
STATUTORY INSTRUMENTS

2020 No. 1665

The Libya (Sanctions) (EU Exit) Regulations 2020

PART 12

Supplementary and final provision

Notices

81.—(1) This regulation applies in relation to a notice required by regulation 51 (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.

Article 20 of the Export Control Order 2008

82. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 5 (Trade).

Trade: overlapping offences

83. 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, 35, 37 or 38 of that Order⁽¹⁾, and
- (b) any provision of Part 5 (Trade) or regulation 37 (bunkering or ship supply services), regulation 53 (trade: licensing offences), 62(6) or 63(5) (information offences in connection with general trade licences).

Amendment of the United Nations and European Union Financial Sanctions (Linking) Regulations 2017

84. In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017⁽²⁾, omit the following row from the table—

“United Nations Security Council Resolution 1970 (2011)	Council Regulation (EU) 2016/44 of 18th January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011.”
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Revocations

85.—(1) Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 is revoked.

- (2) The Libya (European Union Financial Sanctions) Regulations 2016⁽³⁾ are revoked.
- (3) The Libya (Financial Sanctions) Order 2011⁽⁴⁾ is revoked.
- (4) The Export Control (Libya Sanctions) Order 2016⁽⁵⁾ is revoked.

Transitional provision: Treasury licences

86.—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under—
 - (i) article 9 of the 2011 Order, or
 - (ii) regulation 9 of the 2016 Regulations, and
- (b) was in effect immediately before IP completion day, and
- (c) authorises conduct which would (on and after IP completion day, 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 IP completion day as if it had been issued by the Treasury under regulation 48(1) (Treasury licences).

- (3) Any reference in an existing financial sanctions licence to—

(1) Articles 37 and 38 are prospectively amended by S.I. 2019/137. Article 37 has been amended by S.I. 2012/1910. Article 38 has been amended by S.I. 2017/85.

(2) S.I. 2017/478, to which there are amendments not relevant to these Regulations.

(3) S.I. 2016/45 as amended by S.I. 2017/560, S.I. 2017/754 and S.I. 2018/682 and prospectively amended by S.I. 2018/1149.

(4) S.I. 2011/548, as amended by S.I. 2011/605 (revoked by S.I. 2016/45), S.I. 2013/472, S.I. 2013/534, S.I. 2018/682 and S.I. 2018/1149.

(5) S.I. 2016/787 as amended by S.I. 2017/1311.

- (a) the 2011 Order,
- (b) the 2016 Regulations ,or
- (c) the EU Libya Regulation,

is to be treated on and after IP completion day as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

- (a) the 2011 Order,
- (b) the 2016 Regulations,
- (c) the EU Libya Regulation, or
- (d) Council Regulation (EU) No 204/2011⁽⁶⁾,

is to be treated on and after IP completion day 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 2011 Order or 2016 Regulations was made before IP completion day,
- (b) the application is for the authorisation of conduct which would (on and after IP completion day) 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 IP completion day as an application for a licence, or for the variation of a licence (as the case may be), under regulation 48(1).

(7) In this regulation—

“the 2011 Order” means the Libya (Financial Sanctions) Order 2011;

“the 2016 Regulations” means the Libya (European Union Financial Sanctions) Regulations 2016.

Transitional provision: trade licences

87.—(1) Paragraph (2) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before IP completion day, 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 IP completion day, 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 on IP completion day under regulation 49 (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—

(6) OJ L 058, 3.3.2011, p.1

- (a) was in effect immediately before IP completion day,
- (b) is not an existing trade licence, and
- (c) authorises an act—
 - (i) which would otherwise be prohibited by the EU Libya Regulation, and
 - (ii) which would (on and after IP completion day, and in the absence of paragraphs (4) to (6)) be prohibited by Part 5,

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 IP completion day as if it were a licence which had been issued by the Secretary of State under regulation 49.

(5) Any reference in an existing trade sanctions licence to a provision of the Export Control (Libya Sanctions) Order 2016 or the Export Control Order 2008 is to be treated on and after IP completion day 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 Libya Regulation is to be treated on and after IP completion day as a reference to the corresponding prohibition in Part 5.

Transitional provision: pending applications for trade licences

88.—(1) Paragraph (2) applies where—

- (a) an application was made before IP completion day 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 IP completion day.

(2) The application is to be treated on and after IP completion day as including an application for a licence under regulation 49 (trade licences).

(3) Paragraph (4) applies where—

- (a) an application was made before IP completion day for a licence or authorisation under the Export Control (Libya Sanctions) Order 2016 or the EU Libya Regulation,
- (b) the application is for authorisation of an act prohibited by Part 5, and
- (c) a decision to grant or refuse the application has not been made before IP completion day.

(4) The application is to be treated on and after IP completion day as an application for a licence under regulation 49.

Transitional provision: prior obligations etc.

89.—(1) Where—

- (a) a person was named in Annex II, III or VI of the EU Libya Regulation immediately before IP completion day, and
- (b) the person is a designated person immediately before IP completion day,

any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is to be read as a reference to the original listing date.

(2) Where, immediately before IP completion day, a person was named for the purposes of paragraph 17 of resolution 1970 by the Security Council or the Committee, the reference in each of the provisions mentioned in paragraph (3) to the date on which a person became a designated person is a reference to the date on which the person was so named.

- (3) The provisions referred to in paragraphs (1) and (2) are—
- (a) regulation 19(4)(b) (partial asset-freeze prohibition in relation to making funds available to designated persons),
 - (b) regulation 43(5) (finance: exceptions from prohibitions), and
 - (c) paragraphs 5(b)(i), 11(a) and 12(a) of Schedule 4 (Treasury licences: purposes).
- (4) In this regulation—
- “designated person” means a designated person within the meaning of regulation 11 or 17;
- “original listing date” means—
- (a) where the person was named in Annex II, III or VI of Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya immediately before the repeal of that Regulation, the date on which that person was named in Annex II, III or VI of that Regulation;
 - (b) otherwise, the date on which the person was named in Annex II, III or VI of the EU Libya Regulation.