

THE LIBYA (SANCTIONS) (EU EXIT) REGULATIONS 2020
REPORT UNDER SECTION 18 OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018 IN RELATION TO CRIMINAL OFFENCES

A: INTRODUCTION

1. This is a report under section 18 of the Sanctions and Anti Money Laundering Act 2018 (“**the Sanctions Act**”) in relation to the Libya (Sanctions) (EU Exit) Regulations 2020 (“**the Regulations**”).
2. Section 18(2) of the Sanctions Act requires a report to be laid before Parliament where regulations made under section 1 of the Sanctions Act create offences for the purposes of enforcing any prohibitions or requirements imposed by those regulations, or for the purposes of preventing the circumvention of those prohibitions or requirements.
3. In accordance with section 18, this report: sets out the offences created by the Regulations (see Part B); explains why there are good reasons for the relevant prohibitions or requirements in the Regulations to be enforceable by criminal proceedings (Part C); and sets out the maximum terms of imprisonment that apply to those offences and why there are good reasons for those maximum terms (Part D).

B: THE OFFENCES

4. The principal prohibitions and requirements in the Regulations are aimed at compliance with United Nations (UN) obligations arising under United Nations Security Council Resolutions, and at promoting respect for human rights in Libya, promoting the peace, stability and security of Libya, promoting the successful completion of Libya’s transition to a democratic, independent and united country, and preventing migrant smuggling and human trafficking taking place from Libya.
5. The Regulations state that each person for the time being named for the purposes of paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) by the Security Council or Committee is a designated person for the purposes of regulations 12 to 16 (asset-freeze etc.). They also provide that the Libyan Investment Authority and the Libyan Africa Investment Portfolio named in Annex II of resolution 1973 (2011) are designated persons for the purposes of regulations 18 to 20 (partial asset-freeze etc.). The Regulations also provide for a power for the Secretary of State to designate persons for the purposes of regulation 12 to 16 and regulation 22 (immigration).

6. The Regulations then provide a number of prohibitions in relation to designated persons (including that no person is to deal with the assets of the person or provide funds or other economic resources to them or for their benefit). They also impose various prohibitions on trade in military goods and military technology, internal repression goods and internal repression technology and goods which could be used for migrant smuggling and human trafficking. There are also prohibitions on the provision of technical assistance, financial services and funds, and brokering services related to those restricted goods and restricted technology, on enabling or facilitating the conduct of armed hostilities, the transportation of Libyan oil, the provision of services in relation to UN-designated ships, the provision of access for or entry into port by designated ships, and the movement of aircraft.
7. The offences created by the Regulations fall into the following categories:
 - a. contravening the principal prohibitions in the Regulations (e.g. breaching an asset-freeze or breaching a trade or transport restriction) or trying to circumvent those principal prohibitions;
 - b. knowingly or recklessly providing false information for the purpose of obtaining a licence;
 - c. breaching the terms of a licence;
 - d. failing to comply with requirements relating to the provision and recording of information;
 - e. disclosing confidential information in certain cases where the designation power has been used.
8. Details of each of the offences created by the Regulations, the prohibitions and requirements to which those offences relate, and the maximum penalties relating to each offence, are set out:
 - a. in relation to financial sanctions, in the table in **Annex A** to this report;
 - b. in relation to trade sanctions, in the table in **Annex B** to this report;
 - c. in relation to transport sanctions, in the table in **Annex C** to this report.
 - d. in relation to the disclosure of confidential information where the designation power has been used, in the table in **Annex D** to this report.

