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STATUTORY INSTRUMENTS

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**2020 No. 1665**

**The Libya (Sanctions) (EU Exit) Regulations 2020**

**PART 1**

**General**

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Libya (Sanctions) (EU Exit) Regulations 2020.
- (2) The following provisions come into force on 30th December 2020—
  - (a) this regulation;
  - (b) regulation 2 (interpretation);
  - (c) regulation 4 (purposes);
  - (d) regulation 5 (power to designate persons);
  - (e) regulation 6 (criteria for designating a person);
  - (f) regulation 7 (meaning of “owned or controlled directly or indirectly”);
  - (g) regulation 8 (notification and publicity where designation power used);
  - (h) regulation 10 (designation of persons named by or under UN Security Council Resolutions);
  - (i) regulation 32 (interpretation of Part 5);
  - (j) Schedule 1 (rules for interpretation of regulation 7(2)).
- (3) All other provisions come into force on IP completion day<sup>(1)</sup>.

**Interpretation**

2. In these Regulations—
  - “the Act” means the Sanctions and Anti-Money Laundering Act 2018;
  - “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);
  - “CEMA” means the Customs and Excise Management Act 1979<sup>(2)</sup>;
  - “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;
  - “the Committee” means the Committee of the Security Council established in accordance with paragraph 24 of resolution 1970;
  - “conduct” includes acts and omissions;

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(1) Schedule 1 to the Interpretation Act 1978 (c.30) provides that “IP completion day” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (c.1) (see section 39(1) to (5) of that Act).

(2) 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

“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 EU Libya Regulation” means Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011<sup>(3)</sup>, as it has effect in EU law;

a “non-UN designated person” means a person—

- (a) who is designated under regulation 5 (power to designate persons) for the purposes of regulations 12 to 16 (asset-freeze etc.), and
- (b) whose designation (in the opinion of the Secretary of State) is not required by paragraph 17 of resolution 1970;

“port licence” means a licence under regulation 50;

“resolution 1970” means resolution 1970 (2011) adopted by the Security Council on 26 February 2011;

“resolution 1973” means resolution 1973 (2011) adopted by the Security Council on 17 March 2011;

“resolution 2009” means resolution 2009 (2011) adopted by the Security Council on 16 September 2011;

“resolution 2095” means resolution 2095 (2013) adopted by the Security Council on 14 March 2013;

“resolution 2146” means resolution 2146 (2014) adopted by the Security Council on 19 March 2014;

“resolution 2174” means resolution 2174 (2014) adopted by the Security Council on 27 August 2014;

“resolution 2213” means resolution 2213 (2015) adopted by the Security Council on 27 March 2015;

“resolution 2362” means resolution 2362 (2017) adopted by the Security Council on 29 June 2017;

“resolution 2441” means resolution 2441 (2018) adopted by the Security Council on 5 November 2018;

“trade licence” means a licence under regulation 49;

“Treasury licence” means a licence under regulation 48(1);

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

### **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 or the prohibition under regulation 42(2) (b) (overflight of aircraft) by conduct in the territorial sea.

(3) In this regulation, a “relevant prohibition” means any prohibition imposed by—

- (a) regulation 9(2) (confidential information),
- (b) Part 3 (Finance),
- (c) Part 5 (Trade),

(3) OJ No. L 012, 19.1.2016, p. 1.

- (d) Part 6 (UN designated ships), except for regulation 36 (port access or entry for UN designated ships), or
  - (e) a condition of a Treasury licence, a trade licence or a port 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 by conduct in the territorial sea.
- (6) In this regulation, a “relevant requirement” means any requirement imposed—
- (a) by or under Part 9 (Information and records), or by reason of a request made under a power conferred by that Part, or
  - (b) by a condition of a Treasury licence, a trade licence or a port licence.
- (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.

### **Purposes**

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
  - (b) the additional purposes mentioned in paragraph (2).
- (2) Those additional purposes are—
- (a) promoting respect for human rights in Libya,
  - (b) promoting the peace, stability and security of Libya,
  - (c) promoting the successful completion of Libya’s transition to a democratic, independent and united country, and
  - (d) preventing migrant smuggling and human trafficking taking place from Libya,
- otherwise than by compliance with the relevant UN obligations.

- (3) In this regulation, “the relevant UN obligations” means—
- (a) the obligation that the United Kingdom has by virtue of paragraph 17 of resolution 1970 (asset-freeze etc.) to take the measures required by that provision in respect of persons<sup>(4)</sup> for the time being named for the purposes of that provision by the Security Council or the Committee;
  - (b) the obligations that the United Kingdom has by virtue of paragraph 17 of resolution 1970 in respect of persons—
    - (i) acting on behalf of or at the direction of, or
    - (ii) owned or controlled by,the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 17 of resolution 1970;
  - (c) the obligations that the United Kingdom has by virtue of paragraphs 9, 10 and 12 of resolution 1970 (arms embargo etc.) as read with paragraph 13 of resolution 2009, paragraphs 9 and 10 of resolution 2095 and paragraph 8 of resolution 2174;
  - (d) the obligation that the United Kingdom has by virtue of paragraph 18 of resolution 1973 (in relation to the landing, taking off and overflying of certain aircraft);

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(4) “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.

- (e) the obligations that the United Kingdom has by virtue of paragraph 10 of resolution 2146 (in relation to ships for the time being designated by the Committee for the purposes of that paragraph)(5).
- (4) In paragraph (3)(a) and (b)—
  - (a) a reference to persons named by the Security Council or the Committee for the purposes of paragraph 17 of resolution 1970 includes persons named by virtue of paragraph 19 of resolution 1973;
  - (b) a reference to the obligations the United Kingdom has by virtue of paragraph 17 of resolution 1970 is to that provision as read with—
    - (i) paragraph 23 of resolution 1973,
    - (ii) paragraph 15 of resolution 2009,
    - (iii) paragraph 4 of resolution 2174,
    - (iv) paragraph 11 of resolution 2213,
    - (v) paragraph 11 of resolution 2362, and
    - (vi) paragraph 11 of resolution 2441.

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(5) The measures in relation to designated ships provided for in paragraph 10 of resolution 2146 have been renewed by paragraph 14 of resolution 2213 (2015) adopted by the Security Council on 27 March 2015, paragraph 1 of resolution 2278 (2016) adopted by the Security Council on 31 March 2016, paragraph 2 of resolution 2362 (2017) adopted by the Security Council on 29 June 2017, paragraph 2 of resolution 2441 (2018) adopted by the Security Council on 5 November 2018 and paragraph 2 of resolution 2509 (2020) adopted by the Security Council on 11 February 2020.