

SCHEDULE 2

Article 2

Modifications to be made in the extension of the Lebanon (Sanctions) (EU Exit) Regulations 2020 to each British overseas territory listed in Schedule 1

1. In regulation 1 (citation and commencement)—
 - (a) in the heading, omit “and commencement”;
 - (b) omit paragraph (2).
2. In regulation 2 (interpretation)—
 - (a) the existing text becomes paragraph (1);
 - (b) in that paragraph—
 - (i) in the appropriate places, insert the following definitions—

““aircraft” has the same meaning as it has in section 6(9) of the Act;”;

““authorised officer” means, in relation to the Territory—

 - (a) a member of Her Majesty’s forces in the Territory,
 - (b) a police or customs officer of the Territory,
 - (c) a person authorised by the Governor for the purposes of exercising, whether generally or in a particular case, any power conferred by—
 - (i) regulation 22 (disclosure of information),
 - (ii) regulation 23A (suspected ships, aircraft or vehicles), or
 - (iii) regulation 23B (search warrants), or
 - (d) any person acting under the authority of a person falling within any of paragraphs (a) to (c);”;

““the Governor” is to be read in accordance with regulation 4A;”;

““Her Majesty’s forces” does not include a force of any country, other than the United Kingdom, that is a member of the Commonwealth;”;

““ship” has the same meaning as it has in section 7(14) of the Act;”;

““territorial sea of the Territory” means the territorial sea as defined in an enactment applicable in the Territory or, in the absence of such an enactment, the territorial sea adjacent to the Territory;”;

““Territory aircraft” means, in relation to the Territory—

 - (a) an aircraft registered in the Territory, or
 - (b) an aircraft which is not registered under the law of a country outside the Territory but is wholly owned by persons each of whom is a Territory person;”;

““Territory person” means, in relation to the Territory, a person who is—

 - (a) an individual ordinarily resident in the Territory who is—
 - (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (ii) a person who under the British Nationality Act 1981(1) is a British subject, or

(1) 1981 c.61. Part IV has been amended by the British Overseas Territories Act 2002 (c.8), section 1(1)(b); and the Nationality, Immigration and Asylum Act 2002 (c.41), Schedule 2, paragraph 1(i).

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- (iii) a British protected person within the meaning of that Act, or
 - (b) a body incorporated or constituted under the law of any part of the Territory;”;
- ““Territory ship” means, in relation to the Territory—
 - (a) a ship registered in the Territory, or
 - (b) a ship which is not registered under the law of a country outside the Territory but is wholly owned by persons each of whom is a Territory person;”;
- ““vehicle” means a land transport vehicle.”
- (ii) omit the definitions of—
 - (aa) “the Commissioners”, and
 - (bb) “United Kingdom person”;
- (c) after that paragraph insert—
 - “(2) In the application of these Regulations to a particular British overseas territory, the expression “the Territory” means that territory.”
- 3. In regulation 3 (applications of prohibitions and requirements outside the United Kingdom)—
 - (a) in the heading, for “United Kingdom” substitute “Territory”;
 - (b) in paragraphs (1) and (4), for “United Kingdom person” substitute “Territory person”;
 - (c) in paragraphs (1), (4) and (7), for “United Kingdom” substitute “Territory”;
 - (d) in paragraphs (2) and (5), after “in the territorial sea” insert “of the Territory”;
- 4. In regulation 4 (purposes), for “the regulations contained in this instrument that are made under section 1 of the Act” substitute “these Regulations”.
- 5. At the end of Part 1 (General), insert—

“Functions of the Governor

- 4A.—(1) In these Regulations, “the Governor” means, in relation to the Territory, the person holding or acting in the office of Governor of the Territory, or, if there is no such office, the officer for the time being administering the Territory.
- (2) The Governor may, to such extent and subject to such restrictions and conditions as the Governor thinks proper, delegate or authorise the delegation of any of the Governor’s powers under these Regulations to any person, or class or description of persons, and any references in these Regulations to the Governor are to be construed accordingly.
- (3) In the exercise of any power conferred on the Governor by these Regulations, the Governor is to act in their discretion.”
- 6. In regulation 6 (interpretation of other expressions used in this Part)—
 - (a) for paragraph (1) substitute—
 - “(1) For the purposes of this Part—
 - (a) “export” means export from the Territory, and
 - (b) goods transported out of the Territory by aircraft or ship as stores within the meaning of CEMA (see section 1(1) and (4) of that Act) are to be regarded as exported.”
 - (b) for paragraph (2) substitute—

“(2) In this Part, any reference to the Territory includes a reference to the territorial sea of the Territory.”

