
STATUTORY INSTRUMENTS

2019 No. 600

**EXITING THE EUROPEAN UNION
SANCTIONS**

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

Made - - - - 18th March 2019

Laid before Parliament 20th March 2019

Coming into force in accordance with regulation 1(2)

The Secretary of State ^{M1}, in exercise of the powers conferred by sections 1(1)(c) and (3)(b), 3(1)(a), (b)(ii), (d)(i) and (ii), 4, 5, 9(2)(a), 10(2)(a) and (c), (3) and (4), 11(2) to (9), 15(2)(a) and (b), (3), (4) (b), (5) and (6), 16, 17(2) to (9), 19, 20, 21(1), 54(1) and (2)(a), 56 and 62(4) to (6) of, and paragraphs 2(b), 4(b) and (c), 5(a)(ii) and (b), 6(a)(ii) and (b), 11(a)(ii), 13(b), (h), (k), (l), (m) and (n), 14(a), (f) and (k), 17(a), 19(a), 20 to 23 and 27 of Schedule 1 to, the Sanctions and Anti-Money Laundering Act 2018 ^{M2}, and having decided, upon consideration of the matters set out in section 2(2) and 56(1) of that Act, that it is appropriate to do so, makes the following Regulations:

Modifications etc. (not altering text)

- C1** Regulations extended (British overseas territories) (with modifications) (31.12.2020 immediately after both [S.I. 2020/590](#) and [S.I. 2020/951](#) have come into force) by [The Republic of Belarus \(Sanctions\) \(Overseas Territories\) Order 2020 \(S.I. 2020/1271\)](#), arts. 1(1), 2, [Sch. 1](#), [Sch. 2](#) (as amended (11.11.2021) by [S.I. 2021/1256](#), [art. 3](#)); [S.I. 2020/1514](#), [regs. 4](#), [18](#); and (15.12.2022) by [S.I. 2022/1339](#), [arts. 3-31](#))
- C2** Regulations extended (Isle of Man) (with modifications) (11.11.2021) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Isle of Man\) Order 2021 \(S.I. 2021/1257\)](#), arts. 1, 2, [Sch.](#)

Marginal Citations

- M1** The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 is conferred on an “appropriate Minister”. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.
- M2** [2018 c.13](#).

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

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|-----------|---|
| 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.—^{F1}(1) In these Regulations—

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

^{F2}“the Amendment Regulations 2021” means the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2021;

“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 ^{M3};

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

“conduct” includes acts and omissions;

^{F3}“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 ^{M4}, 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;

[^{F4}“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;]

“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 [^{F5}32];

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

[^{F6}(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.]

- 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 (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)**
- 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)(c)**
- F5** 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)**
- F6** 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)**

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

- M3** [1979 c.2](#). Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.
- M4** [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) [^{F7}In this regulation] a “relevant prohibition” means any prohibition imposed—

- (a) by regulation 9 (confidential information),

Status: Point in time view as at 28/04/2022.

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)

- (b) by Part 3 (Finance),
 - (c) by Part 5 (Trade), ^{F8}...
 - [^{F9}(ca) by regulation 29C(6) (disclosure of confidential information), 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 [^{F10}or a requirement imposed by a direction under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft),] 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 that Part, or
 - (b) by a condition of a Treasury licence or a trade 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.

F7 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**

F8 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)**

F9 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)**

F10 Words in reg. 3(5) 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(c)**

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, and
- (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.

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 ^{M5} by name for the purposes of any of the following—

- (a) regulations 11 to 15 (Finance); ^{F11}...
- (b) regulation 17 (Immigration) [^{F12}; and]
- [^{F13}(c) regulation 27N (technical assistance relating to aircraft).]

(2) The Secretary of State may designate different persons for the purposes of [^{F14}different provisions mentioned in] paragraph (1).

F11 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\(a\)](#)

F12 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\(b\)](#)

F13 [Reg. 5\(1\)\(c\)](#) 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\(2\), 5\(c\)](#)

F14 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](#)

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

- M5** “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.

Designation criteria

6.—(1) The Secretary of State may not designate a person under regulation 5 unless the Secretary of State—

- (a) has reasonable grounds to suspect that that person is an involved person, and
- (b) considers that the designation of that person is appropriate, having regard to—
 - (i) the purposes stated in regulation 4, and
 - (ii) the likely significant effects of the designation on that person (as they appear to the Secretary of State to be on the basis of the information that the Secretary of State has).

(2) In this regulation 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, or
 - (iv) other actions, policies or activities which undermine democracy or the rule of law in Belarus,
- (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 paragraphs (2)(a)(i) to (iv) 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 restricted goods or restricted technology 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;
- [^{F15}(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.

(4) In this regulation “relevant provision” means—

- (a) any provision of Part 3 (Finance) [^{F16}Part 5 (Trade) or Part 5A (Aircraft)];
- (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 Part 3 (Finance) or [^{F16}Part 5 (Trade) or Part 5A (Aircraft)].

(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.

(7) In this regulation, “restricted goods” and “restricted technology” have the meanings given by Part 5.

- F15** 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)**
- F16** Words in reg. 6(4) 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), **6(b)**

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—
- holds directly or indirectly more than 50% of the shares in C,
 - holds directly or indirectly more than 50% of the voting rights in C, or
 - 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 ^{F17}... whether directly or indirectly, to achieve the result that affairs of C are conducted in accordance with P's wishes.

- F17** 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 designation power used

- 8.—(1) Paragraph (2) applies where the Secretary of State—
- has made a designation under regulation 5, or
 - has by virtue of section 22 of the Act varied or revoked a designation made under that regulation.
- (2) The Secretary of State—

Status: Point in time view as at 28/04/2022.

