop (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **5(a)(ii)**
- F43** [Reg. 6\(3A\)\(e\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **5(a)(iii)**
- F44** [Reg. 6\(3B\)\(3C\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **5(b)**
- F45** [Reg. 6\(4\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(f)**
- F46** Words in [reg. 6\(4\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **5(c)**
- F47** [Reg. 6\(7\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(g)**

**Commencement Information**

- I11** [Reg. 6](#) not in force at made date, see [reg. 1\(2\)](#)
- I12** [Reg. 6](#) in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(e\)](#)

### Meaning of “owned or controlled directly or indirectly”

7.—(1) A person who is not an individual (“C”) is “owned or controlled directly or indirectly” by another person (“P”) if either of the following two conditions is met (or both are met).

(2) The first condition is that P—

- (a) holds directly or indirectly more than 50% of the shares in C,
- (b) holds directly or indirectly more than 50% of the voting rights in C, or
- (c) holds the right directly or indirectly to appoint or remove a majority of the board of directors of C.

(3) Schedule 1 contains provision applying for the purpose of interpreting paragraph (2).

(4) The second condition is that it is reasonable, having regard to all the circumstances, to expect that P would (if P chose to) be able, in most cases or in significant respects, by whatever means and <sup>F48</sup>... whether directly or indirectly, to achieve the result that affairs of C are conducted in accordance with P's wishes.

#### Textual Amendments

**F48** Reg. 7(4): comma omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **6(4)**; S.I. 2020/1514, **reg. 4**

#### Commencement Information

**I13** Reg. 7 not in force at made date, see [reg. 1\(2\)](#)

**I14** Reg. 7 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(f)**

### Notification and publicity where <sup>F49</sup>power to designate by name] used

8.—(1) Paragraph (2) applies where the Secretary of State—

- (a) has made a designation under <sup>F50</sup>regulation 5(1)], or
- (b) has by virtue of section 22 of the Act varied or revoked a designation made under <sup>F51</sup>that paragraph of that regulation].

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform the designated person of the designation, variation or revocation, and
- (b) must take steps to publicise the designation, variation or revocation.

<sup>F52</sup>(3) The information given under paragraph (2)(a)—

- (a) where the Secretary of State designates a person under the standard procedure, must include a statement of reasons;
- (b) where the Secretary of State designates a person under the urgent procedure, must include a statement—
  - (i) that the designation is made under the urgent procedure,
  - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition B is met in relation to the person, and
  - (iii) setting out why the Secretary of State considers that condition C is met.

(3A) Where the Secretary of State designates a person under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (7) of regulation 5A (conditions

for the designation of persons by name), or if the Secretary of State has made a certification under paragraph (7)(b) of that regulation, the period mentioned in paragraph (8) of that regulation, but otherwise without delay—

- (a) in a case where the person ceases to be a designated person, take such steps as are reasonably practicable to inform the person that they have ceased to be a designated person, or
- (b) in any other case, take such steps as are reasonably practicable to give the person a statement of reasons.]

[<sup>F53</sup>(4) In this regulation, a “statement of reasons” means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to the person—

- (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make designation, and
- (b) in the case of a designation under the urgent procedure, as a result of which the person does not cease to be a designated person at the end of the period mentioned in regulation 5A(7) or (8) (as the case may be).]

(5) Matters that would otherwise be required by paragraph (4) to be included in a statement of reasons may be excluded from it where the Secretary of State considers that they should be excluded—

- (a) in the interests of national security or international relations,
- (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (c) in the interests of justice.

(6) The steps taken under paragraph (2)(b) must—

- (a) unless one or more of the restricted publicity conditions is met, be steps to publicise generally—
  - (i) the designation, variation or revocation, and
  - (ii) in the case of a designation, the statement of reasons;
- (b) if one or more of those conditions is met, be steps to inform only such persons as the Secretary of State considers appropriate of the designation, variation or revocation and (in the case of a designation) of the contents of the statement of reasons.

(7) The “restricted publicity conditions” are as follows—

- (a) the designation is of a person believed by the Secretary of State to be an individual under the age of 18;
- (b) the Secretary of State considers that disclosure of the designation, variation or revocation should be restricted—
  - (i) in the interests of national security or international relations,
  - (ii) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (iii) in the interests of justice.

(8) Paragraph (9) applies if—

- (a) when a designation is made, one or more of the restricted publicity conditions is met, but
- (b) at any time when the designation has effect, it becomes the case that none of the restricted publicity conditions is met.

(9) The Secretary of State must—

- (a) take such steps as are reasonably practicable to inform the designated person that none of the restricted publicity conditions is now met, and
- (b) take steps to publicise generally the designation and the statement of reasons relating to it.

#### Textual Amendments

- F49** Words in [reg. 8](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(a)**
- F50** Words in [reg. 8\(1\)\(a\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(b)(i)**
- F51** Words in [reg. 8\(1\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(b)(ii)**
- F52** [Reg. 8\(3\)\(3A\)](#) substituted for [reg. 8\(3\)](#) (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(c)**
- F53** [Reg. 8\(4\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(d)**

#### Commencement Information

- I15** [Reg. 8](#) not in force at made date, see [reg. 1\(2\)](#)
- I16** [Reg. 8](#) in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(g\)](#)

#### Confidential information in certain cases where designation power used

**9.—(1)** Where the Secretary of State in accordance with regulation 8(6)(b) informs only certain persons of a designation, variation or revocation and (in the case of a designation) of the contents of the statement of reasons, the Secretary of State may specify that any of that information is to be treated as confidential.

(2) A person (“P”) who—

- (a) is provided with information that is to be treated as confidential in accordance with paragraph (1), or
- (b) otherwise obtains such information,

must not, subject to paragraph (3), disclose it if P knows, or has reasonable cause to suspect, that the information is to be treated as confidential.

(3) The prohibition in paragraph (2) does not apply to any disclosure made by P with lawful authority.

(4) For this purpose information is disclosed with lawful authority only if and to the extent that—

- (a) the disclosure is by, or is authorised by, the Secretary of State,
- (b) the disclosure is by or with the consent of the person who is or was the subject of the designation,
- (c) the disclosure is necessary to give effect to a requirement imposed under or by virtue of these Regulations or any other enactment, or
- (d) the disclosure is required, under rules of court, tribunal rules or a court or tribunal order, for the purposes of legal proceedings of any description.

(5) This regulation does not prevent the disclosure of information that is already, or has previously been, available to the public from other sources.

(6) A person who contravenes the prohibition in paragraph (2) commits an offence.

(7) The High Court (in Scotland, the Court of Session) may, on the application of—

- (a) the person who is the subject of the information, or
  - (b) the Secretary of State,
- grant an injunction (in Scotland, an interdict) to prevent a breach of the prohibition in paragraph (2).
- (8) In paragraph (4)(c), “enactment” has the meaning given by section 54(6) of the Act.

**Commencement Information**

**I17** Reg. 9 not in force at made date, see [reg. 1\(2\)](#)

**I18** Reg. 9 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**[<sup>F54</sup>Notification and publicity where power to designate by description is used**

- 9A.—**(1) Paragraph (2) applies where the Secretary of State—
- (a) has provided that persons of a specified description are designated persons under regulation 5(1A) (power to designate persons by description), or
  - (b) has by virtue of section 22 of the Act varied or revoked a designation made under that paragraph of that regulation.
- (2) The Secretary of State—
- (a) must without delay take such steps as are reasonably practicable to inform persons of the specified description of the designation, variation or revocation, and
  - (b) must take steps to publicise the designation, variation or revocation.
- (3) The information given under paragraph (2)(a)—
- (a) where the Secretary of State provides that persons of a specified description are designated persons under the standard procedure, must include a statement of reasons, or
  - (b) where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, must include a statement—
    - (i) that the provision is made under the urgent procedure,
    - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition D is met in relation to persons of the specified description, and
    - (iii) setting out why the Secretary of State considers that condition E is met.
- (4) Where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (6) of regulation 5B (conditions for the designation of persons by description), or if the Secretary of State has made a certification under paragraph (6)(b) of that regulation, the period mentioned in paragraph (7) of that regulation, but otherwise without delay—
- (a) in a case where the persons cease to be designated persons, take such steps as are reasonably practicable to inform persons of the specified description that they have ceased to be designated persons, or
  - (b) in any other case, take such steps as are reasonably practicable to give each person of the specified description a statement of reasons.
- (5) In this regulation, a “statement of reasons”, in relation to a provision designating persons of a specified description, means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to persons of the specified description—
- (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make the provision designating persons of that description, and



- (b) in the case of a designation under the urgent procedure, as a result of which the persons do not cease to be designated persons at the end of the period mentioned in regulation 5B(6) or (7) (as the case may be).
- (6) Matters that would otherwise be required by paragraph (5) to be included in a statement of reasons may be excluded from it where the Secretary of State considers that they should be excluded—
  - (a) in the interests of national security or international relations,
  - (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (c) in the interests of justice.
- (7) The steps taken under paragraph (2)(b) must be steps to publicise generally—
  - (a) the designation, variation or revocation, and
  - (b) in the case of—
    - (i) a designation under the standard procedure, the statement of reasons relating to it, or
    - (ii) a designation under the urgent procedure, the contents of the statement required under paragraph (3)(b) relating to it.]

**Textual Amendments**

**F54** Reg. 9A inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **10**

## PART 3

### Finance

#### [<sup>F55</sup>CHAPTER 1

Asset-freeze etc.]

**Textual Amendments**

**F55** Pt. 3 Ch. 1 heading inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(2)**

#### [<sup>F56</sup>Meaning of “designated person” in Part 3

**10.** In this Part a “designated person” means a person who is designated under regulation 5 for the purposes of regulations 11 to 15.

**Textual Amendments**

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(1)**

**Commencement Information**

**I19** Reg. 10 not in force at made date, see [reg. 1\(2\)](#)

**I20** Reg. 10 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Asset-freeze in relation to designated persons

**11.—(1)** A person (“P”) must not deal with funds or economic resources owned, held or controlled by a designated person if P knows, or has reasonable cause to suspect, that P is dealing with such funds or economic resources.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence.

(4) For the purposes of paragraph (1), a person “deals with” funds if the person—

- (a) uses, alters, moves, transfers or allows access to the funds,
- (b) deals with the funds in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination, or
- (c) makes any other change, including portfolio management, that would enable use of the funds.

(5) For the purposes of paragraph (1), a person “deals with” economic resources if the person—

- (a) exchanges the economic resources for funds, goods or services, or
- (b) uses the economic resources in exchange for funds, goods or services (whether by pledging them as security or otherwise).

(6) The reference in paragraph (1) to funds or economic resources that are “owned, held or controlled” by a person includes, in particular, a reference to—

- (a) funds or economic resources in which the person has any legal or equitable interest, regardless of whether the interest is held jointly with any other person and regardless of whether any other person holds an interest in the funds or economic resources;
- (b) any tangible property (other than real property), or bearer security, that is comprised in funds or economic resources and is in the possession of the person.

(7) For the purposes of paragraph (1) funds or economic resources are to be treated as owned, held or controlled by a designated person if they are owned, held or controlled by a person who is owned or controlled directly or indirectly (within the meaning of regulation 7) by the designated person.

(8) For the avoidance of doubt, the reference in paragraph (1) to a designated person includes P if P is a designated person.

#### Textual Amendments

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), [7\(1\)](#)

#### Commencement Information

**I21** Reg. 11 not in force at made date, see [reg. 1\(2\)](#)

**I22** Reg. 11 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Making funds available to designated persons

**12.—(1)** A person (“P”) must not make funds available directly or indirectly to a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence.

(4) The reference in paragraph (1) to making funds available indirectly to a designated person includes, in particular, a reference to making them available to a person who is owned or controlled directly or indirectly (within the meaning of regulation 7) by the designated person.

#### Textual Amendments

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(1)**

#### Commencement Information

**I23** Reg. 12 not in force at made date, see [reg. 1\(2\)](#)

**I24** Reg. 12 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Making funds available for benefit of designated persons

**13.—**(1) A person (“P”) must not make funds available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence.

(4) For the purposes of this regulation—

- (a) funds are made available for the benefit of a designated person only if that person thereby obtains, or is able to obtain, a significant financial benefit, and
- (b) “financial benefit” includes the discharge (or partial discharge) of a financial obligation for which the designated person is wholly or partly responsible.

#### Textual Amendments

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(1)**

#### Commencement Information

**I25** Reg. 13 not in force at made date, see [reg. 1\(2\)](#)

**I26** Reg. 13 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Making economic resources available to designated persons

**14.—**(1) A person (“P”) must not make economic resources available directly or indirectly to a designated person if P knows, or has reasonable cause to suspect—

- (a) that P is making the economic resources so available, and
- (b) that the designated person would be likely to exchange the economic resources for, or use them in exchange for, funds, goods or services.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence.

(4) The reference in paragraph (1) to making economic resources available indirectly to a designated person includes, in particular, a reference to making them available to a person who is

owned or controlled directly or indirectly (within the meaning of regulation 7) by the designated person.

#### Textual Amendments

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(1)**

#### Commencement Information

**I27** Reg. 14 not in force at made date, see [reg. 1\(2\)](#)

**I28** Reg. 14 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Making economic resources available for benefit of designated persons

**15.—(1)** A person (“P”) must not make economic resources available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the economic resources so available.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence.

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

- (a) economic resources are made available for the benefit of a designated person only if that person thereby obtains, or is able to obtain, a significant financial benefit, and
- (b) “financial benefit” includes the discharge (or partial discharge) of a financial obligation for which the designated person is wholly or partly responsible.]

#### Textual Amendments

**F56** Regs. 10-15 become Pt. 3 Ch. 1 (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **7(1)**

#### Commencement Information

**I29** Reg. 15 not in force at made date, see [reg. 1\(2\)](#)

**I30** Reg. 15 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

## [<sup>F57</sup>CHAPTER 2

### Other financial restrictions

#### Textual Amendments

**F57** [Pt. 3 Ch. 2](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **8**

### Dealing with transferable securities or money-market instruments

**15A.—(1)** A person (“P”) must not directly or indirectly deal with a transferable security or money-market instrument falling within paragraph (2) if P knows, or has reasonable cause to suspect, that P is dealing with such a transferable security or money-market instrument.

(2) A transferable security or money-market instrument falls within this paragraph if it—

- (a) has a maturity exceeding 90 days,
- (b) is issued by a relevant person, and
- <sup>F58</sup>(c) is issued—
  - (i) after the date on which the Amendment Regulations 2021 come into force, and
  - (ii) before the Amendment Regulations 2022 come into force.]

[<sup>F59</sup>(2A) A person (“P”) must not, directly or indirectly, deal with a transferable security or money-market instrument falling within paragraphs (2B) or (2C) if P knows, or has reasonable cause to suspect, that P is dealing with such a transferable security or money-market instrument.

(2B) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force <sup>F60</sup>by—

- (a) a relevant person;
- (b) a person, other than an individual, acting on behalf or upon the direction of a person falling within any of sub-paragraphs (a) to (c) of the definition of relevant person in regulation 15D(1)].

(2C) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force by—

- (a) a person connected with Belarus, which is not—
  - (i) a relevant person,
  - (ii) a person, other than an individual, which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus, or
  - (iii) a person which on the date on which the Amendment Regulations 2022 come into force is a branch or subsidiary, wherever located, of a person mentioned in paragraph (ii);
- (b) a person, other than an individual, which is majority owned by a person falling within sub-paragraph (a) <sup>F61</sup>; or]

[ a person, other than an individual, acting on behalf or at the direction of a person falling <sup>F62</sup>(c) within sub-paragraph (a) or sub-paragraph (b).]]

<sup>F63</sup>(3) Paragraphs (1) and (2A) are subject to Part 6 (Exceptions and licences).]

(4) A person who contravenes the prohibition in <sup>F64</sup>paragraph (1) or (2A)] commits an offence.

(5) For the purposes of this regulation, a reference to “dealing with” a transferable security or money-market instrument includes a reference to purchasing or selling the security or instrument, providing investment services relating to the security or instrument, or assisting in the issuance of the security or instrument.

(6) In this regulation—

“investment services” means—

- (a) the reception and transmission of orders in relation to one or more financial instruments,
- (b) the execution of orders on behalf of clients,
- (c) dealing on own account,
- (d) portfolio management,
- (e) the provision of investment advice,
- (f) the underwriting of financial instruments or placing of financial instruments on a firm commitment basis,

- (g) the placing of financial instruments without a firm commitment basis, or
- (h) any service in relation to the admission to trading on a regulated market or trading on a multilateral trading facility;

“money-market instrument” means an instrument of a kind normally dealt in on the money market, such as treasury bills, certificates of deposit and commercial papers, excluding instruments of payment;

“transferable security” means a security, negotiable on the capital market, of any of the following kinds, but excluding instruments of payment—

- (a) shares in companies and other securities equivalent to shares in companies, partnerships or other entities, and depositary receipts in respect of shares;
- (b) bonds or other forms of securitised debt, including depositary receipts in respect of such securities;
- (c) any other securities giving the right to purchase or sell any security of a kind mentioned in paragraph (a) or (b).

#### Textual Amendments

- F58** Reg. 15A(2)(c) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **11(a)**
- F59** Reg. 15A(2A)-(2C) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **11(b)**
- F60** Words in reg. 15A(2B) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **6(a)**
- F61** Word in reg. 15A(2C)(b) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **6(b)(i)**
- F62** Reg. 15A(2C)(c) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **6(b)(ii)**
- F63** Reg. 15A(3) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **11(c)**
- F64** Words in reg. 15A(4) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **11(d)**

#### Loans and credit arrangements

**15B.**—(1) A person (“P”) must not directly or indirectly grant a relevant loan if P knows, or has reasonable cause to suspect, that P is granting a relevant loan.

(2) A person must not directly or indirectly enter into any arrangement to grant a relevant loan if the person knows, or has reasonable cause to suspect, that the arrangement relates to a relevant loan.

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

[<sup>F65</sup>(5) In this regulation—

“category A loan” means a loan or credit which—

- (a) has a maturity exceeding 90 days,
- (b) is made or granted to a relevant person, and
- (c) is first made or granted—
  - (aa) after the date on which the Amendment Regulations 2021 come into force, and

- (bb) before the Amendment Regulations 2022 come into force;
- “category B loan” means a loan or credit which—
- (a) is made or granted to a relevant person,
- (b) is first made or granted after the Amendment Regulations 2022 come into force;
- “category C loan” means a loan or credit which—
- (a) has a maturity exceeding 30 days,
- (b) is made or granted—
- (i) to a person, other than an individual, which is connected with Belarus and which is not—
- (aa) a person which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus,
- (bb) a person which is majority owned by a person falling within paragraph (aa), or
- (ii) to a person, other than an individual, which is majority owned by a person within sub-paragraph (i),
- (c) is first made or granted after the Amendment Regulations 2022 come into force, and
- (d) is not a category B loan;
- “relevant loan” means a category A loan, a category B loan or a category C loan.]

#### **Textual Amendments**

**F65** [Reg. 15B\(5\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **12**

#### **Insurance and reinsurance services**

**15C.**—(1) A person (“P”) must not provide insurance or reinsurance services to a person falling within paragraph (2) if P knows, or has reasonable cause to suspect, that P is providing such services to such a person.

- (2) The following persons fall within this paragraph—
- (a) Belarus;
- (b) a Belarusian authority;
- (c) a person, other than an individual, which is wholly owned by Belarus or a Belarusian authority;
- (d) a person acting on behalf of or at the direction of a person within sub-paragraphs (a) to (c).
- (3) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (4) A person who contravenes the prohibition in paragraph (1) commits an offence.
- (5) Nothing in this regulation prohibits compliance with an insurance or reinsurance agreement concluded before the date on which the Amendment Regulations 2021 come into force.
- (6) For the purposes of this regulation—
- (a) “insurance and reinsurance services” include the provision of services relating to the extension or renewal of an insurance or reinsurance agreement, except where there is an obligation, which arose before the date on which the Amendment Regulations 2021 come into force, of the insurer or re-insurer to accept the extension or renewal;

- (b) paragraph (2)(d) does not include any person who is acting under a direction which is given in relation to a ship or aircraft for the purposes of docking, loading or unloading the ship or aircraft or for any purpose in connection with the safe transit of the ship or aircraft through Belarus or the airspace above it.