C: REASONS FOR CREATING THE OFFENCES

9. In order to fulfil the stated purposes of this sanctions regime, the prohibitions and requirements in these Regulations need to be properly enforced.
10. There are several mechanisms through which these measures can be enforced without criminal proceedings. These include the imposition of monetary penalties for breaching financial sanctions and the seizure of goods being dealt with in contravention of certain trade sanctions measures.
11. Having the ability to take enforcement action through criminal proceedings, alongside these other enforcement measures, is appropriate for several reasons. The offences act as a deterrent in relation to serious acts and omissions which would undermine the purpose of the regime. They also allow the government to take a proportionate response where the severity of the act or omission warrants it.
12. Importantly, the offences created by the Regulations are consistent with the offences contained in the legislation which the Regulations will replace. Failing to create offences would mean that there would be an enforcement gap between existing legislation and the Regulations. Special care has been taken to provide that offences are consistent with existing offences while not duplicating any offences that already exist.
13. These issues are addressed in more detail below in relation to the different types of offences in the Regulations.

Breaches of, and circumvention of, the principal financial prohibitions

14. The prohibitions contained in regulations 12 to 16 prohibit persons from dealing with funds or economic resources owned, held or controlled by a designated person and from making funds or economic resources available to or for the benefit of a designated person, where the person doing so knows or has reasonable cause to suspect that this is the case.
15. The partial asset-freeze prohibitions contained in regulations 18 to 20 prohibit persons from dealing with relevant funds or economic resources located outside of Libya which includes those owned, held or controlled by two designated persons (being the Libyan Investment Authority and Libyan Africa Investment Portfolio) immediately before 17 September 2011, and from making relevant funds available to them or for their benefit, where the person doing so knows or has reasonable cause to suspect that this is the case.
16. Regulation 21 prohibits intentional conduct whose known object or effect is to circumvent or enable contravention of the financial prohibitions set out in regulations 12 to 20.
17. The prohibition contained in regulation 38 prohibits persons from entering into any financial transactions relating to Libyan oil carried aboard UN-designated ships. Regulation 39 prohibits intentional conduct whose known object or effect is to circumvent or enable contravention of this prohibition.

18. A breach of these prohibitions is a serious matter because such actions undermine the purpose and effectiveness of the sanctions regime. In this case, breaches could result in the flow of funds or economic resources to those who are engaging in or providing support for acts that threaten the peace, stability and security of Libya or undermine its transition to a democratic, peaceful and independent country.
19. The ability to institute criminal proceedings in relation to these matters serves as an effective deterrent. It also enables the government to take a proportionate response which corresponds to the severity of the breach.
20. The ability to institute criminal proceedings sits alongside other enforcement measures relating to financial sanctions. In particular, the Office of Financial Sanctions Implementation (OFSI) with the ability to impose civil monetary penalties under Part 8 of the Policing and Crime Act 2017 to enforce breaches of these prohibitions¹. Enabling these prohibitions to be enforceable by criminal proceedings alongside these other enforcement measures ensures that a range of enforcement options is available to enforcement bodies, enabling them to take action that is proportionate to the breach in question.
21. The Regulations are consistent with, but will not duplicate, existing financial sanctions offences. In particular, the financial sanctions offences in the Regulations will replace the framework of financial sanctions offences and penalties that were created by the Libya (Financial Sanctions) Order 2011 (S.I. 2011/548) and the Libya (European Union Financial Sanctions) Regulations 2016 (S.I. 2016/45). This will ensure that there is no gap in the UK's ability to enforce financial sanctions in relation to Libya in compliance with the UK's UN obligations and in respect of the purposes relating to promoting respect for human rights in Libya; promoting the peace, stability and security of Libya; promoting the successful completion of Libya's transition to a democratic, independent and united country; and preventing migrant smuggling and human trafficking taking place from Libya.
22. The offences in the Regulations are also consistent with those contained in other legislation, including: Part 1 of the Terrorist Asset-Freezing etc. Act 2010; Schedule 3 to the Anti-terrorism, Crime and Security Act 2001; and Schedule 7 to the Counter-Terrorism Act 2008. However, each of these legislative regimes have a different underlying purpose and basis for designation (involvement in terrorist activity, terrorist financing, threats to UK national security) and so cannot be directed to breaches of the financial prohibitions in the Regulations. There is therefore no overlap between the criminal offences in the Regulations and other criminal offences relating to financial sanctions.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708991/Monetary Penalties Guidance web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/708991/Monetary_Penalties_Guidance_web.pdf)