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)

- (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.
- (3) The information given under paragraph (2)(a) where a designation is made must include a statement of reasons.
- (4) In this regulation a “statement of reasons”, in relation to a designation, means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to the designated person which have led the Secretary of State to make the designation.
- (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.

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\(1\)](#)

Status: Point in time view as at 28/04/2022.

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)

PART 3

Finance

[^{F18}CHAPTER 1

Asset-freeze etc.]

F18 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)

[^{F19}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.

F19 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.

F19 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.

F19 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.

F19 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\(2\)](#)

Status: Point in time view as at 28/04/2022.

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)

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.

F19 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.]

F19 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\(1\)](#)

^{F20}CHAPTER 2

Other financial restrictions

F20 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
- (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;

Status: Point in time view as at 28/04/2022.

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)

- (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 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.

(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.

Status: Point in time view as at 28/04/2022.

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)

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

[^{F21}CHAPTER 3
Further Provision]

F21 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 [^{F22}Chapters 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.

F22 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**

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 ^{M6}.

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

- M6** [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”

18. In this Part—

“restricted goods” means—

- (a) military goods, ^{F23} ...
- (aa) [^{F24}interception and monitoring goods, and]
- (b) internal repression goods;

“restricted technology” means—

- (a) military technology, ^{F25} ...
- (aa) [^{F26}interception and monitoring technology, and]
- (b) internal repression technology.

F23 Word in reg. 18 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), **10(a)**

F24 Words in reg. 18 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), **10(a)**

F25 Word in reg. 18 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), **10(b)**

F26 Words in reg. 18 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), **10(b)**

Commencement Information

I35 Reg. 18 not in force at made date, see reg. 1(2)

I36 Reg. 18 in force at 22.3.2019 by S.I. 2019/627, reg. 12(1)(h)

[^{F27}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—

Status: Point in time view as at 28/04/2022.

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)

- (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;

“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).]

F27 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**

[^{F28} **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;

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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)

“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.]

F28 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—

“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;

[^{F29}“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;]

“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;

[^{F30}“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.

^{F31}(4)

F29 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)
F30 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)

F31 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

I37 Reg. 20 not in force at made date, see reg. 1(2)

I38 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

Restricted goods [^{F32}, tobacco industry goods] and restricted technology

F32 Words in Pt. 5 Ch. 2 title 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), **14**

Export of restricted goods [^{F33} and tobacco industry goods]

21.—^{F34}(1) The export of the following goods to or for use in Belarus is prohibited—

- (a) restricted goods;
- (b) tobacco industry goods.]

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

F33 Words in reg. 21 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), **15(1)**

F34 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)**

Commencement Information

I39 Reg. 21 not in force at made date, see reg. 1(2)

I40 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 restricted goods [^{F35} and tobacco industry goods]

22.—^{F36}(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.]

(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.

F35 Words in reg. 22 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), **16(1)**

F36 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)**

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Commencement Information

- I41** Reg. 22 not in force at made date, see [reg. 1\(2\)](#)
I42 Reg. 22 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Making restricted goods [^{F37}, tobacco industry goods] and restricted technology available

- 23.**—^{F38}(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.]
- (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.

F37 Words in [reg. 23](#) 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\(2\)](#), [17\(1\)](#)

F38 [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\(2\)](#)

Commencement Information

- I43** Reg. 23 not in force at made date, see [reg. 1\(2\)](#)
I44 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 restricted technology

- 24.**—(1) A person must not—
- (a) transfer restricted technology to a place in Belarus;
 - (b) transfer restricted technology 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 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.

Commencement Information

I45 Reg. 24 not in force at made date, see [reg. 1\(2\)](#)

I46 Reg. 24 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

[^{F39} 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.]

F39 [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 restricted goods and restricted technology

25.—(1) A person must not directly or indirectly provide technical assistance relating to restricted goods or restricted technology—

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

Commencement Information

I47 Reg. 25 not in force at made date, see [reg. 1\(2\)](#)

I48 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 restricted goods and restricted technology

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 restricted goods,
- (b) the direct or indirect supply or delivery of restricted goods,
- (c) directly or indirectly making restricted goods or restricted technology available to a person,
- (d) the transfer of restricted technology, or

Status: Point in time view as at 28/04/2022.

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)

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

Commencement Information

I49 Reg. 26 not in force at made date, see [reg. 1\(2\)](#)

I50 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: non-UK activity relating to restricted goods and restricted technology

- 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 restricted goods from a third country to a place in Belarus,
 - (b) directly or indirectly making restricted 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 restricted 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 restricted 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 restricted goods or restricted 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;
 - “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.

Commencement Information

I51 Reg. 27 not in force at made date, see [reg. 1\(2\)](#)

I52 Reg. 27 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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[^{F40}CHAPTER 2A

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

F40 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**

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,

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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)

- (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.

Status: Point in time view as at 28/04/2022.

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)

(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.]

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 [F41 Chapter 2, 2A, 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.

F41 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)**

Commencement Information

- I53** Reg. 28 not in force at made date, see [reg. 1\(2\)](#)
I54 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 [^{F42}Chapter 2, 2A, 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.

- F42** 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\(2\)](#)

Commencement Information

- I55** Reg. 29 not in force at made date, see [reg. 1\(2\)](#)
I56 Reg. 29 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

[^{F43}PART 5A

Aircraft

- F43** [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.**—(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 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;

“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,

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

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^{M7},

Status: Point in time view as at 28/04/2022.

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)

- (b) account B is with a ring-fenced body within the meaning of section 142A of the Financial Services and Markets Act 2000^{M8}, and
- (c) accounts A and B are held or controlled (directly or indirectly) by P.
- [^{F44}(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).]
- (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;
- “relevant institution” means a person that has permission under Part 4A of the Financial Services and Markets Act 2000^{M9} (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^{M10}, any relevant order under that section^{M11} and Schedule 2 to that Act^{M12}.