**[<sup>F66</sup>Provision of financial services relating to foreign exchange reserve and asset management**

**15CA.**—(1) A person (“P”) must not provide financial services to a person mentioned in paragraph (2) where—

- (a) the financial services are for the purpose of foreign exchange reserve and asset management; and
  - (b) P knows, or has reasonable cause to suspect, that the financial services are provided to such a person.
- (2) The persons mentioned in this paragraph are—
- (a) the National Bank of Belarus,
  - (b) the Ministry of Finance of Belarus,
  - (c) a person owned or controlled directly or indirectly (within the meaning of regulation 7) by a person mentioned in sub-paragraphs (a) or (b), or
  - (d) a person acting on behalf of or at the direction of a person mentioned in sub-paragraphs (a) or (b).
- (3) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (4) A person who contravenes the prohibition in paragraph (1) commits an offence.]

**Textual Amendments**

**F66** Reg. 15CA inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), 13

**Interpretation of terms relating to other financial restrictions**

**15D.**—(1) In this Chapter—

“Belarusian authority” means—

- (a) public bodies and agencies subordinate to the President of Belarus, including the Administration of the President of Belarus and the Committee of State Control;
- (b) the Council of Ministers of Belarus and each of its members;
- (c) any Ministry of the Government of Belarus;
- (d) any public body, agency or state concern subordinate to the Council of Ministers of Belarus;
- (e) any State Committee of Belarus;
- (f) the National Bank of Belarus; and
- (g) any local government body of Belarus, including the Councils of Deputies and Executive Committees;

[<sup>F67</sup>“branch” means, in relation to a credit or financial institution, a place of business which forms a legally dependent part of that institution and which carries out all or some of the transactions inherent in the business of that institution;]

“credit or financial institution” means—



- (a) a person, other than an individual, which would satisfy the threshold conditions for permission under Part 4A of the Financial Services and Markets Act 2000 if it had its registered office (or if it does not have one, its head office) in the United Kingdom; or
- (b) an undertaking which by way of business—
  - (i) operates a currency exchange office,
  - (ii) transmits money (or any representation of monetary value) by any means, or
  - (iii) cashes cheques that are made payable to customers;

[<sup>F67</sup>“foreign exchange reserve and asset management” means activities relating to the reserves or assets of the persons mentioned in paragraph (2) of regulation 15CA, such reserves or assets to include the following—

- (a) money market instruments (including cheques, bills and certificates of deposit),
- (b) foreign exchange,
- (c) derivative products (including futures and options),
- (d) exchange rate and interest rate instruments (including products such as swaps and forward rate agreements),
- (e) transferable securities,
- (f) other negotiable instruments and financial assets (including bullion),
- (g) special drawing rights;]

“non-UK country” means a country that is not the United Kingdom;

“relevant person” means—

- (a) Belarus;
- (b) a Belarusian authority;
- (c) a person, other than an individual, which is not a person within sub-paragraphs (d), (e) or (f) and which is wholly owned by Belarus or a Belarusian authority;
- (d) a credit or financial institution which is majority owned by Belarus or a Belarusian authority;
- (e) a person, other than an individual, which is—
  - (i) incorporated or constituted under the law of a non-UK country, and
  - (ii) majority owned by a person within sub-paragraph (d);
- (f) a person acting on behalf of or at the direction of a person within sub-paragraph (d) or sub-paragraph (e).

[<sup>F67</sup>“subsidiary” has the meaning given by section 1159 of the Companies Act 2006;]

(2) The definition of “Belarusian authority” in paragraph (1) does not apply to any individual in their private capacity, and in that definition none of paragraphs (a) to (g) is to be taken to limit the meaning of any other of those paragraphs.

(3) For the purposes of this Chapter, a person (“C”) is “majority owned” by another person (“P”) if P—

- (a) holds directly or indirectly more than 50% of the shares in C, or
- (b) holds directly or indirectly more than 50% of the voting rights in C.

(4) For the purposes of this Chapter, a person (“C”) is “wholly owned” by another person (“P”) if P—

- (a) holds directly or indirectly 100% of the shares in C, or

(b) holds directly or indirectly 100% of the voting rights in C.

(5) Schedule 1 applies for the purpose of interpreting paragraphs (3) and (4).]

[<sup>F68</sup>(6) In this Chapter, the definition of “credit or financial institution” is to be read with section 22 of the Financial Services and Markets Act 2000, any relevant order under that section and Schedule 2 to that Act.]

#### Textual Amendments

**F67** Words in [reg. 15D\(1\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **14(a)**

**F68** [Reg. 15D\(6\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **14(b)**

### [<sup>F69</sup>CHAPTER 3

#### Further Provision]

#### Textual Amendments

**F69** [Pt. 3 Ch. 3 heading](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **8**

#### Circumventing etc prohibitions

**16.**—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

(a) to circumvent any of the prohibitions in [<sup>F70</sup>[<sup>F71</sup>Chapter] 1 or 2], or

(b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

#### Textual Amendments

**F70** Words in [reg. 16\(1\)\(a\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **9**

**F71** Word in [reg. 16\(1\)\(a\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **15**

#### Commencement Information

**I31** [Reg. 16](#) not in force at made date, see [reg. 1\(2\)](#)

**I32** [Reg. 16](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## PART 4

### Immigration

#### Immigration

17. A person who is designated under regulation 5 for the purposes of this regulation is an excluded person for the purposes of section 8B of the Immigration Act 1971 <sup>M4</sup>.

#### Commencement Information

**I33** Reg. 17 not in force at made date, see [reg. 1\(2\)](#)

**I34** Reg. 17 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M4** 1971 c. 77. Section 8B was inserted by the [Immigration and Asylum Act 1999 \(c.33\)](#), [section 8](#) and amended by the [Immigration Act 2016 \(c.19\)](#), [section 76](#); and the [Sanctions and Anti-Money Laundering Act \(c.13\)](#), section 59 and Schedule 3, Part 1.

## PART 5

### Trade

#### CHAPTER 1

#### Interpretation

#### Definition of “restricted goods” and “restricted technology”

<sup>F72</sup>18. ....

#### Textual Amendments

**F72** Reg. 18 omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [16\(a\)](#)

#### [<sup>F73</sup>Definitions [<sup>F74</sup>of “interception and monitoring goods” and “interception and monitoring technology”]

19.—(1) For the purposes of [<sup>F75</sup>this Part] —

“interception and monitoring goods” means any item mentioned in sub-paragraph (a) or (b), provided that it may be used for interception and monitoring services—

- (a) a relevant Schedule 2A item;
- (b) any tangible storage medium on which interception and monitoring technology is recorded or from which it can be derived;

“interception and monitoring technology” means any thing—

- (a) which is described as software in paragraph 2 of Schedule 2A, provided that it may be used for interception and monitoring services, and
- (b) which is described as software or other technology in paragraph 3 of Schedule 2A,

(but see paragraph (3));

F76 ...  
 F76 ...  
 F76 ...  
 F76 ...

(2) For the purpose of paragraph (1), “a relevant Schedule 2A item” means any thing described in Schedule 2A, other than—

- (a) any thing which is interception and monitoring technology, or
- (b) any thing for the time being specified in—
  - (i) Schedule 2 to the Export Control Order 2008, or
  - (ii) Annex I of the Dual-Use Regulation.

(3) The definition of “interception and monitoring technology” does not apply to software which is—

- (a) generally available to the public, or
- (b) in the public domain.

(4) For the purpose of paragraph (3)—

- (a) software is “generally available to the public” if—
  - (i) the software is sold from stock at retail selling points without restriction, by means of—
    - (aa) over the counter transactions,
    - (bb) mail order transactions,
    - (cc) electronic transactions, or
    - (dd) telephone order transactions, and
  - (ii) the software is designed for installation by the user without further substantial support by the supplier;
- (b) software is “in the public domain” if the software has been made available without restrictions upon its further dissemination (and for this purpose copyright restrictions do not constitute a restriction upon its further dissemination).]

#### Textual Amendments

- F73** Reg. 19 substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **11**
- F74** Words in reg. 19 heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **16(b)(i)**
- F75** Words in reg. 19(1) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **16(b)(ii)(aa)**
- F76** Words in reg. 19(1) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **16(b)(ii)(bb)**

**[<sup>F77</sup>Definition of “interception and monitoring services”**

**19A.**—(1) For the purposes of this Part, “interception and monitoring services” means any service that has as its object or effect the interception of a communication in the course of its transmission by means of a telecommunication system.

(2) A person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if—

- (a) the person does a relevant act in relation to the system, and
- (b) the effect of the relevant act is to make any content of the communication available, at a relevant time, to a person who is not the sender or intended recipient of the communication.

(3) In paragraph (2) a “relevant act”, in relation to a telecommunication system, means—

- (a) modifying, or interfering with, the system or its operation;
- (b) monitoring transmissions made by means of the system;
- (c) monitoring transmissions made by wireless telegraphy to or from apparatus that is part of the system.

(4) In paragraph (2), a “relevant time”, in relation to a communication transmitted by means of a telecommunication system, means—

- (a) any time while the communication is being transmitted, and
- (b) any time when the communication is stored in or by the system (whether before or after its transmission).

(5) For the purpose of paragraph (2), the cases in which any content of a communication is to be taken to be made available to a person at a relevant time include any case in which any of the communication is diverted or recorded at a relevant time so as to make the content of the communication available to a person after that time.

(6) In paragraph (3), references to modifying a telecommunication system include references to attaching any apparatus to, or otherwise modifying or interfering with—

- (a) any part of the system, or
- (b) any wireless telegraphy apparatus used for making transmissions to or from apparatus that is part of the system.

(7) For the purposes of this regulation, the following definitions also apply—

“apparatus” includes any equipment, machinery or device (whether physical or logical) and any wire or cable;

“communication”, for the purpose of a telecommunication system, includes—

- (a) anything comprising speech, music, sounds, visual images or data of any description, and
- (b) signals serving for the impartation of anything between persons, between a person and a thing or between things, for the actuation or control of any apparatus;

“content”, in relation to a communication and a telecommunication system, means any element of the communication, or any data attached to or logically associated with the communication, which reveals anything of what might reasonably be considered to be the meaning (if any) of the communication, but—

- (a) any meaning arising from the fact of the communication or from any data relating to the transmission of the communication is to be disregarded, and
- (b) anything which is systems data is not content;

“systems data” means any data that enables or facilitates, or identifies or describes anything connected with enabling or facilitating, the functioning of a telecommunication system (including any apparatus forming part of the system);

“a telecommunication system” means a system (including the apparatus comprised in it) that exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electromagnetic energy;

“wireless telegraphy” and “wireless telegraphy apparatus” have the same meaning as in sections 116 and 117 of the Wireless Telegraphy Act 2006.]

#### Textual Amendments

**F77** Reg. 19A inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), 12

#### Interpretation of other expressions used in this Part

**20.**—(1) Paragraphs 32 and 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.

(2) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.

(3) In this Part—

[<sup>F78c1</sup>“banknotes” means—

- (a) sterling denominated banknotes issued by the Bank of England and banks in Scotland and Northern Ireland, and
- (b) banknotes denominated in any official currency of the European Union;]

“brokering service” means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to)—

- (a) the selection or introduction of persons as parties or potential parties to the arrangement,
- (b) the negotiation of the arrangement,
- (c) the facilitation of anything that enables the arrangement to be entered into, and
- (d) the provision of any assistance that in any way promotes or facilitates the arrangement;

[<sup>F78cc</sup>“cement” has the meaning given to it in paragraph 2 of Schedule 2J;]

[<sup>F78cc</sup>“chemical and biological weapons-related goods” means—

- (a) any thing specified in Part 2 of Schedule 2H, other than chemical and biological weapons-related technology (but see paragraph (4)), and
- (b) any tangible storage medium on which chemical and biological weapons-related technology is recorded or from which it can be derived;]

[<sup>F78cc</sup>“chemical and biological weapons-related technology” means any thing specified as technology or software in Part 2 of Schedule 2H, other than technology which is—

- (a) the minimum necessary for—
  - (i) the installation, operation, maintenance and repair of any goods which are not subject to a prohibition under this Part, or
  - (ii) patent applications,
- (b) in the public domain,
- (c) a medical device, or

(d) used for basic scientific research;]

[<sup>F79cc</sup>“critical-industry goods” means—

(a) any thing specified in Schedule 2C, other than—

(i) any thing which is critical-industry technology, or

(ii) any thing for the time being specified in—

(aa) Schedule 2 or 3 to the Export Control Order 2008, or

(bb) Annex I of the Dual-Use Regulation,

(cc) Schedule 2 (list of internal repression goods and internal repression technology),

(bb) Schedule 2A (interception and monitoring goods and interception and monitoring technology), and

(b) any tangible storage medium on which critical-industry technology is recorded or from which it can be derived;]

[<sup>F79cc</sup>“critical-industry technology” means any thing described in Schedule 2C as software or technology, other than any thing for the time being specified in—

(a) Schedule 2 or 3 to the Export Control Order 2008, or

(b) Annex I of the Dual-Use Regulation,

(c) Schedule 2 (internal repression goods and internal repression technology),

(d) Schedule 2A (interception and monitoring goods and interception and monitoring technology);]

[<sup>F80cc</sup>“dual-use goods” means—

(a) any thing for the time being specified in Annex I of the Dual-Use Regulation, other than any thing which is dual-use technology, and

(b) any tangible storage medium on which dual-use technology is recorded or from which it can be derived;

“dual-use technology” means any thing for the time being specified in Annex I of the Dual-Use Regulation which is described as software or technology;]

[<sup>F78cc</sup>“gold” has the meaning given to it in paragraph 3 of Schedule 2J;]

[<sup>F78cc</sup>“gold jewellery” has the meaning given to it in paragraph 4 of Schedule 2J;]

[<sup>F79cc</sup>“internal repression goods” means—

(a) any thing specified in Schedule 2, other than—

(i) any thing which is internal repression technology, or

(ii) any thing for the time being specified in—

(aa) Schedule 2 to the Export Control Order 2008, or

(bb) Annex # of the Dual-Use Regulation, and

(b) any tangible storage medium on which internal repression technology is recorded or from which it can be derived;]

[<sup>F79cc</sup>“internal repression technology” means any thing which is described in Schedule 2 as software or technology, within the meaning of that Schedule;]

[<sup>F79cc</sup>“iron and steel products” has the meaning given to it in Schedule 2B;]

[<sup>F79</sup>“luxury goods” means any thing specified in Schedule 2E, other than any thing for the time being specified in—

- (a) Schedules 2 or 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation, or
- (c) Schedule 2C (critical-industry goods and critical-industry technology);]

[<sup>F78</sup>“machinery-related goods” means any thing falling within Part 2 of Schedule 2I, other than—

- (a) any thing which is machinery-related technology, or
- (b) any thing for the time being specified in—
  - (i) Schedule 2 or 3 to the Export Control Order 2008,
  - (ii) Annex I of the Dual-Use Regulation, or
  - (iii) Schedule 2C (critical-industry goods and critical-industry technology);]

[<sup>F78</sup>“machinery-related technology” means any thing described in Part 2 of Schedule 2I as software or technology, other than any thing for the time being specified in—

- (a) Schedule 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation, or
- (c) Schedule 2C;]

[<sup>F79</sup>“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;]

[<sup>F79</sup>“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;]

[<sup>F79</sup>“mineral products” has the meaning given to it in Schedule 2B;]

[<sup>F79</sup>“oil refining goods” means—

- (a) any thing specified in Schedule 2F, other than—
  - (i) any thing which is oil refining technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 3 to the Export Control Order 2008,
    - (bb) Annex I of the Dual-Use Regulation, or
    - (cc) Schedule 2C (critical-industry goods and critical-industry technology), and
- (b) any tangible storage medium on which oil refining technology is recorded or from which it can be derived;]

[<sup>F79</sup>“oil refining technology” means any thing described in Schedule 2F as software or technology, other than any thing for the time being specified in —

- (a) Schedule 3 to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation, or
- (c) Schedule 2C (critical-industry goods and critical-industry technology);]

“potash” has the meaning given to it in Schedule 2B;

F81 ...



[<sup>F79</sup>“quantum computing and advanced materials goods” means—

- (a) any thing specified in Schedule 2G, other than—
  - (i) any thing which is quantum computing and advanced materials technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 or 3 to the Export Control Order 2008,
    - (bb) Annex I of the Dual-Use Regulation,
    - (cc) Schedule 2C (critical-industry goods and critical-industry technology),
    - (dd) Schedule 2F (oil refining goods and oil refining technology), and
- (b) any tangible storage medium on which quantum computing and advanced materials technology is recorded or from which it can be derived;]

[<sup>F79</sup>“quantum computing and advanced materials technology” means any thing described in Schedule 2G as software or technology, other than anything for the time being specified in—

- (a) Schedule 2 or 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation,
- (c) Schedule 2C (critical-industry goods and critical-industry technology),
- (d) Schedule 2F (oil refining goods and oil refining technology);]

[<sup>F78</sup>“relevant processed gold” means gold which—

- (a) has been processed in a third country, and
- (b) incorporates gold that, on or after 21st July 2022—
  - (i) originated in Belarus, and
  - (ii) has been exported from Belarus;]

[<sup>F78</sup>“rubber” has the meaning given to it in paragraph 5 of Schedule 2J;]

“technical assistance”, in relation to goods or technology, means—

- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- (b) any other technical service relating to the goods or technology;

[<sup>F82</sup>“tobacco industry goods” has the meaning given to it in Schedule 2B;]

“transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act [<sup>F83</sup>;

[<sup>F78</sup>“wood” has the meaning given to it in paragraph 6 of Schedule 2J.]

[<sup>F84</sup>(3A) The definition of “chemical and biological weapons-related goods” does not apply to anything specified in Schedule 2H—

- (a) which is—
  - (i) a pharmaceutical formulation designed for human administration in the treatment of a medical condition, and
  - (ii) pre-packaged for distribution as a medicinal product, or
- (b) which is a medical device.]

<sup>F85</sup>(4) .....

### Textual Amendments

- F78** Words in [reg. 20\(3\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **7(a)(ii)**
- F79** Words in [reg. 20\(3\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **16(c)(ii)**
- F80** Words in [reg. 20\(3\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **13(a)(i)**
- F81** Words in [reg. 20\(3\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **16(c)(i)**
- F82** Words in [reg. 20\(3\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **13(a)(ii)**
- F83** [Reg. 20\(3\)](#): semicolon substituted for full stop (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **7(a)(i)**
- F84** [Reg. 20\(3A\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **7(b)**
- F85** [Reg. 20\(4\)](#) omitted (14.10.2021 at noon) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **13(b)**

### Commencement Information

- I35** [Reg. 20](#) not in force at made date, see [reg. 1\(2\)](#)
- I36** [Reg. 20](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## CHAPTER 2

### [<sup>F86</sup>Exports to Belarus and related activities]

### Textual Amendments

- F86** [Pt. 5 Ch. 2](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(a)**

### Export of [<sup>F87</sup>goods to, or for use in, Belarus]

[<sup>F88</sup>21.—(1) The export of the following goods to or for use in Belarus is prohibited—

- [<sup>F89</sup>(a) banknotes;
- (b) chemical and biological weapons-related goods;
- (c) critical-industry goods;
- (d) dual-use goods;
- (e) interception and monitoring goods;
- (f) internal repression goods;
- (g) luxury goods;
- (h) machinery-related goods;
- (i) military goods;
- (j) oil refining goods;
- (k) quantum computing and advanced materials goods;
- (l) tobacco industry goods.]

