
STATUTORY INSTRUMENTS

2020 No. 612

The Lebanon (Sanctions) (EU Exit) Regulations 2020

PART 7

Supplementary and final provision

Notices

38.—(1) This regulation applies in relation to a notice required by regulation 17 (trade licences) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a "principal office"—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

"proper officer"—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

"registered company" means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

Article 20 of the Export Control Order 2008

39. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 2 (Trade).

Trade: overlapping offences

40. A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34, 37 or 38 of that Order⁽¹⁾, and
- (b) any provision of Part 2 (Trade) or regulation 18 (licensing offences), 20(6) or 21(5) (information offences in connection with general trade licences).

Revocations

41.—(1) Council Regulation (EC) No 1412/2006 of 25 September 2006, concerning certain restrictive measures in respect of Lebanon is revoked.

(2) The Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006⁽²⁾ are revoked.

Transitional provision: trade licences

42.—(1) Paragraph (2) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), and
 - (ii) which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 2 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(2) A licence is deemed to have been issued by the Secretary of State at the beginning of the relevant date under regulation 17 (trade licences)—

- (a) disapplying every provision of Part 2 which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) Paragraphs (4) to (6) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date,
- (b) is not an existing trade licence, and
- (c) authorises an act—
 - (i) which would otherwise be prohibited by the EU Lebanon Regulation, and
 - (ii) which would (on and after the relevant date, and in the absence of paragraphs (4) to (6)) be prohibited by Part 2,

and such a licence or authorisation is referred to in this regulation as an “existing trade sanctions licence”.

(4) An existing trade sanctions licence has effect on and after the relevant date as if it were a licence which had been issued by the Secretary of State under regulation 17.

(1) Articles 37 and 38 have been amended by the Export Control (Amendment)(No.2) Order 2012 (S.I. 2012/910), Schedule 1, para 11 and article 38 has also been amended by the Export Control (Amendment) Order 2017 (S.I. 2017/85), article 2(7).
(2) S.I. 2006/2681.

(5) Any reference in an existing trade sanctions licence to a provision of the Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 or the Export Control Order 2008 is to be treated on and after the relevant date as a reference to the corresponding provision of these Regulations (if any).

(6) Any reference in an existing trade sanctions licence to a prohibition in the EU Lebanon Regulation is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 2.

(7) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 2 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 2 comes into force.

Transitional provision: pending applications for trade licences

43.—(1) Paragraph (2) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under or pursuant to the Export Control Order 2008,
- (b) the application is for authorisation of an act prohibited by Part 2 (Trade), and
- (c) a decision to grant or refuse the application has not been made before the relevant date.

(2) The application is to be treated on and after the relevant date as including an application for a licence under regulation 17 (trade licences).

(3) Paragraph (4) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under the Lebanon (Technical Assistance, Financing and Financial Assistance) (Penalties and Licences) Regulations 2006 or the EU Lebanon Regulation,
- (b) the application is for authorisation of an act prohibited by Part 2, and
- (c) a decision to grant or refuse the application has not been made before the relevant date.

(4) The application is to be treated on and after the relevant date as an application for a licence under regulation 17.

(5) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 2 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 2 comes into force.