

*Regulations made by the Secretary of State, laid before Parliament under section 55(3) of the Sanctions and Anti-Money Laundering Act 2018, for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or during which both Houses are adjourned for more than four days.*

*This Statutory Instrument has been made in consequence of errors in [S.I. 2021/922](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 2021 No. 1146

## SANCTIONS

### The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021

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|-------------------------------|---------|------------------------------|
| <i>Made</i>                   | - - - - | <i>11th October 2021</i>     |
|                               |         | <i>at 11.00 a.m. on 14th</i> |
| <i>Laid before Parliament</i> |         | <i>October 2021</i>          |
|                               |         | <i>at noon on 14th</i>       |
| <i>Coming into force</i>      | - -     | <i>October 2021</i>          |

The Secretary of State<sup>(1)</sup>, considering that the requirements of section 45(2) of the Sanctions and Anti-Money Laundering Act 2018<sup>(2)</sup> are met, makes the following Regulations in exercise of the powers conferred by sections 1, 3(1)(b)(iii), 3(1)(d)(iii), 3(1)(e)(iii), 5, 6(2), (3), (6)(a)(ii) and (b) and (7), 9(2)(a), 10(2)(a) and (c), 11, 15(2)(a) and (b), (3) and (6), 16, 17, 19, 20, 21(1), 45, 54(1) and (2) and 62(5) and (6) of, and paragraphs 2(a)(ii) and (b), 3(a) and (b), 4(a)(ii), (b), (c) and (d), 5(a)(ii) and (b), 6(a)(ii) and (b), 7(a)(ii) and (b), 11(a)(i), (ii) and (iii), 13(a), (b), (c), (h), (i), (k), (l), (m), (n), (p), (q) and (w), 14(a), (f) and (k), 17, 19 to 23 and 27 of Schedule 1 to, that Act.

#### Citation and commencement

1.—(1) These Regulations may be cited as the Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations come into force at noon on 14th October 2021.

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(1) The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 ([c. 13](#)) is conferred on an appropriate Minister. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.

(2) [2018 c. 13](#).

## PART 1

### General

#### **Amendment of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019**

2. The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019<sup>(3)</sup> are amended as set out in regulations 3 to 38.

#### **Interpretation**

- 3.—(1) Regulation 2 (interpretation) is renumbered as paragraph (1) of that regulation.
- (2) In regulation 2(1) as so renumbered—
- (a) after the definition of “the Act”, insert—

““the Amendment Regulations 2021” means the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2021<sup>(4)</sup>”;
  - (b) after the definition of “conduct”, insert—

““consular post” has the same meaning as in the Vienna Convention on Consular Relations done at Vienna on 24 April 1963<sup>(5)</sup>, 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<sup>(6)</sup>”;
  - (c) after the definition of “the Government of Belarus”, insert—

““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”;
  - (d) in the definition of “Treasury licence”, for “32(1)”, substitute “32”.
- (3) After regulation 2(1) as renumbered pursuant to paragraph (1), insert—
- “(2) For the purposes of Part 5 (Trade) and Part 5A (Aircraft), 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.”

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

4. In regulation 3 (application of prohibitions and requirements outside the United Kingdom)—
- (a) in paragraph (3)(c), omit “or”;

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(3) S.I. 2019/600, as amended by S.I. 2020/590; S.I. 2020/951; and by the Sentencing Act 2020 (c. 17).

(4) S.I. 2021/922.

(5) United Nations Treaty Series, vol. 596, p.261.

(6) United Nations Treaty Series, vol. 500, p. 95.

- (b) after paragraph (3)(c) insert—
  - “(ca) by regulation 29C(6) (disclosure of confidential information), or”;
- (c) in paragraph (5), after “relevant requirement”, insert “or a requirement imposed by a direction under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft)”.

## PART 2

### Designation of persons

#### Power to designate persons

- 5. In regulation 5(1) (power to designate persons)—
  - (a) in sub-paragraph (a), omit “and”;
  - (b) at the end of sub-paragraph (b), for “.”, substitute “; and”;
  - (c) after sub-paragraph (b), insert—
    - “(c) regulation 27N (technical assistance relating to aircraft).”

#### Designation criteria

- 6. In regulation 6 (designation criteria)—
  - (a) in paragraph (3), after sub-paragraph (d) insert—
    - “(da) providing support for or obtaining an economic benefit from the Government of Belarus”;
  - (b) in paragraph (4), for “or Part 5 (Trade)” each time it occurs, substitute “Part 5 (Trade) or Part 5A (Aircraft)”.