F44 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**

Commencement Information

I57 Reg. 30 not in force at made date, see reg. 1(2)

I58 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

M7 2000 c.8. Section 142D was inserted by the Financial Services (Banking Reform) Act 2013 (c.33), **section 4(1)**.

M8 Section 142A was inserted by the Financial Services (Banking Reform) Act 2013 (c.33), **section 4(1)**.

M9 Part 4A was inserted by the Financial Services Act 2012 (c.21), **section 11(2)** and amended by S.I. 2018/135.

M10 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.

M11 S.I. 2001/544 as most recently amended by S.I. 2018/1288 and prospectively amended by S.I. 2018/1403.

M12 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.

[^{F45}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.) [^{F46}, 15B (loans and credit arrangements) or 15C (insurance and reinsurance services), or Chapters 2, 2A, 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.]

F45 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**

F46 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**

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) [^{F47}, 5 (Trade) or 5A (Aircraft)], 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 [^{F48}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.

F47 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)**

F48 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

I59 Reg. 31 not in force at made date, see [reg. 1\(2\)](#)

I60 Reg. 31 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F49}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—

Status: Point in time view as at 28/04/2022.

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)

- (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.

F49 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**

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.

F49 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: 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.]

F49 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**

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.

[^{F50}(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.]

(2) The Treasury may issue a licence [^{F51}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 [^{F52}Part 1 of] Schedule 3.

[^{F53}(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.]

F50 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)**

F51 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)**

F52 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)**

Status: Point in time view as at 28/04/2022.

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)

F53 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)**

Commencement Information

I61 Reg. 32 not in force at made date, see [reg. 1\(2\)](#)

I62 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 [^{F54}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.

F54 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

I63 Reg. 33 not in force at made date, see [reg. 1\(2\)](#)

I64 Reg. 33 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Licences: general provisions

34.—(1) This regulation applies in relation to Treasury licences and trade 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.

Commencement Information

I65 Reg. 34 not in force at made date, see [reg. 1\(2\)](#)

I66 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

I67 Reg. 35 not in force at made date, see [reg. 1\(2\)](#)

I68 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

I69 Reg. 36 not in force at made date, see [reg. 1\(2\)](#)

I70 Reg. 36 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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

I71 Reg. 37 not in force at made date, see [reg. 1\(2\)](#)

I72 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

I73 Reg. 38 not in force at made date, see [reg. 1\(2\)](#)

I74 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) ^{M13}, or
 - (ii) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014 (general requirements for audit) ^{M14};
- (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) ^{M15};
- (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.
- (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 ^{M16}, 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.

Status: Point in time view as at 28/04/2022.

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)

(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) ^{M17};
- (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.

Commencement Information

I75 Reg. 39 not in force at made date, see [reg. 1\(2\)](#)

I76 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

M13 2006 c.46.

M14 2014 c.2.

M15 2005 c.19.

M16 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

M17 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, or
- (b) funds or economic resources made available under the licence.

(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.

Commencement Information

I77 Reg. 40 not in force at made date, see [reg. 1\(2\)](#)

I78 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

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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)

- (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

I79 Reg. 41 not in force at made date, see [reg. 1\(2\)](#)

I80 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

I81 Reg. 42 not in force at made date, see [reg. 1\(2\)](#)

I82 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 ^{M18} 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 ^{F55}... 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—
- [^{F56}(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 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]
- (b) the prohibition in regulation 28 (circumventing etc prohibitions).

F55 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)**

F56 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)**

Commencement Information

I83 Reg. 43 not in force at made date, see reg. 1(2)

I84 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

M18 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.

Status: Point in time view as at 28/04/2022.

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)

(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

I85 Reg. 44 not in force at made date, see [reg. 1\(2\)](#)

I86 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

I87 Reg. 45 not in force at made date, see [reg. 1\(2\)](#)

I88 Reg. 45 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Disclosure of information

46.—(1) The Secretary of State, the Treasury 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), [^{F57}Part 5A (Aircraft),] 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 [^{F58}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)], or
 - (iii) in relation to a monetary penalty under section 146 of the Policing and Crime Act 2017 (breach of financial sanctions legislation) ^{M19};
- (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 ^{M20};
- (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;

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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)

- (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.

F57 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\(a\)](#)

F58 Words in [reg. 46\(2\)\(d\)\(ii\)](#) 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\(2\)](#), [29\(b\)](#)

Commencement Information

I89 Reg. 46 not in force at made date, see [reg. 1\(2\)](#)

I90 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

M19 [2017 c.3](#).

M20 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.

Part 7: supplementary

47.—(1) A disclosure of information under regulation 46 does not breach any restriction on such disclosure imposed by statute or otherwise.

(2) But nothing in that regulation 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 ^{M21}.

(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) Regulation 46 does not limit the circumstances in which information may be disclosed apart from that regulation.

(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) ^{M22};

“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.

Commencement Information

- I91** Reg. 47 not in force at made date, see [reg. 1\(2\)](#)
I92 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

- M21** [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](#).
M22 [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) [^{F59}, regulation 29D(1), (2) or (3) (aircraft: offences)] or regulation 35 (finance: licensing offences), is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months 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 12 months 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), 36, 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 12 months 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);

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- (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 [^{F60}29D(4) (confidentiality),] 38(6) or 42 (information offences in connection with Part 3) 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 [^{F61}2nd May 2022] the reference in each of paragraphs (1)(a), (2)(a) and (3)(a) to 12 months is to be read as a reference to 6 months.

- F59** 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)**
- F60** 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)**
- F61** 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**

Commencement Information

- I93** Reg. 48 not in force at made date, see [reg. 1\(2\)](#)
- I94** 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

I95 Reg. 49 not in force at made date, see [reg. 1\(2\)](#)

I96 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), [^{F62}Part 5A (Aircraft),] regulation 35 (finance: licensing offences) or regulation 38(6) or 42 (information offences in connection with Part 3) 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)^{M23}.

