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STATUTORY INSTRUMENTS

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**2022 No. 748**

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

PART 6

Exceptions and licences

**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—

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- (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.”.