Breaches of, and circumvention of, the principal trade prohibitions

23. The trade prohibitions are contained in Part 5 of the Regulations as well as regulations 35 and 37 in Part 6. Breaches of the principal trade prohibitions are a serious matter as they undermine sanctions which are in place for the purposes of compliance with UN obligations, and promoting respect for human rights in Libya, promoting the peace, stability and security of Libya, promoting the successful completion of Libya's transition to a democratic, independent and united country, and preventing migrant smuggling and human trafficking taking place from Libya. Creating criminal offences serves as an effective deterrent for such serious actions.
24. There are other enforcement tools available in relation to trade sanctions, most notably the powers contained in the Customs and Excise Management Act 1979 to issue compound penalties, and to detain, seize and dispose of goods where they are being dealt with in contravention of trade sanctions. The ability to institute criminal proceedings sits alongside these other powers and provides the government with a suite of tools to police and ensure compliance with trade sanctions and ensure that there are penalties that are appropriate to the seriousness of breaches of sanctions measures.
25. The Regulations replace offences related to trade sanctions contained in the Export Control (Libya Sanctions) Order 2016 (S.I. 2016/787) ("the 2016 Order") made under the Export Control Act 2002 and section 2(2) of the European Communities Act 1972. The 2016 Order will be revoked by the Regulations, ensuring that there is no overlap. The Regulations will also supplement other export control prohibitions relating to restricted goods and restricted technology in the Export Control Order 2008 and regulation 83 ensures there is no direct overlap between offences committed under that Order and the Regulations.
26. Importantly, these Regulations do not create criminal offences where it is judged that there already exists a criminal offence that can effectively enforce the prohibitions or requirements in question. For example, sections 50 and 68 of the Customs and Excise Management Act 1979 make it a criminal offence to import or export prohibited or restricted goods and so such offences have not been created by the Regulations (but see paragraph 42 regarding the modification of the relevant penalties under the Customs and Excise Management Act 1979).

Breaches of, and circumvention of, the principal transport prohibitions

27. Regulation 36 and Part 7 of the Regulations detail the prohibitions in relation to shipping and aircraft sanctions respectively.
28. Part 6 deals with prohibitions in relation to UN-designated ships (some of which are dealt with above). Regulation 36 stipulates it is prohibited for a UN-designated ship to be allowed to access a UK port, or for a master or pilot of such a ship to cause or permit that to happen. Part 7 then details prohibitions in relation to the movement of aircraft. The operator or pilot in command of an aircraft must not cause or permit that aircraft

to take off from, land in, or overfly the UK where that aircraft is being used to transport military goods, or armed mercenary personnel, to any place in Libya. It is also an offence for an airport operator to comply with certain requirements where the airport operator knows or has reasonable grounds to suspect that an aircraft at or approaching an aircraft is being used to transport military goods or armed personnel to any place in Libya (directly or indirectly).

29. The ability to enforce transport sanctions through the prohibitions mentioned above, and through offences to enforce compliance, is an important deterrent to uphold the effectiveness of the regime as a whole. These measures are crucial in achieving the objectives of the Libya sanctions regime as they restrict the ability to illicitly export oil from Libya and restrict the movement of goods and personnel that could be used to perpetuate the violence taking place in Libya and undermine the country's political transition.

Breaches of prohibitions and requirements relating to licensing

30. The licensing offences are intended to ensure that people do not obtain licences based on false information or documents and also that any licence conditions are complied with. The creation of criminal offences will help ensure robust compliance with the Regulations. The system of licensing cannot effectively operate without a strong disincentive to breaching the terms of a licence or making misleading applications.
31. The licensing offences are broadly consistent with those currently applicable under the existing Libya sanctions regime and domestic export control legislation (including the strict liability offences in relation to purporting to act under the authority of licence).

