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STATUTORY INSTRUMENTS

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**2020 No. 1665**

**The Libya (Sanctions) (EU Exit) Regulations 2020**

**PART 7**

**Aircraft**

**Movement of aircraft**

**42.**—(1) Paragraph (2) applies where an aircraft is being used to transport military goods or armed personnel (or both) to any place in Libya (directly or indirectly).

(2) The operator or pilot in command of an aircraft to which this paragraph applies must not cause or permit the aircraft to—

- (a) take off from the United Kingdom,
- (b) overfly the United Kingdom, or
- (c) land in the United Kingdom.

(3) Where air traffic control knows or has reasonable grounds to suspect that an aircraft approaching UK airspace or which has already entered UK airspace is being used to transport military goods or armed personnel (or both) to any place in Libya (directly or indirectly), air traffic control must—

- (a) refuse permission for the aircraft to enter UK airspace or to overfly the United Kingdom;
- (b) require the aircraft to leave UK airspace.

(4) Air traffic control may issue instructions to the aircraft in connection with a refusal or requirement under paragraph (3).

(5) Instructions issued to an aircraft pursuant to paragraph (4) may permit incursion into UK airspace by the aircraft only where it is necessary to do so in order to enable the aircraft to comply safely with an instruction to leave UK airspace.

(6) Where an airport operator knows or has reasonable grounds to suspect that an aircraft at or approaching an airport is being used to transport military goods or armed personnel (or both) to any place in Libya (directly or indirectly) the airport operator must (as the case may be)—

- (a) not permit the aircraft to take off from the airport;
- (b) refuse permission to the aircraft to land at the airport.

(7) Paragraphs (2) to (6) are subject to Part 8 (Exceptions and licences).

(8) A person who contravenes a prohibition in paragraph (2) or (6) or fails to comply with a requirement in paragraph (6) commits an offence.

(9) It is a defence for a person charged with the offence of breaching the prohibition in paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the aircraft was being used to transport military goods or armed personnel to any place in Libya.

(10) For the purposes of this regulation, an aircraft is being used to “transport” military goods if the aircraft contains military goods which have been, or are being, dealt with in contravention of a prohibition—

- (a) in regulation 23 or 25 (trade prohibitions relating to restricted goods), or
- (b) imposed by a condition of a trade licence in relation to a prohibition mentioned in subparagraph (a).

(11) In this regulation, “UK airspace” means the airspace above the United Kingdom (and includes the airspace above the territorial sea of the United Kingdom).

(12) Any expression used in this regulation and in section 6 of the Act (aircraft sanctions) has the same meaning in this regulation as it has in that section.