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).]

#### Textual Amendments

- F87** Words in [reg. 21 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(b)(i)**
- F88** [Reg. 21\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **15(2)**
- F89** [Reg. 21\(1\)\(a\)-\(l\)](#) substituted for [reg. 21\(1\)\(a\)-\(i\)](#) (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **8(a)**

#### Commencement Information

- I37** [Reg. 21](#) not in force at made date, see [reg. 1\(2\)](#)
- I38** [Reg. 21](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Supply and delivery of [<sup>F90</sup> goods from a third country to Belarus]

[<sup>F91</sup>22.—(1) A person must not directly or indirectly supply or deliver the following goods from a third country to a place in Belarus—

- [<sup>F92</sup>(a) banknotes;
- (b) chemical and biological weapons-related goods;
  - (c) critical-industry goods;
  - (d) dual-use goods;
  - (e) interception and monitoring goods;
  - (f) internal repression goods;
  - (g) luxury goods;
  - (h) machinery-related goods;
  - (i) military goods;
  - (j) oil refining goods;
  - (k) quantum computing and advanced materials goods;
  - (l) tobacco industry goods.]

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Belarus.

(4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.]

#### Textual Amendments

- F90** Words in [reg. 22 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(c)(i)**
- F91** [Reg. 22\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **16(2)**
- F92** [Reg. 22\(1\)\(a\)-\(l\)](#) substituted for [reg. 22\(1\)\(a\)-\(i\)](#) (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **8(b)**

### Commencement Information

**I39** Reg. 22 not in force at made date, see [reg. 1\(2\)](#)

**I40** Reg. 22 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### [<sup>F93</sup>**Making available goods and technology to a person connected with, or for use in, Belarus]**

[<sup>F94</sup>**23.**—(1) A person must not—

- (a) directly or indirectly make goods or technology to which this paragraph applies available to a person connected with Belarus;
- (b) directly or indirectly make goods or technology to which this paragraph applies available for use in Belarus.

(1A) Paragraph (1) applies to—

- [<sup>F95</sup>(a) banknotes;
- (b) chemical and biological weapons-related goods and chemical and biological weapons-related technology;
  - (c) critical-industry goods and critical-industry technology;
  - (d) dual-use goods and dual-use technology;
  - (e) interception and monitoring goods and interception and monitoring technology;
  - (f) internal repression goods and internal repression technology;
  - (g) luxury goods;
  - (h) machinery-related goods and machinery-related technology;
  - (i) military goods and military technology;
  - (j) oil refining goods and oil refining technology;
  - (k) quantum computing and advanced materials goods and quantum computing and advanced materials technology;
  - (l) tobacco industry goods.]

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Belarus.]

### Textual Amendments

**F93** [Reg. 23 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(d\)\(i\)](#)

**F94** [Reg. 23\(1\)\(1A\)](#) substituted for [reg. 23\(1\)](#) (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), [17\(2\)](#)

**F95** [Reg. 23\(1A\)\(a\)-\(l\)](#) substituted for [reg. 23\(1A\)\(a\)-\(i\)](#) (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), [regs. 1\(2\)](#), [8\(c\)](#)

### Commencement Information

- I41** Reg. 23 not in force at made date, see [reg. 1\(2\)](#)  
**I42** Reg. 23 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

### Transfer of <sup>F96</sup>technology to a place in, or person connected with, Belarus]

**24.**—(1) A person must not—

- (a) transfer <sup>F97</sup>technology to which this paragraph applies] to a place in Belarus;
- (b) transfer <sup>F98</sup>technology to which this paragraph applies] to a person connected with <sup>F99</sup>Belarus.]

<sup>F100</sup>(1A) Paragraph (1) applies to—

- <sup>F101</sup>(a) chemical and biological weapons-related technology;
  - (b) critical-industry technology;
  - (c) dual-use technology;
  - (d) interception and monitoring technology;
  - (e) internal repression technology;
  - (f) machinery-related technology;
  - (g) military technology;
  - (h) oil refining technology;
  - (i) quantum computing and advanced materials technology.]]
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in Belarus;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus.

### Textual Amendments

- F96** Words in [reg. 24](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(e\)\(i\)](#)
- F97** Words in [reg. 24\(1\)\(a\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(e\)\(ii\)](#)
- F98** Words in [reg. 24\(1\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(e\)\(iii\)\(aa\)](#)
- F99** Words in [reg. 24\(1\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(e\)\(iii\)\(bb\)](#)
- F100** [Reg. 24\(1A\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [17\(e\)\(iv\)](#)
- F101** [Reg. 24\(1A\)\(a\)-\(i\)](#) substituted for [reg. 24\(1A\)\(a\)-\(g\)](#) (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), [regs. 1\(2\)](#), [8\(d\)](#)

### Commencement Information

**I43** Reg. 24 not in force at made date, see [reg. 1\(2\)](#)

**I44** Reg. 24 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### [<sup>F102</sup>Provision of interception and monitoring services

**24A.**—(1) A person must not directly or indirectly provide interception and monitoring services to, or for the benefit of, the Government of Belarus.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the services were provided to or for the benefit of the Government of Belarus.]

### Textual Amendments

**F102** [Reg. 24A](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), **18**

### Technical assistance relating to [<sup>F103</sup>certain goods and technology]

**25.**—(1) A person must not directly or indirectly provide technical assistance relating to [<sup>F104</sup>goods or technology to which this paragraph applies] —

- (a) to a person connected with Belarus, or
- (b) for use in Belarus.

[<sup>F105</sup>(1A) Paragraph (1) applies to—

- [<sup>F106</sup>(a) chemical and biological weapons-related goods and chemical and biological weapons-related technology;
- (b) critical-industry goods and critical-industry technology;
- (c) dual-use goods and dual-use technology;
- (d) interception and monitoring goods and interception and monitoring technology;
- (e) internal repression goods and internal repression technology;
- (f) machinery-related goods and machinery-related technology;
- (g) military goods and military technology;
- (h) oil refining goods and oil refining technology;
- (i) quantum computing and advanced materials goods and quantum computing and advanced materials technology.]]

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Belarus.

#### Textual Amendments

- F103** Words in reg. 25 heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(f)(i)**
- F104** Words in reg. 25(1) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(f)(ii)**
- F105** Reg. 25(1A) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(f)(iii)**
- F106** Reg. 25(1A)(a)-(i) substituted for reg. 25(1A)(a)-(g) (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **8(e)**

#### Commencement Information

- I45** Reg. 25 not in force at made date, see reg. 1(2)
- I46** Reg. 25 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Financial services and funds relating to <sup>F107</sup> certain arrangements]

**26.**—(1) A person must not directly or indirectly provide, to a person connected with Belarus, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of <sup>F108</sup>relevant] goods,
- (b) the direct or indirect supply or delivery of <sup>F108</sup>relevant] goods,
- (c) directly or indirectly making <sup>F108</sup>relevant] goods or <sup>F108</sup>relevant] technology available to a person,
- (d) the transfer of <sup>F108</sup>relevant] technology, or
- (e) the direct or indirect provision of technical assistance relating to <sup>F108</sup>relevant] goods or <sup>F108</sup>relevant] technology.

(2) A person must not directly or indirectly make funds available to a person connected with Belarus in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of <sup>F109</sup>relevant] goods to, or for use in, Belarus,
- (b) the direct or indirect supply or delivery of <sup>F109</sup>relevant] goods to a place in Belarus,
- (c) directly or indirectly making <sup>F109</sup>relevant] goods or <sup>F109</sup>relevant] technology available—
  - (i) to a person connected with Belarus, or
  - (ii) for use in Belarus,
- (d) the transfer of <sup>F109</sup>relevant] technology—
  - (i) to a person connected with Belarus, or
  - (ii) for use in Belarus, or
- (e) the direct or indirect provision of technical assistance relating to <sup>F109</sup>relevant] goods or <sup>F109</sup>relevant] technology—
  - (i) to a person connected with Belarus,
  - (ii) for use in Belarus.

(4) Paragraphs (1) to (3) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus;
- (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

[<sup>F110</sup>(6) In this regulation—

“relevant goods” means—

- (a) chemical and biological weapons-related goods;
- (b) critical-industry goods;
- (c) dual-use goods;
- (d) interception and monitoring goods;
- (e) internal repression goods;
- (f) machinery-related goods;
- (g) military goods;
- (h) oil refining goods;
- (i) quantum computing and advanced materials goods;

“relevant technology” means—

- (a) chemical and biological weapons-related technology;
- (b) critical-industry technology;
- (c) dual-use technology;
- (d) interception and monitoring technology;
- (e) internal repression technology;
- (f) machinery-related technology;
- (g) military technology;
- (h) oil refining technology;
- (i) quantum computing and advanced materials technology.]

#### Textual Amendments

- F107** Words in [reg. 26](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(g)(i)**
- F108** Word in [reg. 26\(1\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(g)(ii)**
- F109** Word in [reg. 26\(3\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **17(g)(ii)**
- F110** [Reg. 26\(6\)](#) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **8(f)**

#### Commencement Information

- I47** [Reg. 26](#) not in force at made date, see [reg. 1\(2\)](#)



**I48** Reg. 26 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**Brokering services: [F111certain arrangements relating to non-UK activities]**

**27.—(1)** A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of [F112relevant] goods from a third country to a place in Belarus,
- (b) directly or indirectly making [F112relevant] goods available in a third country for direct or indirect supply or delivery—
  - (i) to a person connected with Belarus, or
  - (ii) to a place in Belarus,
- (c) directly or indirectly making [F112relevant] technology available in a third country for transfer—
  - (i) to a person connected with Belarus, or
  - (ii) to a place in Belarus,
- (d) the transfer of [F112relevant] technology from a place in a third country—
  - (i) to a person connected with Belarus, or
  - (ii) to a place in Belarus,
- (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to [F112relevant] goods or [F112relevant] technology—
  - (i) to a person connected with Belarus, or
  - (ii) for use in Belarus,
- (f) the direct or indirect provision, in a non-UK country, of financial services—
  - (i) to a person connected with Belarus, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
  - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3),
- (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Belarus where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
- (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3).

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

[F113“relevant goods” and “relevant technology” have the meanings given in regulation 26;]

“third country” means—

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or Belarus, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Belarus.

**Textual Amendments**

- F111** Words in reg. 27 heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(h)(i)**
- F112** Word in reg. 27(1) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(h)(ii)**
- F113** Words in reg. 27(4) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **17(h)(iii)**

**Commencement Information**

- I49** Reg. 27 not in force at made date, see reg. 1(2)
- I50** Reg. 27 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2); 2020 c. 1, Sch. 5 para. 1(1)**

<sup>F114</sup>CHAPTER 2A

Dual-use goods, dual-use technology and related activities

**Textual Amendments**

- F114** Pt. 5 Ch. 2A omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **18**

**Interpretation of this Chapter**

**27A.** .....

**Export of dual-use goods**

**27B.** .....

**Supply and delivery of dual-use goods**

**27C.** .....

**Making dual-use goods and dual-use technology available**

**27D.** .....

**Transfer of dual-use technology**

**27E.** .....

**Technical assistance relating to dual-use goods and dual-use technology**

**27F.** .....

**Financial services and funds relating to dual-use goods and dual-use technology**

**27G.** .....

**Brokering services: non-UK activity relating to dual-use goods and dual-use technology**

**27H.** .....

[<sup>F115</sup>CHAPTER 2B

[<sup>F116</sup>Imports from Belarus and related activities]

**Textual Amendments**

**F115** Pt. 5 Chs. 2A-2C inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **19**

**F116** Pt. 5 Ch. 2B heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **19(a)**

**Import of [<sup>F117</sup>goods originating in, or consigned from, Belarus]**

**27I.**—(1) The import of goods to which this paragraph applies which originate in Belarus is prohibited.

(2) The import of goods to which this paragraph applies which are consigned from Belarus is prohibited.

(3) Paragraphs (1) and (2) apply to—

- [<sup>F118</sup>(a) arms and related materiel;
- (b) cement;
- (c) gold and gold jewellery which has been exported from Belarus on or after the relevant day;
- (d) iron and steel products;
- (e) mineral products;
- (f) potash;
- (g) relevant processed gold;
- (h) rubber;
- (i) wood.]

(4) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

[  
<sup>F119</sup>(5) In this regulation and regulation 27J “arms and related materiel” means—

- (a) military goods, and
- (b) any thing which falls within chapter 93 of the Goods Classification Table, other than military goods.

(6) For the purposes of the definition of “arms and related materiel”, whether a thing “falls within chapter 93 of the Goods Classification Table” is to be interpreted in accordance with paragraph 1 of Schedule 2B.]

[  
<sup>F120</sup>(7) In this Chapter, “relevant day” means the day on which this paragraph comes into force.]

### Textual Amendments

- F117** Words in [reg. 27I](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **19(b)(i)**
- F118** [Reg. 27I\(3\)\(a\)-\(i\)](#) substituted for [reg. 27I\(3\)\(a\)-\(d\)](#) (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(a)(i)**
- F119** [Reg. 27I\(5\)\(6\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **19(b)(iii)**
- F120** [Reg. 27I\(7\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(a)(ii)**

### Acquisition of [<sup>F121</sup> goods connected to Belarus]

**27J.**—(1) A person must not directly or indirectly acquire goods to which this paragraph applies—

- (a) which originate in Belarus;
- (b) which are located in Belarus.

(2) Paragraph (1) applies to—

- [<sup>F122</sup>(a) arms and related materiel;
- (b) cement;
- (c) gold and gold jewellery which has been exported from Belarus on or after the relevant day;
- (d) iron and steel products;
- (e) mineral products;
- (f) potash;
- (g) rubber;
- (h) wood.]

(3) A person must not directly or indirectly acquire potash [<sup>F123</sup>, military goods or military technology] from a person connected with Belarus.

(4) Paragraphs (1) and (3) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (3) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Belarus;
- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were located in Belarus;
- (c) it is a defence for a person charged with the offence of contravening paragraph (3) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Belarus.

### Textual Amendments

- F121** Words in [reg. 27J](#) heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **19(c)(i)**

**F122** Reg. 27J(2)(a)-(h) substituted for reg. 27J(2)(a)-(d) (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(b)**

**F123** Words in reg. 27J(3) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **19(c)(iii)**

### Supply and delivery of <sup>F124</sup>goods to places outside the UK]

**27K.**—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in Belarus to a third country.

(2) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in a non-UK country to a place in a different non-UK country where those goods originate in Belarus.

<sup>F125</sup>(3) Paragraph (1) applies to—

<sup>F126</sup>(a) arms and related materiel;

(b) cement;

(c) gold and gold jewellery which has been exported from Belarus on or after the relevant day;

(d) iron and steel products;

(e) mineral products;

(f) potash;

(g) rubber;

(h) wood.]

(3A) Paragraph (2) applies to—

<sup>F127</sup>(a) cement;

(b) gold and gold jewellery which has been exported from Belarus on or after the relevant day;

(c) mineral products;

(d) potash;

(e) rubber;

(f) wood.]]

(4) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

(a) it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was from a place in Belarus, whether directly or indirectly;

(b) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Belarus.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;

“third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

### Textual Amendments

**F124** Words in reg. 27K heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **19(d)(i)**

- F125** Reg. 27K(3)(3A) substituted for reg. 27K(3) (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **19(d)(ii)**
- F126** Reg. 27K(3)(a)-(h) substituted for reg. 27K(3)(a)-(d) (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(c)(i)**
- F127** Reg. 27K(3A)(a)-(f) substituted for reg. 27K(3A)(a)(b) (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(c)(ii)**

### Technical assistance relating to <sup>F128</sup>certain activities]

- 27L.**—(1) A person must not directly or indirectly provide technical assistance relating to—
- (a) the import of [<sup>F129</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood] which—
    - (i) originate in Belarus, or
    - (ii) are consigned from Belarus;
  - (b) the direct or indirect acquisition of [<sup>F130</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood]—
    - (i) originating in Belarus, or
    - (ii) located in Belarus;
  - (c) the direct or indirect supply or delivery of [<sup>F131</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood] from a place in Belarus to a third country;
  - (d) the direct or indirect supply or delivery of [<sup>F132</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, mineral products, potash, relevant processed gold, rubber or wood] from a place in a non-UK country to a place in a different non-UK country where the [<sup>F132</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, mineral products, potash, relevant processed gold, rubber or wood] originate in Belarus.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph 1(a), to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an import described in that paragraph;
  - (b) it is a defence for a person charged with an offence of contravening paragraph 1(b), to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an acquisition described in that paragraph;
  - (c) it is a defence for a person charged with an offence of contravening paragraph 1(c) or (d), to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to a supply or delivery described in paragraph (c) or (d), as applicable.
- (4) In this regulation—
- “non-UK country” means a country that is not the United Kingdom or the Isle of Man;
- “third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

### Textual Amendments

- F128** Words in reg. 27L heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **19(e)(i)**
- F129** Words in reg. 27L(1)(a) substituted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(d)(i)**
- F130** Words in reg. 27L(1)(b) substituted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(d)(i)**
- F131** Words in reg. 27L(1)(c) substituted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(d)(i)**
- F132** Words in reg. 27L(1)(d) substituted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **9(d)(ii)**

### Financial services, funds and brokering services relating to <sup>F133</sup>certain arrangements]

**27M.**—(1) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the import of [<sup>F134</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood] which—
  - (i) originate in Belarus, or
  - (ii) are consigned from Belarus;
- (b) the direct or indirect acquisition of [<sup>F135</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood]—
  - (i) originating in Belarus, or
  - (ii) located in Belarus;
- (c) the direct or indirect supply or delivery of [<sup>F136</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, iron and steel products, mineral products, potash, relevant processed gold, rubber or wood] from a place in Belarus to a third country;
- (d) the direct or indirect supply or delivery of [<sup>F137</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, mineral products, potash, relevant processed gold, rubber or wood] from a place in a non-UK country to a place in a different non-UK country where the [<sup>F137</sup>cement, gold and gold jewellery which has been exported from Belarus on or after the relevant day, mineral products, potash, relevant processed gold, rubber or wood] originate in Belarus.

(2) A person must not directly or indirectly provide brokering services in relation to any arrangements described in paragraph (1).

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

(5) A person who contravenes a prohibition in paragraph (2) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no



reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;

“third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

#### Textual Amendments

**F133** Words in reg. 27M heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **19(f)(i)**

**F134** Words in reg. 27M(1)(a) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(e)(i)**

**F135** Words in reg. 27M(1)(b) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(e)(i)**

**F136** Words in reg. 27M(1)(c) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(e)(i)**

**F137** Words in reg. 27M(1)(d) substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **9(e)(ii)**

## CHAPTER 2C

[<sup>F138</sup>Other trade prohibitions]

#### Textual Amendments

**F138** Pt. 5 Ch. 2C heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **20(a)**

### Technical assistance relating to aircraft [<sup>F139</sup>and ships]

**27N.**—(1) A person must not directly or indirectly provide technical assistance to, or for the benefit of, [<sup>F140</sup>any designated person, where the assistance relates to an aircraft or a ship.]

(2) Paragraph (1) does not apply to any technical assistance which is prohibited under [<sup>F141</sup>regulation 25 (technical assistance relating to certain goods and technology).]

(3) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the technical assistance was provided to or for the benefit of a [<sup>F142</sup>designated person].

[<sup>F143</sup>(5) In this regulation—

“aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities;

“designated person” means a person designated under regulation 5 (power to designate persons) for the purposes of this regulation;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“spaceflight activities” has the meaning given in section 1(6) of the Space Industry Act 2018.]]