Breaches of requirements relating to information

32. As set out in Annexes A and B, the Regulations require:
- a. banks and other relevant firms, businesses and professions to report relevant information to the Treasury in relation to financial sanctions;
 - b. designated persons to provide, where requested, information concerning their assets to the Treasury;
 - c. persons to register or record information relevant to general trade licences.
33. Enabling requirements to be enforceable by criminal proceedings ensures greater compliance with the Regulations. The Treasury relies on reporting by (a) relevant firms and relevant institutions and (b) designated persons to assess compliance with the Regulations, and is better able to target its compliance efforts according to the information received.
34. The offences relating to breaches of information requirements in the Regulations are consistent with those currently applicable under other sanctions regimes made under the Sanctions Act.

35. In relation to general trade licences, the offences will help ensure that use of any such general licences can be properly monitored and enforced. The use of a general trade licence requires auditing to ensure that activity undertaken is in line with the terms of the licence. Without criminal penalties, there would be no means to compel licence-holders to provide the relevant information. This is in line with current practice and related offences in respect of use of general licences for controlled goods and technology under the Export Control Order 2008.

Breaches of the confidential information prohibitions

36. Regulation 9 contains a prohibition relating to the disclosure of the contents of the statement of reasons for a person's designation where the Secretary of State specifies that any of that information should be treated as confidential.

37. A breach of the prohibition on the disclosure of confidential information is a serious matter because disclosing information supporting the reasons why a person has been designated, that is not already available to the public from other sources, could undermine national security, damage international relations or impede the prevention or detection of serious crime in the UK or elsewhere.

38. The ability to institute criminal proceedings in relation to this matter serves as an effective deterrent. It also enables the UK government to take a proportionate response which corresponds to the severity of the breach.

D: REASONS FOR MAXIMUM PENALTIES

39. The penalties imposed by the Regulations are set out in Annexes A, B and C and D. In all cases the penalties are either consistent with similar offences in other existing legislation that will be replaced by the Regulations or consistent with similar offences in other existing legislation. Further detail on the maximum sentences relating to the different categories of offence are set out below.

Breaches of, and circumvention of, the principal financial prohibitions

40. In relation to financial sanctions, the government committed in the White Paper consultation on sanctions² to ensure consistency of offences and penalties for financial sanctions contained across domestic legislation. In accordance with that commitment, the Regulations provide for penalties consistent with those provided for in the Policing and Crime Act 2017³. The maximum sentence on indictment for financial sanctions was

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/635101/consultation-uk-future-legal-framework-sanctions-government-response.pdf

³ The maximum terms of imprisonment for indictable offences under Schedule 3 to the Anti-Terrorism, Crime and Security Act 2001 and Schedule 7 to the Counter-Terrorism Act 2008 were increased from two years to a maximum of seven years and, for summary offences under those provisions, the maximum terms of imprisonment were increased from three months to 12 months (this being six months for offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force).

increased by that Act from two years to seven years and there is no good reason for the government to revisit the level of penalties at the end of the Transition Period. The government considers the maximum penalty provides an effective deterrent and is proportionate compared to other serious crime penalties.

