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STATUTORY INSTRUMENTS

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**2011 No. 1080**

**The Libya (Restrictive Measures)  
(Overseas Territories) Order 2011**

**PART 1**

**LISTS**

**Publicly available list of designated persons and restricted goods**

3. The Governor shall—
- (a) maintain a list of designated persons;
  - (b) cause the list to be published in the Gazette as necessary from time to time; and
  - (c) cause a list of restricted goods to be published in the Gazette as necessary from time to time.

**RESTRICTED GOODS AND ARMED MERCENARY  
PERSONNEL, ASSISTANCE, TRAINING AND PROCUREMENT**

**Supply of restricted goods or armed mercenary personnel**

- 4.—(1) Any person who, except under the authority of a licence granted by the Governor—
- (a) supplies or delivers;
  - (b) agrees to supply or deliver; or
  - (c) does any act calculated to promote the supply or delivery of,

restricted goods or armed mercenary personnel to any person or destination in Libya shall be guilty of an offence under this Order, unless he proves that he did not know and had no reasonable cause to suspect that the goods or armed mercenary personnel in question were to be supplied or delivered to a person in Libya.

(2) Nothing in paragraph (1)(b) or (c) shall apply where the supply or delivery of the goods or armed mercenary personnel to the person concerned is authorised by a licence granted by the Governor.

**Exportation of restricted goods or armed mercenary personnel to Libya**

5.—(1) Except under the authority of a licence granted by the Governor, restricted goods or armed mercenary personnel shall not be exported from the Territory to any destination in Libya or to any destination for the purpose of delivery, directly or indirectly, or to the order of any person in Libya.

(2) Any restricted goods or armed mercenary personnel which are exported or attempted to be exported shall be liable to being disposed of or transferred or seized as appropriate.

(3) Any person knowingly concerned in the exportation or attempted exportation of such goods or armed mercenary personnel shall be guilty of an offence under this Order.

(4) In any case where a person would, apart from this paragraph, be guilty both of an offence under paragraph (3) above and of an offence under article 4(1), he shall not be guilty of the offence under paragraph (3) above.

**Provision of assistance, advice or training related to the supply, sale, transfer, manufacture or use of restricted goods**

6. Any person who, except under the authority of a licence granted by the Governor, directly or indirectly, provides to any person in, or for use in, Libya any assistance, including financing and financial assistance, advice or training related to the supply, sale, transfer, manufacture or use of restricted goods or armed mercenary personnel shall be guilty of an offence under this Order, unless they prove that they did not know and had no reasonable cause to suspect that the assistance, advice or training in question was to be provided to a person, in, or for use in, Libya.

**Use of ships, aircraft and vehicles: restricted goods or armed mercenary personnel**

7.—(1) Without prejudice to the generality of article 4, no ship or aircraft to which this article applies, and no vehicle within the Territory, shall be used for the carriage of restricted goods or armed mercenary personnel if the carriage is, or forms part of, carriage from any place outside Libya to any destination therein.

(2) This article applies to ships registered in the Territory, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is—

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person and is ordinarily resident in the Territory; or
- (b) a body incorporated or constituted under the law of the Territory.

(3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) then—

- (a) in the case of a ship registered in the Territory or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander or the aircraft; or
- (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered, if he or she is a person referred to in paragraph (2)(a) or (b) and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (c) in the case of a vehicle, the operator and driver of the vehicle,

shall be guilty of an offence under this Order, unless they prove that they did not know and had no reasonable cause to suspect that the carriage of goods or armed mercenary personnel in question was, or formed part of, carriage from any place outside Libya to any destination therein.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from the Territory of the goods or armed mercenary personnel concerned to Libya was authorised by a licence granted by the Governor.

(5) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

**Procurement of restricted goods or armed mercenary personnel from Libya**

8.—(1) Except under the authority of a licence granted by the Governor, the procurement of restricted goods or armed mercenary personnel from Libya is prohibited.

(2) Any restricted goods or armed mercenary personnel which are procured or attempted to be procured shall be liable to being disposed of or transferred or seized, as appropriate.

(3) Any person knowingly concerned in the procurement or attempted procurement of such goods or personnel shall be guilty of an offence under this Order.