#### Textual Amendments

- F139** Words in reg. 27N heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(b)**
- F140** Words in reg. 27N(1) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(c)(i)**
- F141** Words in reg. 27N(2) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(c)(ii)**
- F142** Words in reg. 27N(4) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(c)(iii)**
- F143** Reg. 27N(5) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(c)(iv)**

#### [<sup>F144</sup>Enabling or facilitating military activities

**27O.**—(1) A person must not directly or indirectly provide—

- (a) technical assistance,
- (b) armed personnel,
- (c) financial services or funds, or
- (d) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, anything mentioned in sub-paragraphs (a) to (c),

where such provision enables or facilitates the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the provision as mentioned in paragraph (1) would enable or facilitate the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“technical assistance” means the provision of technical support or any other technical service.

(5) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in this Part.]

#### Textual Amendments

- F144** Reg. 27O inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **20(d)**

## [<sup>F145</sup>CHAPTER 2D

### Internet services

#### Textual Amendments

**F145** Pt. 5 Ch. 2D inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), 10

#### Preventing provision of internet services to or for the benefit of designated persons

**27P.**—(1) A person who provides a social media service must take reasonable steps to prevent content that is generated directly on the service, or uploaded to or shared on the service, by a designated person being encountered by a user of the service in the United Kingdom.

(2) A person who provides an internet access service must take reasonable steps to prevent a user of the service in the United Kingdom from accessing, by means of that service, an internet service provided by a designated person.

(3) A person who provides an application store through which an application for an internet service may be downloaded or otherwise accessed must take reasonable steps to prevent a user of the application store in the United Kingdom from downloading or otherwise accessing, by means of that application store, an internet service provided by a designated person.

(4) A person who fails to comply with the requirement in paragraph (1), paragraph (2) or paragraph (3) commits an offence.

(5) In this regulation—

“content” means anything communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, visual images, music and data of any description;

“designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation;

“encounter”, in relation to content, means read, view, hear or otherwise experience content;

“internet access service” means a service that provides access to virtually all (or just some) of the end points of the internet;

“internet service” means a service that is made available by means of the internet;

“social media service” has the meaning given by section 43(3) of the Finance Act 2020.]

## CHAPTER 3

### Further provision

#### Circumventing etc prohibitions

**28.**—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in [<sup>F146</sup>Chapter 2 <sup>F147</sup>..., 2B or 2C] of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

#### Textual Amendments

- F146** Words in [reg. 28\(1\)\(a\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **20(1)**
- F147** Word in [reg. 28\(1\)\(a\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **21**

#### Commencement Information

- I51** Reg. 28 not in force at made date, see [reg. 1\(2\)](#)
- I52** Reg. 28 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Defences

**29.**—(1) Paragraph (2) applies where a person relies on a defence under [<sup>F148</sup>Chapter 2 <sup>F149</sup>..., 2B or 2C] of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

#### Textual Amendments

- F148** Words in [reg. 29\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **20(2)**
- F149** Word in [reg. 29\(1\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **21**

#### Commencement Information

- I53** Reg. 29 not in force at made date, see [reg. 1\(2\)](#)
- I54** Reg. 29 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## [<sup>F150</sup>PART 5A

### Aircraft

#### Textual Amendments

- F150** Pt. 5A inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **21**

### Movement of aircraft

- 29A.**—[  
<sup>F151</sup>(A1) A Belarusian aircraft must not—  
(a) overfly the United Kingdom, or  
(b) land in the United Kingdom.  
(A2) Paragraph (A1) is subject to Part 6 (Exceptions and licences).]  
(1) The Secretary of State may direct the CAA to—

- (a) refuse permission under article 250 of the ANO in respect of Belarusian aircraft;
  - (b) refuse permission under article 252 of the ANO in respect of Belarusian aircraft;
  - (c) suspend or revoke any permission granted under article 250 of the ANO in respect of Belarusian aircraft;
  - (d) suspend or revoke any permission granted under article 252 of the ANO in respect of Belarusian aircraft.
- (2) Air traffic control may direct the operator or pilot in command of a Belarusian aircraft—
- (a) not to enter the airspace over the United Kingdom;
  - (b) to leave the airspace over the United Kingdom by a specified route.
- (3) The Secretary of State may direct air traffic control to give directions under paragraph (2).
- [<sup>F152</sup>(4) An airport operator may direct the operator or pilot in command of a Belarusian aircraft—
- (a) not to take off, or not to permit the aircraft to take off, from an airport the operator manages,
  - (b) to take off, or to require the aircraft to take off, from an airport the operator manages, or
  - (c) not to land, or not to permit the aircraft to land, at an airport the operator manages.
- (5) The Secretary of State may direct an airport operator to—
- (a) give a direction under paragraph (4),
  - (b) secure the detention of a Belarusian aircraft at an airport, or
  - (c) secure the movement of a Belarusian aircraft to an airport specified in the direction.
- (6) An airport operator giving a direction under paragraph (4)(a) must take such steps as are reasonably practicable to detain the aircraft.
- (7) In this regulation “Belarusian aircraft” means an aircraft—
- (a) owned, chartered or operated by—
    - (i) a designated person, or
    - (ii) a person connected with Belarus, or
  - (b) registered in Belarus.
- (8) In paragraph (7), a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation.]

#### Textual Amendments

**F151** Reg. 29A(A1)(A2) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **22(a)**

**F152** Reg. 29A(4)-(8) substituted for reg. 29A(4)(5) (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **22(b)**

#### Directions under regulation 29A

**29B.**—(1) Paragraphs (3) to (5) apply in relation to a direction given under regulation 29A (movement of aircraft).

(2) A direction under regulation 29A(5) may be given to any airport operator or to airport operators generally.

(3) A person to whom a direction is given has a duty to comply with it.

(4) A direction may be of indefinite duration or a defined duration.

(5) A person who gives a direction may vary, revoke or suspend it at any time.

[  
<sup>F153</sup>(6) Any directions made by the Secretary of State under regulation 29A may make different provision for different purposes.

(7) Any directions in regulation 29A(1) to (5) are subject to the exceptions in regulation 31H (aircraft: exceptions relating to safety of persons or aircraft).]

#### Textual Amendments

**F153** Reg. 29B(6)(7) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **23**

#### Directions under regulation 29A: supplementary

**29C.**—(1) Where a direction is given under regulation 29A(1)(c) or (d)—

- (a) to the extent that the direction conflicts with the requirements of article 255 of the ANO (revocation etc. of permissions), those requirements are to be disregarded, and
- (b) article 255(4) of the ANO does not apply in relation to the [<sup>F154</sup>suspension or] revocation which is the subject of the direction.

(2) Where a direction is given under regulation 29A which conflicts with a permission under article 250 of the ANO, the permission is to be disregarded.

(3) In so far as a direction under regulation 29A conflicts with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the direction is to be disregarded.

(4) In so far as a direction under regulation 29A conflicts with the requirements of an enactment other than section 93 of the Transport Act 2000 or an order under section 94 of that Act, the requirements are to be disregarded.

(5) The Secretary of State may notify a person that the existence, any part of the content of a direction under regulation 29A, or anything done under the direction, is to be treated as confidential.

(6) A person must not disclose any information which the Secretary of State has notified that person under paragraph (5) is to be treated as confidential.

#### Textual Amendments

**F154** Words in [reg. 29C\(1\)\(b\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **24**

#### [<sup>F155</sup>Registration of an aircraft in the United Kingdom

**29CA.**—(1) The CAA must refuse to register an aircraft if, on the basis of the information given to the CAA by the applicant, the Secretary of State or a third person, the aircraft appears to be a relevant aircraft.

(2) The Secretary of State may direct the CAA to terminate the registration of a relevant aircraft.

(3) In so far as a direction under paragraph (2) conflicts with the provisions of Part 3 (Registration and marking) of the ANO, those provisions are to be disregarded.

(4) For the purposes of this regulation “relevant aircraft” means—

- (a) an aircraft owned or operated by a designated person, or

(b) an aircraft chartered by demise by a designated person.

(5) Any reference in this regulation to registering an aircraft is a reference to registering an aircraft in the register kept by the CAA.

(6) In this regulation, a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation.]

#### Textual Amendments

**F155** Reg. 29CA inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **25**

#### Offences

##### 29D.—[

<sup>F156</sup>(A1) If a prohibition in regulation 29A(A1) (movement of aircraft) is contravened by the flight or landing of a Belarusian aircraft, the operator and pilot in command of the aircraft commit an offence.]

(1) It is an offence for an airport operator to fail, without reasonable excuse, to comply with a direction given by the Secretary of State under regulation 29A(5) (directions to airport operators).

(2) It is an offence for a person to whom a direction is given under regulation 29A(4) (direction by airport operator to operator or pilot of aircraft) to fail to comply with the direction.

(3) It is an offence for a person to whom a direction is given under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft) to fail to comply with the direction.

(4) A person who contravenes the prohibition in regulation 29C(6) (disclosure of confidential information) commits an offence.

[

<sup>F157</sup>(5) In paragraph (A1), “Belarusian aircraft” has the same meaning as in regulation 29A.]

#### Textual Amendments

**F156** Reg. 29D(A1) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **26(a)**

**F157** Reg. 29D(5) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **26(b)**

#### Interpretation of Part 5A

##### 29E.—(1) In this Part—

“air traffic control” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);

“the ANO” means the Air Navigation Order 2016;

“beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

<sup>F158</sup> ...

“specified” means specified in a direction under regulation 29A.

(2) For the purposes of [<sup>F159</sup>this Part], an aircraft is “owned” by a person if—

(a) the legal title to the aircraft, or to any share in the aircraft, is vested in the person, or  
(b) the person has a beneficial interest in the aircraft or in any share in the aircraft,  
and the reference to a legal title or other interest includes one held jointly with any other person or persons.

(3) Any expression used in this Part and in section 6 of the Act (aircraft sanctions) has the same meaning in this Part as it has in that section.]

#### Textual Amendments

**F158** Words in [reg. 29E\(1\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **27(a)**

**F159** Words in [reg. 29E\(2\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **27(b)**

## [<sup>F160</sup>PART 5B

### Ships

#### Textual Amendments

**F160** Pt. 5B inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **28**

#### Prohibition on port entry

**29F.**—(1) A person must not provide a ship to which this paragraph applies with access to a port in the United Kingdom, if the person knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(2) The master or pilot of a ship to which this paragraph applies must not cause or permit the ship to enter a port in the United Kingdom if the master or pilot knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) Paragraphs (1) and (2) apply to—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship flying the flag of Belarus,
- (d) a ship registered in Belarus, or
- (e) a specified ship.

(6) In paragraph (5), a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

#### Directions prohibiting port entry

**29G.**—(1) A port barring direction may be given to the master or pilot of a specified ship.

(2) A port barring direction may be given by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(3) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in a port barring direction does not enter a port or ports specified in the direction, or any port in the United Kingdom.

(4) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(5) The Secretary of State may notify a person that the existence of a port barring direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(6) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (5) that the information is to be treated as confidential.

(7) In this regulation, a “port barring direction” means a direction prohibiting a ship from entering a port or ports specified in the direction, or any port in the United Kingdom.

### **Movement of ships**

**29H.**—(1) A port entry direction or a movement direction may be given by the Secretary of State to the master or pilot of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(2) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in paragraph (1)—

- (a) proceeds to or enters a port specified in the direction,
- (b) leaves a port specified in the direction,
- (c) proceeds to a place specified in the direction, or
- (d) remains where it is.

(3) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(4) The Secretary of State may notify a person that the existence of a port entry direction or a movement direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(5) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (4) that the information is to be treated as confidential.

(6) In this regulation—

“designated person” means a person who is designated under regulation 5 for the purposes of this regulation;

“movement direction” means a direction requiring a ship—

- (a) to leave a port specified in the direction,
- (b) to proceed to a place specified in the direction, or



(c) to remain where it is;

“port entry direction” means a direction requiring a ship to proceed to or enter a port specified in the direction.

### **Detention of ships**

**29I.**—(1) A detention direction may be given to the master of a ship referred to in paragraph (3) by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(2) A detention direction under paragraph (1)(b) may only be given by a harbour authority to the master of a specified ship if it has received a direction from the Secretary of State in accordance with paragraph (3)(d).

(3) The Secretary of State may direct a harbour authority to give a detention direction to the master of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(4) A “detention direction” means a direction requiring the detention of a ship at a port or anchorage in the United Kingdom.

(5) A detention direction given in relation to a ship—

- (a) must be in writing,
- (b) must be delivered to the master of the ship by the person who detains the ship,
- (c) must state the grounds on which the ship is detained, and
- (d) must state that—
  - (i) it is given under this regulation, and
  - (ii) any requirements imposed by the direction must be complied with.

(6) Paragraph (7) applies if—

- (a) the ship is not a British ship, and
- (b) there is in the United Kingdom a consular officer for the country to which the ship belongs.

(7) A copy of the detention direction must be sent as soon as practicable to the nearest consular officer for the country to which the ship belongs.

(8) Section 284(1), (2), (2A), (2B), (3) and (8) of the Merchant Shipping Act 1995 (enforcement of detention of ship) applies in the case of detention under a detention direction as it applies in the case of detention authorised or ordered by that Act, but as if—

- (a) any reference in that section to a notice of detention were to the detention direction, and
- (b) the reference in subsection (2A) of that section to a direction given under subsection (1A) (a) of that section were to any requirement imposed by the detention direction.

(9) In this regulation, “consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country.

(10) In this regulation, a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

### **Registration of ships in the United Kingdom**

**29J.**—(1) The Registrar must refuse to register a ship if, on the basis of the information given to the Registrar by the Secretary of State or accompanying the application for registration, the ship appears to the Registrar to be owned, controlled, chartered or operated by—

- (a) a designated person; or
  - (b) a person connected with Belarus.
- (2) The Secretary of State may direct the Registrar to terminate the registration of—
- (a) a ship that is owned, controlled, chartered or operated by;
    - (i) a designated person;
    - (ii) a person connected with Belarus; or
  - (b) a specified ship.
- (3) For the purposes of this regulation—
- (a) any reference to registering a ship is to registering the ship in the register of British ships maintained by the Registrar;
  - (b) “designated person” means a person who is designated under regulation 5 for the purposes of this regulation;
  - (c) a ship is “chartered” by a person if it is chartered on bareboat charter terms within the meaning given by section 17(11) of the Merchant Shipping Act 1995.

### **Specification of ships**

**29K.**—(1) The Secretary of State may specify ships within the meaning of section 7 of the Act for the purposes of—

- (a) regulation 29F (prohibition on port entry),
- (b) regulation 29G (directions prohibiting port entry),
- (c) regulation 29H (movement of ships),
- (d) regulation 29I (detention of ships), and
- (e) regulation 29J (registration of ships in the United Kingdom).

(2) The Secretary of State must specify a ship by its International Maritime Organization number or, where it is not reasonably practicable to identify it by that number, by any other means that the Secretary of State considers appropriate.

(3) The Secretary of State may not specify a ship unless the Secretary of State has reasonable grounds to suspect that the ship is, has been, or is likely to be, involved in a relevant activity..

(4) For the purposes of this regulation a ship is “involved in a relevant activity” if the ship is used for any activity whose object or effect is to contravene or circumvent, or to enable or facilitate the contravention or circumvention of, any provision of Part 3 (Finance), Part 5 (Trade), Part 5A (Aircraft) or Part 5B (Ships).

### **Notification and publicity where specification power used**

**29L.**—(1) Paragraph (2) applies where the Secretary of State—

- (a) has specified a ship under regulation 29K(1) (specification of ships), or
- (b) has by virtue of section 26 of the Act revoked a specification made under that regulation.

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform such persons as the Secretary of State considers appropriate of the specification or revocation, and
  - (b) except where one or more of the restricted publicity conditions is met, must take steps to publicise the specification or revocation generally.
- (3) The “restricted publicity conditions” are that the Secretary of State considers that disclosure of the specification or revocation should be restricted—
- (a) in the interests of national security or international relations,
  - (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (c) in the interests of justice.
- (4) Paragraph (5) applies if—
- (a) when a specification is made one or more of the restricted publicity conditions is met, but
  - (b) at any time when the specification has effect, it becomes the case that none of the restricted publicity conditions is met.
- (5) The Secretary of State must take steps to publicise the specification generally.

#### **Directions under this Part: general**

- 29M.**—(1) Paragraphs (2) to (4) apply in relation to a direction given under this Part.
- (2) A person to whom a direction is given has a duty to comply with it.
  - (3) A direction may be of indefinite duration or a defined duration.
  - (4) A person who gives a direction may vary, revoke or suspend it at any time.
  - (5) A direction under regulation 29H(2) (movement of ships) may be given to any harbour authority or to harbour authorities generally.

#### **Interpretation of Part 5B**

- 29N.**—(1) For the purposes of regulations 29F to 29L, a ship is—
- (a) “owned” by a person if—
    - (i) the legal title to the ship, or to any share in the ship, is vested in the person, or
    - (ii) the person has a beneficial interest in the ship or in any share in the ship; and
  - (b) “controlled” by a person who is able to take decisions about its operation, including (but not limited to) decisions about the route the ship may take and the appointment of master or crew.
- (2) For the purposes of paragraph (1)(b), a ship is not “controlled” by its master or crew, unless that master or crew are designated persons under any of the relevant regulations of this Part.
- (3) For the purposes of the relevant regulations of this Part, a ship is not “operated” by its master or crew unless that master or crew are designated persons for the purposes of any of those regulations.
- (4) Any reference in this Part to a legal title or other interest includes one held jointly with any other person or persons.
- (5) For the purposes of this Part—
- “beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“specified ship” means a ship specified by the Secretary of State under regulation 29K (specification of ships);

“the relevant regulations of this Part” means regulations 29F, 29H, 29I and 29J.

(6) Any expression used in this Part and in section 7 of the Act (shipping sanctions) has the same meaning in this Part as it has in that section.]

## PART 6

### Exceptions and licences

#### [<sup>F161</sup>Asset-freeze, etc.]: exceptions from prohibitions

**30.**—(1) The prohibition in regulation 11 (asset-freeze in relation to designated persons) is not contravened by an independent person (“P”) transferring to another person a legal or equitable interest in funds or economic resources where, immediately before the transfer, the interest—

- (a) is held by P, and
- (b) is not held jointly with the designated person.

(2) In paragraph (1) “independent person” means a person who—

- (a) is not the designated person, and
- (b) is not owned or controlled directly or indirectly (within the meaning of regulation 7) by the designated person.

(3) The prohibitions in regulations 11 to 13 (asset-freeze in relation to, and making funds available to, or for the benefit of, designated persons) are not contravened by a relevant institution crediting a frozen account with interest or other earnings due on the account.

(4) The prohibitions in regulations 12 and 13 (making funds available to, or for the benefit of, designated persons) are not contravened by a relevant institution crediting a frozen account where it receives funds transferred to that institution for crediting to that account.

(5) The prohibitions in regulations 12 and 13 are not contravened by the transfer of funds to a relevant institution for crediting to an account held or controlled (directly or indirectly) by a designated person, where those funds are transferred in discharge (or partial discharge) of an obligation which arose before the date on which the person became a designated person.

(6) The prohibitions in regulations 11 to 13 are not contravened in relation to a designated person (“P”) by a transfer of funds from account A to account B, where—

- (a) account A is with a relevant institution which carries on an excluded activity within the meaning of section 142D of the Financial Services and Markets Act 2000 <sup>M5</sup>,
- (b) account B is with a ring-fenced body within the meaning of section 142A of the Financial Services and Markets Act 2000 <sup>M6</sup>, and
- (c) accounts A and B are held or controlled (directly or indirectly) by P.

[<sup>F162</sup>(6A) The prohibitions in regulations 11 to 15 are not contravened by—

- (a) the purchase in Belarus of [<sup>F163</sup>mineral products] —
  - (i) by an individual, on a retail basis, for that individual’s personal use, or
  - (ii) solely for the purposes of the performance of any humanitarian assistance activity in Belarus;
- (b) the provision of any financial service or the making available of any funds in pursuance of or in connection with a purchase specified in sub-paragraph (a).]