Breaches of, and circumvention of, the principal trade prohibitions

41. The maximum term of imprisonment for offences related to breaches of the principal trade prohibitions in the Regulations, or circumvention of them, is ten years. This is in line with the penalties in the Export Control Order 2008 which contains equivalent offences. The 10-year maximum penalty is considered to be an effective deterrent and is proportionate to the seriousness of the offence. The trade-related shipping prohibitions in Part 6 are in line with similar offences detailed elsewhere in the Regulations and in other UK sanctions regulations made under the Sanctions Act.
42. The Regulations are also consistent with Article 42 of the Export Control Order 2008 in that they modify the Customs and Excise Management Act 1979 to increase the maximum term of imprisonment for the offence of breaching export controls from seven years to ten years. This increase ensures that the maximum term of imprisonment for breaches of export controls in these Regulations is aligned with maximum penalties for breaches under the Export Control Order 2008. An industry association stakeholder has commented that such provision has “a beneficial effect in assisting export control compliance staff within companies to get the attention of their colleagues on export control matters”.⁴ A 10-year maximum term of imprisonment provides an effective deterrent and is proportionate to the potential seriousness of the offence. The Regulations also modify the Customs and Excise Management Act 1979 to increase the maximum term of imprisonment for the offence of breaching import controls from seven years to ten years. The 10-year maximum penalty is considered to be an effective deterrent and is proportionate to the seriousness of the offence.
43. It should be noted that existing penalties relating to the prohibitions referred to in Article 9(3) of the 2016 Order, which are replaced by prohibitions in Part 5 of the Regulations, are set at a maximum of two years’ imprisonment. This is because those provisions of the 2016 Order were made under section 2(2) of the European Communities Act 1972, which caps penalties at two years (under schedule 2(1)(d) of that Act). These penalties are currently out of line with domestic penalties for other services that assist prohibited export and trade activities, and do not reflect the serious nature of breaches of trade sanctions. We have therefore harmonised the penalties for these offences with the 10-year maximum penalties currently available for breaches of similar sanctions prohibitions, for example under Article 34 of the Export Control Order 2008. Aligning the enforcement of trade sanctions and other export controls is

⁴ Evidence given by the Export Group on Aerospace and Defence (EGAD) to the Defence, Foreign Affairs, International Development and Trade and Industry Committees, Strategic Export Controls: 2007 Review, p75, published on 7 August 2007.

appropriate because breaches of trade sanctions are equally as serious as other breaches of export controls.

Breaches of the principal transport prohibitions

44. The maximum penalty received for breaching regulation 36 (the prohibition relating to port access or entry for UN-designated ships) or under Part 7 (aircraft sanctions) is seven years imprisonment, a fine, or both. This is in line with similar offences detailed elsewhere in the Regulations and in other UK sanctions regulations made under the Sanctions Act. This level is proportionate to the serious nature of the offence committed and represents an effective deterrent to the breaching of transport sanctions. Penalties shall be applied on a sliding scale up to this maximum and enhance and consolidate those included in existing legislation.

Licensing and information offences

45. The Regulations provide that the maximum term of imprisonment for financial sanctions licensing offences is 7 years. Due to the scope for circumventing sanctions through improper use of a financial sanctions licence, the Secretary of State considers there are good reasons for the maximum term of imprisonment provided for licensing offences under the Regulations to be set at the same level as for breaches of the principal financial prohibitions.
46. The Regulations provide that the maximum term of imprisonment for financial sanctions information offences is 6 months. The level of harm associated with a failure to provide information, where this does not also constitute a breach of any of the substantive financial sanctions prohibitions, is not deemed sufficiently high to warrant a higher maximum sentence.
47. The Regulations provide that the maximum term of imprisonment for trade licensing and information offences is 2 years' imprisonment, which is in line with equivalent domestic export control and sanctions legislation, for example under Article 9(3)(b) of the 2016 Order. The Secretary of State considers that there are good reasons to ensure that the maximum terms of imprisonment provided for under the Regulations are consistent with that legislation. There is a good reason for a lesser maximum term of imprisonment for these offences, as compared with the offences relating to the principal prohibitions, since while penalties need to be set at a level that promotes compliance, breaches of the trade licensing prohibitions are unlikely to result in the same level of harm as breaches of the principal trade prohibitions.
48. The Regulations provide that the maximum term of imprisonment for breach of a port licence shall be set at a maximum term of imprisonment of 2 years. Breaching the provisions of a port licence is considered a serious offence, and the level of the penalty is in line with similar offences detailed elsewhere in the Regulations and in other UK sanctions regulations. Whilst still promoting compliance with licence provisions, this penalty is set at a lesser level than for the principal port access or entry offence, as

licence breaches are not considered to have as harmful an impact as breaches of the principal prohibition.

49. The Regulations provide that the maximum term of imprisonment for the offence of disclosing confidential information is two years which is in line with the equivalent offence created in the Terrorist Asset-Freezing etc. Act 2010.