F62 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](#)

Commencement Information

I97 Reg. 50 not in force at made date, see [reg. 1\(2\)](#)

I98 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

M23 [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—

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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)

- (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 ^{M24} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M25};
 - (ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 ^{M26} and Article 166 of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981 ^{M27}.
- (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

I99 Reg. 51 not in force at made date, see [reg. 1\(2\)](#)

I100 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

M24 [1925 c.86](#). Amendments have been made to section 33 that are not relevant to these Regulations.

M25 [1980 c.43](#). Amendments have been made to Schedule 3 that are not relevant to these Regulations.

M26 [1945 c.15 \(N.I.\)](#).

M27 [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

I101 Reg. 52 not in force at made date, see [reg. 1\(2\)](#)

I102 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 ^{M28}.

(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).

(4) Section 138 of CEMA ^{M29} (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 ^{M30}, 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 ^{M31} (legal proceedings).

Commencement Information

I103 Reg. 53 not in force at made date, see [reg. 1\(2\)](#)

I104 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

M28 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\(1\)](#).

Status: Point in time view as at 28/04/2022.

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)

- M29** 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](#).
- M30** “The customs and excise Acts” is defined in section 1 of CEMA.
- M31** 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 regulation 21(1) [^{F63}(export of restricted goods or tobacco industry goods) or 27B(1) or (2) (export of dual-use goods)].

(2) Where this paragraph applies, the reference to 7 years in section 68(3)(b) of CEMA ^{M32} 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 regulation 21(1) [^{F64}(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)].

(4) Where this paragraph applies, the reference to 7 years in section 170(3)(b) of CEMA ^{M33} is to be read as a reference to 10 years.

[^{F65}(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 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 is to be read as a reference to 10 years.]

- F63** Words in [reg. 54\(1\)](#) 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\(2\)](#), [32\(a\)](#)
- F64** Words in [reg. 54\(3\)](#) 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\(2\)](#), [32\(b\)](#)
- F65** [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\(c\)](#)

Commencement Information

- I105** [Reg. 54](#) not in force at made date, see [reg. 1\(2\)](#)
- I106** [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

- M32** The words “7 years” were inserted in section 68(3)(b) of CEMA by the [Finance Act 1988](#), [section 12](#).
- M33** 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) ^{M34} applies to any offence under Part 3 (Finance) or regulation 35 (finance: licensing offences).

Commencement Information

I107 Reg. 55 not in force at made date, see [reg. 1\(2\)](#)

I108 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

M34 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

[^{F66}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.]

F66 [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](#)

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”.

(2) The maritime enforcement powers may be exercised for the purpose of enforcing any of the following—

- (a) the prohibition in [regulation 21\(1\)](#) (exports of restricted goods);
- (b) the prohibition in [regulation 22\(1\)](#) (supply and delivery of restricted goods);
- (c) a prohibition in [regulation 23\(1\)\(a\)](#) or (b) (making restricted goods and restricted technology available);
- (d) a prohibition in [regulation 24\(1\)\(a\)](#) or (b) (transfer of restricted technology);

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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)

- [^{F67}(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);]
- (e) 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) [^{F68}to (dg)].
- (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).

F67 Reg. 57(2)(da)-(dg) 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), **34(a)**

F68 Words in reg. 57(2)(e) 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), **34(b)**

Commencement Information

I109 Reg. 57 not in force at made date, see [reg. 1\(2\)](#)

I110 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 ^{M35});
- (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 ^{M36}, 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 ^{M37},

- (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 ^{M38};
 - (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 ^{M39}, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964 ^{M40};
 - (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) ^{M41};
 - (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

I111 Reg. 58 not in force at made date, see [reg. 1\(2\)](#)

I112 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

M35 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.

M36 2012 asp.8.

M37 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.

M38 1847 c.27.

M39 2013 c.23.

M40 1964 c.40. Section 16 has been amended by various instruments but none are relevant to these Regulations.

M41 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;

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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)

- (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

I113 Reg. 59 not in force at made date, see [reg. 1\(2\)](#)

I114 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

I115 Reg. 60 not in force at made date, see [reg. 1\(2\)](#)

I116 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 ^{M42} or a UN Security Council Resolution otherwise permits the exercise of the power in relation to the ship.

Commencement Information

I117 Reg. 61 not in force at made date, see [reg. 1\(2\)](#)

I118 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

M42 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 [^{F69}regulation 57(2)(a) to (e)].

F69 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

I119 Reg. 62 not in force at made date, see [reg. 1\(2\)](#)

I120 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

I121 Reg. 63 not in force at made date, see [reg. 1\(2\)](#)

I122 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

I123 Reg. 64 not in force at made date, see [reg. 1\(2\)](#)

I124 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, [^{F70}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).

F70 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

I125 Reg. 65 not in force at made date, see **reg. 1(2)**

I126 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

I127 Reg. 66 not in force at made date, see **reg. 1(2)**

I128 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^{M43} are revoked.

(2) The Export Control (Belarus) and (Syria Amendment) Order 2011^{M44} is revoked.

Commencement Information

I129 Reg. 67 not in force at made date, see **reg. 1(2)**

I130 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

M43 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.

M44 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

Status: Point in time view as at 28/04/2022.

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)

(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

I131 Reg. 68 not in force at made date, see [reg. 1\(2\)](#)

I132 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,^{F71} ...

[^{F72}(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.

F71 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](#)

F72 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

I133 Reg. 69 not in force at made date, see [reg. 1\(2\)](#)

I134 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.

Status: Point in time view as at 28/04/2022.