## PART 3

### Finance

#### Financial sanctions

- 7.—(1) Regulations 10 to 15 (asset-freeze etc.) become Chapter 1 of Part 3 (Finance).
- (2) Before regulation 10, insert—

“CHAPTER 1

*Asset-freeze etc.*”

#### Transferable securities etc.

- 8. After regulation 15 (making economic resources available for benefit of designated persons), insert—

## “CHAPTER 2

### Other financial restrictions

#### **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
- (c) is issued after the date on which the Amendment Regulations 2021 come into force.

(3) Paragraph (1) is subject to regulation 31 (exception for acts done for purposes of national security or prevention of serious crime).

(4) A person who contravenes the prohibition in paragraph (1) 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).

### **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.

(5) In this regulation, “relevant loan” means a loan or credit—

- (a) with a maturity exceeding 90 days,
- (b) made or granted to a relevant person, and
- (c) which is first made or granted at any time after the date on which the Amendment Regulations 2021 come into force.

### **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.

### **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;

“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(7) 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;

“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).

(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.

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(7) 2000 c. 8. Part 4A was inserted by the Financial Services Act 2012 (c. 21), section 11(2) and most recently amended by the Financial Services Act 2021 (c. 22), section 28 and Schedule 11, paragraphs 2 and 3.

(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).

#### CHAPTER 3

#### *Further Provision”.*

9. In regulation 16(1)(a) (circumventing etc. prohibitions), for “regulations 11 to 15”, substitute “Chapters 1 or 2”.

### PART 4

#### Trade

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

10. In regulation 18—

- (a) in the definition of “restricted goods”, after “military goods”, omit “and” and insert—
  - “(aa) interception and monitoring goods, and”;
- (b) in the definition of “restricted technology”, after “military technology”, omit “and” and insert—
  - “(aa) interception and monitoring technology, and”.

#### **Further definitions**

11. For regulation 19, substitute—

#### **“Definitions relating to “restricted goods” and “restricted technology”**

19.—(1) For the purposes of regulation 18—

“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));

“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<sup>(8)</sup>, 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;
 

“internal repression technology” means any thing which is described in Schedule 2 as software or technology, within the meaning of that Schedule;

“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;

“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.
- (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).”

### **Definition of “interception and monitoring services”**

**12.** After regulation 19, insert—

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(8) [S.I. 2008/3231](#). Schedule 2 was substituted by [S.I. 2017/85](#) and subsequently amended by [S.I. 2017/697](#); [S.I. 2018/165](#); [S.I. 2018/939](#); [S.I. 2019/137](#); [S.I. 2019/989](#); and [S.I. 2021/586](#). There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.



**“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<sup>(9)</sup>.”

### **Interpretation of other expressions used in Part 5**

**13.** In regulation 20 (interpretation of other expressions used in this Part)—

(a) in paragraph (3)—

(i) after the definition of “brokering service”, insert—

““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;

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

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

(ii) after the definition of “technical assistance”, insert—

““tobacco industry goods” has the meaning given to it in Schedule 2B;”;

(b) omit paragraph (4).

### **Export of restricted goods and tobacco industry goods**

**14.** In the title of Chapter 2 of Part 5 (Trade), after “Restricted goods”, insert “, tobacco industry goods”.

**15.**—(1) In the heading to regulation 21, after “restricted goods”, insert “and tobacco industry goods”.

(2) In regulation 21, for paragraph (1) substitute—

“(1) The export of the following goods to or for use in Belarus is prohibited—

(a) restricted goods;

(b) tobacco industry goods.”

**16.**—(1) In the heading to regulation 22, after “restricted goods”, insert “and tobacco industry goods”.

(2) In regulation 22, for paragraph (1) substitute—

“(1) A person must not directly or indirectly supply or deliver the following goods from a third country to a place in Belarus—

(a) restricted goods;

(b) tobacco industry goods.”

17.—(1) In the heading to regulation 23, after “restricted goods”, insert “, tobacco industry goods”.

(2) In regulation 23, for paragraph (1) substitute—

“(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—

- (a) restricted goods;
- (b) restricted technology;
- (c) tobacco industry goods.”