E: CONCLUSIONS

50. As set out in this report:

- a. There are good reasons for each of the prohibitions and requirements set out in the Regulations to be enforceable by criminal proceedings. The ability to enforce these measures by criminal proceedings is an effective deterrent, is consistent with existing legislation and, in conjunction with the use of other enforcement measures, it enables the government to take a proportionate response to potentially serious acts and omissions which would undermine the purpose of the sanctions regime. Importantly, these Regulations do not create criminal offences where it has been judged that there already exists a criminal offence that can effectively enforce the prohibitions or requirements in question.
- b. There are also good reasons for the maximum terms of imprisonment that attach to those offences: the maximum penalties are consistent with penalties relating to offences in legislation that will be replaced by the Regulations, or consistent with similar offences in other existing legislation; they are an effective deterrent; and they are proportionate to the seriousness of the types of offences to which they relate.

Nigel Adams MP

**Minister for Asia, on behalf of the Secretary of State for Foreign,
Commonwealth and Development Affairs**

Annex A: Table of financial sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of sanctions (asset freeze)	<ol style="list-style-type: none"> 1. Dealing with funds or economic resources owned, held or controlled by a designated person 2. Making funds available directly or indirectly to a designated person 3. Making funds available for the benefit of a designated person 4. Making economic resources available directly or indirectly to a designated person 5. Making economic resources available for benefit of a designated person 	<ol style="list-style-type: none"> 1. reg. 12 2. reg. 13 3. reg. 14 4. reg. 15 5. reg. 16 	<p>Liable on summary conviction - to imprisonment for a term not exceeding 12 months in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, 6 months) and 12 months in Scotland, and 6 months in Northern Ireland or a fine, which in Scotland or Northern Ireland may not exceed the statutory maximum (or both);</p> <p>Liable on conviction on indictment - to imprisonment for a term not exceeding 7 years or a fine (or both).</p>
Breach of sanctions (partial asset-freeze)	<ol style="list-style-type: none"> 1. Dealing with "relevant funds or economic resources" (as defined in regulation 18(4) as funds and economic resources located outside of Libya immediately before 17 September 2011 as well as funds, interest and other earnings falling under the definition in regulation 18(4)) resources owned, held or controlled by a designated person 2. Making "relevant funds" (as defined in regulation 19(4)) available directly or indirectly to a designated person 3. Making "relevant funds" (as defined in regulation 19(4)) available directly or 	<ol style="list-style-type: none"> 1. reg. 18 2. reg. 19 3. reg. 20 	<p style="text-align: center;">" " "</p>

	indirectly for the benefit of a designated person		
Breach of sanctions (financial transactions relating to Libyan oil aboard designated ships)	1. Entering any financial transaction relating to Libyan oil aboard a ship designated by the UN	reg. 38	" " "
Circumvention etc. of prohibitions	1. Circumventing directly or indirectly any of the prohibitions of regs. 12-20 (Part 3 Finance) or enabling or facilitating the contravention of such prohibitions. 2. Circumventing directly or indirectly the prohibitions in reg. 38 or enabling or facilitating the contravention of any such prohibition.	1. reg. 21 2. reg. 39(4)	" " "
Breach of requirements under licences	1. Knowingly or recklessly providing false information or providing a document that is not what it purports to be for the purpose of obtaining a licence 2. Failing to comply with the conditions of a licence	1. reg. 52 2. reg. 52	" " "
Breach of reporting obligations	1. Failure to inform the Treasury about knowledge or reasonable cause to suspect that a person is a designated person or has committed an offence under Part 3 of the Regulations or regs. 38 and 52; and this information came in the course of carrying on its business. 2. Failure to provide the Treasury with information on which the knowledge or suspicion is based and any	1. reg. 56 2. reg. 56 3. reg. 56	Liable on summary conviction - to imprisonment for a term not exceeding 6 months in England and Wales, 6 months in Scotland, and 6 months in Northern Ireland or a fine, which in Scotland or Northern Ireland may not exceed level 5 on the standard scale (or both).