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)

(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

I135 Reg. 70 not in force at made date, see [reg. 1\(2\)](#)

I136 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

I137 Reg. 71 not in force at made date, see [reg. 1\(2\)](#)

I138 Reg. 71 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Foreign and Commonwealth Office

Alan Duncan
Minister of State

Status: Point in time view as at 28/04/2022.

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)

SCHEDULES

SCHEDULE 1

[^{F74}Regulations 7(3) and 15D(5)]

Rules for interpretation of [^{F73}regulations 7(2) and 15D(3) and (4)]

- F73** Words in Sch. 1 heading 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), **36(1)**
- F74** Sch. 1 shoulder note 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), **36(2)**

Application of Schedule

1.—(1) The rules set out in the following paragraphs of this Schedule apply for the purpose of interpreting [^{F75}regulations 7(2) and 15D(3) and (4)].

(2) They also apply for the purpose of interpreting this Schedule.

- F75** Words in Sch. 1 para. 1(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), **36(3)**

Commencement Information

- I139** Sch. 1 para. 1 not in force at made date, see reg. 1(2)
- I140** Sch. 1 para. 1 in force at 22.3.2019 by S.I. 2019/627, reg. **12(1)(j)**

Joint interests

2. If two or more persons each hold a share or right jointly, each of them is treated as holding that share or right.

Commencement Information

- I141** Sch. 1 para. 2 not in force at made date, see reg. 1(2)
- I142** Sch. 1 para. 2 in force at 22.3.2019 by S.I. 2019/627, reg. **12(1)(j)**

Joint arrangements

3.—(1) If shares or rights held by a person and shares or rights held by another person are the subject of a joint arrangement between those persons, each of them is treated as holding the combined shares or rights of both of them.

(2) A “joint arrangement” is an arrangement between the holders of shares or rights that they will exercise all or substantially all the rights conferred by their respective shares or rights jointly in a way that is pre-determined by the arrangement.

(3) “Arrangement” has the meaning given by paragraph 12.

Commencement Information

I143 Sch. 1 para. 3 not in force at made date, see [reg. 1\(2\)](#)

I144 Sch. 1 para. 3 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Calculating shareholdings

4.—(1) In relation to a person who has a share capital, a reference to holding “more than 50% of the shares” in that person is to holding shares comprised in the issued share capital of that person of a nominal value exceeding (in aggregate) 50% of that share capital.

(2) In relation to a person who does not have a share capital—

(a) a reference to holding shares in that person is to holding a right or rights to share in the capital or, as the case may be, profits of that person;

(b) a reference to holding “more than 50% of the shares” in that person is to holding a right or rights to share in more than 50% of the capital or, as the case may be, profits of that person.

Commencement Information

I145 Sch. 1 para. 4 not in force at made date, see [reg. 1\(2\)](#)

I146 Sch. 1 para. 4 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Voting rights

5.—(1) A reference to the voting rights in a person is to the rights conferred on shareholders in respect of their shares (or, in the case of a person not having a share capital, on members) to vote at general meetings of the person on all or substantially all matters.

(2) In relation to a person that does not have general meetings at which matters are decided by the exercise of voting rights—

(a) a reference to holding voting rights in the person is to be read as a reference to holding rights in relation to the person that are equivalent to those of a person entitled to exercise voting rights in a company;

(b) a reference to holding “more than 50% of the voting rights” in the person is to be read as a reference to holding the right under the constitution of the person to block changes to the overall policy of the person or to the terms of its constitution.

Commencement Information

I147 Sch. 1 para. 5 not in force at made date, see [reg. 1\(2\)](#)

I148 Sch. 1 para. 5 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

6. In applying regulation 7(2) and this Schedule, the voting rights in a person are to be reduced by any rights held by the person itself.

Commencement Information

I149 Sch. 1 para. 6 not in force at made date, see [reg. 1\(2\)](#)

I150 Sch. 1 para. 6 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Status: Point in time view as at 28/04/2022.

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)

Rights to appoint or remove members of the board

7. A reference to the right to appoint or remove a majority of the board of directors of a person is to the right to appoint or remove directors holding a majority of the voting rights at meetings of the board on all or substantially all matters.

Commencement Information

I151 Sch. 1 para. 7 not in force at made date, see [reg. 1\(2\)](#)

I152 Sch. 1 para. 7 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

8. A reference to a board of directors, in the case of a person who does not have such a board, is to be read as a reference to the equivalent management body of that person.

Commencement Information

I153 Sch. 1 para. 8 not in force at made date, see [reg. 1\(2\)](#)

I154 Sch. 1 para. 8 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Shares or rights held “indirectly”

9.—(1) A person holds a share “indirectly” if the person has a majority stake in another person and that other person—

- (a) holds the share in question, or
- (b) is part of a chain of persons—
 - (i) each of whom (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of whom holds the share.

(2) A person holds a right “indirectly” if the person has a majority stake in another person and that other person—

- (a) holds that right, or
- (b) is part of a chain of persons—
 - (i) each of whom (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of whom holds that right.

(3) For these purposes, a person (“A”) has a “majority stake” in another person (“B”) if—

- (a) A holds a majority of the voting rights in B,
- (b) A is a member of B and has the right to appoint or remove a majority of the board of directors of B,
- (c) A is a member of B and controls alone, pursuant to an agreement with other shareholders or members, a majority of the voting rights in B, or
- (d) A has the right to exercise, or actually exercises, dominant influence or control over B.

(4) In the application of this paragraph to the right to appoint or remove a majority of the board of directors, a person (“A”) is to be treated as having the right to appoint a director if—

- (a) any person's appointment as director follows necessarily from that person's appointment as director of A, or
- (b) the directorship is held by A itself.