(7) In this regulation—

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

“frozen account” means an account with a relevant institution which is held or controlled (directly or indirectly) by a designated person;

[<sup>F164</sup>“mineral products” has the meaning given in regulation 20(3);]

“relevant institution” means a person that has permission under Part 4A of the Financial Services and Markets Act 2000 <sup>M7</sup> (permission to carry on regulated activity).

(8) The definition of “relevant institution” in paragraph (7) is to be read with section 22 of the Financial Services and Markets Act 2000 <sup>M8</sup>, any relevant order under that section <sup>M9</sup> and Schedule 2 to that Act <sup>M10</sup>.

#### Textual Amendments

- F161** Words in [reg. 30 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **29(a)**
- F162** [Reg. 30\(6A\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **22**
- F163** Words in [reg. 30\(6A\)\(a\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **29(b)**
- F164** Words in [reg. 30\(7\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **29(c)**

#### Commencement Information

- I55** [Reg. 30](#) not in force at made date, see [reg. 1\(2\)](#)
- I56** [Reg. 30](#) in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M5** [2000 c.8. Section 142D](#) was inserted by the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#), **section 4(1)**.
- M6** [Section 142A](#) was inserted by the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#), **section 4(1)**.
- M7** [Part 4A](#) was inserted by the [Financial Services Act 2012 \(c.21\)](#), **section 11(2)** and amended by [S.I. 2018/135](#).
- M8** [Section 22](#) was amended by the [Financial Guidance and Claims Act 2018 \(c.10\)](#), **section 27(4)**; the [Financial Services Act 2012](#), section 7(1); and [S.I. 2018/135](#).
- M9** [S.I. 2001/544](#) as most recently amended by [S.I. 2018/1288](#) and prospectively amended by [S.I. 2018/1403](#).
- M10** [Schedule 2](#) was amended by the [Regulation of Financial Services \(Land Transactions\) Act 2005 \(c.24\)](#), **section 1**; the [Dormant Bank and Building Society Accounts Act 2008 \(c.31\)](#), **section 15** and [Schedule 2](#), paragraph 1; the [Financial Services Act 2012](#), sections 7(2) to (5) and 8; and [S.I. 2013/1881](#); and it is prospectively amended by [S.I. 2018/135](#).

#### [<sup>F165</sup>Exception for authorised conduct in a relevant country

**30A.**—(1) Where a person's conduct in a relevant country would, in the absence of this regulation, contravene a prohibition in any of regulations 11 to 15 (asset-freeze etc.) [<sup>F166</sup>, 15B (loans and credit arrangements) [<sup>F167</sup>, 15C (insurance and reinsurance services) or 15CA (provision of financial services relating to foreign reserve and asset management)], or Chapters 2, <sup>F168</sup>... 2B or 2C] of Part 5 (Trade) (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

- (a) under the law of the relevant country, and
  - (b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.
- (2) In this regulation—  
“relevant country” means—
- (a) any of the Channel Islands,
  - (b) the Isle of Man, or
  - (c) any British overseas territory.]

#### Textual Amendments

- F165** Reg. 30A inserted (31.12.2020 immediately after IP completion day) by *The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020* (S.I. 2020/951), regs. 1(2), **6(2)**; S.I. 2020/1514, **reg. 18**
- F166** Words in *reg. 30A(1)* substituted (14.10.2021 at noon) by *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021* (S.I. 2021/1146), regs. 1(2), **23**
- F167** Words in *reg. 30A(1)* substituted (5.7.2022) by *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022* (S.I. 2022/748), regs. 1(2), **30(a)**
- F168** Word in *reg. 30A(1)* omitted (5.7.2022) by virtue of *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022* (S.I. 2022/748), regs. 1(2), **30(b)**

#### Exception for acts done for purposes of national security or prevention of serious crime

**31.**—(1) Where an act would, in the absence of this paragraph, be prohibited by the prohibition in regulation 9(2) (confidentiality) or any prohibition in Part 3 (Finance) [<sup>F169</sup>, 5 (Trade) [<sup>F170</sup>, 5A (Aircraft) or 5B (Ships)]], that prohibition does not apply to the act if the act is one which a responsible officer has determined would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of [<sup>F171</sup>Part 5A (Aircraft),] Part 7 (Information and records) or Part 9 (Maritime enforcement), that requirement does not apply if a responsible officer has determined that not doing the thing in question would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(3) In this regulation “responsible officer” means a person in the service of the Crown or holding office under the Crown, acting in the course of that person’s duty.

#### Textual Amendments

- F169** Words in *reg. 31(1)* substituted (14.10.2021 at noon) by *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021* (S.I. 2021/1146), regs. 1(2), **24(a)**
- F170** Words in *reg. 31(1)* substituted (5.7.2022) by *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022* (S.I. 2022/748), regs. 1(2), **31**
- F171** Words in *reg. 31(2)* inserted (14.10.2021 at noon) by *The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021* (S.I. 2021/1146), regs. 1(2), **24(b)**

### Commencement Information

**I57** Reg. 31 not in force at made date, see [reg. 1\(2\)](#)

**I58** Reg. 31 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### [<sup>F172</sup>Exceptions relating to loans and credit arrangements

**31A.—(1)** The prohibitions in regulation 15B (loans and credit arrangements) are not contravened by the grant of—

- [<sup>F173</sup>(a) a relevant loan that has a specific and documented objective of making emergency funds available to meet applicable solvency or liquidity criteria for a relevant subsidiary;
- (b) a relevant loan consisting of a drawdown or disbursement made under an arrangement entered into before—
- (i) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force;
- (ii) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force,
- where the conditions in paragraph (2) are met.]

(2) The conditions referred to in [<sup>F174</sup>paragraph (1)(c)] are that—

- (a) all the terms and conditions of such drawdowns or disbursements—
- [<sup>F175</sup>(i) were agreed before—
- (aa) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force, or
- (bb) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force;]
- (ii) have not been modified on or after that date; and
- (b) a contractual maturity date has been fixed for the repayment in full of all funds made available and for the cancellation of all the rights and obligations under the arrangement.

[<sup>F176</sup>(3) In this regulation—

- (a) “category A loan”, “category B loan”, “category C loan” and “relevant loan” have the meanings given to them in regulation 15B;
- (b) “relevant subsidiary” means a person, other than an individual, which is—
- (i) incorporated or constituted under the law of any part of the United Kingdom, and
- (ii) majority owned (within the meaning of regulation 15D(3)) by a person, other than an individual, that is connected with Belarus.]

### Textual Amendments

**F172** [Regs. 31A-31C](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), [25](#)

**F173** [Reg. 31A\(1\)\(a\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [32\(a\)](#)

**F174** Words in [reg. 31A\(2\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [32\(b\)\(i\)](#)

**F175** [Reg. 31A\(2\)\(a\)\(i\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), [32\(b\)\(ii\)](#)

*Changes to legislation: There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019. (See end of Document for details)*

**F176** Reg. 31A(3) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **32(c)**

**Exceptions relating to insurance and reinsurance services**

**31B.**—(1) The prohibition in regulation 15C (insurance and reinsurance services) is not contravened by—

- (a) the provision of compulsory or third party insurance to an individual who is a national of Belarus, or to a body incorporated or constituted under the law of Belarus which is, located in the United Kingdom;
- (b) the provision of insurance for a diplomatic mission or consular post of Belarus in the United Kingdom.

(2) The prohibition in regulation 15C, insofar as it prohibits the provision of insurance or reinsurance services to persons falling within paragraph (2)(d) of that regulation, is not contravened by the provision of insurance or reinsurance services to an individual falling within that paragraph, provided that the insurance or reinsurance is for that individual’s personal use.

**Textual Amendments**

**F172** [Regs. 31A-31C](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **25**

**Trade:** <sup>F177</sup>**exceptions relating to mineral products for personal or humanitarian use]**

**31C.**—(1) <sup>F178</sup>The prohibition in regulation 27J(1) (acquisition of goods connected to Belarus) is not contravened by the purchase in Belarus of mineral products—]

- (a) by an individual on a retail basis, for that individual’s personal use, or
- (b) solely for the purposes of the performance of any humanitarian assistance activity in Belarus.

<sup>F179</sup>(2) The prohibitions in regulations 27I (import of goods originating in, or consigned from, Belarus) and 27K (supply and delivery of goods to places outside the UK) are not contravened by the import or supply or delivery of mineral products which have been purchased as described in paragraph (1).]

(3) <sup>F180</sup>The prohibitions in regulations 27L (technical assistance relating to certain activities) and 27M (financial services, funds and brokering services relating to certain arrangements) are not contravened by the provision of—]

- (a) any technical assistance relating to a purchase specified in paragraph (1);
- (b) any financial service or funds in pursuance of or in connection with an arrangement whose object or effect is a purchase specified in paragraph (1);
- (c) any brokering service in relation to any arrangement whose object or effect is a purchase specified in paragraph (1).

<sup>F181</sup>(4) .....]

**Textual Amendments**

**F172** [Regs. 31A-31C](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **25**



- F177** Words in reg. 31C heading substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **33(a)**
- F178** Words in reg. 31C substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **33(b)**
- F179** Reg. 31C(2) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **33(c)**
- F180** Words in reg. 31C(3) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **33(d)**
- F181** Reg. 31C(4) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **33(e)**

**[<sup>F182</sup>Trade: exceptions relating to travellers, diplomatic missions and international organisations**

**31D.**—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to any critical-industry goods, critical-industry technology, [<sup>F183</sup>machinery-related goods, machinery-related technology,] quantum computing and advanced materials goods or quantum computing and advanced materials technology which are—

- (a) the personal effects of a person travelling to Belarus,
- (b) of a non-commercial nature for the personal use of a person travelling to Belarus and contained in that person’s luggage, or
- (c) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) The prohibitions in regulations 21 to 23 (export of goods, supply and delivery of goods, and making available goods and technology) are not contravened by a relevant activity in relation to any luxury goods which are—

- (a) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law, or
- (b) the personal effects of their staff.

**[<sup>F184</sup>(3A)** The prohibitions in regulations 21 to 23 (export of goods, supply and delivery of goods, and making available goods and technology) are not contravened by a relevant activity where—

- (a) the luxury goods are gold jewellery;
- (b) the relevant activity is the export of those goods to Belarus by a person who is travelling to Belarus (“P”);
- (c) the jewellery is—
  - (i) of a non-commercial nature;
  - (ii) for the personal use of P or of any immediate family member of P who is travelling with P (“I”); and
  - (iii) contained in P or I’s luggage;
- (d) the gold jewellery is owned by any of the persons referred to in sub-paragraph (c)(ii); and
- (e) the jewellery is not intended for sale.

(3B) The prohibitions in Chapter 2B of Part 5 (imports from Belarus and related activities) are not contravened by a relevant activity in relation to any gold, gold jewellery and relevant processed gold which is necessary for the official purposes of a diplomatic mission or consular post in Belarus, or an international organisation enjoying immunities in accordance with international law.

(3C) The prohibitions in Chapter 2B of Part 5 are not contravened by a relevant activity where—

- (a) the relevant activity is the import or acquisition of gold jewellery by a person who is travelling to the United Kingdom (“P”);
- (b) the gold jewellery is—
  - (i) of a non-commercial nature;
  - (ii) for the personal use of P or of any immediate family member of P who is travelling with P (“I”); and
  - (iii) contained in P or I’s luggage;
- (c) the gold jewellery is owned by any of the persons referred to in sub-paragraph (b)(ii); and
- (d) the gold jewellery is not intended for sale.]

(4) In this regulation—

- <sup>F185</sup>(a) “critical-industry goods”, “critical-industry technology”, “gold”, “gold jewellery”, “luxury goods”, “machinery-related goods”, “machinery-related technology”, “quantum computing and advanced materials goods”, “quantum computing and advanced materials technology” and “relevant processed gold” have the meanings given in regulation 20(3) (interpretation of Part 5);]
- (b) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions mentioned in paragraphs (2) or (3).

#### Textual Amendments

- F182** Regs. 31D-31I inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **34**
- F183** Words in reg. 31D(1) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **11(a)**
- F184** Reg. 31D(3A)-(3C) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **11(b)**
- F185** Reg. 31D(4)(a) substituted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **11(2)**

#### Trade: exceptions relating to consumer communication devices and software updates

**31E.**—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to critical-industry goods, critical-industry technology [<sup>F186</sup>, machinery-related goods, machinery-related technology] or luxury goods which are—

- (a) consumer communication devices for civilian use, or
- (b) software updates for civilian use.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

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

- (a) goods are “for civilian use” if they are not—

- (i) for use by the Belarusian military or any other military end-user, or
- (ii) for any military use;
- (b) technology is “for civilian use” if it—
  - (i) does not relate to activities carried on or proposed to be carried on by the Belarusian military or any other military end user, and
  - (ii) is not for any military use;
- (c) “consumer communication devices” has the meaning given in Schedule 2D;
- (d) “critical-industry goods”, “critical-industry technology” [<sup>F187</sup>, “machinery-related goods”, “machinery-related technology”] and “luxury goods” have the meanings given in regulation 20(3) (interpretation of Part 5);
- (e) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions to which paragraph (1) applies.

#### **Textual Amendments**

**F182** Regs. 31D-31I inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **34**

**F186** Words in reg. 31E(1) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **12(a)**

**F187** Words in reg. 31E(3)(d) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **12(b)**

#### **Trade: exception for emergencies in certain cases**

**31F.**—(1) The prohibitions to which this paragraph applies are not contravened by any act done by a person (“P”), where P provides justification to the Secretary of State within the relevant period that the act is an act dealing with an emergency.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), so far as those prohibitions apply to critical-industry goods, critical-industry technology, [<sup>F188</sup>machinery-related goods, machinery-related technology,] oil refining goods or oil refining technology, other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) In this regulation—

“an act dealing with an emergency” means an act assisting with the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment;

“critical-industry goods” and “critical-industry technology” have the meanings given in regulation 20(3);

[<sup>F189</sup>“machinery-related goods” and “machinery-related technology” have the meanings given in regulation 20(3);]

“oil refining goods” and “oil refining technology” have the meanings given in regulation 20(3);

“relevant period”, in relation to an act, means the period of 5 working days beginning with the day on which the act is done.

#### Textual Amendments

- F182** Regs. 31D-31I inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **34**
- F188** Words in reg. 31F(2) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **13(a)**
- F189** Words in reg. 31F(3) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **13(b)**

#### Trade: exception for certain technical assistance to aircraft and ships

**31G.**—(1) The prohibitions in regulation 27N (technical assistance relating to aircraft and ships) are not contravened by the provision of any technical assistance where a failure to provide that assistance would endanger—

- (a) the lives of persons on board—
  - (i) an aircraft, or
  - (ii) a ship;
- (b) the safety of—
  - (i) an aircraft in flight, or
  - (ii) a ship at sea.

(2) In this regulation, the following terms have the same meaning as they have in regulation 27N—

- “aircraft”;
- “ship”.

#### Textual Amendments

- F182** Regs. 31D-31I inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **34**

#### Aircraft: exceptions relating to safety of persons or aircraft

**31H.**—(1) The prohibition in regulation 29A(A1)(b) (movement of aircraft) is not contravened by the landing of a Belarusian aircraft in the United Kingdom if failing to land would endanger the lives of persons on board or the safety of the aircraft.

(2) The prohibition in regulation 29A(A1)(a) is not contravened by the flight of a Belarusian aircraft in the airspace over the United Kingdom preparatory to a landing as mentioned in paragraph (1).

- (3) The directions in regulation 29A(1) to (5) are not contravened by conduct necessary to—
- (a) avoid endangering the lives of persons on board or the safety of the aircraft,
  - (b) protect the safety of another aircraft, or
  - (c) protect the safety of persons on the ground.

(4) The prohibition in regulation 29A(A1) is not contravened by the movement of a Belarusian aircraft if—

- (a) a direction has been given in relation to that aircraft under regulation 29A(2)(b), (4)(b) or (5)(c), and

- (b) the movement of the aircraft is in accordance with that direction.
- (5) In this regulation, “Belarusian aircraft” has the same meaning as in regulation 29A.

**Textual Amendments**

**F182** Regs. 31D-31I inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **34**

**Ships: exceptions relating to port entry in emergencies**

**31I.**—(1) The prohibition in regulation 29F(1) (prohibition on port entry) is not contravened by providing a ship with access to a port if—

- (a) a port entry direction has been given in relation to the ship under regulation 29H (movement of ships), or
  - (b) the access is needed by the ship in a case of emergency.
- (2) The prohibition in regulation 29F(2) is not contravened by the entry into port of a ship if—
- (a) a port entry direction has been given in relation to the ship under regulation 29H, or
  - (b) the entry is needed by the ship in a case of emergency.]

**Textual Amendments**

**F182** Regs. 31D-31I inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **34**

**[<sup>F190</sup>Trade: exceptions in relation to banknotes**

**31J.**—(1) Subject to paragraph (2), the prohibitions in regulations 21 to 23 (export of goods, supply and delivery of goods, and making available goods and technology) do not apply to the making available, supply, export or delivery of banknotes where the making available, supply, export or delivery is necessary for the personal use of natural persons travelling to Belarus or members of their immediate families travelling with them.

(2) The exception in paragraph (1) applies only to banknotes up to the value of £10,000 or its equivalent in any official currency of the European Union.

(3) The prohibitions in regulations 21 to 23 do not apply to the making available, supply, export or delivery of banknotes where the making available, supply, export or delivery is necessary for the official purposes of diplomatic missions, consular posts or international organisations in Belarus enjoying immunities in accordance with international law.

(4) The prohibitions in regulations 21 to 23 do not apply to anything done by a person who did not know and had no reasonable cause to suspect that the banknotes were ultimately—

- (a) to be exported, supplied, delivered or made available to a person connected with Belarus; or
- (b) for use in Belarus.

**Textual Amendments**

**F190** Regs. 31J, 31K inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **14**

### **Trade: exceptions in relation to machinery-related goods and machinery-related technology**

**31K.**—(1) The prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), in so far as they related to machinery-related goods and machinery-related technology, do not apply to the sale, supply, making available or export of such goods, or to the related provision of technical and financial services, funds and brokering, for non-military use by a non-military end-user, necessary for a purpose specified in paragraph (2).

(2) The purposes are—

- (a) humanitarian assistance activity,
- (b) addressing a health emergency;
- (c) providing a response to a natural disaster;
- (d) medical or pharmaceutical purposes for the benefit of the civilian population of a country;
- (e) temporary use by news media;
- (f) ensuring cyber-security and information security for persons in Belarus except for the Government of Belarus or any undertakings directly or indirectly controlled by it.]

#### **Textual Amendments**

**F190** Regs. 31J, 31K inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), 14

### **Treasury licences**

**32.**—(1) The prohibitions in regulations 11 to 15 (asset-freeze etc) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

[<sup>F191</sup>(1ZA) The prohibitions in 15A (securities and money market instruments) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.]

[<sup>F192</sup>(1A) The prohibitions in regulation 15B (loans and credit) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

(1B) The prohibition in regulation 15C (insurance and reinsurance services) does not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.]

[<sup>F193</sup>(1C) The prohibition in regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management) does not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

(1D) Without prejudice to the generality of the powers conferred by paragraphs (1) to (1C), a licence issued by the Treasury under those paragraphs may, in particular, authorise acts which would otherwise be prohibited by any of regulations 11 to 15CA for a particular period beginning with—

- (a) the coming into force of the prohibition, or
- (b) where the prohibition relates to a person designated for the purposes of regulations 11 to 15, the date on which the person was designated.]

(2) The Treasury may issue a licence [<sup>F194</sup>under paragraph (1)] which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in [<sup>F195</sup>Part 1 of] Schedule 3.

[<sup>F196</sup>(3) The Treasury may issue a licence under paragraph (1A) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 2 of Schedule 3.

