
STATUTORY INSTRUMENTS

2020 No. 1665

The Libya (Sanctions) (EU Exit) Regulations 2020

PART 6

Trade, transport and finance measures related to UN designated ships

Transporting etc. Libyan oil in relation to UN designated ships

35.—(1) A person must not cause or permit a designated ship—

- (a) to transport Libyan oil, or
- (b) to have Libyan oil loaded onto or discharged from it.

(2) Paragraph (1) is subject to Part 8 (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 ship was a designated ship.

(4) For the purposes of paragraph (1), a “designated ship” means a ship for the time being designated by the Committee for the purpose of paragraph 10(a) of resolution 2146.

Port access or entry for UN designated ships

36.—(1) A person must not provide a designated ship with access to a port in the United Kingdom, if the person knows, or has reasonable cause to suspect, that the ship is a designated ship.

(2) The master or pilot of a designated ship must not cause or permit that ship to enter any port in the United Kingdom if the master or pilot knows, or has reasonable cause to suspect, that the ship is a designated ship.

(3) Paragraphs (1) and (2) are subject to Part 8 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) In paragraphs (1) and (2), “designated ship” means a ship for the time being designated by the Committee for the purpose of paragraph 10(b) of resolution 2146.

Bunkering or ship supply services

37.—(1) A person must not provide bunkering or ship supply services relating to a designated ship.

(2) Paragraph (1) is subject to Part 8 (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 ship was a designated ship.

(4) In this regulation—

“bunkering or ship supply services” includes—

- (a) the supply of goods for use in a ship including fuel and spare parts, whether or not for immediate use, and
 - (b) any other servicing of a ship;
- “designated ship” means a ship for the time being designated by the Committee for the purpose of paragraph 10(c) of resolution 2146.

Financial transactions in relation to Libyan oil aboard UN designated ships

38.—(1) A person must not enter into any financial transaction relating to Libyan oil aboard a designated ship.

(2) Paragraph (1) is subject to Part 8 (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 ship was a designated ship.

(4) In this regulation—

“designated ship” means a ship for the time being designated by the Committee for the purpose of paragraph 10(d) of resolution 2146;

a “financial transaction relating to Libyan oil”—

- (a) includes its purchase or sale, its use as credit and the taking out of transport insurance in respect of it;
- (b) does not include the payment or receipt of any fees pursuant to the entry into port of a ship carrying that oil.

Circumventing etc. prohibitions

39.—(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 a prohibition in regulation 35 (transporting etc. Libyan oil in relation to UN designated ships) or 37 (bunkering or ship supply services), 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.

(3) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent the prohibition in regulation 38 (financial transactions in relation to Libyan oil aboard UN designated ships), or
- (b) to enable or facilitate the contravention of that prohibition.

(4) A person who contravenes a prohibition in paragraph (3) commits an offence.

Defences

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

Interpretation of Part 6

41.—(1) In this Part, “Libyan oil” means petroleum, including crude oil and refined petroleum products, originating from Libya.

(2) For the purposes of paragraph (1)—

“crude oil” means anything which falls within the commodity code 2709;

“refined petroleum products” means anything which falls within any of the following commodity codes—

(a) 2710;

(b) 2712;

(c) 2713.

(3) For the purposes of paragraph (2), whether or not a thing “falls within” any of the “commodity codes” specified in that paragraph is to be determined in accordance with paragraph 1 in Part 1 of Schedule 3.

(4) In regulations 35, 37 and 38 (transporting etc. Libyan oil in relation to UN designated ships, bunkering or ship supply services, and financial transactions in relation to Libyan oil aboard UN designated ships), “ship” includes every description of vessel (including a hovercraft) used in navigation.

(5) In regulation 36 (port access or entry for UN designated ships), “ship” includes every description of vessel (including a hovercraft) used in navigation, except the naval, military or air-force ships of any country.

(6) Any other expression used in this Part and in section 7 of the Act (shipping sanctions) has the same meaning in this Part as it has in that section.