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STATUTORY INSTRUMENTS

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**2023 No. 616**

The Republic of Belarus (Sanctions) (EU  
Exit) (Amendment) Regulations 2023

PART 6

Information and records

**Amendment to regulation 43 (trade: application of information powers in CEMA)**

15. In regulation 43(2)(a) for “or 2C” substitute “, 2C or 2D”.

**Internet services**

16. After regulation 45 (general trade licences: inspection of records) insert—

**“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.

**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.”.

**17.** In regulation 46 (disclosure of information)—

- (a) in paragraph (1), after “the Treasury” insert “, OFCOM”;
- (b) in paragraph (2)—
  - (i) for “.” substitute “,” at the end of sub-paragraph (d)(ii);
  - (ii) insert “or” at the end of sub-paragraph (d)(iii);
  - (iii) after sub-paragraph (d)(iii) insert—
    - “(iv) in relation to a monetary penalty under regulation 56A (OFCEM: power to impose monetary penalties).”.