
STATUTORY INSTRUMENTS

2022 No. 748

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) Regulations 2022

PART 6

Exceptions and licences

Finance: exceptions from prohibitions

- 29.** In regulation 30 (exceptions from finance prohibitions)—
- (a) in the heading, for “Finance:” substitute “Asset-freeze, etc.”;
 - (b) in paragraph (6A)(a), for “petroleum products” substitute “mineral products”;
 - (c) in paragraph (7), after the definition of “frozen account” insert—
““mineral products” has the meaning given in regulation 20(3);”.

Exception for authorised conduct in a relevant country

- 30.** In regulation 30A(1) (exception for authorised conduct in a relevant country)—
- (a) for “or 15C (insurance and reinsurance services)”, substitute “, 15C (insurance and reinsurance services) or 15CA (provision of financial services relating to foreign reserve and asset management)”;
 - (b) omit “2A,”.

Exception for acts done for purposes of national security or prevention of serious crime

- 31.** In regulation 31(1) (exception for acts done for purposes of national security or prevention of serious crime), for “or 5A (Aircraft)”, substitute “, 5A (Aircraft) or 5B (Ships)”.

Exceptions relating to loans and credit arrangements

- 32.** In regulation 31A (exceptions relating to loans and credit arrangements)—
- (a) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
 - “(a) a relevant loan that has a specific and documented objective of making emergency funds available to meet applicable solvency or liquidity criteria for a relevant subsidiary;
 - (b) a relevant loan consisting of a drawdown or disbursement made under an arrangement entered into before—
 - (i) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force;
 - (ii) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force,

- where the conditions in paragraph (2) are met.”;
- (b) in paragraph (2)—
- (i) for “paragraph 1(b)” substitute “paragraph (1)(c)”;
- (ii) for paragraph (a)(i) substitute—
- “(i) were agreed before—
- (aa) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force, or
- (bb) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force;”;
- (c) for paragraph (3) substitute—
- “(3) In this regulation—
- (a) “category A loan”, “category B loan”, “category C loan” and “relevant loan” have the meanings given to them in regulation 15B;
- (b) “relevant subsidiary” means a person, other than an individual, which is—
- (i) incorporated or constituted under the law of any part of the United Kingdom, and
- (ii) majority owned (within the meaning of regulation 15D(3)) by a person, other than an individual, that is connected with Belarus.”

Trade: exceptions relating to mineral products for personal or humanitarian use

- 33.** In regulation 31C (Trade: exceptions from prohibitions)—
- (a) in the heading for “exceptions from prohibitions” substitute “exceptions relating to mineral products for personal or humanitarian use”;
- (b) for the words before sub-paragraph (1)(a) substitute—
- “(1) The prohibition in regulation 27J(1) (acquisition of goods connected to Belarus) is not contravened by the purchase in Belarus of mineral products—”;
- (c) for paragraph (2), substitute—
- “(2) The prohibitions in regulations 27I (import of goods originating in, or consigned from, Belarus) and 27K (supply and delivery of goods to places outside the UK) are not contravened by the import or supply or delivery of mineral products which have been purchased as described in paragraph (1).”;
- (d) in paragraph (3), for the words before sub-paragraph (a), substitute “The prohibitions in regulations 27L (technical assistance relating to certain activities) and 27M (financial services, funds and brokering services relating to certain arrangements) are not contravened by the provision of—”;
- (e) omit paragraph (4) (exception for safety of aircraft).

Other exceptions

- 34.** After regulation 31C, insert—

“Trade: exceptions relating to travellers, diplomatic missions and international organisations

31D.—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to any critical-industry goods, critical-industry technology,

quantum computing and advanced materials goods or quantum computing and advanced materials technology which are—

- (a) the personal effects of a person travelling to Belarus,
- (b) of a non-commercial nature for the personal use of a person travelling to Belarus and contained in that person's luggage, or
- (c) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) The prohibitions in regulations 21 to 23 (export of goods, supply and delivery of goods, and making available goods and technology) are not contravened by a relevant activity in relation to any luxury goods which are—

- (a) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law, or
- (b) the personal effects of their staff.

(4) In this regulation—

- (a) “critical-industry goods”, “critical-industry technology”, “luxury goods”, “quantum computing and advanced materials goods” and “quantum computing and advanced materials technology” have the meanings given in regulation 20(3) (interpretation of Part 5);
- (b) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions mentioned in paragraphs (2) or (3).