### **Licences**

**9.—(1)** The Governor may grant a licence to disapply the prohibitions in articles 4 to 8 of this Order in respect of—

- (a) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Sanctions Committee;
  - (b) protective clothing, including flak jackets and military helmets, temporarily exported to Libya by United Nations personnel, representatives of the media and humanitarian and development works and associated personnel, for their personal use only; or
  - (c) other sales or supply of arms and related material, or provision of assistance or personnel, as approved in advance by the Sanctions Committee.
- (2) A licence may be—
- (a) general or granted to a category of persons or to a particular person;
  - (b) subject to conditions; or
  - (c) of indefinite duration or subject to an expiry date.
- (3) The Governor may vary or revoke a licence at any time.
- (4) The Governor, where he or she grants, varies or revokes a licence, shall—
- (a) in the case of a licence granted to a particular person, give written notice of the licence, variation or revocation to that person, and
  - (b) in the case of a general licence, or of a licence granted to a category of persons, take such steps as the Governor considers appropriate to publicise the licence, variation or revocation.

## **FUNDS AND ECONOMIC RESOURCES**

### **Freezing funds and economic resources**

**10.—(1)** A person (including a designated person) shall not deal with funds or economic resources owned or controlled, directly or indirectly, by a designated person or persons acting on their behalf or at their direction or by persons controlled by them, subject to article 12, unless they do so under the authority of a licence granted under article 15.

(2) A person who contravenes the prohibition in paragraph (1) shall be guilty of an offence under this Order.

(3) In proceedings for an offence under this article, it is a defence for a person to show that they did not know and had no reasonable cause to suspect that they were dealing with funds or economic resources owned or controlled, directly or indirectly, by a designated person or persons acting on their behalf or at their direction or by persons controlled by them.

(4) In this article, “to deal with” means—

- (a) in respect of funds—
  - (i) to use, alter, move, allow access to or transfer;
  - (ii) to deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
  - (iii) to make any other change that would enable use, including portfolio management; and

- (b) in respect of economic resources, to exchange or use to obtain funds, goods or services in any way, including (but not limited to) by selling, hiring or mortgaging the resources.

### **Making funds and economic resources available**

**11.**—(1) A person (including a designated person) shall not make funds or economic resources available, directly or indirectly, to or for the benefit of a designated person, subject to article 12, unless they do so under the authority of a licence granted under article 15.

(2) A person who contravenes the prohibition in paragraph (1) shall be guilty of an offence under this Order.

(3) In proceedings for an offence under this article, it is a defence for a person to show that they did not know and had no reasonable cause to suspect that they were making funds or economic resources available, directly or indirectly, to or for the benefit of a designated person.

### **Exceptions**

**12.**—(1) A person is not guilty of an offence under articles 10 or 11 if they credit a frozen account with—

- (a) interest or other earnings due on the account; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which an account holder became a designated person.

(2) It is not an offence under article 11 for a person to credit a frozen account which is in receipt of funds transferred by a third party to a frozen account.

(3) In this article “third party” means a person other than the account holder or the person with which the account is maintained.

### **Circumventing prohibitions etc.**

**13.** A person shall be guilty of an offence under this Order if they participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to—

- (a) circumvent a prohibition in article 10(1) or 11(1); or
- (b) enable or facilitate the commission of an offence under article 10(2) or 11(2).

### **Governor’s powers to give directions**

**14.**—(1) Where the Governor has reasonable grounds for suspecting that a person is a designated person, the Governor may give a direction that such person is to be treated as a designated person for the purposes of this Order.

(2) The Governor may vary or revoke such a direction at any time.

(3) A direction under paragraph (1) has effect—

- (a) for such a period as the Governor may specify in the direction, or
- (b) until the direction is revoked or set aside.

(4) Where the Governor gives a direction the Governor shall—

- (a) take such steps as the Governor considers appropriate to publicise the direction;
- (b) give written notice to the person identified in the direction; and
- (c) if the direction is varied or revoked—
  - (i) give written notice of the variation or revocation to the person identified in the direction; and

(ii) take such further steps as the Governor considers appropriate to publicise the variation or revocation.

(5) The Supreme Court may set aside a direction on the application of—

- (a) the person identified in the direction, or
- (b) any other person affected by the direction.