7. In regulation 7 (export of military goods), at the end insert—

“(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but 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 goods were destined (or ultimately destined) for, or for use in, Lebanon.”

8. In regulation 8 (supply and delivery of military goods), in paragraph (4) for “United Kingdom, the Isle of Man” substitute “Territory”.

9. In regulation 13 (brokering services: non-UK activity relating to military goods and military technology)—

- (a) in the heading, for “non-UK” substitute “non-Territory”;
- (b) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-Territory country”;
- (c) for paragraph (4) substitute—

“(4) In this regulation—

“non-Territory country” means a country that is not the Territory;

“third country” means a country that is not the Territory or Lebanon.”

10. For regulation 15A (finance: exception for authorised conduct in a relevant country) substitute—

“Exceptions for authorised conduct outside the Territory

15A.—(1) Where a person’s conduct outside the Territory would, in the absence of this paragraph, contravene a prohibition in Chapter 2 of Part 2 (Trade), the prohibition is not contravened if the conduct is authorised by a licence issued under regulation 17 (trade licences) (as it has effect in the United Kingdom).

(2) Where a person’s conduct in a relevant country would, in the absence of this paragraph, contravene a prohibition in Chapter 2 of Part 2 (“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.

(3) In this regulation—

“relevant country” means—

- (a) any of the Channel Islands,
- (b) the Isle of Man, or
- (c) any British overseas territory other than the Territory.

(4) Nothing in this regulation affects the application of a prohibition in a case where it would be incompatible with a UN obligation for the prohibition not to apply.”

11. For regulation 16 (exception for acts done for purposes of national security or prevention of serious crime), substitute—

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“16.—(1) Where an act would, in the absence of this paragraph, be prohibited by any prohibition in Part 2 (Trade), that prohibition does not apply to the act if the act is one which—

- (a) a responsible officer has determined would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) the Governor, with the consent of the Secretary of State, has determined would be in the interests of the prevention or detection of serious crime in the Territory.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of Part 4 (Information and records) or Part 6 (Maritime enforcement), that requirement does not apply if—

- (a) a responsible officer has determined that not doing the thing in question would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) the Governor, with the consent of the Secretary of State, has determined that not doing the thing in question would be in the interests of the prevention or detection of serious crime in the Territory.

(3) In this regulation, “responsible officer” means a person in the service of the Crown or holding office under the Crown in the United Kingdom, acting in the course of that person’s duty.

(4) Nothing in this regulation affects the application of a prohibition or requirement in a case where it would be incompatible with a UN obligation for the prohibition or requirement not to apply.”

12. In regulation 17 (trade licences)—

- (a) in paragraph (1), for “Secretary of State” substitute “Governor”;
- (b) after paragraph (1), insert—

“(1A) The Governor may issue a licence under paragraph (1) only with the consent of the Secretary of State.”
- (c) for paragraph (3), substitute—

“(3) Where the Governor issues a licence under paragraph (1), the Governor may, with the consent of the Secretary of State, vary, revoke or suspend it at any time.”
- (d) in paragraphs (4) and (5), for “Secretary of State”, in each place it occurs, substitute “Governor”.

13. For regulation 19 (application of information powers in CEMA) substitute—

“Information powers

19.—(1) An authorised officer may request a person who is concerned (in whatever capacity) in a relevant activity to provide such information as the authorised officer may reasonably require about the relevant activity.

(2) The authorised officer may specify the way in which, and the period within which, information is to be provided.

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(3) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(4) A request under paragraph (1) may include a request to produce specified documents or documents of a specified description.

(5) Where the authorised officer requests that documents be produced, the authorised officer may—

- (a) take copies or extracts from any document so produced,
- (b) request—
 - (i) any person producing a document to give an explanation of it, and
 - (ii) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is—
 - (aa) in the case of a partnership, a present or past partner or employee of the partnership, or
 - (bb) in any other case, a present or past officer or employee of the body concerned,

to give such an explanation, and

- (c) remove, at a reasonable time and for a reasonable period, any document so produced if the authorised officer considers it is necessary to do so.

(6) Where a document has been removed by an authorised officer under paragraph (5) (c)—

- (a) the authorised officer must, on request, provide a receipt for the document;
- (b) if the document is reasonably required for the proper conduct of a business, the authorised officer must, as soon as practicable and free of charge, provide a copy of the document to the person who produced it.