Commencement Information

I155 Sch. 1 para. 9 not in force at made date, see [reg. 1\(2\)](#)

I156 Sch. 1 para. 9 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Shares held by nominees

10. A share held by a person as nominee for another is to be treated as held by the other (and not by the nominee).

Commencement Information

I157 Sch. 1 para. 10 not in force at made date, see [reg. 1\(2\)](#)

I158 Sch. 1 para. 10 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Rights treated as held by person who controls their exercise

11.—(1) Where a person controls a right, the right is to be treated as held by that person (and not by the person who in fact holds the right, unless that person also controls it).

(2) A person “controls” a right if, by virtue of any arrangement between that person and others, the right is exercisable only—

- (a) by that person,
- (b) in accordance with that person's directions or instructions, or
- (c) with that person's consent or concurrence.

Commencement Information

I159 Sch. 1 para. 11 not in force at made date, see [reg. 1\(2\)](#)

I160 Sch. 1 para. 11 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

12. “Arrangement” includes—

- (a) any scheme, agreement or understanding, whether or not it is legally enforceable, and
- (b) any convention, custom or practice of any kind.

Commencement Information

I161 Sch. 1 para. 12 not in force at made date, see [reg. 1\(2\)](#)

I162 Sch. 1 para. 12 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Rights exercisable only in certain circumstances etc

13.—(1) Rights that are exercisable only in certain circumstances are to be taken into account only—

- (a) when the circumstances have arisen, and for so long as they continue to obtain, or
- (b) when the circumstances are within the control of the person having the rights.

Status: Point in time view as at 28/04/2022.

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)

(2) But rights that are exercisable by an administrator or by creditors while a person is subject to relevant insolvency proceedings are not to be taken into account while the person is subject to those proceedings.

(3) “Relevant insolvency proceedings” means—

- (a) administration within the meaning of the Insolvency Act 1986^{M45}
- (b) administration within the meaning of the Insolvency (Northern Ireland) Order 1989^{M46}, or
- (c) proceedings under the insolvency law of another country during which a person's assets and affairs are subject to the control or supervision of a third party or creditor.

(4) Rights that are normally exercisable but are temporarily incapable of exercise are to continue to be taken into account.

Commencement Information

I163 Sch. 1 para. 13 not in force at made date, see [reg. 1\(2\)](#)

I164 Sch. 1 para. 13 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

Marginal Citations

M45 1986 c.45.

M46 [S.I. 1989/2405 \(N.I. 19\)](#).

Rights attached to shares held by way of security

14. Rights attached to shares held by way of security provided by a person are to be treated for the purposes of this Schedule as held by that person—

- (a) where apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in accordance with that person's instructions, and
- (b) where the shares are held in connection with the granting of loans as part of normal business activities and apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in that person's interests.

Commencement Information

I165 Sch. 1 para. 14 not in force at made date, see [reg. 1\(2\)](#)

I166 Sch. 1 para. 14 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(j\)](#)

SCHEDULE 2

Regulation 19

List of internal repression goods and internal repression technology

Firearms and related goods

1. Firearms, ammunition and related accessories, as follows—

- (a) firearms;
- (b) ammunition specially designed for firearms;

(c) weapon-sights.

Commencement Information

I167 Sch. 2 para. 1 not in force at made date, see [reg. 1\(2\)](#)

I168 Sch. 2 para. 1 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

2. Simulators for training persons to use firearms.

Commencement Information

I169 Sch. 2 para. 2 not in force at made date, see [reg. 1\(2\)](#)

I170 Sch. 2 para. 2 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

3. Bombs and grenades.

Commencement Information

I171 Sch. 2 para. 3 not in force at made date, see [reg. 1\(2\)](#)

I172 Sch. 2 para. 3 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Vehicles

4.—(1) Subject to sub-paragraph (3), the following types of vehicles—

- (a) vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
- (b) vehicles specially designed or modified to be electrified to repel boarders;
- (c) vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
- (d) vehicles specially designed for the transport or transfer of prisoners or detainees;
- (e) vehicles specially designed to deploy mobile barriers;

(2) Components for the vehicles specified in sub-paragraphs (1)(a) to (e) that have been designed for the purposes of riot control.

(3) Vehicles that might otherwise fall within sub-paragraphs (1)(a) to (e) are not internal repression goods if they are specially designed for the purposes of fire-fighting.

(4) For the purposes of this paragraph, “vehicle” includes a trailer.

Commencement Information

I173 Sch. 2 para. 4 not in force at made date, see [reg. 1\(2\)](#)

I174 Sch. 2 para. 4 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Explosive substances and related goods

5.—(1) Subject to sub-paragraph (3), equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including—

- (a) firing sets;

Status: Point in time view as at 28/04/2022.

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)

- (b) detonators;
- (c) igniters;
- (d) boosters;
- (e) detonating cord.

(2) Subject to sub-paragraph (3), components that have been specially designed for any thing mentioned in sub-paragraph (1).

(3) Sub-paragraphs (1) and (2) do not apply to any thing that has been specially designed for a specific commercial use.

(4) For the purpose of paragraph (3), a “specific commercial use” means the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions, including—

- (a) car air-bag inflaters;
- (b) electric-surge arresters; and
- (c) fire sprinkler actuators.

Commencement Information

I175 Sch. 2 para. 5 not in force at made date, see [reg. 1\(2\)](#)

I176 Sch. 2 para. 5 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

6. Linear cutting explosive charges.

Commencement Information

I177 Sch. 2 para. 6 not in force at made date, see [reg. 1\(2\)](#)

I178 Sch. 2 para. 6 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

7. The following explosives and related substances—

- (a) amatol;
- (b) nitrocellulose (containing more than 12.5 % nitrogen);
- (c) nitroglycol;
- (d) pentaerythritol tetranitrate (PETN);
- (e) picryl chloride;
- (f) 2,4,6-trinitrotoluene (TNT).