(4) The Treasury may issue a licence under paragraph (1B) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 3 of Schedule 3.]

[<sup>F197</sup>(5) The Treasury may issue a licence under paragraph (1C) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 4 of Schedule 3.]

#### Textual Amendments

- F191** Reg. 32(1ZA) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **35(a)**
- F192** Reg. 32(1A)(1B) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **26(a)**
- F193** Reg. 32(1C)(1D) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **35(b)**
- F194** Words in reg. 32(2) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **26(b)(i)**
- F195** Words in reg. 32(2) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **26(b)(ii)**
- F196** Reg. 32(3)(4) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **26(c)**
- F197** Reg. 32(5) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **35(c)**

#### Commencement Information

- I59** Reg. 32 not in force at made date, see [reg. 1\(2\)](#)
- I60** Reg. 32 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Trade licences

**33.** The prohibitions in [<sup>F198</sup>Chapters 2 to 2C] of Part 5 (Trade) do not apply to anything done under the authority of a licence issued by the Secretary of State under this regulation.

#### Textual Amendments

- F198** Words in [reg. 33](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **27**

#### Commencement Information

- I61** Reg. 33 not in force at made date, see [reg. 1\(2\)](#)
- I62** Reg. 33 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### [<sup>F199</sup>Aircraft licences

**33A.** The prohibition in regulation 29A(A1) (prohibition on overflight or landing) does not apply to anything done under the authority of a licence issued by the Secretary of State under this regulation.]



### Textual Amendments

**F199** Reg. 33A inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), 36

### Licences: general provisions

**34.**—(1) This regulation applies in relation to Treasury licences [<sup>F200</sup>, trade licences and aircraft licences].

(2) A licence must specify the acts authorised by it.

(3) A licence may be general or may authorise acts by a particular person or persons of a particular description.

(4) A licence may —

- (a) contain conditions;
- (b) be of indefinite duration or a defined duration.

(5) A person who issues a licence may vary, revoke or suspend it at any time.

(6) A person who issues, varies, revokes or suspends a licence which authorises acts by a particular person must give written notice to that person of the issue, variation, revocation or suspension of the licence.

(7) A person who issues, varies, revokes or suspends a general licence or a licence which authorises acts by persons of a particular description must take such steps as that person considers appropriate to publicise the issue, variation, revocation or suspension of the licence.

### Textual Amendments

**F200** Words in reg. 34(1) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), 37

### Commencement Information

**I63** Reg. 34 not in force at made date, see reg. 1(2)

**I64** Reg. 34 in force at 31.12.2020 by S.I. 2019/627, reg. 12(2); 2020 c. 1, Sch. 5 para. 1(1)

### Finance: licensing offences

**35.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a Treasury licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a Treasury licence but who fails to comply with any condition of the licence commits an offence.

### Commencement Information

**I65** Reg. 35 not in force at made date, see reg. 1(2)

**I66** Reg. 35 in force at 31.12.2020 by S.I. 2019/627, reg. 12(2); 2020 c. 1, Sch. 5 para. 1(1)



### Trade: licensing offences

- 36.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—
- (a) provides information that is false in a material respect, or
  - (b) provides or produces a document that is not what it purports to be,
- for the purpose of obtaining a trade licence (whether for P or anyone else).
- (2) A person who purports to act under the authority of a trade licence but who fails to comply with any condition of the licence commits an offence.
- (3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.

#### Commencement Information

- I67** Reg. 36 not in force at made date, see [reg. 1\(2\)](#)
- I68** Reg. 36 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### [<sup>F201</sup>Aircraft: licensing offences

- 36A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—
- (a) provides information that is false in a material respect, or
  - (b) provides or produces a document that is not what it purports to be,
- for the purpose of obtaining an aircraft licence (whether for P or anyone else).
- (2) A person who purports to act under the authority of an aircraft licence but who fails to comply with any condition of the licence commits an offence.
- (3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.]

#### Textual Amendments

- F201** [Reg. 36A](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\), 38](#)

### Section 8B(1) to (3) of Immigration Act 1971: directions

- 37.**—(1) The Secretary of State may direct that, in relation to any person within regulation 17 whose name is specified, or who is of a specified description, section 8B(1) and (2) of the Immigration Act 1971, or section 8B(3) of that Act, have effect subject to specified exceptions.
- (2) A direction may contain conditions.
- (3) A direction must be of a defined duration (and that duration may be expressed in any way, including, for example, being expressed in a way such that the direction ceases to have effect on, or within a specified period after, the occurrence of a specified event).
- (4) The Secretary of State may vary, revoke or suspend a direction at any time.
- (5) On the issue, variation, revocation or suspension of a direction, the Secretary of State may take such steps as the Secretary of State considers appropriate to publicise the issue, variation, revocation or suspension of the direction.
- (6) In this regulation “specified” means specified in a direction.

#### Commencement Information

- I69** Reg. 37 not in force at made date, see [reg. 1\(2\)](#)  
**I70** Reg. 37 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## PART 7

### Information and records

#### Finance: reporting obligations

- 38.**—(1) A relevant firm must inform the Treasury as soon as practicable if—
- (a) it knows, or has reasonable cause to suspect, that a person—
    - (i) is a designated person, or
    - (ii) has committed an offence under any provision of Part 3 (Finance) or regulation 35 (finance: licensing offences), and
  - (b) the information or other matter on which the knowledge or cause for suspicion is based came to it in the course of carrying on its business.
- (2) Where a relevant firm informs the Treasury under paragraph (1), it must state—
- (a) the information or other matter on which the knowledge or suspicion is based, and
  - (b) any information it holds about the person by which the person can be identified.
- (3) Paragraph (4) applies if—
- (a) a relevant firm informs the Treasury under paragraph (1) that it knows, or has reasonable cause to suspect, that a person is a designated person, and
  - (b) that person is a customer of the relevant firm.
- (4) The relevant firm must also state the nature and amount or quantity of any funds or economic resources held by it for the customer at the time when it first had the knowledge or suspicion.
- (5) A relevant institution must inform the Treasury without delay if that institution—
- (a) credits a frozen account in accordance with regulation 30(4) (finance: exceptions from prohibitions), or
  - (b) transfers funds from a frozen account in accordance with regulation 30(6).
- (6) A person who fails to comply with a requirement in paragraph (1), (2) or (4) commits an offence.
- (7) In this regulation—
- “designated person” has the same meaning as it has in Part 3 (Finance);
  - “frozen account” has the same meaning as it has in regulation 30;
  - “relevant firm” is to be read in accordance with regulation 39;
  - “relevant institution” has the same meaning as it has in regulation 30.

#### Commencement Information

- I71** Reg. 38 not in force at made date, see [reg. 1\(2\)](#)  
**I72** Reg. 38 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**“Relevant firm”**

39.—(1) The following are relevant firms for the purposes of regulation 38—

- (a) a person that has permission under Part 4A of the Financial Services and Markets Act 2000 (permission to carry on regulated activity);
  - (b) an undertaking that by way of business—
    - (i) operates a currency exchange office,
    - (ii) transmits money (or any representation of monetary value) by any means, or
    - (iii) cashes cheques that are made payable to customers;
  - (c) a firm or sole practitioner that is—
    - (i) a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (statutory auditors) <sup>M11</sup>, or
    - (ii) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014 (general requirements for audit) <sup>M12</sup>;
  - (d) a firm or sole practitioner that provides to other persons, by way of business—
    - (i) accountancy services,
    - (ii) legal or notarial services,
    - (iii) advice about tax affairs, or
    - (iv) trust or company services within the meaning of paragraph (2);
  - (e) a firm or sole practitioner that carries out, or whose employees carry out, estate agency work;
  - (f) the holder of a casino operating licence within the meaning given by section 65(2)(a) of the Gambling Act 2005 (nature of a licence) <sup>M13</sup>;
  - (g) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—
    - (i) articles made from gold, silver, platinum or palladium, or
    - (ii) precious stones or pearls.
  - [<sup>F202</sup>(h) a cryptoasset exchange provider;
    - (i) a custodian wallet provider.]
- (2) In paragraph (1) “trust or company services” means any of the following services—
- (a) forming companies or other legal persons;
  - (b) acting, or arranging for another person to act—
    - (i) as a director or secretary of a company,
    - (ii) as a partner of a partnership, or
    - (iii) in a similar capacity in relation to other legal persons;
  - (c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement;
  - (d) acting, or arranging for another person to act, as—
    - (i) a trustee of an express trust or similar legal arrangement, or
    - (ii) a nominee shareholder for a person.
- (3) In paragraph (1)—

“estate agency work” is to be read in accordance with section 1 of the Estate Agents Act 1979<sup>M14</sup>, but as if references in that section to disposing of or acquiring an interest in land included (despite anything in section 2 of that Act) references to disposing of or acquiring an estate or interest in land outside the United Kingdom where that estate or interest is capable of being owned or held as a separate interest;

“firm” means any entity that, whether or not a legal person, is not an individual, and includes a body corporate and a partnership or other unincorporated body.

[<sup>F203</sup>(3A) In paragraph (1), a “cryptoasset exchange provider” means a firm or sole practitioner that by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—

- (a) exchanging, or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets,
- (b) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another, or
- (c) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets.

(3B) In paragraph (1), a “custodian wallet provider” means a firm or sole practitioner that by way of business provides services to safeguard, or to safeguard and administer—

- (a) cryptoassets on behalf of its customers, or
- (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets.

(3C) For the purposes of this regulation—

- (a) “cryptoasset” means a cryptographically secured digital representation of value or contractual rights that uses a form of distributed ledger technology and can be transferred, stored or traded electronically;
- (b) “money” means—
  - (i) money in sterling,
  - (ii) money in any other currency, or
  - (iii) money in any other medium of exchange,
 but does not include a cryptoasset; and
- (c) in sub-paragraphs (a) to (c) of paragraph (3A), “cryptoasset” includes a right to, or interest in, the cryptoasset.]

(4) Paragraph (1)(a) and (b) is to be read with section 22 of the Financial Services and Markets Act 2000, any relevant order under that section and Schedule 2 to that Act.

(5) For the purposes of regulation 38(1), information or another matter comes to a relevant firm “in the course of carrying on its business” if the information or other matter comes to the firm—

- (a) in the case of a relevant firm within paragraph (1)(a), in the course of carrying on an activity in respect of which the permission mentioned in that provision is required;
- (b) in the case of a relevant firm within paragraph (1)(c)(i), in the course of carrying out statutory audit work within the meaning of section 1210 of the Companies Act 2006 (meaning of statutory auditor)<sup>M15</sup>;
- (c) in the case of a relevant firm within paragraph (1)(c)(ii), in the course of carrying out an audit required by the Local Audit and Accountability Act 2014;
- (d) in the case of a relevant firm within paragraph (1)(f), in the course of carrying on an activity in respect of which the licence mentioned in that provision is required;

- (e) in the case of a relevant firm within any other provision of paragraph (1), in the course of carrying on an activity mentioned in that provision.

#### Textual Amendments

- F202** Reg. 39(1)(h)(i) inserted (30.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(3)(d), **5(2)(a)**
- F203** Reg. 39(3A)-(3C) inserted (30.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(3)(d), **5(2)(b)**

#### Commencement Information

- I73** Reg. 39 not in force at made date, see [reg. 1\(2\)](#)
- I74** Reg. 39 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M11** 2006 c.46.
- M12** 2014 c.2.
- M13** 2005 c.19.
- M14** 1979 c. 38. s. 1 was amended by the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c.73\)](#), **Sch. 1 para. 40**; the [Planning \(Consequential Provisions\) Act 1990 \(c.11\)](#), **Sch. 2, para. 42**; the [Planning \(Consequential Provisions\) \(Scotland\) Act 1997 \(c.11\)](#), **Sch. 2 para. 28**; the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), **s. 70**; [S.I. 1991/2684](#); [S.I. 2000/121](#); and [S.I. 2001/1283](#)
- M15** Section 1210 was amended by [S.I. 2008/565](#); [S.I. 2008/567](#); [S.I. 2008/1950](#); [S.I. 2011/99](#); [S.I. 2012/1809](#); [S.I. 2013/3115](#); [S.I. 2017/516](#); and [S.I. 2017/1164](#).

### Finance: powers to request information

- 40.**—(1) The Treasury may request a designated person to provide information about—
- (a) funds or economic resources owned, held or controlled by or on behalf of the designated person, or
  - (b) any disposal of such funds or economic resources.
- (2) The Treasury may request a designated person to provide such information as the Treasury may reasonably require about expenditure—
- (a) by the designated person, or
  - (b) for the benefit of the designated person.
- (3) For the purposes of paragraph (2), expenditure for the benefit of a designated person includes expenditure on the discharge (or partial discharge) of a financial obligation for which the designated person is wholly or partly responsible.
- (4) The power in paragraph (1) or (2) is exercisable only where the Treasury believe that it is necessary for the purpose of monitoring compliance with or detecting evasion of any provision of Part 3 (Finance).
- (5) The Treasury may request a person acting under a Treasury licence to provide information about—
- (a) funds or economic resources dealt with under the licence, <sup>F204</sup>...
  - (b) funds or economic resources made available under the [<sup>F205</sup>licence, or]
  - <sup>F206</sup>(c) any matter to which a licence relates, where that licence authorises an act that would otherwise be prohibited under—
    - (i) regulation 15A (dealing with transferable securities or money market instruments),

- (ii) regulation 15B (loans and credit arrangements),
- (iii) regulation 15C (insurance and reinsurance services), or
- (iv) regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management).]

(6) The Treasury may request a person to provide information within paragraph (7) if the Treasury believe that the person may be able to provide the information.

(7) Information within this paragraph is such information as the Treasury may reasonably require for the purpose of—

- (a) establishing for the purposes of any provision of Part 3 (Finance)—
  - (i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by or on behalf of a designated person,
  - (ii) the nature and amount or quantity of any funds or economic resources made available directly or indirectly to, or for the benefit of, a designated person, or
  - (iii) the nature of any financial transactions entered into by a designated person;
- (b) monitoring compliance with or detecting evasion of—
  - (i) any provision of Part 3,
  - (ii) regulation 38 (finance: reporting obligations), or
  - (iii) any condition of a Treasury licence;
- (c) detecting or obtaining evidence of the commission of an offence under Part 3 or regulation 35 (finance: licensing offences) or 38 (finance: reporting obligations).

(8) The Treasury may specify the way in which, and the period within which, information is to be provided.

(9) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(10) A request may include a continuing obligation to keep the Treasury informed as circumstances change, or on such regular basis as the Treasury may specify.

(11) Information requested under this regulation may relate to any period of time during which a person is, or was, a designated person.

(12) Information requested by virtue of paragraph (1)(b), (2) or (7)(a)(iii) may relate to any period before a person became a designated person (as well as, or instead of, any subsequent period).

(13) Expressions used in this regulation have the same meaning as they have in Part 3.

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#### **Textual Amendments**

- F204** Word in [reg. 40\(5\)\(a\)](#) omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), [39\(a\)\(i\)](#)
- F205** Words in [reg. 40\(5\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), [39\(a\)\(ii\)](#)
- F206** [Reg. 40\(5\)\(c\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), [39\(a\)\(iii\)](#)
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#### **Commencement Information**

- I75** [Reg. 40](#) not in force at made date, see [reg. 1\(2\)](#)
- I76** [Reg. 40](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### **Finance: production of documents**

**41.**—(1) A request under regulation 40 may include a request to produce specified documents or documents of a specified description.

- (2) Where the Treasury request that documents be produced, the Treasury may—
- (a) take copies of or extracts from any document so produced,
  - (b) request any person producing a document to give an explanation of it, and
  - (c) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is—
    - (i) in the case of a partnership, a present or past partner or employee of the partnership, or
    - (ii) in any other case, a present or past officer or employee of the body concerned, to give such an explanation.

(3) Where the Treasury request a designated person or a person acting under a Treasury licence to produce documents, that person must—

- (a) take reasonable steps to obtain the documents (if they are not already in the person's possession or control);
  - (b) keep the documents under the person's possession or control (except for the purpose of providing them to the Treasury or as the Treasury may otherwise permit).
- (4) In this regulation “designated person” has the same meaning as it has in Part 3 (Finance).

#### **Commencement Information**

**I77** Reg. 41 not in force at made date, see [reg. 1\(2\)](#)

**I78** Reg. 41 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### **Finance: information offences**

**42.**—(1) A person commits an offence, if that person—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request under regulation 40 (finance: powers to request information);
- (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
- (c) with intent to evade any provision of regulation 40 (finance: powers to request information) or 41 (finance: production of documents), destroys, mutilates, defaces, conceals or removes any document;
- (d) otherwise intentionally obstructs the Treasury in the exercise of their powers under regulation 40 (finance: powers to request information) or 41 (finance: production of documents).

(2) Where a person is convicted of an offence under this regulation, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.

#### **Commencement Information**

**I79** Reg. 42 not in force at made date, see [reg. 1\(2\)](#)

**180** Reg. 42 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Trade: application of information powers in CEMA

**43.**—(1) Section 77A of CEMA <sup>M16</sup> applies in relation to a person carrying on a relevant activity as it applies in relation to a person concerned in the importation or exportation of goods but as if—

- (a) in subsection (1), the reference to a person concerned in the importation or exportation of goods for which for that purpose <sup>F207</sup>... under CEMA were to a person carrying on a relevant activity;
- (b) any other reference to importation or exportation were to a relevant activity;
- (c) any reference to goods were to the goods, technology, services or funds to which the relevant activity relates.

(2) For the purposes of paragraph (1), a “relevant activity” means an activity which would, unless done under the authority of a trade licence, constitute a contravention of—

- [<sup>F208</sup>(a) any prohibition in Chapters 2, <sup>F209</sup>... 2B [<sup>F210</sup>, 2C or 2D] of Part 5 (Trade) except the prohibitions in [<sup>F211</sup>regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus), or]]
- (b) the prohibition in regulation 28 (circumventing etc prohibitions).

#### Textual Amendments

- F207** Words in **reg. 43(1)(a)** omitted (14.10.2021 at noon) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), **regs. 1(2), 28(a)**
- F208** **Reg. 43(2)(a)** substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), **regs. 1(2), 28(b)**
- F209** Word in **reg. 43(2)(a)** omitted (5.7.2022) by virtue of [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), **regs. 1(2), 39(b)(i)**
- F210** Words in **reg. 43(2)(a)** substituted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), **regs. 1(2), 15**
- F211** Words in **reg. 43(2)(a)** substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), **regs. 1(2), 39(b)(ii)**

#### Commencement Information

- I81** Reg. 43 not in force at made date, see [reg. 1\(2\)](#)
- I82** Reg. 43 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M16** Section 77A was inserted by the [Finance Act 1987 \(c.16\)](#), **section 10** and amended by S.I. 1992/3095.

### General trade licences: records

**44.**—(1) This regulation applies in relation to a person (“P”) who does any act authorised by a general licence issued under regulation 33 (trade licences) (“the licence”).

(2) P must keep a register or record containing such details as may be necessary to allow the following information to be identified in relation to each act done under the authority of the licence—

- (a) a description of the act;
- (b) a description of any goods, technology, services or funds to which the act relates;
- (c) the date of the act or the dates between which the act took place;



- (d) the quantity of any goods or funds to which the act relates;
  - (e) P's name and address;
  - (f) the name and address of any consignee of goods to which the act relates or any recipient of technology, services or funds to which the act relates;
  - (g) in so far as it is known to P, the name and address of the end-user of the goods, technology, services or funds to which the act relates;
  - (h) if different from P, the name and address of the supplier of any goods to which the act relates;
  - (i) any further information required by the licence.
- (3) The register or record relating to an act must be kept until the end of the calendar year in which the register or record is created and for a further period of 4 years from the end of that calendar year.
- (4) P must notify the Secretary of State in writing of P's name and the address at which the register or record may be inspected, and must make a further such notification if those details change.
- (5) A notification under paragraph (4) must be given no later than 30 days after—
- (a) P first does any act authorised by the licence, or
  - (b) there is any change to the details previously notified.
- (6) A person who fails to comply with a requirement in paragraph (2), (3) or (4) commits an offence.