	<p>information by which the person can be identified</p> <p>3. Failure to provide the Treasury with information about any funds or economic resources it holds for a designated person who is a customer at the time when it first had knowledge or suspicion.</p>		
<p>Failure to comply with requests for information</p>	<p>1. Failure to provide information in the time and manner requested under reg. 58</p> <p>2. Knowingly and recklessly providing false information in response to a request under reg. 58</p> <p>3. Evasion of requests made under reg. 58 or reg. 59</p> <p>4. Obstruction of Treasury in the exercise of their powers under reg. 58 or reg. 59</p>	<p>1. reg. 60</p> <p>2. reg. 60</p> <p>3. reg. 60</p> <p>4. reg. 60</p>	<p>" " "</p>

Annex B: Table of trade sanctions offences

Type of sanction offences	Specific offence	The Libya (Sanctions) (EU Exit) Regulations 2020 reference to relevant prohibition or requirement (or other legislation)	Maximum penalty
Breach of controls on exporting restricted goods.	Exporting restricted goods.	reg. 23(1) Offence contained within Customs and Excise Management Act 1979 S. 68 and 170 (“CEMA”)	Liable on summary conviction To a penalty of £20,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both. Liable on conviction on indictment To a penalty of any amount, or to imprisonment for a term not exceeding 10 years (this is a modification to the 7 year maximum set out in CEMA).
Breach of controls on importing arms and related materiel and internal repression goods	Importing arms and related material and internal repression goods	reg. 24(1) and (2) Offence contained within S. 50 and 170 CEMA	Liable on summary conviction To a penalty of £20,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both. Liable on conviction on indictment To a penalty of any amount, or to imprisonment for a term not exceeding 10 years (this is a modification to the 7 year maximum set out in CEMA).
Breach of controls on restricted goods and restricted technology.	1. Supplying or delivering restricted goods. 2. Making available or acquiring restricted goods and technology. 3. Transferring restricted technology. 4. Providing technical	1. reg. 25(1) 2. reg. 26(1) 3. reg. 27(1) 4. reg. 28(1) 5. reg. 29(1), (2) and (3) 6. reg. 30(1)	Liable on summary conviction To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule

	<p>assistance relating to restricted goods and technology.</p> <p>5. Providing financial services and funds relating to restricted goods and technology.</p> <p>6. Providing brokering services relating to restricted goods and restricted technology</p>		<p>22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 10 years or a fine (or both).</p>
<p>Enabling or facilitating the conduct of armed facilities</p>	<p>Providing technical assistance, armed personnel, financial services and funds or brokering services enabling or facilitating the conduct of armed hostilities in Libya</p>	<p>reg. 31(1)</p>	<p>Liable on summary conviction</p> <p>To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 10 years or a fine (or both).</p>

<p>Breach of controls on the transportation of Libyan oil</p>	<p>Causing or permitting a designated ship to transport Libyan oil or to have Libyan oil loaded onto or discharged from it</p>	<p>reg. 35(1)</p>	<p>Liabe on summary conviction To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both) in Northern Ireland. Liabe on conviction on indictment To imprisonment for a term not exceeding 10 years or a fine (or both).</p>
<p>Services in relation to designated ships</p>	<p>Providing bunkering or ship supply services in relation to a designated ship</p>	<p>reg. 37(1)</p>	<p>Liabe on summary conviction To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory</p>