(6) A person who makes an application under paragraph (5) shall give a copy of the application and any witness statement or affidavit in support to the Governor no later than seven days before the date fixed for the hearing by the Supreme Court of the application.

### **Licences**

**15.**—(1) The Governor may grant a licence to disapply the prohibition in articles 10(1) or 11(1) in relation to the acts specified in the licence.

(2) A licence may relate to—

- (a) basic expenses of designated persons and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines, medical treatment, taxes, insurance premiums and public utility charges after notification to the Sanctions Committee and no objection having been made with 5 working days of such notification;
- (b) payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services after notification to the Sanctions Committee and no objection having been made within 5 working days of such notification;
- (c) payment of fees or service charges for the routine holding or maintenance of frozen funds, other financial assets and economic resources after notification to the Sanctions Committee and no objection having been made within 5 working days of such notification;
- (d) payment of necessary extraordinary expenses as determined by the Governor and approved by the Sanctions Committee;
- (e) satisfaction of a judicial, administrative or arbitral lien or judgement provided that the lien or judgement was entered into prior to 26th February 2011<sup>(1)</sup> and is not for the benefit of a designated person and has been notified to the Sanctions Committee;
- (f) payment by a designated person of sums due under a contract entered into prior to the date on which the person was so designated, provided that the payment is not directly or indirectly received by another designated person and the Sanctions Committee has been notified of the intention to make or receive such payments or has been notified 10 working days in advance of the intention to authorise the unfreezing of funds, other financial assets or economic resources for the payment of the sums due.

(3) A licence may be—

- (a) general or granted to a category of persons or to a particular person;
- (b) subject to conditions; or
- (c) of indefinite duration or subject to an expiry date.

(4) The Governor may vary or revoke a licence at any time.

(5) The Governor, where he grants, varies or revokes a licence, shall—

- (a) in the case of a licence granted to a particular person, give written notice of the licence, variation or revocation to that person, and

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<sup>(1)</sup> This is the date on which the Security Council resolution 1970 (2011) came into force.

- (b) in the case of a general licence, or of a licence granted to a category of persons, take such steps as the Governor considers appropriate to publicise the licence, variation or revocation.

## CUSTOMS POWERS AND INVESTIGATIONS

### Customs powers to demand evidence of destination which goods reach

**16.** Any exporter or any shipper of restricted goods or personnel which have been exported or provided from the Territory shall, if so required by the Governor, furnish, within such time as the Governor may allow, proof to the Governor's satisfaction that the goods or personnel have reached either—

- (a) a destination to which they were authorised to be exported or provided by a licence granted under article 9 of this Order; or
- (b) a destination to which their exportation or provision was not prohibited by this Order,

and if they fail to do so, they shall be guilty of an offence under this Order, unless they prove that they did not consent to or connive at the goods reaching any destination other than such a destination as mentioned above.

### Declaration as to goods: powers of search

**17.—(1)** Any person who is about to leave the Territory shall, if they are required to do so by an officer authorised for the purpose by the Governor—

- (a) declare whether or not they have with them any restricted goods or personnel which are destined for Libya or for delivery, directly or indirectly, to or to the order of any person in Libya; and
- (b) produce any such goods or personnel as aforesaid which they have with them.

(2) Any such officer, and any person acting under his or her direction, may search that person for the purpose of ascertaining whether they have with them any such goods as aforesaid, provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(3) Any person who without reasonable excuse refuses to make such a declaration, and fails to produce any goods or personnel as aforesaid, or refuses to allow themselves to be searched in accordance with the foregoing provisions of this article, shall be guilty of an offence under this Order.

(4) Any person who under the provisions of this article makes a declaration which to their knowledge is false in a material particular, or recklessly makes any declaration which is false in a material particular, shall be guilty of an offence under this Order.

(5) Before or on exercising any power conferred by this article, an authorised person shall if requested to do so, produce evidence of their authority.

### Investigation, etc. of suspected ships

**18.—(1)** Where any authorised officer has reason to suspect that any ship to which article 7 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) the officer may (either alone or accompanied and assisted by persons under his or her authority) board the ship and search her; and for that purpose,
- (b) the officer may request the owner or the master of the ship to furnish such information relating to the ship and her cargo and produce for his or her inspection such documents so relating and such cargo as he may specify; and
- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 7, the authorised officer (either there and then

or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)), with a view to preventing the commission (or the continued commission) of any such contravention, or in order that enquiries into the matter may be pursued, shall seize and dispose of any restricted goods and may take the further action specified in paragraph (2).

