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STATUTORY INSTRUMENTS

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**2019 No. 604**

**The Zimbabwe (Sanctions) (EU Exit) Regulations 2019**

**PART 5**

Trade

**CHAPTER 1**

Interpretation

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

**18.** In this Part—

“restricted goods” means—

- (a) internal repression goods, and
- (b) military goods;

“restricted technology” means—

- (a) internal repression technology, and
- (b) military technology.

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

**19.—(1)** The following definitions apply for the purposes of regulation 18—

“internal repression goods” means—

- (a) any thing specified in Schedule 2, other than—
  - (i) any thing which is internal repression technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 to the Export Control Order 2008(1), or
    - (bb) Annex I 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

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

- (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.

### **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;

“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;

“transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.

(4) For the purposes of this Part a person is to be regarded as “connected with” Zimbabwe if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Zimbabwe,
- (b) an individual who is, or an association or combination of individuals who are, located in Zimbabwe,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Zimbabwe, or
- (d) a person, other than an individual, which is domiciled in Zimbabwe.

## **CHAPTER 2**

### **Restricted goods and restricted technology**

#### **Export of restricted goods**

**21.**—(1) The export of restricted goods to, or for use in, Zimbabwe is prohibited.

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

#### **Supply and delivery of restricted goods**

**22.**—(1) A person must not directly or indirectly supply or deliver restricted goods from a third country to a place in Zimbabwe.

- (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 Zimbabwe.

(4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Zimbabwe.

### **Making restricted goods and restricted technology available**

**23.**—(1) A person must not—

- (a) directly or indirectly make restricted goods or restricted technology available to a person connected with Zimbabwe;
- (b) directly or indirectly make restricted goods or restricted technology available for use in Zimbabwe.

(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 Zimbabwe;
- (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 Zimbabwe.

### **Transfer of restricted technology**

**24.**—(1) A person must not—

- (a) transfer restricted technology to a place in Zimbabwe;
- (b) transfer restricted technology to a person connected with Zimbabwe.

(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 Zimbabwe;
- (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 Zimbabwe.

### **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 Zimbabwe, or
- (b) for use in Zimbabwe.

(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 Zimbabwe;

- (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 Zimbabwe.

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

(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 Zimbabwe;
- (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 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 Zimbabwe,
- (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 Zimbabwe, or
  - (ii) to a place in Zimbabwe,
- (c) directly or indirectly making restricted technology available in a third country for transfer—
  - (i) to a person connected with Zimbabwe, or
  - (ii) to a place in Zimbabwe,
- (d) the transfer of restricted technology from a place in a third country—
  - (i) to a person connected with Zimbabwe, or
  - (ii) to a place in Zimbabwe,
- (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 Zimbabwe, or
  - (ii) for use in Zimbabwe,
- (f) the direct or indirect provision, in a non-UK country, of financial services—
  - (i) to a person connected with Zimbabwe, 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 Zimbabwe, 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 Zimbabwe, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Zimbabwe.

## CHAPTER 3

### Military-related services

#### **Provision of military-related services**

**28.**—(1) A person must not directly or indirectly provide military-related services to or for the benefit of the Zimbabwe Defence Forces, or to any person acting on its behalf or under its direction.

(2) For the purposes of paragraph (1), “military-related service” means any of the following services to the extent that they relate to military activities of the recipient in Zimbabwe—

- (a) the provision of technical assistance,
- (b) the provision of armed personnel,
- (c) the provision of financial services or funds, or
- (d) the provision of brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, any of the services mentioned in 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, 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 services—

- (a) were military-related, or
- (b) were provided to, or for the benefit of, the Zimbabwe Defence Forces, or to any person acting on its behalf or under its direction.

(5) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“technical assistance” means the provision of technical support or any other technical service.

(6) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in Chapter 2.

## CHAPTER 4

### Further provision

#### **Circumventing etc prohibitions**

**29.**—(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 Chapter 2 or 3 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.

#### **Defences**

**30.**—(1) Paragraph (2) applies where a person relies on a defence under Chapter 2 or 3 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.