			<p>maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 10 years or a fine (or both).</p>
<p>Circumvention etc. of prohibitions</p>	<ol style="list-style-type: none"> 1. Circumventing directly or indirectly the prohibitions of regs. 23-31 (Trade) or enabling the contravention of prohibitions. 2. Circumventing directly or indirectly the prohibitions of regs. 35 or 37 	<ol style="list-style-type: none"> 1. reg. 33(1) 2. reg. 39 	<p>Liable on summary conviction</p> <p>To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 10 years or a fine (or both).</p>
<p>Licensing offences</p>	<ol style="list-style-type: none"> a. Knowingly or recklessly: <ol style="list-style-type: none"> i. Providing information that is false in a material respect, or ii. Providing or producing a document that is not what it purports to be, for the purpose of obtaining a trade licence. b. Purporting to act under the authority of a trade licence but failing to 	<p>reg. 53</p>	<p>Liable on summary conviction</p> <p>To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not</p>

	comply with any condition contained in the licence.		<p>exceeding 12 months or a fine (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 2 years or a fine (or both).</p>
Information offences	<p>1. Failing to comply with record keeping requirements in reg. 62(2).</p> <p>2. (a) Intentionally obstructing an official in the performance of any of the official's functions under this regulation, or</p> <p>(b) Failing to produce a register, record or document when reasonably required to do so by an official under this regulation.</p>	<p>1. reg. 62(6)</p> <p>2. reg. 63(5)</p>	<p>Liable on summary conviction</p> <p>To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months or a fine (or both) in Scotland. To imprisonment to a term not exceeding 6 months or a fine (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 2 years or a fine (or both).</p>

Annex C: Table of transport sanctions offences

Type of sanction offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of shipping sanctions	<ol style="list-style-type: none"> 1. Providing a ship designated by the Committee access to a port. 2. For the master or pilot of a ship designated by the Committee to cause or permit it to enter a port. 	<ol style="list-style-type: none"> 1. reg. 36(1) 2. reg. 36(2) 	<p>Liable on summary conviction</p> <p>To imprisonment for a term not exceeding 12 months (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, 6 months) or a fine (or both) in England and Wales.</p> <p>To imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum (or both) in Scotland.</p> <p>To imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 7 years, or a fine, (or both).</p>
Breach of aircraft sanctions	<ol style="list-style-type: none"> 1. For the operator or pilot in command of an aircraft, where the aircraft is being used to transport military goods or armed mercenary personnel to any place in Libya, to take off from, overfly or land in the UK. 	<ol style="list-style-type: none"> 1. reg. 42(2) 2. reg. 42(6) 	<p>Liable on summary conviction</p> <p>To imprisonment for a term not exceeding 12 months (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into</p>

	<p>2. For an airport operator to fail to take certain action to prevent a plane from taking off or landing at an airport where the operator knows or has reasonable cause to suspect the aircraft is being used to transport military goods or armed mercenary personnel to any place in Libya.</p>		<p>force, 6 months) or a fine (or both) in England and Wales.</p> <p>To imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum (or both) in Scotland.</p> <p>To imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 7 years, or a fine, (or both).</p>
<p>Licensing offences</p>	<p>1. Knowingly or recklessly:</p> <p>(i) providing information that is false in a material respect, or</p> <p>(ii) providing or producing a document that is not what it purports to be,</p> <p>for the purpose of obtaining a port licence.</p> <p>2. Purporting to act under the authority of a port licence but failing to comply with any condition of the port licence.</p>	<p>reg. 54</p>	<p>Liable on summary conviction</p> <p>To imprisonment for a term not exceeding 12 months (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, 6 months) or a fine (or both) in England and Wales.</p> <p>To imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum (or both) in Scotland.</p> <p>To imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment</p> <p>To imprisonment for a term not exceeding 2 years, or a fine, (or both).</p>

Annex D: Table of other offences

Other offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of confidential information provision	Breach of the prohibition on disclosing information which the Secretary of State has specified as confidential.	reg. 9	<p>Liable on summary conviction To imprisonment to a term not exceeding 12 months or a fine (or both) in England and Wales (or, in relation to offences committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 (Increase in magistrates' court's power to impose imprisonment) comes into force, six months). To imprisonment for a term not exceeding 12 months in Scotland or a fine not exceeding the statutory maximum (or both). To imprisonment to a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both) in Northern Ireland.</p> <p>Liable on conviction on indictment To imprisonment for a term not exceeding 2 years or a fine (or both).</p>