### **Interception and monitoring services**

18. After regulation 24, insert—

#### **“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.”

### **Dual-use goods and technology**

19. After Chapter 2 (restricted goods, tobacco industry goods and restricted technology) of Part 5 (Trade), insert—

#### **“CHAPTER 2A**

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

#### **Interpretation of this Chapter**

27A. For the purposes of this Chapter—

(a) goods are “for military use” if they are—

- (i) for use by the Belarusian military or any other military end-user, or
- (ii) for any military use;

(b) technology is “for military use” if it—

- (i) relates to military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user, or
- (ii) is for any military use.

### **Export of dual-use goods**

- 27B.**—(1) The export to Belarus of dual-use goods for military use is prohibited.
- (2) The export of dual-use goods for military use in Belarus is prohibited.
- (3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

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

- 27C.**—(1) A person must not directly or indirectly supply or deliver dual-use goods for military use from a third country to a place 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 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—
- (a) the goods were destined (or ultimately destined) for Belarus, or
- (b) the goods were for military use.
- (4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or Belarus.

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

- 27D.**—(1) A person must not—
- (a) directly or indirectly make available, to a person connected with Belarus, dual-use goods for military use or dual-use technology for military use;
- (b) directly or indirectly make available dual-use goods for military use in Belarus or dual-use technology for military use 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) (“P”) to show that P did not know and had no reasonable cause to suspect that—
- (i) the person was connected with Belarus, or
- (ii) the goods or technology were for military use;
- (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 goods or technology were for military use in Belarus.

### **Transfer of dual-use technology**

- 27E.**—(1) A person must not—
- (a) transfer dual-use technology for military use to a place in Belarus;
- (b) transfer dual-use technology for military use to a person connected with 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 the offence of contravening paragraph (1) (a) to show that the person did not know and had no reasonable cause to suspect that—

- (i) the transfer was to a place in Belarus, or
- (ii) the technology was for military use;
- (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—
  - (i) the person was connected with Belarus, or
  - (ii) the technology was for military use.

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

- 27F.**—(1) A person must not directly or indirectly—
- (a) provide technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Belarus;
  - (b) provide technical assistance relating to dual-use goods for military use in Belarus or dual-use technology for military use 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 the offence of contravening paragraph (1) (a) (“P”) to show that P did not know and had no reasonable cause to suspect that—
    - (i) the person was connected with Belarus, or
    - (ii) the goods or technology were for military use;
  - (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 military use in Belarus.

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

- 27G.**—(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 dual-use goods for military use,
  - (b) the direct or indirect supply or delivery of dual-use goods for military use,
  - (c) directly or indirectly making dual-use goods for military use or dual-use technology for military use available to a person,
  - (d) the transfer of dual-use technology for military use, or
  - (e) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use.
- (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 to Belarus of dual-use goods for military use;
  - (b) the export of dual-use goods for military use in Belarus;

- (c) the direct or indirect supply or delivery of dual-use goods for military use to a place in Belarus;
  - (d) directly or indirectly making available, to a person connected with Belarus, dual-use goods for military use or dual-use technology for military use;
  - (e) directly or indirectly making available dual-use goods for military use in Belarus or dual-use technology for military use in Belarus;
  - (f) the transfer of dual-use technology for military use—
    - (i) to a person connected with Belarus, or
    - (ii) to a place in Belarus;
  - (g) the direct or indirect provision of technical assistance relating to dual-use goods for military use or dual-use technology for military use to a person connected with Belarus;
  - (h) the direct or indirect provision of technical assistance relating to dual-use goods for military use in Belarus or dual-use technology for military 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 a prohibition in 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.

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

**27H.**—(1) A person (“P”) 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 dual-use goods for military use from a third country to a place in Belarus;
- (b) directly or indirectly making dual-use goods for military use 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 dual-use technology for military use 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 dual-use technology for military use 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 dual-use goods for military use or dual-use technology for military use—
    - (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 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 27G(1); or
  - (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 27G(1).
- (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;
  - “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,
    - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Belarus.

## CHAPTER 2B

### Potash and petroleum products

#### **Import of potash and petroleum products**

**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—

- (a) potash;
- (b) petroleum products.

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

#### **Acquisition of potash and petroleum products**

**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—

- (a) potash;
  - (b) petroleum products.
- (3) A person must not directly or indirectly acquire potash 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.

### **Supply and delivery of potash and petroleum products**

- 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.
- (3) Paragraphs (1) and (2) apply to—
- (a) potash;
  - (b) petroleum products.
- (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.

