
STATUTORY INSTRUMENTS

2020 No. 612

The Lebanon (Sanctions) (EU Exit) Regulations 2020

PART 4

Information and records

Application of information powers in CEMA

19.—(1) Section 77A of CEMA(1) applies in relation to a person carrying on a relevant activity as it applies in relation to a person concerned in the importation or exportation of goods but as if—

- (a) in subsection (1), the reference to a person concerned in the importation or exportation of goods for which for that purpose an entry is required by regulation 5 of the Customs Controls on Importation of Goods Regulations 1991(2) or an entry or specification is required by or under CEMA were to a person carrying on a relevant activity;
- (b) any other reference to importation or exportation were to a relevant activity;
- (c) any other reference to goods were to the goods, technology, services or funds to which the relevant activity relates.

(2) For the purposes of paragraph (1), a “relevant activity” means an activity which would, unless done under the authority of a trade licence, constitute a contravention of—

- (a) any prohibition in Chapter 2 of Part 2 (Trade) except the prohibition in regulation 7(1) (export of military goods), or
- (b) the prohibition in regulation 14 (circumventing etc. prohibitions).

General trade licences: records

20.—(1) This regulation applies in relation to a person (“P”) who does any act authorised by a general licence issued under regulation 17 (trade licences) (“the licence”).

(2) P must keep a register or record containing such details as may be necessary to allow the following information to be identified in relation to each act done under the authority of the licence—

- (a) a description of the act;
- (b) a description of any goods, technology, services or funds to which the act relates;
- (c) the date of the act or the dates between which the act took place;
- (d) the quantity of any goods or funds to which the act relates;
- (e) P’s name and address;
- (f) the name and address of any consignee of goods to which the act relates or any recipient of technology, services or funds to which the act relates;

(1) Section 77A was inserted by the Finance Act 1987 (c.16), section 10 and amended by S.I. 1992/3095.

(2) S.I. 1991/2724 is amended by S.I. 1992/3095; S.I. 1993/3014; and S.I. 2011/1043 and is prospectively revoked by S.I. 2018/1247.

- (g) in so far as it is known to P, the name and address of the end-user of the goods, technology, services or funds to which the act relates;
 - (h) if different from P, the name and address of the supplier of any goods to which the act relates;
 - (i) any further information required by the licence.
- (3) The register or record relating to an act must be kept until the end of the calendar year in which the register or record is created and for a further period of 4 years from the end of that calendar year.
- (4) P must notify the Secretary of State in writing of P's name and the address at which the register or record may be inspected, and must make a further such notification if those details change.
- (5) A notification under paragraph (4) must be given no later than 30 days after—
- (a) P first does any act authorised by the licence, or
 - (b) there is any change to the details previously notified.
- (6) A person who fails to comply with a requirement in paragraph (2), (3) or (4) commits an offence.

General trade licences: inspection of records

- 21.**—(1) A person authorised by the Secretary of State or the Commissioners (an “official”) may at any reasonable hour enter premises notified under regulation 20(4) (general trade licences: records) for the purposes of monitoring compliance with, or detecting evasion of, regulation 20(2) or (3).
- (2) An official may require any person on the premises to produce any register or record required to be kept under regulation 20, or any document included in such a register or record, that is in the person's possession or control.
- (3) An official may inspect and copy any such register, record or document.
- (4) An official must, if requested to do so, produce documentary evidence that he or she is authorised to exercise a power conferred by this regulation.
- (5) A person commits an offence if, without reasonable excuse, the person—
- (a) intentionally obstructs an official in the performance of any of the official's functions under this regulation, or
 - (b) fails to produce a register, record or document when reasonably required to do so by an official under this regulation.

