
STATUTORY INSTRUMENTS

2020 No. 642

The Somalia (Sanctions) (EU Exit) Regulations 2020

PART 5

Trade

CHAPTER 2

**Trade prohibitions relating to military goods, military technology,
IED component goods and IED component technology**

Export of goods

21.—(1) The export of military goods or IED component goods to, or for use in, Somalia is prohibited.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

Supply and delivery of goods

22.—(1) A person must not directly or indirectly supply or deliver military goods or IED component goods from a third country to a place in Somalia.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Somalia.

(4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Somalia.

Making goods and technology available

23.—(1) A person must not—

- (a) directly or indirectly make military goods, IED component goods, military technology or IED component technology available to a person connected with Somalia;
- (b) directly or indirectly make military goods, IED component goods, military technology or IED component technology available for use in Somalia.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Somalia;

- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Somalia.

Transfer of technology

- 24.**—(1) A person must not—
- (a) transfer military technology or IED component technology to a place in Somalia;
 - (b) transfer military technology or IED component technology to a person connected with Somalia.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in Somalia.
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that the person did not know and had no reasonable cause to suspect that the person was connected with Somalia.

Technical assistance relating to military goods and military technology

- 25.**—(1) A person must not directly or indirectly provide technical assistance relating to military goods or military technology—
- (a) to a person connected with Somalia, or
 - (b) for use in Somalia.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Somalia.
 - (b) it is a defence for a person charged with the offence of contravening paragraph 1(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in Somalia.

Financial services and funds relating to military goods and military technology

- 26.**—(1) A person must not directly or indirectly provide to a person connected with Somalia financial services in pursuance of or in connection with, an arrangement whose object or effect is—
- (a) the export of military goods,
 - (b) the direct or indirect supply or delivery of military goods,
 - (c) directly or indirectly making military goods or military technology available to a person,
 - (d) the transfer of military technology, or
 - (e) the direct or indirect provision of technical assistance relating to military goods or military technology.
- (2) A person must not directly or indirectly make funds available to a person connected with Somalia in pursuance of or in connection with an arrangement mentioned in paragraph (1).

- (3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—
- (a) the export of military goods to, or for use in, Somalia,
 - (b) the direct or indirect supply or delivery of military goods to a place in Somalia,
 - (c) directly or indirectly making military goods or military technology available—
 - (i) to a person connected with Somalia, or
 - (ii) for use in Somalia,
 - (d) the transfer of military technology—
 - (i) to a person connected with Somalia, or
 - (ii) to a place in Somalia, or
 - (e) the direct or indirect provision of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Somalia, or
 - (ii) for use in Somalia.
- (4) Paragraphs (1) to (3) are subject to Part 6 (Exceptions and licences).
- (5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Somalia;
 - (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Brokering services: non-UK activity relating to military goods and military technology

- 27.—(1) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of military goods from a third country to a place in Somalia,
 - (b) directly or indirectly making military goods available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Somalia, or
 - (ii) to a place in Somalia,
 - (c) directly or indirectly making military technology available in a third country for transfer—
 - (i) to a person connected with Somalia, or
 - (ii) to a place in Somalia,
 - (d) the transfer of military technology from a place in a third country—
 - (i) to a person connected with Somalia,
 - (ii) to a place in Somalia,
 - (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to military goods or military technology—
 - (i) to a person connected with Somalia,

- (ii) to a place in Somalia,
 - (f) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with Somalia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3),
 - (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Somalia, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
 - (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3).
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.
- (4) In this regulation—
- “non-UK country” means a country that is not the United Kingdom;
 - “third country” means—
 - (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or Somalia, and
 - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Somalia.