### **Technical assistance relating to petroleum products**

- 27L.**—(1) A person must not directly or indirectly provide technical assistance relating to—
- (a) the import of petroleum products which—



- (i) originate in Belarus, or
    - (ii) are consigned from Belarus;
  - (b) the direct or indirect acquisition of petroleum products—
    - (i) originating in Belarus, or
    - (ii) located in Belarus;
  - (c) the direct or indirect supply or delivery of petroleum products from a place in Belarus to a third country;
  - (d) the direct or indirect supply or delivery of petroleum products from a place in a non-UK country to a place in a different non-UK country where the petroleum products 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.

### **Financial services, funds and brokering services relating to petroleum products**

**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 petroleum products which—
    - (i) originate in Belarus, or
    - (ii) are consigned from Belarus;
  - (b) the direct or indirect acquisition of petroleum products—
    - (i) originating in Belarus, or
    - (ii) located in Belarus;
  - (c) the direct or indirect supply or delivery of petroleum products from a place in Belarus to a third country;
  - (d) the direct or indirect supply or delivery of petroleum products from a place in a non-UK country to a place in a different non-UK country where the petroleum products 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.

## CHAPTER 2C

### Aircraft

#### Technical assistance relating to aircraft

**27N.**—(1) A person must not directly or indirectly provide technical assistance to, or for the benefit of, any person designated under regulation 5(1)(c), where that technical assistance relates to an aircraft.

(2) Paragraph (1) does not apply to any technical assistance which is prohibited under regulation 25 (technical assistance relating to restricted goods and restricted technology), or regulation 27F (technical assistance relating to dual-use goods and dual-use 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 person designated under regulation 5(1)(c).

(5) In this regulation, “aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities.”

#### Trade: further provision

**20.**—(1) In regulation 28(1)(a), for “Chapter 2”, substitute “Chapter 2, 2A, 2B or 2C”.

(2) In regulation 29(1), for “Chapter 2”, substitute “Chapter 2, 2A, 2B or 2C”.

## PART 5

### Aircraft sanctions

#### Aircraft

**21.** After Part 5 (Trade), insert—

## “PART 5A

### Aircraft

#### **Movement of aircraft**

**29A.**—(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).

(4) An airport operator may direct the operator or pilot in command of a Belarusian aircraft not to land, or not to permit the aircraft to land, at an airport.

(5) The Secretary of State may direct an airport operator to give directions under paragraph (4).

#### **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.

#### **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 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<sup>(10)</sup> 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.

### Offences

**29D.**—(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.

### 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<sup>(11)</sup>;

“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;

“Belarusian aircraft” means an aircraft—

- (a) owned, chartered or operated by a person connected with Belarus, or
- (b) registered in Belarus;

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

(2) For the purposes of paragraph (a) of the definition of “Belarusian aircraft”, 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,

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<sup>(10)</sup> 2000 c. 38.

<sup>(11)</sup> S.I. 2016/765, as amended by S.I. 2017/1112; S.I. 2018/623; S.I. 2018/1160; S.I. 2018/1392; S.I. 2019/261; S.I. 2019/645; S.I. 2020/1555; and S.I. 2021/879.

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.”

## PART 6

### Exceptions and licences

#### **Finance: exceptions from prohibitions**

22. In regulation 30, after paragraph (6) insert—

“(6A) The prohibitions in regulations 11 to 15 are not contravened by—

- (a) the purchase in Belarus of petroleum 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).”

#### **Exception for authorised conduct in a relevant country**

23. In regulation 30A(1), for “or Chapter 2”, substitute “, 15B (loans and credit arrangements) or 15C (insurance and reinsurance services), or Chapters 2, 2A, 2B or 2C”.

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

24. In regulation 31—

- (a) in paragraph (1), for “or 5 (Trade)”, substitute “, 5 (Trade) or 5A (Aircraft)”;
- (b) in paragraph (2), after “under or by virtue of a provision of”, insert “Part 5A (Aircraft)”.

