
STATUTORY INSTRUMENTS

2021 No. 496

The Myanmar (Sanctions) Regulations 2021

PART 5

Trade

CHAPTER 2

Restricted goods and restricted technology

Export of restricted goods

- 22.**—(1) The export of restricted goods to, or for use in, Myanmar is prohibited.
(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

Supply and delivery of restricted goods

- 23.**—(1) A person must not directly or indirectly supply or deliver restricted goods from a third country to a place in Myanmar.
(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 Myanmar.
(4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Myanmar.

Making restricted goods and restricted technology available

- 24.**—(1) A person must not—
(a) directly or indirectly make restricted goods or restricted technology available to a person connected with Myanmar;
(b) directly or indirectly make restricted goods or restricted technology available for use in Myanmar.
(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 Myanmar;
(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 Myanmar.

Transfer of restricted technology

25.—(1) A person must not—

- (a) transfer restricted technology to a place in Myanmar;
- (b) transfer restricted technology to a person connected with Myanmar.

(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 Myanmar;
- (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 Myanmar.

Technical assistance relating to restricted goods and restricted technology

26.—(1) A person must not directly or indirectly provide technical assistance relating to restricted goods or restricted technology—

- (a) to a person connected with Myanmar, or
- (b) for use in Myanmar.

(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 Myanmar;
- (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 Myanmar.

Financial services and funds relating to restricted goods and restricted technology

27.—(1) A person must not directly or indirectly provide, to a person connected with Myanmar, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of restricted goods,
- (b) the direct or indirect supply or delivery of restricted goods,
- (c) directly or indirectly making restricted goods or restricted technology available to a person,
- (d) the transfer of restricted technology, or
- (e) the direct or indirect provision of technical assistance relating to restricted goods or restricted technology.

(2) A person must not directly or indirectly make funds available to a person connected with Myanmar 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 restricted goods to, or for use in, Myanmar,
- (b) the direct or indirect supply or delivery of restricted goods to a place in Myanmar,
- (c) directly or indirectly making restricted goods or restricted technology available—

- (i) to a person connected with Myanmar, or
 - (ii) for use in Myanmar,
 - (d) the transfer of restricted technology—
 - (i) to a person connected with Myanmar, or
 - (ii) to a place in Myanmar, or
 - (e) the direct or indirect provision of technical assistance relating to restricted goods or restricted technology—
 - (i) to a person connected with Myanmar, or
 - (ii) for use in Myanmar.
- (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 Myanmar;
 - (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 restricted goods and restricted technology

28.—(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 restricted goods from a third country to a place in Myanmar,
- (b) directly or indirectly making restricted goods available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with Myanmar, or
 - (ii) to a place in Myanmar,
- (c) directly or indirectly making restricted technology available in a third country for transfer—
 - (i) to a person connected with Myanmar, or
 - (ii) to a place in Myanmar,
- (d) the transfer of restricted technology from a place in a third country—
 - (i) to a person connected with Myanmar, or
 - (ii) to a place in Myanmar,
- (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to restricted goods or restricted technology—
 - (i) to a person connected with Myanmar, or
 - (ii) for use in Myanmar,
- (f) the direct or indirect provision, in a non-UK country, of financial services—

- (i) to a person connected with Myanmar, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 27(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 27(3),
 - (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Myanmar, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 27(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 27(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 Myanmar, and
 - (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Myanmar.