(7) Where a document requested to be produced under paragraph (4) is subject to a lien, the production or removal of the document in accordance with this regulation does not affect, and is not to be regarded as breaking, the lien.

(8) For the purposes of paragraph (1), a “relevant activity” means an activity—

- (a) which would, unless done under the authority of a trade licence, constitute a contravention of any prohibition in Chapter 2 of Part 2 (Trade), or
- (b) which would constitute a contravention of the prohibition in regulation 14 (circumventing etc. prohibitions).”

14. After regulation 19 (application of information powers in CEMA) insert—

“Information offences

19A.—(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 19 (information powers);
- (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 19, destroys, mutilates, defaces, conceals or removes any document;

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(d) otherwise intentionally obstructs an authorised officer in the exercise of their powers under regulation 19.

(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.”

15. In regulation 20(4) (general trade licences: records), for “Secretary of State” substitute “Governor”.

16. In regulation 21(1) (general trade licences: inspection of records), for “Secretary of State or the Commissioners” substitute “Governor”.

17. In regulation 22 (disclosure of information)—

(a) in paragraph (1), for “Secretary of State or the Commissioners” substitute “Governor or an authorised officer”;

(b) in paragraph (2)—

(i) after sub-paragraph (c) insert—

“(ca) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the Territory for an offence under any provisions of these Regulations;”;

(ii) in sub-paragraph (d)—

(aa) in paragraph (i), after “Regulations” insert “(as they have effect in the United Kingdom)”;

(bb) in paragraph (ii), after “regulation 7(1) (export of military goods)” insert “(as it has effect in the United Kingdom)”;

(iii) in sub-paragraph (e), after “any British overseas territory” insert “other than the Territory”;

(iv) in sub-paragraph (g), for “United Kingdom” substitute “Territory”;

(c) in paragraph (3)(j), for “Secretary of State or the Commissioners (as the case may be) consider” substitute “Governor considers”.

18. In regulation 23 (Part 4: supplementary)—

(a) for paragraph (2) substitute—

“(2) But nothing in that regulation authorises a disclosure that would contravene the data protection legislation if that legislation were applicable to the Territory.”

(b) after paragraph (5) insert—

“(5A) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this Part.”

(c) in paragraph (6), in the definition of “privileged information”, omit “(in Scotland, to confidentiality of communications)”.

19. In Part 5 (Enforcement), at the beginning insert—

“Suspected ships, aircraft or vehicles

23A.—(1) Where an authorised officer has reasonable cause to suspect that a ship, aircraft or vehicle has been, or is being, or is about to be used in the commission of an offence under Part 2 (Trade) or regulation 18(2) (licensing offences), the authorised officer may—

(a) in relation to an aircraft or vehicle, require the relevant person to keep the aircraft or vehicle and any goods it is carrying in the Territory, until the authorised officer

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notifies the relevant person that the aircraft or vehicle (as the case may be) may depart, or

- (b) in relation to a ship, require the relevant person—
 - (i) not to cause or permit the ship to proceed with the voyage on which it is engaged or about to engage, until the authorised officer notifies the relevant person that the ship may proceed;
 - (ii) not to land any part of the ship's cargo at any port specified by the authorised officer, except with the authorised officer's prior consent;
 - (iii) if the ship is in port in the Territory, to cause the ship to remain there until the authorised officer notifies the relevant person that the ship may depart;
 - (iv) if the ship is in any other place, to cause it to proceed to a port specified by the authorised officer and keep it there, until the authorised officer notifies the relevant person that the ship may depart.

(2) Where the authorised officer considers it necessary in order to secure compliance with a requirement made under paragraph (1), the authorised officer may detain the ship, aircraft or vehicle and any goods it is carrying.

(3) Where an authorised officer detains a ship, aircraft or vehicle and any goods it is carrying in accordance with paragraph (2), the authorised officer must deliver to the master of the ship, the aircraft operator or the owner of the vehicle (as the case may be) a detention direction.

- (4) A detention direction under paragraph (3) must—
 - (a) be in writing,
 - (b) state the grounds on which the ship, aircraft or vehicle is detained, and
 - (c) state that—
 - (i) the power to detain is exercised under this regulation, and
 - (ii) any requirements subject to which the detention is carried out must be complied with.

- (5) Paragraph (6) applies, in relation to a ship or aircraft, if—
 - (a) the ship or aircraft (as the case may be) is not a Territory ship or Territory aircraft, and
 - (b) there is in the Territory a consular officer for the country to which the ship or aircraft belongs.