Commencement Information

I179 Sch. 2 para. 7 not in force at made date, see [reg. 1\(2\)](#)

I180 Sch. 2 para. 7 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Other goods

8.—(1) Subject to sub-paragraph (2), the following equipment designed for the protection of [^{F76}a] person—

- (a) body armour providing ballistic or stabbing protection or both;

- (b) helmets providing ballistic or fragmentation protection, or both, including anti-riot helmets;
 - (c) anti-riot shields and ballistic shields.
- (2) Sub-paragraph (1) does not apply to—
- (a) any thing specially designed to protect persons for the following purposes—
 - (i) participation in competitive sport;
 - (ii) ensuring safety at work;
 - (b) any thing mentioned in sub-paragraph (1)(a) or (b) when accompanying a person for that person's own protection.

F76 Word in Sch. 2 para. 8(1) 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(7)(a)**; [S.I. 2020/1514](#), **reg. 4**

Commencement Information

I181 Sch. 2 para. 8 not in force at made date, see [reg. 1\(2\)](#)

I182 Sch. 2 para. 8 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

9. Night vision equipment.

Commencement Information

I183 Sch. 2 para. 9 not in force at made date, see [reg. 1\(2\)](#)

I184 Sch. 2 para. 9 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

10. Thermal imaging equipment.

Commencement Information

I185 Sch. 2 para. 10 not in force at made date, see [reg. 1\(2\)](#)

I186 Sch. 2 para. 10 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

11. Image intensifier tubes.

Commencement Information

I187 Sch. 2 para. 11 not in force at made date, see [reg. 1\(2\)](#)

I188 Sch. 2 para. 11 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

12. Razor barbed wire.

Commencement Information

I189 Sch. 2 para. 12 not in force at made date, see [reg. 1\(2\)](#)

I190 Sch. 2 para. 12 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

13. The following types of knives—

- (a) knives that are designed for use by military personnel (military knives);

Status: Point in time view as at 28/04/2022.

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)

- (b) knives that are designed for use as a weapon for inflicting injury (combat knives);
- (c) bayonets with blade lengths in excess of 10 cm.

Commencement Information

- I191** Sch. 2 para. 13 not in force at made date, see [reg. 1\(2\)](#)
- I192** Sch. 2 para. 13 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Production equipment

14. Any equipment which is specially designed or modified for the development or for one or more of the production phases of any item mentioned in this Schedule.

Commencement Information

- I193** Sch. 2 para. 14 not in force at made date, see [reg. 1\(2\)](#)
- I194** Sch. 2 para. 14 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Software and technology

15. Any software which is specially designed for the simulators mentioned in paragraph 2.

Commencement Information

- I195** Sch. 2 para. 15 not in force at made date, see [reg. 1\(2\)](#)
- I196** Sch. 2 para. 15 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

16. Any technology which is specially designed [^{F77}for the development, production or use of] any item mentioned in this Schedule.

- F77** Words in Sch. 2 para. 16 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\(7\)\(b\)](#); [S.I. 2020/1514](#), [reg. 4](#)

Commencement Information

- I197** Sch. 2 para. 16 not in force at made date, see [reg. 1\(2\)](#)
- I198** Sch. 2 para. 16 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(k\)](#)

Interpretation

[^{F78}**17.**—(1) In this Schedule, “firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant.

(2) 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”.]

F78 Sch. 2 para. 17 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(7)(c)**; [S.I. 2020/1514](#), **reg. 4**

Commencement Information

I199 Sch. 2 para. 17 not in force at made date, see [reg. 1\(2\)](#)

I200 Sch. 2 para. 17 in force at 22.3.2019 by [S.I. 2019/627](#), **reg. 12(1)(k)**

[^{F79}SCHEDULE 2A

Regulation 19

Interception and monitoring goods and interception and monitoring technology

F79 Schs. 2A, 2B 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), **37**

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).

Status: Point in time view as at 28/04/2022.

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)

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/ ACRONYM</i>	<i>MEANING</i>	<i>ADDITIONAL INFORMATION</i>
IMSI	International Mobile Subscriber Identity	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 Mobile Equipment Identity	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	

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

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the United Kingdom” as revised or reissued from time to time, including by any document published under regulations made under section 8(1) of the Taxation (Cross-border Trade) Act 2018 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;
- (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.]

SCHEDULE 3

Regulation 32

Treasury licences: purposes

[^{F80}PART 1

Asset-freeze etc.]

F80 Sch. 3 Pt. 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), **38(b)**

[^{F81}Interpretation

1. In this [^{F82}Part] —

^{F83} ...

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

F83 ...

“frozen funds or economic resources” means funds or economic resources frozen by virtue of regulation 11, and any reference to a person's frozen funds or economic resources is to funds or economic resources frozen as a consequence of the designation of that person for the purpose of that regulation.

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

F82 Word in Sch. 3 para. 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), **38(c)(i)**

F83 Words in Sch. 3 para. 1 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), **38(c)(ii)**

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I201 Sch. 3 para. 1 not in force at made date, see reg. 1(2)

I202 Sch. 3 para. 1 in force at 31.12.2020 by S.I. 2019/627, reg. **12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Basic needs

2.—(1) To enable the basic needs of a designated person, or (in the case of an individual) any dependent family member of such a person, to be met.

(2) In the case of an individual in sub-paragraph (1), “basic needs” includes—

- (a) medical needs;
- (b) needs for—
 - (i) food;
 - (ii) [^{F84}payment] of insurance premiums;
 - (iii) [^{F85}payment] of tax;
 - (iv) rent or mortgage payments;
 - (v) utility payments.

(3) In the case of a person other than an individual in sub-paragraph (1), “basic needs” includes needs for—

- (a) payment of insurance premiums;
- (b) payment of reasonable fees for the provision of property management services;
- (c) payment of remuneration, allowances or pensions of employees;
- (d) payment of tax;
- (e) rent or mortgage payments;
- (f) utility payments.

