
STATUTORY INSTRUMENTS

2020 No. 1233

The Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020

PART 2

Trade

CHAPTER 1

Interpretation

Definition of illegally removed Syrian cultural property

5.—(1) In this Part, “illegally removed Syrian cultural property” means Syrian cultural property or any other item of archaeological, historical, cultural, rare scientific or religious importance illegally removed from any location in Syria on or after 15 March 2011.

(2) For the purposes of paragraph (1), an item is considered to be “illegally removed” if it has been removed from Syria in contravention of the law of any country or territory applicable to the removal which was in force at the time of the removal, including, in particular—

- (a) the laws of Syria;
- (b) the law of a part of the United Kingdom.

Interpretation of other expressions used in this Part

6.—(1) Paragraphs 32 to 35 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.

CHAPTER 2

Illegally removed Syrian cultural property

Export and import of illegally removed Syrian cultural property

7.—(1) The export of illegally removed Syrian cultural property is prohibited.

- (2) The import of illegally removed Syrian cultural property is prohibited.
- (3) Paragraphs (1) and (2) are subject to Part 3 (Exceptions).

Supply and delivery of illegally removed Syrian cultural property

8.—(1) A person must not directly or indirectly supply or deliver illegally removed Syrian cultural property from a third country to any other third country.

(2) Paragraph (1) is subject to Part 3 (Exceptions).

(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 goods were illegally removed Syrian cultural property.

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

Making available and acquisition of illegally removed Syrian cultural property

9.—(1) A person must not directly or indirectly—

- (a) make available illegally removed Syrian cultural property to another person;
- (b) acquire illegally removed Syrian cultural property from another person.

(2) Paragraph (1) is subject to Part 3 (Exceptions).

(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 goods were illegally removed Syrian cultural property.

Financial services and funds relating to illegally removed Syrian cultural property

10.—(1) A person must not directly or indirectly provide to another person financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of illegally removed Syrian cultural property,
- (b) the import of illegally removed Syrian cultural property,
- (c) the direct or indirect supply or delivery of illegally removed Syrian cultural property, or
- (d) the direct or indirect making of illegally removed Syrian cultural property available to a person.

(2) Paragraph (1) is subject to Part 3 (Exceptions).

(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 financial services or funds were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Brokering services: non-UK activity relating to illegally removed Syrian cultural property

11.—(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 illegally removed Syrian cultural property from a third country to any other third country,
- (b) the direct or indirect making available of illegally removed Syrian cultural property to a person in a third country, or

(c) the direct or indirect provision, in a non-UK country, of financial services or funds, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 10(1).

(2) Paragraph (1) is subject to Part 3 (Exceptions).

(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 pursuance of or in connection with an arrangement mentioned in that paragraph.

(4) In this regulation—

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

(b) “third country” means a country that is not the United Kingdom or the Isle of Man.

Holding or controlling illegally removed Syrian cultural property

12.—(1) A person who holds or controls illegally removed Syrian cultural property must secure its transfer to a constable.

(2) Paragraph (1) is subject to Part 3 (Exceptions).

(3) A person who fails to comply with the requirement 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 goods held or controlled by P were illegally removed Syrian cultural property.

CHAPTER 3

Further provision

Circumventing etc. prohibitions

13.—(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 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

14.—(1) Paragraph (2) applies where a person relies on a defence under Chapter 2 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.