(6) A copy of the detention direction must be sent as soon as practicable to the nearest consular officer for the country to which the ship or aircraft belongs.

(7) An authorised officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

(8) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this regulation.

(9) Nothing in this regulation affects any other provision of law conferring powers, imposing restrictions or enabling restrictions to be imposed in respect of ships, aircraft or vehicles.

- (10) In this regulation—
 - “consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country in the Territory;
 - “the relevant person” means any of the following—

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- (a) in relation to a ship, the owner, master or charterer of the ship;
- (b) in relation to an aircraft, the owner, charterer, operator or commander of the aircraft;
- (c) in relation to a vehicle, the owner, driver or operator of the vehicle.

Search warrants

23B.—(1) A magistrate or justice of the peace may issue a search warrant if satisfied by information on oath that—

- (a) there is reasonable cause to suspect that a relevant offence under these Regulations has been, or is being, or is about to be, committed, and
- (b) evidence in relation to the offence is to be found on a ship, aircraft, vehicle or premises specified in the information.

(2) A search warrant issued under this regulation is a warrant empowering an authorised officer to enter and search the ship, aircraft, vehicle or premises specified in the information, at any time within one month from the date of the warrant.

(3) The powers conferred on an authorised officer by a search warrant under this regulation include powers to—

- (a) in the case of a power to enter a ship, aircraft or vehicle, stop that ship, aircraft or vehicle;
- (b) enter any land, where such entry appears to the authorised officer to be necessary in order to enter the ship, aircraft, vehicle or premises specified in the information;
- (c) take such other persons and such equipment on to the ship, aircraft, vehicle or premises as appear to the authorised officer to be necessary;
- (d) inspect and seize anything found in the course of a search if the authorised officer has reasonable cause to suspect that—
 - (i) it is evidence in relation to a relevant offence under these Regulations, or
 - (ii) it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed;
- (e) take copies of any document.

(4) An authorised officer who enters a ship, aircraft, vehicle or premises under a warrant issued under this regulation may—

- (a) search any person found on the ship, aircraft, vehicle or premises whom the officer has reasonable cause to suspect to be in possession of anything which may be required as evidence for the purposes of proceedings in respect of a relevant offence under these Regulations, and
- (b) seize any such thing found in such a search.

(5) Anything seized under paragraphs (3)(d) or (4)(b)—

- (a) may be retained for so long as is necessary in all the circumstances, and
- (b) where that thing is military goods and is not authorised by a trade licence, may be forfeited, disposed of or transferred as appropriate.

(6) A search of a person under paragraph (4)(a) must be carried out by a person of the same sex.

(7) An authorised officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.

(8) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this regulation.

(9) Nothing in this regulation affects any other provision of law conferring powers, imposing restrictions or enabling restrictions to be imposed in respect of ships, aircraft or vehicles.

(10) For the purposes of this regulation—

“information on oath” includes any other relevant form of application to a magistrate or justice of the peace in the Territory;

“justice of the peace” includes other competent judicial authorities within the Territory responsible for granting search warrants;

“military goods” has the meaning given in regulation 5 (definition of “military goods” and “military technology”);

“relevant offence” means an offence which is punishable with a term of imprisonment of more than 6 months.”

20. For regulation 24 (penalties for offences) substitute—

“**24.**—(1) Paragraphs (3) to (5) apply to—

- (a) Anguilla;
- (b) British Antarctic Territory;
- (c) British Indian Ocean Territory;
- (d) Cayman Islands;
- (e) Montserrat;
- (f) Pitcairn, Henderson, Ducie and Oeno Islands;
- (g) Turks and Caicos Islands;
- (h) Virgin Islands.

(2) Paragraphs (6) to (8) apply to—

- (a) Falkland Islands;
- (b) St Helena, Ascension and Tristan da Cunha;
- (c) South Georgia and the South Sandwich Islands;
- (d) the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.

(3) A person who commits an offence under any provision of Part 2 (Trade) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or a fine, or both.

(4) A person who commits an offence under regulation 18, 20(6) or 21(5) (offences in connection with trade licences) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

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(5) A person who commits an offence under regulation 19A (information offences) is liable, on summary conviction, to a fine not exceeding £1,000 or its equivalent in the currency of the Territory.

(6) A person who commits an offence under any provision of Part 2 (Trade) is liable on conviction to imprisonment for a term not exceeding 10 years, or a fine, or both.