#### **Exceptions: finance**

25. After regulation 31, insert—

##### **“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—

- (a) a relevant loan that has a specific and documented objective of making funds available for non-restricted trade;
- (b) a relevant loan consisting of a drawdown or disbursement made under an arrangement entered into before the date on which the Amendment Regulations 2021 come into force, where the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph 1(b) are that—

- (a) all the terms and conditions of such drawdowns or disbursements—
  - (i) were agreed before the date on which the Amendment Regulations 2021 come 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.
- (3) In this regulation—
- “non-restricted trade” means trade falling within any of the following descriptions, except to the extent that such trade is prohibited under these Regulations—
- (a) the export of goods from the United Kingdom;
  - (b) the import of goods to the United Kingdom;
  - (c) services, other than financial services, which are provided—
    - (i) from a place in the United Kingdom to a place in a non-UK country, or
    - (ii) from a place in a non-UK country to a place in the United Kingdom;
- “non-UK country” means a country that is not the United Kingdom;
- “relevant loan” has the meaning given to it in regulation 15B.

#### **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.

#### **Trade: exceptions from prohibitions**

**31C.**—(1) The prohibitions in regulation 27J(1) (acquisition of potash and petroleum products) are not contravened by the purchase in Belarus of petroleum 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.

(2) The prohibitions in regulations 27I and 27K (import and supply and delivery of potash and petroleum products) are not contravened by the import or supply or delivery of petroleum products which have been purchased as described in paragraph (1).

(3) The prohibitions in regulations 27L and 27M (technical assistance, financial services, funds and brokering services in relation to petroleum products) 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).
- (4) The prohibition in regulation 27N (technical assistance relating to aircraft) is not contravened by the provision of any technical assistance where a failure to provide that assistance would endanger the lives of persons on board an aircraft or the safety of an aircraft in flight.”

### Treasury licences

26. In regulation 32,—

(a) after paragraph (1), insert—

“(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.”;

(b) in paragraph (2)—

(i) after “may issue a licence”, insert “under paragraph (1)”,

(ii) after “for a purpose set out in”, insert “Part 1 of”;

(c) after paragraph (2), insert—

“(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.”

### Trade licences

27. In regulation 33, for “Chapters 2”, substitute “Chapters 2 to 2C”.

## PART 7

### Information, enforcement etc.

### Application of information powers in the Customs and Excise Management Act 1979(12)

28. In regulation 43 (trade: application of information powers in CEMA)—

(a) in paragraph (1)(a), omit “an entry is required by regulation 5 of the Customs Controls on Importation of Goods Regulations 1991(13) or”;

(b) for paragraph 2(a) substitute—

“(a) any prohibition in Chapters 2, 2A, 2B or 2C of Part 5 (Trade) except the prohibitions in regulation 21(1) (export of restricted goods and tobacco

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(12) 1979 c. 2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

(13) S.I. 1991/2724, amended by S.I. 1992/3095; S.I. 1993/3014; and S.I. 2011/1043; and revoked by S.I. 2018/1247.

industry goods), regulation 27B(1) and (2) (export of dual-use goods), and regulation 27I(1) and (2) (import of potash and petroleum products), or”.

### **Disclosure of information**

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

- (a) in paragraph (1)(b)(i), after “Part 5 (Trade),” insert “Part 5A (Aircraft),”;
- (b) in paragraph (2)(d)(ii), for “regulation 21(1) (export of restricted goods),” substitute “regulation 21(1) (export of restricted goods and tobacco industry goods), regulation 27B(1) or (2) (export of dual-use goods), or regulation 27I(1) or (2) (import of potash and petroleum)”.

### **Penalties for offences**

**30.** In regulation 48 (penalties for offences)—

- (a) in paragraph (1), after “Part 3 (Finance),” insert “, regulation 29D(1), (2) or (3) (aircraft: offences)”;
- (b) in paragraph (4), after “person who commits an offence under regulation”, insert “29D(4) (confidentiality),”.

### **Jurisdiction to try offences**

**31.** In regulation 50(1) (jurisdiction to try offences), after “Part 3 (Finance),” insert “Part 5A (Aircraft),”.

### **Modification of penalties under the Customs and Excise Management Act 1979**

**32.** In regulation 54 (trade offences in CEMA: modification of penalty)—

- (a) in paragraph (1), after “regulation 21(1)”, insert “(export of restricted goods or tobacco industry goods) or 27B(1) or (2) (export of dual-use goods)”;
- (b) in paragraph (3), after “regulation 21(1)”, insert “(export of restricted goods and tobacco industry goods), 27B(1) or (2) (export of dual-use goods), or 27I(1) or (2) (import of potash and petroleum products)”;
- (c) after paragraph (4), insert—

“(5) Paragraph (6) applies where a person is guilty of an offence under section 50(2) or (3) of CEMA(14) in connection with a prohibition mentioned in regulation 27I(1) or (2) (import of potash and petroleum products).

