
STATUTORY INSTRUMENTS

2020 No. 642

The Somalia (Sanctions) (EU Exit) Regulations 2020

PART 10

Supplementary and final provision

Notices

78.—(1) This regulation applies in relation to a notice required by regulation 49 (licences: general provisions) 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

79. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 5 (Trade).

Trade: overlapping offences

80. 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 5 (Trade) or regulation 51 (trade: licensing offences), 59⁽⁶⁾ or 60⁽⁵⁾ (information offences in connection with general licences).

Revocations

81.—(1) Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia⁽²⁾ is revoked.

(2) Council Regulation (EU) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia⁽³⁾ is revoked.

(3) The Somalia (Asset-Freezing) Regulations 2010⁽⁴⁾ are revoked.

(4) The Somalia (United Nations Sanctions) Order 2002⁽⁵⁾ is revoked.

(5) The Export Control (Somalia) Order 2011⁽⁶⁾ is revoked.

Amendment of the United Nations and European Union Financial Sanctions (Linking) Regulations 2017

82. In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017⁽⁷⁾, omit the following row from the table—

“United Nations Security Council Resolution 1844 (2008)	Council Regulation (EU) No. 356/2010 of 26th April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia.”.
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Transitional provision: Treasury licences

83.—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under regulation 10 of the 2010 Regulations,
- (b) was in effect immediately before the relevant date, and
- (c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (Finance),

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

(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) As prospectively amended by S.I. 2019/380.
 (3) As prospectively amended by S.I. 2019/26.
 (4) S.I. 2010/2956.
 (5) S.I. 2002/2628.
 (6) S.I. 2011/146, as prospectively amended by S.I. 2020/572.
 (7) S.I. 2017/478, to which there are amendments not relevant to these Regulations.

(2) An existing financial sanctions licence which authorises an act which would otherwise be prohibited has effect on and after the relevant date as if it had been issued by the Treasury under regulation 47 (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the EU Somalia Regulation 1 or 2 or the 2010 Regulations is to be treated on and after the relevant date as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

- (a) the 2010 Regulations, or
- (b) the EU Somalia Regulation 1 or 2,

is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2010 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on and after the relevant date) be prohibited under Part 3, and
- (c) a decision to grant or refuse the application has not been made before that date.

(6) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 47(1) .

(7) In this regulation—

“the 2010 Regulations” means the Somalia (Asset-Freezing) Regulations 2010;

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

Transitional provision: trade licences

84.—(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 5 (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 48 (trade licences)—

- (a) disapplying every provision of Part 5 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 either—
 - (aa) the EU Somalia Regulation 1 or 2, or
 - (bb) the Somalia (United Nations) Sanctions Order 2002, and
 - (ii) which would (on and after the relevant date, and in the absence of paragraphs (4) to (6)) be prohibited by Part 5,

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 48.

(5) Any reference in an existing trade sanctions licence to a provision of the Somalia (United Nations Sanctions) Order 2002, the Export Control (Somalia) Order 2011 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 Somalia Regulation 1 or 2 is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 5.

- (7) In this regulation, “the relevant date” means—
 - (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
 - (b) otherwise, the date on which Part 5 comes into force.

Transitional provision: pending applications for trade licences

85.—(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 5 (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 48 (trade licences).

(3) Paragraph (4) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under the Export Control (Somalia) Order 2011, the Somalia (United Nations Sanctions) Order 2002 or the EU Somalia Regulation 1 or 2,
- (b) the application is for authorisation of an act prohibited by Part 5, 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 48.

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

- (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 5 comes into force.

Transitional provision: prior obligations

86.—(1) Where—

- (a) a person was named in Annex I of the EU Somalia Regulation 2 immediately before the relevant date, and
- (b) the person is a designated person immediately before the relevant date,

any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is to be read as a reference to the date on which the person was so named.

(2) Where, immediately before the relevant date, a person was named by the Security Council or the Committee for the purposes of paragraph 3 of resolution 1844, any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is to be read as a reference to the date on which the person was so named.

(3) The provisions referred to in paragraphs (1) and (2) are—

- (a) regulation 43(5) (finance: exceptions from prohibitions), and
- (b) paragraph 6(b)(i) of Schedule 3 (Treasury licences: purposes).

(4) In this regulation—

“designated person” has the same meaning as it has in Part 3 (Finance);

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.