
STATUTORY INSTRUMENTS

2020 No. 1665

The Libya (Sanctions) (EU Exit) Regulations 2020

PART 5

Trade

CHAPTER 3

Interpretation, circumvention and defences

Interpretation of this Part

32.—(1) In this Part—

“arms and related materiel” means—

- (a) military goods, and
- (b) any thing which is, or would be, classified under chapter 93 of the Goods Classification Table, other than military goods;

“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;

“the Goods Classification Table” has the same meaning as it has in paragraph 1(3) in Part 1 of Schedule 3;

“goods which could be used for migrant smuggling and human trafficking” has the meaning given in paragraph 2 of Schedule 3;

“internal repression goods” means—

- (a) any thing specified in Schedule 2, other than—
 - (i) any thing which is internal repression technology, or
 - (ii) any thing for the time being specified in—
 - (aa) Schedule 2 to the Export Control Order 2008(1), or
 - (bb) Annex # of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, and

(1) [S.I. 2008/3231](#). Schedule 2 was substituted by [S.I. 2017/85](#) and subsequently amended by [S.I. 2017/697](#); [S.I. 2018/165](#); [S.I. 2018/939](#); [S.I. 2019/137](#); and [S.I. 2019/989](#). There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.

- (b) any tangible storage medium on which internal repression technology is recorded or from which it can be derived;

“internal repression technology” means any thing which is described in Schedule 2 as software or technology, within the meaning of that Schedule;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;

“restricted goods” means—

- (a) goods which could be used for migrant smuggling and human trafficking,
- (b) internal repression goods, and
- (c) military goods;

“restricted technology” means—

- (a) internal repression technology, and
- (b) military technology;

“technical assistance”, in relation to goods or technology, means—

- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- (b) any other technical service relating to the goods or technology;

“transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.

(2) For the purpose of the definition of “arms and related materiel” in paragraph (1), paragraph 1(2) of Schedule 3 (rules of interpretation for the purpose of determining whether or not a thing is “classified”) applies.

(3) Paragraphs 32 to 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.

(4) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.

(5) For the purposes of this Part, a person is to be regarded as “connected with” Libya if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Libya,
- (b) an individual who is, or an association or combination of individuals who are, located in Libya,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Libya, or
- (d) a person, other than an individual, which is domiciled in Libya.