#### **Commencement Information**

**183** Reg. 44 not in force at made date, see [reg. 1\(2\)](#)

**184** Reg. 44 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### **General trade licences: inspection of records**

**45.**—(1) A person authorised by the Secretary of State or the Commissioners (an “official”) may at any reasonable hour enter premises notified under regulation 44(4) for the purposes of monitoring compliance with or detecting evasion of regulation 44(2) or (3).

(2) An official may require any person on the premises to produce any register or record required to be kept under regulation 44, or any document included in such a register or record, that is in the person's possession or control.

(3) An official may inspect and copy any such register, record or document.

(4) An official must, if requested to do so, produce documentary evidence that he or she is authorised to exercise a power conferred by this regulation.

(5) A person commits an offence if, without reasonable excuse, the person—

- (a) intentionally obstructs an official in the performance of any of the official's functions under this regulation, or
- (b) fails to produce a register, record or document when reasonably required to do so by an official under this regulation.

#### **Commencement Information**

**185** Reg. 45 not in force at made date, see [reg. 1\(2\)](#)

**186** Reg. 45 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**[<sup>F212</sup>Internet services: power to request information and produce documents**

**45A.**—(1) OFCOM may request a person to provide information within paragraph (2) if OFCOM believe that the person may be able to provide the information.

(2) Information within this paragraph is such information as OFCOM may reasonably require for the purpose of monitoring compliance with or detecting evasion of regulation 27P (preventing provision of certain internet services to or for the benefit of designated persons).

(3) OFCOM may specify the way in which, and the period within which, information is to be provided.

(4) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(5) A request may include a continuing obligation to keep OFCOM informed as circumstances change, or on such regular basis as OFCOM may specify.

(6) A request may include a request to produce specified documents or documents of a specified description.

(7) Where OFCOM request that documents be produced, OFCOM may—

- (a) take copies of or extracts from any document so produced,
- (b) request any person producing a document to give an explanation of it, and
- (c) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is—
  - (i) in the case of a partnership, a present or past partner or employee of the partnership, or
  - (ii) in any other case, a past or present officer or employee of the body concerned, to give such an explanation.

**Textual Amendments**

**F212** Regs. 45A, 45B inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), 16

**Internet services: information offences**

**45B.**—(1) A person commits an offence, if that person—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request under regulation 45A;
- (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
- (c) with intent to evade any provision of regulation 45A, destroys, mutilates, defaces, conceals or removes any document;
- (d) otherwise intentionally obstructs OFCOM in the exercise of their powers under regulation 45A.

(2) Where a person is convicted of an offence under this regulation, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.]

### Textual Amendments

**F212** Regs. 45A, 45B inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), 16

### Disclosure of information

**46.**—(1) The Secretary of State, the Treasury [<sup>F213</sup>, OFCOM] or the Commissioners may, in accordance with this regulation, disclose—

- (a) any information obtained under or by virtue of Part 6 (Exceptions and licences), this Part or Part 9 (Maritime enforcement), or
- (b) any information held in connection with—
  - (i) anything done under or by virtue of Part 2 (Designation of persons), Part 3 (Finance), Part 5 (Trade), [<sup>F214</sup>Part 5A (Aircraft)][<sup>F215</sup>or Part 5B (Ships)], or
  - (ii) any exception or licence under Part 6 or anything done in accordance with such an exception or under the authority of such a licence.

(2) Information referred to in paragraph (1) may be disclosed for, or in connection with, any of the following purposes—

- (a) the exercise of functions under these Regulations;
- (b) any purpose stated in regulation 4;
- (c) facilitating, monitoring or ensuring compliance with these Regulations;
- (d) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the United Kingdom—
  - (i) for an offence under any provision of these Regulations,
  - (ii) for an offence under CEMA in connection with a prohibition mentioned in [<sup>F216</sup>regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus) [<sup>F217</sup>,]
  - (iii) in relation to a monetary penalty under section 146 of the Policing and Crime Act 2017 (breach of financial sanctions legislation) <sup>M17</sup>; [<sup>F218</sup>or]
- [<sup>F219</sup>(iv) in relation to a monetary penalty under regulation 56A (OFCON: power to impose monetary penalties).]
- (e) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in any of the Channel Islands, the Isle of Man, or any British overseas territory, for an offence—
  - (i) under a provision in any such jurisdiction that is similar to a provision of these Regulations, or
  - (ii) in connection with a prohibition in any such jurisdiction that is similar to a prohibition referred to in sub-paragraph (d)(ii);
- (f) compliance with an international obligation <sup>M18</sup>;
- (g) facilitating the exercise by an authority outside the United Kingdom or by an international organisation of functions which correspond to functions under these Regulations.

(3) Information referred to in paragraph (1) may be disclosed to the following persons—

- (a) a police officer;
- (b) any person holding or acting in any office under or in the service of—

- (i) the Crown in right of the Government of the United Kingdom,
  - (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,
  - (iii) the States of Jersey, Guernsey or Alderney or the Chief Pleas of Sark,
  - (iv) the Government of the Isle of Man, or
  - (v) the Government of any British overseas territory;
- (c) any law officer of the Crown for Jersey, Guernsey or the Isle of Man;
- (d) the Scottish Legal Aid Board;
- (e) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England, the Jersey Financial Services Commission, the Guernsey Financial Services Commission or the Isle of Man Financial Services Authority;
- (f) any other regulatory body (whether or not in the United Kingdom);
- (g) any organ of the United Nations;
- (h) the Council of the European Union, the European Commission or the European External Action Service;
- (i) the Government of any country;
- (j) any other person where the Secretary of State, the Treasury or the Commissioners (as the case may be) considers that it is appropriate to disclose the information.
- (4) Information referred to in paragraph (1) may be disclosed to any person with the consent of a person who, in their own right, is entitled to the information.
- (5) In paragraph (4) “in their own right” means not merely in the capacity as a servant or agent of another person.
- (6) In paragraph (1)(b)—
- (a) the reference to information includes information obtained at a time when any provision of these Regulations is not in force, and
  - (b) the reference to a licence under Part 6 includes—
    - (i) a licence or authorisation which is treated as if it were a licence which had been issued under that Part, and
    - (ii) a licence which is deemed to have been issued under that Part.]

### Textual Amendments

- F213** Word in reg. 46(1) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **17(a)**
- F214** Words in reg. 46(1)(b)(i) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **29(a)**
- F215** Words in reg. 46(1)(b)(i) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **39(c)(i)**
- F216** Words in reg. 46(2)(d)(ii) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **39(c)(ii)**
- F217** Reg. 46(2)(d)(ii): comma substituted for full stop (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **17(b)(i)**
- F218** Word in reg. 46(2)(d)(iii) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **17(b)(ii)**
- F219** Reg. 46(2)(d)(iv) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **17(b)(iii)**

#### Commencement Information

**I87** Reg. 46 not in force at made date, see [reg. 1\(2\)](#)

**I88** Reg. 46 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M17** [2017 c.3](#).

**M18** Section 1(8) of the Sanctions and Anti-Money Laundering Act 2018 defines an “international obligation” as an obligation of the United Kingdom created or arising by or under any international agreement.

#### [<sup>F220</sup> Finance: disclosure to the Treasury

**46A.**—(1) A relevant public authority may disclose information to the Treasury if the disclosure is made for the purpose of enabling or assisting the Treasury to discharge any of its functions in connection with sanctions.

(2) In this regulation—

“relevant public authority” means—

(a) any person holding or acting in any office under or in the service of—

- (i) the Crown in right of the Government of the United Kingdom,
- (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,

(b) any local authority,

(c) any police officer,

(d) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England or any other regulatory body in the United Kingdom, or

(e) any other person exercising functions of a public nature;

“local authority” means—

(a) in relation to England—

- (i) a county council,
- (ii) a district council,
- (iii) a London Borough council,
- (iv) the Common Council of the City of London in its capacity as a local authority,
- (v) the Council of the Isles of Scilly, or
- (vi) an eligible parish council within the meaning of section 1(2) of the Local Government Act 2000,

(b) in relation to Wales, a county council, a county borough council or a community council,

(c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or

(d) in relation to Northern Ireland, a district council.]

#### Textual Amendments

**F220** [Reg. 46A](#) inserted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), [regs. 1\(2\)](#), [5\(3\)](#)

## Part 7: supplementary

**47.**—(1) A disclosure of information under regulation 46 [<sup>F221</sup>or 46A] does not breach any restriction on such disclosure imposed by statute or otherwise.

(2) But nothing in [<sup>F222</sup>those regulations] authorises a disclosure that—

- (a) contravenes the data protection legislation, or
- (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 <sup>M19</sup>.

(3) Nothing in this Part is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.

(4) [<sup>F223</sup>Regulations 46 and 46A do] not limit the circumstances in which information may be disclosed apart from [<sup>F224</sup>those regulations].

(5) Nothing in this Part limits any conditions which may be contained in a Treasury licence or a trade licence.

(6) In this regulation—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act) <sup>M20</sup>;

“privileged information” means information with respect to which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

### Textual Amendments

- F221** Words in [reg. 47\(1\)](#) inserted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **5(4)(a)**
- F222** Words in [reg. 47\(2\)](#) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **5(4)(b)**
- F223** Words in [reg. 47\(4\)](#) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **5(4)(c)(i)**
- F224** Words in [reg. 47\(4\)](#) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **5(4)(c)(ii)**

### Commencement Information

- I89** Reg. 47 not in force at made date, see [reg. 1\(2\)](#)
- I90** Reg. 47 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Marginal Citations

- M19** [2016 c.25](#). Amendments have been made by the [Policing and Crime Act 2017 \(c. 3\)](#), **Schedule 9**, paragraph 74; the [Data Protection Act 2018 \(c. 12\)](#), **Schedule 19**, paragraphs 198-203; [S.I. 2018/652](#) and [S.I. 2018/1123](#). Saving provisions are made by [S.I. 2017/859](#).
- M20** [2018 c.12](#). There are amendments to this Act that are not relevant to these Regulations.

## PART 8

### Enforcement

#### Penalties for offences

**48.**—(1) A person who commits an offence under any provision of Part 3 (Finance) [<sup>F225</sup>, [<sup>F226</sup>regulation 29D(A1) to (3) (aircraft offences), 29F (prohibition on port entry), 29G(4) (directions prohibiting port entry), 29H(3) (movement of ships) or]] or regulation 35 (finance: licensing offences), is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F227</sup>the general limit in a magistrates' court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).

(2) A person who commits an offence under any provision of Part 5 (Trade) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F228</sup>the general limit in a magistrates' court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(3) A person who commits an offence under regulation 9(6) (confidentiality), [<sup>F229</sup>36 (trade: licensing offences) and 36A (aircraft: licensing offences)], 44(6) or 45(5) (offences in connection with trade licences) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F230</sup>the general limit in a magistrates' court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(4) A person who commits an offence under regulation [<sup>F231</sup>29D(4) (confidentiality),][<sup>F232</sup>29G(6) (directions prohibiting port entry: confidentiality), 29H(5) (movement of ships: confidentiality),] 38(6) [<sup>F233</sup>,] 42 (information offences in connection with Part 3) [<sup>F234</sup>, or 45B (internet services: information offences)] is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 6 months or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);



(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(5) In relation to an offence committed before [<sup>F235</sup>2nd May 2022] the reference in each of paragraphs (1)(a), (2)(a) and (3)(a) to [<sup>F236</sup>the general limit in a magistrates' court] is to be read as a reference to 6 months.

#### Textual Amendments

- F225** Words in reg. 48(1) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **30(a)**
- F226** Words in reg. 48(1) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **40(a)(i)**
- F227** Words in reg. 48(1)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**
- F228** Words in reg. 48(2)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**
- F229** Words in reg. 48(3) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **40(a)(ii)**
- F230** Words in reg. 48(3)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**
- F231** Words in reg. 48(4) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **30(b)**
- F232** Words in reg. 48(4) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **40(a)(iii)**
- F233** Reg. 48(4): comma substituted for word (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **18(a)**
- F234** Words in reg. 48(4) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **18(b)**
- F235** Words in reg. 48(5) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(2), **Sch. Pt. 2**
- F236** Words in reg. 48(5) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**

#### Commencement Information

- I91** Reg. 48 not in force at made date, see reg. 1(2)
- I92** Reg. 48 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Liability of officers of bodies corporate etc

- 49.**—(1) Where an offence under these Regulations, committed by a body corporate—
- (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
- (b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.



(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Paragraph (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

- (a) in the case of a partnership, to a partner;
- (b) in the case of an unincorporated body other than a partnership—
  - (i) where the body's affairs are managed by its members, to a member of the body;
  - (ii) in any other case, to a member of the governing body.

(4) Section 171(4) of CEMA (which is a provision similar to this regulation) does not apply to any offence under these Regulations to which that provision would, in the absence of this paragraph, apply.

#### Commencement Information

**I93** Reg. 49 not in force at made date, see [reg. 1\(2\)](#)

**I94** Reg. 49 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Jurisdiction to try offences

**50.**—(1) Where an offence under regulation 9(6) (confidentiality), Part 3 (Finance), [<sup>F237</sup>Part 5A (Aircraft),][<sup>F238</sup>Part 5B (Ships),] regulation 35 (finance: licensing offences) [<sup>F239</sup>,] regulation 38(6) or 42 (information offences in connection with Part 3) [<sup>F240</sup>, or 45B (internet services: information offences)] is committed in the United Kingdom—

- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

(2) Where an offence under these Regulations is committed outside the United Kingdom—

- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

(3) In the application of paragraph (2) to Scotland, any such proceedings against a person may be taken—

- (a) in any sheriff court district in which the person is apprehended or is in custody, or
- (b) in such sheriff court district as the Lord Advocate may determine.

(4) In paragraph (3) “sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act)<sup>M21</sup>.

#### Textual Amendments

**F237** Words in [reg. 50\(1\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), **31**

**F238** Words in [reg. 50\(1\)](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), [regs. 1\(2\)](#), **40(b)**

**F239** [Reg. 50\(1\)](#): comma substituted for word (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), [regs. 1\(2\)](#), **19(a)**

**F240** Words in [reg. 50\(1\)](#) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), [regs. 1\(2\)](#), [19\(b\)](#)

#### Commencement Information

**I95** [Reg. 50](#) not in force at made date, see [reg. 1\(2\)](#)

**I96** [Reg. 50](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M21** [1995 c.46](#).

### Procedure for offences by unincorporated bodies

**51.**—(1) Paragraphs (2) and (3) apply if it is alleged that an offence under these Regulations has been committed by an unincorporated body (as opposed to by a member of the body).

(2) Proceedings in England and Wales or Northern Ireland for such an offence must be brought against the body in its own name.

(3) For the purposes of proceedings, for such an offence brought against an unincorporated body—

(a) rules of court relating to the service of documents have effect as if the body were a body corporate;

(b) the following provisions apply as they apply in relation to a body corporate

(i) section 33 of the Criminal Justice Act 1925 <sup>M22</sup> and Schedule 3 to the Magistrates' Courts Act 1980 <sup>M23</sup>;

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 <sup>M24</sup> and Article 166 of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981 <sup>M25</sup>.

(4) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations is to be paid out of the funds of the body.

#### Commencement Information

**I97** [Reg. 51](#) not in force at made date, see [reg. 1\(2\)](#)

**I98** [Reg. 51](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M22** [1925 c.86](#). Amendments have been made to section 33 that are not relevant to these Regulations.

**M23** [1980 c.43](#). Amendments have been made to Schedule 3 that are not relevant to these Regulations.

**M24** [1945 c.15 \(N.I.\)](#).

**M25** [S.I. 1981/1675 \(N.I. 26\)](#).

### Time limit for proceedings for summary offences

**52.**—(1) Proceedings for an offence under these Regulations which is triable only summarily may be brought within the period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor's knowledge.

(2) But such proceedings may not be brought by virtue of paragraph (1) more than 3 years after the commission of the offence.

(3) A certificate signed by the prosecutor as to the date on which the evidence in question came to the prosecutor's knowledge is conclusive evidence of the date on which it did so; and a certificate

to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

- (4) In relation to proceedings in Scotland—
- (a) section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date of commencement of summary proceedings) applies for the purposes of this regulation as it applies for the purposes of that section, and
  - (b) references in this regulation to the prosecutor are to be treated as references to the Lord Advocate.

#### Commencement Information

**I99** Reg. 52 not in force at made date, see [reg. 1\(2\)](#)

**I100** Reg. 52 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Trade enforcement: application of CEMA

**53.**—(1) Where the Commissioners investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that a relevant offence has been committed, or
- (b) whether a person should be prosecuted for such an offence,

the matter is to be treated as an assigned matter.

(2) In paragraph (1) “assigned matter” has the meaning given by section 1(1) of CEMA <sup>M26</sup>.

(3) In this regulation a “relevant offence” means an offence under—

- (a) Part 5 (Trade),
- (b) regulation 36 (trade: licensing offences),
- (c) regulation 44(6) (general trade licences: records), or
- (d) regulation 45(5) (general trade licences: inspection of records).

<sup>F241</sup>(3A) The Commissioners may not investigate the suspected commission of an offence listed in paragraph (3B) (a “suspected offence”), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by—
  - (i) the Secretary of State,
  - (ii) the Treasury, or
  - (iii) OFCOM, where such referral relates to a suspected offence under regulation 27P(4);  
or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 22(3),
- (b) regulation 24A(3),
- (c) regulation 27(3),
- (d) regulation 27K(5),
- (e) regulation 27L(3) insofar as it applies to the prohibitions at regulation 27L(1)(c) and (d),
- (f) regulation 27M(4) insofar as it applies to the prohibitions at regulation 27M(1)(c) and (d),

- (g) regulation 27M(5) insofar as it applies to any activity prohibited under regulation 27M(2) which relates to arrangements described in sub-paragraphs 27M(1)(c) and (d),
- (h) regulation 27P(4).
- (3C) Regulation 53(3A) also applies to the suspected commission of a relevant offence under any of regulations 36(1), 36(2), 44(6) and 45(5) insofar as—
- (a) the suspected offence relates to a licence issued under regulation 33, and
- (b) the prohibited activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B)(a) to (h).]
- (4) Section 138 of CEMA <sup>M27</sup> (arrest of persons) applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence as it applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence for which the person is liable to be arrested under the customs and excise Acts <sup>M28</sup>, but as if—
- (a) any reference to an offence under, or for which a person is liable to be arrested under, the customs and excise Acts were to a relevant offence;
- (b) in subsection (2), the reference to any person so liable were to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence.
- (5) The provisions of CEMA mentioned in paragraph (6) apply in relation to proceedings for a relevant offence as they apply in relation to proceedings for an offence under the customs and excise Acts, but as if—
- (a) any reference to the customs and excise Acts were to any of the provisions mentioned in paragraph (3)(a) to (d);
- (b) in section 145(6), the reference to an offence for which a person is liable to be arrested under the customs and excise Acts were to a relevant offence;
- (c) in section 151, the reference to any penalty imposed under the customs and excise Acts were to any penalty imposed under these Regulations in relation to a relevant offence;
- (d) in section 154(2)—
- (i) the reference to proceedings relating to customs or excise were to proceedings under any of the provisions mentioned in paragraph (3)(a) to (d), and
- (ii) the reference to the place from which any goods have been brought included a reference to the place to which goods have been exported, supplied or delivered or the place to or from which technology has been transferred.
- (6) The provisions of CEMA are sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155 <sup>M29</sup> (legal proceedings).