(6) Where this paragraph applies, the reference to 7 years in section 50(4)(b) of CEMA(15) is to be read as a reference to 10 years.”

### **Monetary penalties**

**33.** For regulation 56 (monetary penalties), substitute—

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(14) Section 50(2) and (3) have been amended by the Police and Criminal Evidence Act 1984 (c. 60) and the Taxation (Cross-border Trade) Act 2018 (c. 22).

(15) Section 50(4) has been amended by the Finance Act 1988 (c. 39); the Criminal Justice and Immigration Act 2008 (c. 4); the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12); S.I. 1996/2686; and S.I. 2015/664.



“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(16).”

### **Maritime enforcement**

**34.** In regulation 57(2) (exercise of maritime enforcement powers)—

(a) after sub-paragraph (d) insert—

- “(da) a prohibition in regulation 27B(1) or (2) (export of dual-use goods);
- (db) the prohibition in regulation 27C(1) (supply and delivery of dual-use goods);
- (dc) a prohibition in regulation 27D(1) (making dual-use goods and dual-use technology available);
- (dd) a prohibition in regulation 27E(1) (transfer of dual-use technology);
- (de) a prohibition in regulation 27I(1) or (2) (import of potash and petroleum products);
- (df) a prohibition in regulation 27J(1) or (3) (acquisition of potash and petroleum products);
- (dg) a prohibition in regulation 27K(1) or (2) (supply and delivery of potash and petroleum products);”;

(b) in sub-paragraph (e) for “to (d)”, substitute “to (dg)”.

### **Trade: overlapping offences**

**35.** In regulation 65(a) (trade: overlapping offences), after “article 34,”, insert “35,”.

## **PART 8**

### **Amendments to Schedules**

#### **Schedule 1**

**36.—**(1) In the heading to Schedule 1 (rules for interpretation of certain regulations), for “regulation 7(2)”, substitute “regulations 7(2) and 15D(3) and (4)”.

(2) In the shoulder note to Schedule 1, for “Regulation 7(3)”, substitute “Regulations 7(3) and 15D(5)”.

(3) In paragraph 1(1) of Schedule 1, for “regulation 7(2)”, substitute “regulations 7(2) and 15D(3) and (4)”.

#### **Interception and monitoring goods and technology; other goods**

**37.** After Schedule 2, insert—

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(16) See section 143(4)(f) and (4A), as inserted by the Sanctions and Anti-Money Laundering Act 2018 (c. 13), section 59(4) and Schedule 3, paragraph 8(1) and (3).

“SCHEDULE 2A

Regulation 19

Interception and monitoring goods and interception and monitoring technology

**Interception and monitoring equipment**

1. Any goods which can perform any of the following functions (whether individually or as part of a system)—

- (a) deep packet inspection;
- (b) network interception, including associated systems management and data retention functions;
- (c) radio frequency monitoring, including associated processing or examination;
- (d) network and satellite jamming;
- (e) remote infection;
- (f) speaker recognition, including associated processing functions;
- (g) IMSI, MSISDN, IMEI and TMSI interception and monitoring;
- (h) tactical SMS, GSM, GPS, GPRS, UMTS, CDMA, and PSTN interception and monitoring;
- (i) DHCP, SMTP and GTP information interception and monitoring;
- (j) pattern recognition and pattern profiling;
- (k) remote forensics;
- (l) semantic processing;
- (m) WEP and WPA code breaking;
- (n) interception of VoIP (including proprietary and standard protocols);
- (p) cryptanalysis.

2. Any software which can perform any of the functions described in paragraph 1(a) to (p) (whether individually or as part of a system).

**Other software and other technology**

3. Any software or other technology which is specially designed for the development, production or use of any goods or software described in paragraph 1 or 2.

**Interpretation**

4. For the purposes of this Schedule, the following terms have the meaning given to them in the Dual-Use Regulation—

- “development”;
- “production”;
- “software”;
- “technology”;
- “use”.

