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STATUTORY INSTRUMENTS

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**2020 No. 707**

**The Iraq (Sanctions) (EU Exit) Regulations 2020**

**PART 4**

Trade

**CHAPTER 1**

Interpretation

**Definitions relating to goods and technology prohibited under this Part**

**15.—(1)** In this Part—

“Illegally removed Iraqi cultural property” means Iraqi cultural property or any other item of archaeological, historical, cultural, rare scientific or religious importance illegally removed from any location in Iraq on or after 6 August 1990;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008<sup>(1)</sup>, 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.

(2) For the purposes of paragraph (1), an item is considered to be “illegally removed” if it has been removed from Iraq in contravention of the law of any country or territory applicable to the removal which was in force at the time of the removal, including, in particular—

- (a) the laws of Iraq;
- (b) the law of a part of the United Kingdom.

**Interpretation of other expressions used in this Part**

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

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

(3) In this Part—

“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,

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<sup>(1)</sup> [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) 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; “transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.
- (4) For the purposes of this Part, a person is to be regarded as “connected with” Iraq if the person is—
- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Iraq,
  - (b) an individual who is, or an association or combination of individuals who are, located in Iraq,
  - (c) a person, other than an individual, which is incorporated or constituted under the law of Iraq, or
  - (d) a person, other than an individual, which is domiciled in Iraq.

## CHAPTER 2

### Military goods and military technology

#### **Export of military goods**

- 17.—(1) The export of military goods to, or for use in, Iraq is prohibited.
- (2) Paragraph (1) is subject to Part 5 (Exceptions and licences).

#### **Supply and delivery of military goods**

- 18.—(1) A person must not directly or indirectly supply or deliver military goods from a third country to a place in Iraq.
- (2) Paragraph (1) is subject to Part 5 (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 Iraq.
- (4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Iraq.

#### **Making military goods and military technology available**

- 19.—(1) A person must not—
- (a) directly or indirectly make military goods or military technology available to a person connected with Iraq;
  - (b) directly or indirectly make military goods or military technology available for use in Iraq.
- (2) Paragraph (1) is subject to Part 5 (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 Iraq;
  - (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 Iraq.

### **Transfer of military technology**

- 20.**—(1) A person must not—
- (a) transfer military technology to a place in Iraq;
  - (b) transfer military technology to a person connected with Iraq.
- (2) Paragraph (1) is subject to Part 5 (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 Iraq;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Iraq.

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

- 21.**—(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 Iraq,
  - (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 Iraq, or
    - (ii) to a place in Iraq,
  - (c) directly or indirectly making military technology available in a third country for transfer—
    - (i) to a person connected with Iraq, or
    - (ii) to a place in Iraq, or
  - (d) the transfer of military technology from a place in a third country—
    - (i) to a person connected with Iraq, or
    - (ii) to a place in Iraq.
- (2) Paragraph (1) is subject to Part 5 (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—
- “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 Iraq, and
  - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Iraq.

## CHAPTER 3

### Illegally removed Iraqi Cultural Property

#### **Export and import of illegally removed Iraqi cultural property**

- 22.—(1) The export of illegally removed Iraqi cultural property is prohibited.
- (2) The import of illegally removed Iraqi cultural property is prohibited.
- (3) Paragraphs (1) and (2) are subject to Part 5 (Exceptions and licensing).

#### **Supply and delivery of illegally removed Iraqi cultural property**

- 23.—(1) A person must not directly or indirectly supply or deliver illegally removed Iraqi cultural property from a third country to any other third country.
- (2) Paragraph (1) is subject to Part 5 (Exceptions and licensing).
- (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 illegally removed Iraqi cultural property.
- (4) In this regulation, “third country” means a country that is not the United Kingdom or the Isle of Man.

#### **Making available and acquisition of illegally removed Iraqi cultural property**

- 24.—(1) A person must not directly or indirectly—
- (a) make available illegally removed Iraqi cultural property to another person;
- (b) acquire illegally removed Iraqi cultural property from another person.
- (2) Paragraph (1) is subject to Part 5 (Exceptions and licensing).
- (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 illegally removed Iraqi cultural property.

#### **Financial services and funds relating to illegally removed Iraqi cultural property**

- 25.—(1) A person must not directly or indirectly provide to another person, financial services or funds in pursuance of, or in connection with, an arrangement whose object or effect is—
- (a) the export of illegally removed Iraqi cultural property,
- (b) the import of illegally removed Iraqi cultural property,
- (c) the direct or indirect supply or delivery of illegally removed Iraqi cultural property, or
- (d) the direct or indirect making of illegally removed Iraqi cultural property available to a person.
- (2) Paragraph (1) is subject to Part 5 (Exceptions and licensing).
- (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 financial services or funds were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

### **Brokering services: non-UK activity relating to illegally removed Iraqi cultural property**

**26.**—(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 illegally removed Iraqi cultural property from a third country to any other third country,
- (b) the direct or indirect making available of illegally removed Iraqi cultural property to a person in a third country, or
- (c) the direct or indirect provision, in a non-UK country, of financial services or funds, where arrangement A, or any other arrangement in connection with arrangement A is entered into, is an arrangement mentioned in regulation 25(1).

(2) Paragraph (1) is subject to Part 5 (Exceptions and licensing).

(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 brokering services were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

(4) In this regulation—

- (a) “non-UK country” means a country that is not the United Kingdom;
- (b) “third country” means a country that is not the United Kingdom or the Isle of Man.

### **Holding or controlling illegally removed Iraqi cultural property**

**27.**—(1) A person who holds or controls illegally removed Iraqi cultural property must secure its transfer to a constable.

(2) Paragraph (1) is subject to Part 5 (Exceptions and licensing).

(3) A person who fails to comply with the requirement in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the goods held or controlled by P were illegally removed Iraqi cultural property.

## CHAPTER 4

### Further provision

#### **Circumventing etc. prohibitions**

**28.**—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in Chapter 2 or 3 of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

#### **Defences**

**29.**—(1) Paragraph (2) applies where a person relies on a defence under Chapter 2 or 3 of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

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**Status:** *This is the original version (as it was originally made).*

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