Disclosure of information

- 22.**—(1) The Secretary of State or the Commissioners may, in accordance with this regulation, disclose—
- (a) any information obtained under or by virtue of Part 3 (Exceptions and licences), this Part or Part 6 (Maritime enforcement), or
 - (b) any information held in connection with—
 - (i) anything done under or by virtue of Part 2 (Trade), or
 - (ii) any exception or licence under Part 3 or anything done in accordance with such an exception or under the authority of such a licence.
- (2) Information referred to in paragraph (1) may be disclosed for, or in connection with, any of the following purposes—
- (a) the purpose stated in regulation 4 (purposes);

- (b) the exercise of functions under these Regulations;
 - (c) facilitating, monitoring or ensuring compliance with these Regulations;
 - (d) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the United Kingdom—
 - (i) for an offence under any provision of these Regulations, or
 - (ii) for an offence under CEMA in connection with a prohibition mentioned in regulation 7(1) (export of military goods);
 - (e) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in any of the Channel Islands, the Isle of Man or any British overseas territory for an offence—
 - (i) under a provision in any such jurisdiction that is similar to a provision of these Regulations, or
 - (ii) in connection with a prohibition in any such jurisdiction that is similar to a prohibition referred to in sub-paragraph (d)(ii);
 - (f) compliance with an international obligation⁽³⁾;
 - (g) facilitating the exercise by an authority outside the United Kingdom or by an international organisation of functions which correspond to functions under these Regulations.
- (3) Information referred to in paragraph (1) may be disclosed to the following persons—
- (a) a police officer;
 - (b) any person holding or acting in any office under or in the service of—
 - (i) the Crown in right of the Government of the United Kingdom,
 - (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,
 - (iii) the States of Jersey, Guernsey or Alderney or the Chief Pleas of Sark,
 - (iv) the Government of the Isle of Man, or
 - (v) the Government of any British overseas territory;
 - (c) any law officer of the Crown for Jersey, Guernsey or the Isle of Man;
 - (d) the Scottish Legal Aid Board;
 - (e) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England, the Jersey Financial Services Commission, the Guernsey Financial Services Commission or the Isle of Man Financial Services Authority;
 - (f) any other regulatory body (whether or not in the United Kingdom);
 - (g) any organ of the United Nations;
 - (h) the Council of the European Union, the European Commission or the European External Action Service;
 - (i) the Government of any country;
 - (j) any other person where the Secretary of State or the Commissioners (as the case may be) consider that it is appropriate to disclose the information.
- (4) Information referred to in paragraph (1) may be disclosed to any person with the consent of a person who, in their own right, is entitled to the information.

(3) Section 1(8) of the Sanctions and Anti-Money Laundering Act 2018 defines an “international obligation” as an obligation of the United Kingdom created or arising by or under any international agreement.

(5) In paragraph (4) “in their own right” means not merely in the capacity as a servant or agent of another person.

(6) In paragraph (1)(b)—

(a) the reference to information includes information obtained at a time when any provision of these Regulations is not in force, and

(b) the reference to a licence under Part 3 includes—

(i) a licence or authorisation which is treated as if it were a licence which had been issued under that Part, and

(ii) a licence which is deemed to have been issued under that Part.

Part 4: supplementary

23.—(1) A disclosure of information under regulation 22 (disclosure of information) does not breach any restriction on such disclosure imposed by statute or otherwise.

(2) But nothing in that regulation authorises a disclosure that—

(a) contravenes the data protection legislation, or

(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016(4).

(3) Nothing in this Part is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.

(4) Regulation 22 does not limit the circumstances in which information may be disclosed apart from that regulation.

(5) Nothing in this Part limits any conditions which may be contained in a trade licence.

(6) In this regulation—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)(5);

“privileged information” means information with respect to which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

(4) [2016 c.25](#). Amendments have been made by the Policing and Crime Act [2017 \(c.3\)](#), Schedule 9, paragraph 74; the Data Protection Act [2018 \(c.12\)](#), Schedule 19, paragraphs 198-203; [S.I. 2018/652](#) and [S.I. 2018/1123](#). Saving provisions are made by [S.I. 2017/859](#).

(5) [2018 c.12](#). There are amendments to this Act but none are relevant to these Regulations.