**Acronyms and abbreviations used in this Schedule**

5. The acronyms and abbreviations used in this Schedule have the following meaning—

| <i>ABBREVIATION/<br/>ACRONYM</i> | <i>MEANING</i>   | <i>ADDITIONAL<br/>INFORMATION</i>  |
|----------------------------------|--|--|
| IMSI                             | International Subscriber Identity                            | Mobile This is a unique identification code for each mobile telephony device, integrated in the SIM card and which allows identification of that SIM, via GSM and UMTS networks.   |
| MSISDN                           | Mobile Subscriber Integrated Services Digital Network Number | This is a number that uniquely identifies a subscription in a GSM or a UMTS mobile network. It is the telephone number to the SIM card in a mobile phone and therefore identifies a mobile subscriber as well as the IMSI. |
| IMEI                             | International Equipment Identity                             | Mobile This is a number, usually unique, to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone.                          |
| TMSI                             | Temporary Mobile Subscriber Identity                         |  |
| SMS                              | Short Message System   |  |
| GSM                              | Global System for Mobile Communications                      |  |
| GPS                              | Global Positioning System                                    |  |
| GPRS                             | General Packet Radio Service                                 |  |
| UMTS                             | Universal Mobile Telecommunications System                   |  |
| CDMA                             | Code Division Multiple Access                                |  |
| PSTN                             | Public Switch Telephone Networks                             |  |
| DHCP                             | Dynamic Host Configuration Protocol                          |  |
| SMTP                             | Simple Mail Transfer Protocol                                |  |
| GTP                              | GPRS Tunnelling Protocol                                     |  |
| WEP                              | Wired Equivalent Privacy                                     |  |
| WPA                              | Wi-Fi Protected Access                                       |  |
| VoIP                             | Voice over Internet Protocol                                 |  |

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

| <i>ABBREVIATION/<br/>ACRONYM</i> | <i>MEANING</i>                            | <i>ADDITIONAL<br/>INFORMATION</i> |
|----------------------------------|---|-----------------------------------|
| WDCMA                            | Wideband Code-division<br>Multiple Access |                                   |
| IDEN                             | Integrated Digital Enhanced<br>Network    |                                   |

## SCHEDULE 2B

Regulation 20

## Potash, petroleum products and tobacco industry goods

## 1.—(1) For the purposes of this Schedule—

- (a) a thing “falls within” a commodity code if it is, or would be, classified under that commodity code, as set out in the Goods Classification Table;
- (b) where a commodity code or chapter is preceded by “ex”, the goods specified in this Schedule constitute only a part of the scope of the commodity code or chapter and must fall within both the description given to that code or chapter in this Schedule and the scope of the code or chapter in the Goods Classification Table.

(2) For the purposes of determining whether or not a thing is, or would be, “classified” in accordance with paragraph (1)(a), the rules of interpretation contained in the following have effect—

- (a) Part Two (Goods Classification Table Rules of Interpretation) of the Tariff of the United Kingdom;
- (b) notes to a section or chapter of the Goods Classification Table.

## (3) For the purposes of this Schedule—

“commodity code” includes a code denoting a heading or sub-heading;

“the Goods Classification Table” means the table so named in Annex # in Part Three of the Tariff of the United Kingdom;

“the Tariff of the United Kingdom” means the document containing the legal classification and import rate for products being imported into the United Kingdom, entitled “The Tariff of the United Kingdom” as revised or reissued from time to time<sup>(17)</sup>, including by any document published under regulations made under section 8(1) of the Taxation (Cross-border Trade) Act 2018<sup>(18)</sup> replacing the same in whole or in part.

## 2. For the purposes of Part 5—

“potash” means any thing which falls within any of the following commodity codes—

- (a) 31042010;
- (b) 31042090;
- (c) 31052010;
- (d) 31052090;
- (e) 31056000;

<sup>(17)</sup> The Tariff of the United Kingdom, Version 1.0 dated 8 December 2020 is available electronically from: <https://www.gov.uk/government/publications/reference-document-for-the-customs-tariff-establishment-eu-exit-regulations-2020>. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London, SW1A 2BQ.

<sup>(18)</sup> 2018 c. 22.

- (f) ex 31059020 or ex 31059080, provided in each case that it is a fertiliser containing potassium chloride;

“petroleum products” means any thing which falls within any of the following commodity codes—

- (a) 2710;
- (b) 2711;
- (c) 2712;
- (d) 2713;
- (e) 2715.

“tobacco industry goods” means anything which falls within any of the following commodity codes—

- (a) ex 48239085, provided that it is a filter;
- (b) 4813;
- (c) ex 330290, provided that it is a flavour for tobacco;
- (d) 8478.”