Trade: exceptions relating to consumer communication devices and software updates

31E.—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to critical-industry goods, critical-industry technology or luxury goods which are—

- (a) consumer communication devices for civilian use, or
- (b) software updates for civilian use.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) For the purposes of paragraph (1)—

- (a) goods are “for civilian use” if they are not—
 - (i) for use by the Belarusian military or any other military end-user, or
 - (ii) for any military use;
- (b) technology is “for civilian use” if it—
 - (i) does not relate to activities carried on or proposed to be carried on by the Belarusian military or any other military end user, and
 - (ii) is not for any military use;
- (c) “consumer communication devices” has the meaning given in Schedule 2D;

- (d) “critical-industry goods”, “critical-industry technology” and “luxury goods” have the meanings given in regulation 20(3) (interpretation of Part 5);
- (e) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions to which paragraph (1) applies.

Trade: exception for emergencies in certain cases

31F.—(1) The prohibitions to which this paragraph applies are not contravened by any act done by a person (“P”), where P provides justification to the Secretary of State within the relevant period that the act is an act dealing with an emergency.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), so far as those prohibitions apply to critical-industry goods, critical-industry technology, oil refining goods or oil refining technology, other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) In this regulation—

“an act dealing with an emergency” means an act assisting with the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment;

“critical-industry goods” and “critical-industry technology” have the meanings given in regulation 20(3);

“oil refining goods” and “oil refining technology” have the meanings given in regulation 20(3);

“relevant period”, in relation to an act, means the period of 5 working days beginning with the day on which the act is done.

Trade: exception for certain technical assistance to aircraft and ships

31G.—(1) The prohibitions in regulation 27N (technical assistance relating to aircraft and ships) are not contravened by the provision of any technical assistance where a failure to provide that assistance would endanger—

(a) the lives of persons on board—

(i) an aircraft, or

(ii) a ship;

(b) the safety of—

(i) an aircraft in flight, or

(ii) a ship at sea.

(2) In this regulation, the following terms have the same meaning as they have in regulation 27N—

“aircraft”;

“ship”.

Aircraft: exceptions relating to safety of persons or aircraft

31H.—(1) The prohibition in regulation 29A(A1)(b) (movement of aircraft) is not contravened by the landing of a Belarusian aircraft in the United Kingdom if failing to land would endanger the lives of persons on board or the safety of the aircraft.

(2) The prohibition in regulation 29A(A1)(a) is not contravened by the flight of a Belarusian aircraft in the airspace over the United Kingdom preparatory to a landing as mentioned in paragraph (1).

(3) The directions in regulation 29A(1) to (5) are not contravened by conduct necessary to—

- (a) avoid endangering the lives of persons on board or the safety of the aircraft,
- (b) protect the safety of another aircraft, or
- (c) protect the safety of persons on the ground.

(4) The prohibition in regulation 29A(A1) is not contravened by the movement of a Belarusian aircraft if—

- (a) a direction has been given in relation to that aircraft under regulation 29A(2)(b), (4)(b) or (5)(c), and
- (b) the movement of the aircraft is in accordance with that direction.

(5) In this regulation, “Belarusian aircraft” has the same meaning as in regulation 29A.

Ships: exceptions relating to port entry in emergencies

31I.—(1) The prohibition in regulation 29F(1) (prohibition on port entry) is not contravened by providing a ship with access to a port if—

- (a) a port entry direction has been given in relation to the ship under regulation 29H (movement of ships), or
- (b) the access is needed by the ship in a case of emergency.

(2) The prohibition in regulation 29F(2) is not contravened by the entry into port of a ship if—

- (a) a port entry direction has been given in relation to the ship under regulation 29H, or
- (b) the entry is needed by the ship in a case of emergency.”.

Treasury licences

35. In regulation 32 (Treasury licences)—

(a) after paragraph (1), insert—

“(1ZA) The prohibitions in 15A (securities and money market instruments) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.”;

(b) after paragraph (1B), insert—

“(1C) The prohibition in regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management) does not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

(1D) Without prejudice to the generality of the powers conferred by paragraphs (1) to (1C), a licence issued by the Treasury under those paragraphs may, in particular, authorise acts which would otherwise be prohibited by any of regulations 11 to 15CA for a particular period beginning with—

- (a) the coming into force of the prohibition, or
- (b) where the prohibition relates to a person designated for the purposes of regulations 11 to 15, the date on which the person was designated.”;

(c) after paragraph (4) insert—

“(5) The Treasury may issue a licence under paragraph (1C) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 4 of Schedule 3.”.

Aircraft licences

36. After regulation 33 (trade licences), insert—

“Aircraft licences

33A. The prohibition in regulation 29A(A1) (prohibition on overflight or landing) does not apply to anything done under the authority of a licence issued by the Secretary of State under this regulation.”.

Licences: general provisions

37. In regulation 34 (licences: general provisions), in paragraph (1), for “and trade licences” substitute “, trade licences and aircraft licences”.

Aircraft: licensing offences

38. After regulation 36 (trade: licensing offences), insert—

“Aircraft: licensing offences

36A.—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining an aircraft licence (whether for P or anyone else).

(2) A person who purports to act under the authority of an aircraft licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.