(7) A person who commits an offence under regulation 18, 20(6) or 21(5) (offences in connection with trade licences) is liable on conviction to imprisonment for a term not exceeding 2 years, or a fine, or both.

(8) A person who commits an offence under regulation 19A (information offences) is liable on conviction to a fine not exceeding £1,000 or its equivalent in the currency of the Territory.

(9) Where a fine in this regulation is expressed to be a sum in sterling or its equivalent in the currency of the Territory, the Governor may issue guidance specifying how to calculate the amount in the currency of the Territory which is to be considered equivalent to that sum in sterling.”

21. In regulation 25 (liability of officers of bodies corporate etc.), omit paragraph (4).

22. In regulation 26 (jurisdiction to try offences)—

- (a) in paragraph (1), for “United Kingdom”, in each place it occurs, substitute “Territory”;
- (b) omit paragraphs (2) and (3).

23. After regulation 26 (jurisdiction to try offences), insert—

“Consent to prosecutions

26A.—(1) Proceedings for an offence under these Regulations must not be instituted in the Territory except with the consent of the principal public officer of the Territory responsible for criminal prosecutions.

(2) Nothing in paragraph (1) prevents—

- (a) the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence under these Regulations, or
- (b) the remand in custody or on bail of any person charged with such an offence.”

24. For regulation 27 (procedure for offences by unincorporated bodies) substitute—

“27. Any provision in an enactment which applies in the Territory in relation to criminal proceedings brought against a body corporate, applies also for the purposes of proceedings in the Territory for an offence under these Regulations brought against an unincorporated body.”

25. In regulation 28 (time limit for proceedings for summary offences), omit paragraph (4).

26. Omit regulation 29 (trade enforcement: application of CEMA) (including the heading).

27. Omit regulation 30 (trade offences in CEMA: modification of penalty) (including the heading).

28. Omit regulation 31 (monetary penalties) (including the heading).

29. In regulation 32 (exercise of maritime enforcement powers)—

- (a) for paragraph (1) substitute—

“(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 relevant ship in international waters.”

(b) omit paragraph (5);

(c) at the end, insert—

“(6) In this Part, “a relevant ship” means, in relation to the Territory, a Territory ship.”

30. For regulation 33 (maritime enforcement officers) substitute—

“**33.**—(1) An authorised officer is a “maritime enforcement officer” for the purposes of this Part.

(2) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this Part.”

31. In regulation 34(2)(c) (power to stop, board, search etc.), for “United Kingdom” substitute “Territory”.

32. Omit regulation 36 (restrictions on exercise of maritime enforcement powers) (including the heading).

33. In regulation 38 (notices), for “United Kingdom”, in each place it occurs, substitute “Territory”.

34. Omit regulation 39 (article 20 of the Export Control Order 2008) (including the heading).

35. Omit regulation 40 (trade: overlapping offences) (including the heading).

36. Omit regulation 41 (revocations) (including the heading).

37. For regulation 42 (transitional provision: trade licences) substitute—

“**42.**—(1) Paragraphs (2) and (3) apply to a licence which—

(a) was granted by the Governor under article 3, 4 or 5 of the 2007 Order,

(b) was in effect immediately before the relevant date, and

(c) authorises an act which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited by Part 2 (Trade),

and such a licence is referred to in this regulation as an “existing trade sanctions licence”.

(2) 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 Governor under regulation 17 (trade licences).

(3) Any reference in an existing trade sanctions licence to a prohibition in the 2007 Order is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 2 (Trade).

(4) In this regulation—

“the 2007 Order” means the Lebanon (United Nations Sanctions) (Overseas Territories) Order 2007(2);

“the relevant date” means the date on which Part 2 comes into force.”

38. For regulation 43 (transitional provision: pending applications for trade licences) substitute—

“**43.**—(1) Paragraph (2) applies where—

(2) [S.I. 2007/283](#), amended by [S.I. 2007/2131](#).

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- (a) an application was made before the relevant date for a licence under article 3, 4 or 5 of the 2007 Order,
 - (b) the application is for authorisation of an act prohibited by Part 2 (Trade), and
 - (c) a decision to grant or refuse the application has not been made before the relevant date.
- (2) The application is to be treated on and after the relevant date as an application for a licence under regulation 17 (trade licences).
- (3) In this regulation—
- “the 2007 Order” has the meaning it has in regulation 42 (transitional provision: trade licences);
- “the relevant date” means the date on which Part 2 comes into force.”