
STATUTORY INSTRUMENTS

2012 No. 1243

The Export Control (Iran Sanctions) Order 2012

PART V

ENFORCEMENT AND PENALTIES

Penalties

18.—(1) A person guilty of an offence under articles 4(a), 5(1), 6(a), 9(a), 10, 13(a), 14(1), 15(1) or 16(1) of this Order is liable—

(a) on summary conviction—

(i) in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

(ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.

(b) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.

(2) In relation to an offence committed after the commencement of section 154(1) of the Criminal Justice Act 2003⁽¹⁾, for “six months” in paragraph (1)(a)(i) substitute “twelve months”.

(3) A person guilty of an offence under articles 4(b) to (e), 5(2), 6(b) or (c), 7, 8, 9(b) or (c), 11, 12, 13(b) or (c), 14(2), 15(2), 16(2) or 17 of this Order is liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) In the case of an offence committed under the 1979 Act in connection with a prohibition of exportation in Articles 2(1), 3(1), 8(1), 15(1)(a) or 16 of the Iran Sanctions Regulation or Articles 1a(a) or 1b(1) of the Iran Human Rights Regulation, sections 68(3)(b) and 170(3)(b) of the 1979 Act have effect as if for the words “7 years” there were substituted the words “10 years”.

(5) In the case of an offence committed under the 1979 Act in connection with a prohibitions on importation in Articles 4, 11(1)(a), 13(1)(a) or 15(1)(b) of the Iran Sanctions Regulation, sections 50(4)(b) and 170(3)(b)⁽²⁾ of the 1979 Act have effect as if for the words “7 years” there were substituted the words “10 years”.

Application of the 1979 Act

19.—(1) Where the Commissioners for Her Majesty’s Revenue and Customs investigate or propose to investigate any matter with a view to determining—

(1) 2003 c.44; at the date of this Order, section 154(1) had not been commenced.

(2) Sections 50(4)(b), 68(3)(b) and 170(3)(b) were amended by the Finance Act 1988 (c.39), section 12(1) and (6).

(a) whether there are grounds for believing that an offence under this Order has been committed; or

(b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter.

(2) Section 77A of the 1979 Act (provision as to information powers)(3) applies to a person concerned in an activity which, if not authorised by an EU authorisation, would contravene Article 3, 5(2), 7, 18 or 19 of the Iran Sanctions Regulation or Article 1b or 1c of the Iran Human Rights Regulation and accordingly references in section 77A of the 1979 Act to importation or exportation shall be read as including any such activity.

(3) Section 138 of the 1979 Act (provision as to arrest of persons)(4) applies to the arrest of a person for an offence under this Order as it applies to the arrest of a person for an offence under the customs and excise Acts.

(4) Sections 145(5), 146(6), 146A(7), 147(8), 148, 150(9), 151(10), 152(11), 154(12), and 155(13) of the 1979 Act (proceedings for offences, mitigation of penalties, proof and other matters) apply in relation to offences and penalties under this Order as they apply in relation to offences and penalties under the customs and excise Acts.

(5) “The customs and excise Acts” and “assigned matter” have the same meanings as in section 1 of the 1979 Act.

-
- (3) Section 77A was inserted by the Finance Act 1987 (c. 16), section 10 and amended by Schedule 1, paragraph 7 of the Customs and Excise (Single Market etc.) Regulations 1992 (S.I. 1992/3095).
- (4) Section 138 was amended by the Police and Criminal Evidence Act 1984 (c. 60), sections 114(1) and 119, Schedule 6, paragraph 37 and Schedule 7, Part 1; by the Finance Act 1988 (c. 39), section 11; by the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341), article 90(1) and Schedule 6, paragraph 9; and by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 7, paragraph 54.
- (5) Section 145 was amended by the Police and Criminal Evidence Act 1984, section 114(1); and by the Commissioners for Revenue and Customs Act 2005 (c. 11), Schedule 4, paragraphs 20 and 23.
- (6) Section 146 was modified by the Channel Tunnel (Customs and Excise) Order 1990 (S.I. 1990/2167), article 4 and the Schedule, paragraph 22.
- (7) Section 146A was inserted by the Finance Act 1989 (c. 26), section 16(1) and amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20 and 24.
- (8) Section 147 was amended by the Magistrates’ Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 176; by the Criminal Justice Act 1982 (c. 48), sections 77 and 78, Schedule 14, paragraph 42 and Schedule 16; and by the Finance Act 1989, section 16(2).
- (9) Section 150 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20 and 25.
- (10) Section 151 was amended by the Magistrates’ Courts Act 1980, section 154 and Schedule 7, paragraph 177.
- (11) Section 152 was amended by the Commissioners for Revenue and Customs Act 2005, section 52, Schedule 4, paragraphs 20 and 26 and Schedule 5.
- (12) Section 154 was modified by the Channel Tunnel (Customs and Excise) Order 1990 (S.I. 1990/2167), article 4 and the Schedule, paragraph 23.
- (13) Section 155 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20, 21 and 27.