#### Textual Amendments

**F241** Reg. 53(3A)-(3C) inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), **20**

#### Commencement Information

**I101** Reg. 53 not in force at made date, see [reg. 1\(2\)](#)

**I102** Reg. 53 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Marginal Citations

- M26** The definition of “assigned matter” in section 1(1) of CEMA was amended by the Commissioners for Revenue and Customs Act 2005 (c. 11), **Schedule 4**, paragraph 22(a); the Scotland Act 2012 (c. 11), **section 24(7)**; and the Wales Act 2014 (c.29), **section 7(1)**.
- M27** Section 138 of CEMA was amended by the Police and Criminal Evidence Act 1984 (c. 60), section 114(1), **Schedule 6**, paragraph 37, and Schedule 7, Part 1; the Finance Act 1988 (c. 39), **section 11**; the Serious Organised Crime and Police Act 2005 (c. 15), **Schedule 7**, paragraph 54; S.I. 1989/1341; and S.I. 2007/288.
- M28** “The customs and excise Acts” is defined in section 1 of CEMA.
- M29** Section 145 of CEMA was amended by the Police and Criminal Evidence Act 1984, section 114(1); the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 23(a); and S.I. 2014/834. Section 147 was amended by the **Criminal Justice Act 1982 (c. 48)**, **Schedule 14**, paragraph 42; the Finance Act 1989, section 16(2); and the Criminal Justice Act 2003, Schedule 3, paragraph 50. Section 152 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 26, and Schedule 5. Section 155 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 27, and Schedule 5.

### Trade offences in CEMA: modification of penalty

**54.**—(1) Paragraph (2) applies where a person is guilty of an offence under section 68(2) of CEMA in connection with a prohibition mentioned in [<sup>F242</sup>regulation 21 (export of goods to, or for use in, Belarus).]

(2) Where this paragraph applies, the reference to 7 years in section 68(3)(b) of CEMA <sup>M30</sup> is to be read as a reference to 10 years.

(3) Paragraph (4) applies where a person is guilty of an offence under section 170(2) of CEMA in connection with a prohibition mentioned in [<sup>F243</sup>regulation 21 (export of goods to, or for use in, Belarus) or 27I(1) or (2) (import of goods originating in, or consigned from, Belarus).]

(4) Where this paragraph applies, the reference to 7 years in section 170(3)(b) of CEMA <sup>M31</sup> is to be read as a reference to 10 years.

[<sup>F244</sup>(5) Paragraph (6) applies where a person is guilty of an offence under section 50(2) or (3) of CEMA in connection with a prohibition mentioned in [<sup>F245</sup>regulation 27I(1) or (2) (import of goods originating in, or consigned from, Belarus).]

(6) Where this paragraph applies, the reference to 7 years in section 50(4)(b) of CEMA is to be read as a reference to 10 years.]

### Textual Amendments

- F242** Words in **reg. 54(1)** substituted (5.7.2022) by **The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748)**, regs. 1(2), **40(c)(i)**
- F243** Words in **reg. 54(3)** substituted (5.7.2022) by **The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748)**, regs. 1(2), **40(c)(ii)**
- F244** **Reg. 54(5)(6)** inserted (14.10.2021 at noon) by **The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146)**, regs. 1(2), **32(c)**
- F245** Words in **reg. 54(5)** substituted (5.7.2022) by **The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748)**, regs. 1(2), **40(c)(iii)**

### Commencement Information

- I103** Reg. 54 not in force at made date, see **reg. 1(2)**
- I104** Reg. 54 in force at 31.12.2020 by **S.I. 2019/627**, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Marginal Citations

**M30** The words “7 years” were inserted in section 68(3)(b) of CEMA by the Finance Act 1988, section 12.

**M31** The words “7 years” were inserted in section 170(3)(b) of CEMA by the Finance Act 1988, section 12.

## Application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005

**55.** Chapter 1 of Part 2 of the Serious Organised Crime and Police Act 2005 (investigatory powers) <sup>M32</sup> applies to any offence under Part 3 (Finance) or regulation 35 (finance: licensing offences).

### Commencement Information

**I105** Reg. 55 not in force at made date, see [reg. 1\(2\)](#)

**I106** Reg. 55 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

### Marginal Citations

**M32** [2005 c.15](#). Chapter 1 of Part 2 has been amended by the [Terrorism Act 2006 \(c.11\)](#), [section 33\(3\)](#) and (4); the [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c.33\)](#), [sections 26\(2\)](#) and 30(2) and Schedules 3 and 5; the [Bribery Act 2010 \(c.23\)](#), [section 17\(2\)](#) and Schedule 1; the Criminal Justice and Licensing (Scotland) Act 2010 (asp.13), section 203 and Schedule 7, paragraph 77; the [Crime and Courts Act 2013 \(c.22\)](#), [section 17\(4\)](#) and Schedule 8, paragraphs 157 and 159; the [Criminal Finances Act 2017 \(c.22\)](#), [section 51\(1\)](#); the [Sanctions and Anti-Money Laundering Act 2018 \(c.13\)](#), [section 59\(4\)](#) and Schedule 3, paragraph 4; and [S.I. 2014/834](#).

## Monetary penalties

[<sup>F246</sup>**56.** Each provision in Part 5 (Trade) which contains a prohibition imposed for a purpose mentioned in section 3(1) or (2) of the Act is to be regarded as not being financial sanctions legislation for the purposes of Part 8 of the Policing and Crime Act 2017.]

### Textual Amendments

**F246** [Reg. 56](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), [regs. 1\(2\)](#), [33](#)

## [<sup>F247</sup>**OFCOM: power to impose monetary penalties**

**56A.—(1)** OFCOM may impose a monetary penalty on a person if they are satisfied, on the balance of probabilities, that—

- (a) the person has failed to comply with a requirement that is imposed under regulation 27P (internet services), or
- (b) the person has failed to comply with an obligation that is imposed by or under regulation 45A (internet services: power to request information and produce documents).

(2) The amount of the penalty is to be such amount as OFCOM may determine, not exceeding £1,000,000.

(3) Any monetary penalty payable under this regulation is recoverable by OFCOM as a civil debt.

(4) Any monetary penalty received by OFCOM by virtue of this regulation must be paid into the Consolidated Fund.

#### Textual Amendments

**F247** Regs. 56A, 56B inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), 21

#### **OFCOM: monetary penalties: procedural rights**

**56B.**—(1) Before imposing a monetary penalty on a person under regulation 56A, OFCOM must inform the person of their intention to do so.

(2) OFCOM must also—

- (a) explain the grounds for imposing the penalty,
- (b) specify the amount of the penalty,
- (c) explain that the person is entitled to make representations, and
- (d) specify the period within which any such representations must be made.

(3) If (having considered any representations), OFCOM decides to impose the penalty, OFCOM must inform the person of their decision.

(4) A person to which the decision relates may appeal to the Upper Tribunal against the decision.

(5) On an appeal under paragraph (4), the Upper Tribunal may—

- (a) dismiss the appeal,
- (b) quash OFCOM’s decision to impose the penalty, or
- (c) uphold that decision but substitute a different amount for the amount determined by OFCOM.]

#### Textual Amendments

**F247** Regs. 56A, 56B inserted (9.6.2023) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2023 \(S.I. 2023/616\)](#), regs. 1(2), 21

## **PART 9**

### Maritime enforcement

#### **Exercise of maritime enforcement powers**

**57.**—(1) A maritime enforcement officer may, for a purpose mentioned in paragraph (2) or (3), exercise any of the maritime enforcement powers in relation to—

- (a) a British ship in foreign waters or international waters,
- (b) a ship without nationality in international waters, or
- (c) a foreign ship in international waters,

and a ship within sub-paragraph (a), (b) or (c) is referred to in this Part as “a relevant ship”.

<sup>F248</sup>(2) The maritime enforcement powers may be exercised for the purpose of enforcing any of the following—

- (a) the prohibition in regulation 21 (export of goods to, or for use in, Belarus)



- (b) the prohibition in regulation 22 (supply and delivery of goods from a third country to Belarus);
  - (c) the prohibitions in regulation 23 (making available goods and technology to a person connected with, or for use in, Belarus);
  - (d) the prohibitions in regulation 24 (transfer of technology to a place in, or person connected with, Belarus);
  - (e) the prohibitions in regulation 27I(1) or (2), regulation 27J(1) or (3) or regulation 27K(1) or (2) (import, acquisition and supply and delivery of goods);
  - (f) a prohibition imposed by a condition of a licence issued under regulation 33 (trade licences) in relation to a prohibition mentioned in any of sub-paragraphs (a) to (e).]
- (3) The maritime enforcement powers may also be exercised in relation to a relevant ship for the purpose of—
- (a) investigating the suspected carriage of relevant goods on the ship, or
  - (b) preventing the continued carriage on the ship of goods suspected to be relevant goods.
- (4) In this Part, “the maritime enforcement powers” are the powers conferred by regulations 59 and 60.
- (5) This regulation is subject to regulation 61 (restrictions on exercise of maritime enforcement powers).

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**Textual Amendments**

**F248** Reg. 57(2) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **41**

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**Commencement Information**

**I107** Reg. 57 not in force at made date, see [reg. 1\(2\)](#)

**I108** Reg. 57 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**Maritime enforcement officers**

**58.**—(1) The following persons are “maritime enforcement officers” for the purposes of this Part—

- (a) a commissioned officer of any of Her Majesty's ships;
- (b) a member of the Ministry of Defence Police (within the meaning of section 1 of the Ministry of Defence Police Act 1987 <sup>M33</sup>);
- (c) a constable—
  - (i) who is a member of a police force in England and Wales,
  - (ii) within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 <sup>M34</sup>, or
  - (iii) who is a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;
- (d) a special constable—
  - (i) appointed under section 27 of the Police Act 1996 <sup>M35</sup>,
  - (ii) appointed under section 9 of the Police and Fire Reform (Scotland) Act 2012, or



- (iii) in Northern Ireland, appointed by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847 <sup>M36</sup>;
  - (e) a constable who is a member of the British Transport Police Force;
  - (f) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013 <sup>M37</sup>, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964 <sup>M38</sup>;
  - (g) a designated customs official within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act) <sup>M39</sup>;
  - (h) a designated NCA officer who is authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a maritime enforcement officer under this Part.
- (2) In this regulation, “a designated NCA officer” means a National Crime Agency officer who is either or both of the following—
- (a) an officer designated under section 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable;
  - (b) an officer designated under that section as having the powers of a general customs official.

#### Commencement Information

**I109** Reg. 58 not in force at made date, see [reg. 1\(2\)](#)

**I110** Reg. 58 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M33** 1987 c.4. Section 1 was amended by the [Police Act 1996 \(c.16\)](#), [Schedule 7](#), paragraph 41; the [Police \(Northern Ireland\) Act 1998 \(c.32\)](#), [Schedule 4](#), paragraph 16; the [Police \(Northern Ireland\) Act 2000 \(c.32\)](#), [section 78\(2\)](#); the [Police Reform Act 2002 \(c.30\)](#), [section 79\(3\)](#); and [S.I. 2013/602](#).

**M34** 2012 asp.8.

**M35** 1996 c.16. Section 27 was amended by the [Police and Justice Act 2006 \(c.48\)](#), [Schedule 2](#), paragraph 23; the [Policing and Crime Act 2009 \(c.26\)](#), [Schedule 7](#), paragraphs 1 and 6; and the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#), [Schedule 16](#), paragraphs 22 and 26.

**M36** 1847 c.27.

**M37** 2013 c.23.

**M38** 1964 c.40. Section 16 has been amended by various instruments but none are relevant to these Regulations.

**M39** 2009 c.11. Designated customs officials are designated, as either a general customs official or a customs revenue official, under sections 3 and 11 of this Act respectively.

#### Power to stop, board, search etc

**59.**—(1) This regulation applies if a maritime enforcement officer has reasonable grounds to suspect that a relevant ship is carrying prohibited goods or relevant goods.

(2) The officer may—

- (a) stop the ship;
- (b) board the ship;
- (c) for the purpose of exercising a power conferred by paragraph (3) or regulation 60, require the ship to be taken to, and remain in, a port or anchorage in the United Kingdom or any other country willing to receive it.

- (3) Where the officer boards a ship by virtue of this regulation, the officer may—
- (a) stop any person found on the ship and search that person for—
    - (i) prohibited goods or relevant goods, or
    - (ii) any thing that might be used to cause physical injury or damage to property or to endanger the safety of any ship;
  - (b) search the ship, or any thing found on the ship (including cargo) for prohibited goods or relevant goods;
- (4) The officer may—
- (a) require a person found on a ship boarded by virtue of this regulation to provide information or produce documents;
  - (b) inspect and copy such information or documents.
- (5) The officer may exercise a power conferred by paragraph (3)(a)(i) or (b) only to the extent reasonably required for the purpose of discovering prohibited goods or relevant goods.
- (6) The officer may exercise the power conferred by paragraph (3)(a)(ii) in relation to a person only where the officer has reasonable grounds to believe that the person might use a thing to cause physical injury or damage to property or to endanger the safety of any ship.
- (7) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

#### Commencement Information

**I111** Reg. 59 not in force at made date, see [reg. 1\(2\)](#)

**I112** Reg. 59 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Seizure power

**60.**—(1) This regulation applies if a maritime enforcement officer is lawfully on a relevant ship (whether in exercise of the powers conferred by regulation 59 or otherwise).

(2) The officer may seize any of the following which are found on the ship, in any thing found on the ship, or on any person found on the ship—

- (a) goods which the officer has reasonable grounds to suspect are prohibited goods or relevant goods, or
- (b) things within regulation 59(3)(a)(ii).

(3) The officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

#### Commencement Information

**I113** Reg. 60 not in force at made date, see [reg. 1\(2\)](#)

**I114** Reg. 60 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Restrictions on exercise of maritime enforcement powers

**61.**—(1) The authority of the Secretary of State is required before any maritime enforcement power is exercised in reliance on regulation 57 in relation to—

- (a) a British ship in foreign waters, or

(b) a foreign ship in international waters.

(2) In relation to a British ship in foreign waters other than the sea and other waters within the seaward limits of the territorial sea adjacent to any relevant British possession, the Secretary of State may give authority under paragraph (1) only if the State in whose waters the power would be exercised consents to the exercise of the power.

(3) In relation to a foreign ship in international waters, the Secretary of State may give authority under paragraph (1) only if—

- (a) the home state has requested the assistance of the United Kingdom for a purpose mentioned in regulation 57(2) or (3),
- (b) the home state has authorised the United Kingdom to act for such a purpose, or
- (c) the United Nations Convention on the Law of the Sea 1982<sup>M40</sup> or a UN Security Council Resolution otherwise permits the exercise of the power in relation to the ship.

#### Commencement Information

**I115** Reg. 61 not in force at made date, see [reg. 1\(2\)](#)

**I116** Reg. 61 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M40** Cmnd 8941.

### Interpretation of Part 9

**62.**—(1) Subject to paragraph (2), any expression used in this Part and in section 19 or 20 of the Act has the same meaning in this Part as it has in section 19 or (as the case may be) section 20 of the Act.

(2) For the purpose of interpreting any reference to “prohibited goods” or “relevant goods” in this Part, any reference in section 19 or 20 of the Act to a “relevant prohibition or requirement” is to be read as a reference to any prohibition specified in [<sup>F249</sup>regulation 57(2)(a) to (e)].

#### Textual Amendments

**F249** Words in reg. 62(2) substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), [regs. 1\(2\), 6\(5\)](#); [S.I. 2020/1514](#), [reg. 4](#)

#### Commencement Information

**I117** Reg. 62 not in force at made date, see [reg. 1\(2\)](#)

**I118** Reg. 62 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## PART 10

### Supplementary and final provision

#### Notices

**63.**—(1) This regulation applies in relation to a notice required by regulation 34 (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

**I119** Reg. 63 not in force at made date, see [reg. 1\(2\)](#)

**I120** Reg. 63 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Article 20 of the Export Control Order 2008

**64.** 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

**I121** Reg. 64 not in force at made date, see [reg. 1\(2\)](#)

**I122** Reg. 64 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Trade: overlapping offences

**65.** 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, [<sup>F250</sup>35,] 37 or 38 of that Order, and

- (b) any provision of Part 5 (Trade) or regulation 36 (trade: licensing offences), 44(6) or 45(5) (information offences in connection with general trade licences).

#### Textual Amendments

**F250** Word in [reg. 65\(a\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021](#) (S.I. 2021/1146), [regs. 1\(2\)](#), **35**

#### Commencement Information

**I123** [Reg. 65](#) not in force at made date, see [reg. 1\(2\)](#)

**I124** [Reg. 65](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Revocation of the Belarus Council Regulation

**66.** Council Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus is revoked.

#### Commencement Information

**I125** [Reg. 66](#) not in force at made date, see [reg. 1\(2\)](#)

**I126** [Reg. 66](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Other revocations and amendments

**67.—(1)** The Belarus (Asset-Freezing) Regulations 2013 <sup>M41</sup> are revoked.

(2) The Export Control (Belarus) and (Syria Amendment) Order 2011 <sup>M42</sup> is revoked.

#### Commencement Information

**I127** [Reg. 67](#) not in force at made date, see [reg. 1\(2\)](#)

**I128** [Reg. 67](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

**M41** [S.I. 2013/164](#), as amended by [s.4\(4\)\(a\) of the Wales Act 2014 \(c.29\)](#); [S.I. 2013/472](#); [S.I. 2013/534](#); [S.I. 2015/1850](#); [S.I. 2016/504](#); [S.I. 2017/560](#); [S.I. 2017/754](#); [S.I. 2018/682](#); and [S.I. 2018/1149](#).

**M42** [S.I. 2011/2010](#), as amended by [S.I. 2011/2925](#); and [S.I. 2012/810](#).

### Transitional provision: Treasury licences

**68.—(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 2013 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 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 32(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2013 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 2013 Regulations, or
- (b) the EU Belarus Regulation,

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

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2013 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on and 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 32(1) (Treasury licences).

(7) In this regulation—

“the 2013 Regulations” means the Belarus (Asset-Freezing) Regulations 2013;

“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.

#### **Commencement Information**

**I129** Reg. 68 not in force at made date, see [reg. 1\(2\)](#)

**I130** Reg. 68 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### **Transitional provision: trade licences**

**69.**—(1) Paragraph (2) applies in relation to each 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 33 (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, <sup>F251</sup> ...
- [<sup>F252</sup>(aa) is not an existing trade licence, and]
- (b) authorises an act—
- (i) which would otherwise be prohibited by the EU Belarus 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 33.
- (5) Any reference in an existing trade sanctions licence to a provision of the Export Control (Belarus) and (Syria Amendment) Order 2011 or 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 Belarus 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.

#### Textual Amendments

**F251** Word in reg. 69(3) omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **6(6)(a)**; [S.I. 2020/1514](#), **reg. 4**

**F252** Reg. 69(3)(aa) inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **6(6)(b)**; [S.I. 2020/1514](#), **reg. 4**

#### Commencement Information

**I131** Reg. 69 not in force at made date, see [reg. 1\(2\)](#)

**I132** Reg. 69 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; [2020 c. 1](#), **Sch. 5 para. 1(1)**

#### Transitional provision: pending applications for trade licences

- 70.**—(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 33 (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 (Belarus) and (Syria Amendment) Order 2011 or the EU Belarus 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 33.
- (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

**I133** Reg. 70 not in force at made date, see [reg. 1\(2\)](#)

**I134** Reg. 70 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Transitional provisions: prior obligations

**71.—(1)** Where—

- (a) a person was named in Annex I of the EU Belarus 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 paragraph (2) 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) The provisions referred to in paragraph (1) are—

- (a) regulation 30(5) (finance: exception from prohibitions), and
- (b) paragraphs 6(b)(i) and 9(a) of Schedule 3 (Treasury licences: purposes).

(3) 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.

#### Commencement Information

**I135** Reg. 71 not in force at made date, see [reg. 1\(2\)](#)

**I136** Reg. 71 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)



**Changes to legislation:**

There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019.