(4) In sub-paragraph (1)—

“dependent” means financially dependent;

“family member” includes—

- (a) the wife or husband of the designated person;
- (b) the civil partner of the designated person;
- (c) any parent or other ascendant of the designated person;

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- (d) any child or other descendant of the designated person;
- (e) any person who is a brother or sister of the designated person, or a child or other descendant of such a person.

- F81** Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**
- F84** Word in Sch. 3 para. 2(2)(b)(ii) 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(8)**; S.I. 2020/1514, **reg. 4**
- F85** Word in Sch. 3 para. 2(2)(b)(iii) 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(8)**; S.I. 2020/1514, **reg. 4**

Commencement Information

- I203** Sch. 3 para. 2 not in force at made date, see [reg. 1\(2\)](#)
- I204** Sch. 3 para. 2 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Legal services

- 3.** To enable the payment of—
- (a) reasonable professional fees for the provision of legal services, or
 - (b) reasonable expenses associated with the provision of legal services.

- F81** Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

Commencement Information

- I205** Sch. 3 para. 3 not in force at made date, see [reg. 1\(2\)](#)
- I206** Sch. 3 para. 3 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Maintenance of frozen funds and economic resources

- 4.** To enable the payment of—
- (a) reasonable fees, or
 - (b) reasonable service charges,

arising from the routine holding or maintenance of frozen funds or economic resources.

- F81** Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

Commencement Information

- I207** Sch. 3 para. 4 not in force at made date, see [reg. 1\(2\)](#)
- I208** Sch. 3 para. 4 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Extraordinary expenses

- 5.** To enable an extraordinary expense of a designated person to be met.

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

Commencement Information

I209 Sch. 3 para. 5 not in force at made date, see [reg. 1\(2\)](#)

I210 Sch. 3 para. 5 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Pre-existing judicial decisions etc

6. To enable, by the use of a designated person's frozen funds or economic resources, the implementation or satisfaction (in whole or in part) of a judicial, administrative or arbitral decision or lien, provided that—

- (a) the funds or economic resources so used are the subject of the decision or lien,
- (b) the decision or lien—
 - (i) was made or established before the date on which the person became a designated person, and
 - (ii) is enforceable in the United Kingdom, and
- (c) the use of the frozen funds or economic resources does not directly or indirectly benefit any other designated person.

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

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I211 Sch. 3 para. 6 not in force at made date, see [reg. 1\(2\)](#)

I212 Sch. 3 para. 6 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Diplomatic missions

7. To enable anything to be done in order that the functions of a diplomatic mission or consular post in Belarus or of an international organisation enjoying immunities in accordance with international law may be carried out.

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

Commencement Information

I213 Sch. 3 para. 7 not in force at made date, see [reg. 1\(2\)](#)

I214 Sch. 3 para. 7 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Extraordinary situation

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

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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), **38(a)**

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I215 Sch. 3 para. 8 not in force at made date, see [reg. 1\(2\)](#)

I216 Sch. 3 para. 8 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Prior obligations

9. To enable, by the use of a designated person's frozen funds or economic resources, the satisfaction of an obligation of that person (whether arising under a contract, other agreement or otherwise), provided that—

- (a) the obligation arose before the date on which the person became a designated person, and
- (b) no payments are made to another designated person, whether directly or indirectly.]

F81 Sch. 3 paras. 1-9 become Sch. 3 Pt. 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\(2\)](#), [38\(a\)](#)

Commencement Information

I217 Sch. 3 para. 9 not in force at made date, see [reg. 1\(2\)](#)

I218 Sch. 3 para. 9 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

[^{F86}Humanitarian assistance activity

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

F86 Sch. 3 para. 10 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\(2\)](#), [38\(d\)](#)

[^{F87}PART 2

Loans and credit

F87 Sch. 3 Pts. 2, 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\(2\)](#), [38\(d\)](#)

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.]

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 establish a sanctions regime in relation to Belarus for the purposes of encouraging the Government of Belarus: to respect democratic principles and institutions, the separation of powers and the rule of law; to refrain from the repression of civil society in Belarus; to properly investigate and institute criminal proceedings against those responsible for the disappearance of four persons named in the Regulations; and to comply with international human rights law and to respect human rights. Following the UK's withdrawal from the European Union, these Regulations also replace the EU sanctions regime in relation to Belarus, implemented via an EU Council Decision and Regulation.

The Regulations confer a power on the Secretary of State to designate persons who are, or have been, involved in: conduct enabling or facilitating the disappearance of the four persons named in the Regulations, or the failure to investigate properly and institute criminal proceedings against the persons responsible for those disappearances; the commission of a serious human rights violation or abuse in Belarus; the repression of civil society or democratic opposition in Belarus; or other actions, policies or activities which undermine democracy or the rule of law in Belarus. Designated persons may be excluded from the United Kingdom and may be made subject to financial sanctions, including having their funds and/or economic resources frozen.

These Regulations also impose trade restrictions on certain goods and technology, namely military goods and military technology and other goods and technology which may be used to repress the civilian population of Belarus (as specified in Schedule 2 of these Regulations).

The Regulations provide for certain exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other

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earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Secretary of State and the Treasury to issue licences in respect of activities that would otherwise be prohibited under the financial and trade sanctions imposed. Schedule 3 of these Regulations sets out the purposes pursuant to which the Treasury may issue such licences in respect of financial sanctions.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences. The Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

Council Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus is revoked by these Regulations, as are the Belarus (Asset-Freezing) Regulations 2013 and the Export Control (Belarus) and (Syria Amendment) Order 2011.

An Impact Assessment has not been produced for these Regulations, as they are intended to ensure existing sanctions remain in place following the United Kingdom's withdrawal from the European Union. These Regulations are intended to deliver substantially the same policy effects as the existing European Union sanctions. An Impact Assessment was, however, produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf.

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