### **Treasury licences**

**38.** In Schedule 3 (Treasury licences: purposes)—

- (a) paragraphs 1 to 9 become Part 1 of Schedule 3;
- (b) before paragraph 1, insert—  
“PART 1

*Asset-freeze etc. ”;*

- (c) in paragraph 1—
  - (i) for “Schedule”, substitute “Part”;
  - (ii) omit the definitions of “consular post” and “diplomatic mission”;
- (d) after paragraph 9, insert—

#### **“Humanitarian assistance activity**

**10.** To enable anything to be done in connection with the performance of any humanitarian assistance activity.

## **PART 2**

### **Loans and credit**

#### **Humanitarian assistance activity**

**11.** To enable anything to be done in connection with the performance of any humanitarian assistance activity.

#### **Nuclear safety**

**12.** To enable anything to be done for the purposes of nuclear safety.

**Extraordinary situation**

13. To enable anything to be done to deal with an extraordinary situation.

**Diplomatic missions in the United Kingdom**

14. To enable anything to be done in order that the functions of a diplomatic mission or consular post of Belarus in the United Kingdom may be carried out.

**PART 3**

**Insurance and reinsurance**

**Humanitarian assistance activity**

15. To enable anything to be done in connection with the performance of any humanitarian assistance activity.

**Nuclear safety**

16. To enable anything to be done for the purposes of nuclear safety.

**Extraordinary situation**

17. To enable anything to be done to deal with an extraordinary situation.”

**PART 9**

**Revocation**

**Revocation of the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2021**

39. The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2021 are revoked.

11th October 2021

*Ahmad*  
Minister of State  
Foreign, Commonwealth and Development  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c. 13) to add new measures to the sanctions regime in relation to Belarus. The Regulations amend the Belarus (EU Exit) (Sanctions) Regulations 2019 (S.I. 2019/600) (“the 2019 Regulations”). The Regulations revoke and replace the Belarus (EU Exit) (Sanctions) (Amendment) Regulations 2021 (S.I. 2021/922). These Regulations make substantially the same amendments made by S.I. 2021/922 except that they correct a small number of defects.

Part 2 of the Regulations amends the provisions in the 2019 Regulations which confer powers on the Secretary of State to designate persons. Regulation 5 amends the 2019 Regulations to confer a power on the Secretary of State to designate persons for the purpose of new prohibitions on technical assistance relating to aircraft. Regulation 6 expands the criteria for designation to include providing support for or obtaining an economic benefit from the Government of Belarus as a way in which persons can be involved in specified activities.

Part 3 of the Regulations adds new financial sanctions to Part 3 of the 2019 Regulations. New restrictions are imposed on dealing with certain financial instruments, providing loans and credit and providing insurance and reinsurance services. These Regulations correct an error in the application of regulation 30A of the 2019 Regulations to these new restrictions.

Part 4 of the Regulations amends Part 5 of the 2019 Regulations, on trade. New restrictions are imposed in relation to trade in interception and monitoring goods and technology (as specified in new Schedule 2A) and interception and monitoring services, dual-use goods and technology, goods for the tobacco industry, petroleum products and potash (as defined in new Schedule 2B). Restrictions are also imposed in relation to the provision of technical assistance relating to aircraft. These Regulations correct a defect which was introduced into regulation 23 of the 2019 Regulations by S.I. 2021/922.

Under regulation 21, a new Part 5A is added to the 2019 Regulations, conferring powers on the Secretary of State, air traffic control and airport operators to make directions for the purpose of preventing certain aircraft from entering the airspace over the United Kingdom or landing in the United Kingdom, or requiring aircraft to leave the airspace over the United Kingdom.

Part 6 of these Regulations provides for licensing and exceptions from the new restrictions, by amendments to Part 6 of the 2019 Regulations.

Part 7 of these Regulations makes a number of consequential amendments to the provisions of the 2019 Regulations on information and enforcement (including maritime enforcement) of the sanctions measures.

These Regulations also correct typographical errors that were made in S.I. 2021/922.

A full impact assessment was published alongside the Belarus (EU Exit) (Sanctions) (Amendment) Regulations 2021 and is available at <https://www.gov.uk/government/collections/uk-sanctions-on-the-republic-of-belarus>, or from the Foreign, Commonwealth and Development Office, King Charles Street, London SW1A 2AH.