- (2) The further action referred to in paragraph (1)(c) is either—
- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is specified under paragraph (1)(b); or
  - (b) to request the master of the ship to take any one or more of the following steps—
    - (i) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by an authorised officer that the ship may so proceed;
    - (ii) if the ship is then in port in the Territory, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
    - (iii) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (ii); and
    - (iv) to take her to any other destination that may be specified by the officer in agreement with the master.
- (3) Without prejudice to the provisions of article 21(3), where—
- (a) a master refuses or fails to comply with a request made under paragraph (2)(b); or
  - (b) an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with,

any authorised officer may take such steps as appear to him or her to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship.

(4) Before or on exercising any power conferred by this article, an authorised officer shall if requested to do so, produce evidence of his authority.

- (5) In this article “authorised officer” means—
- (a) any commissioned naval or military officer;
  - (b) any British consular officer;
  - (c) any police or customs officer; or
  - (d) any person authorised by the Governor for the purpose of this article either generally or in a particular case.

### **Investigation, etc. of suspected aircraft**

**19.**—(1) Where any authorised person has reason to suspect that any aircraft to which article 7 applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) he or she may (either alone or accompanied and assisted by persons under his or her authority) board the aircraft and search it and, for that purpose;
- (b) he or she may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his or her inspection such documents so relating and such cargo as he or she may specify; and

(c) if the aircraft is then in the Territory, any authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)) further request the charterer, the operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the Territory until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provisions of article 21(3), where an authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he or she may take such steps as appear to him or her to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, for that purpose—

- (a) may enter, or authorise entry, upon any land and upon that aircraft;
- (b) may detain, or authorise the detention of, that aircraft and any of its cargo,
- (c) shall seize and dispose of any restricted goods.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article, “authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.

#### **Investigation, etc. of suspected vehicles**

**20.**—(1) Where any authorised person has reason to suspect that any vehicle in the Territory has been or is being or is about to be used in contravention of paragraph (1) of article 7—

- (a) he or she may (either alone or accompanied and assisted by persons under his or her authority) enter the vehicle and search it and, for that purpose;
- (b) he or she may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods or personnel contained in it and produce for his or her inspection such documents so relating and such goods or personnel as he or she may specify; and
- (c) any authorised person may (either there and then or upon consideration of any information furnished or document or goods or personnel produced in pursuance of a request made under sub-paragraph (b)) further request the operator or the driver to cause the vehicle and any goods or personnel contained in it to remain in the Territory until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 21(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he or she may take such steps as appear to him or her to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, for that purpose—

- (a) may enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;
- (b) may detain, or authorise the detention of, that vehicle and any goods or personnel contained in it; and
- (c) shall dispose of, transfer and seize, as appropriate, any restricted goods or personnel.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article, “authorised person” means any person authorised by the Governor for the purpose of this article either generally or in a particular case.



### **Provisions supplementary to articles 18 to 20**

**21.—**(1) No information furnished or document produced by any person in pursuance of a request made under articles 18, 19 or 20 shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced, provided that a person who has obtained information or is in possession of a document only in their capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;
- (b) to any person who would have been empowered under articles 18, 19 or 20 to request that the information furnished or the document produced be furnished or produced or to any person holding or acting in any office under or in the service of—
  - (i) the Crown in respect of the Government of the United Kingdom;
  - (ii) the Government of the Isle of Man;
  - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
  - (iv) the State of Jersey; or
  - (v) the Government of any British overseas territory;
- (c) on the authority of the Governor, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Libya decided upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings—
  - (i) in the Territory, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or
  - (ii) for any offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas territory.

(2) Any power conferred by articles 18, 19 or 20 to request the furnishing of information or the production of a document or of cargo or of goods or of personnel for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo or goods or personnel produced for inspection.

(3) Each of the following persons shall be guilty of an offence under this Order, that is to say—

- (a) a master of a ship who disobeys any direction given under article 18(2)(a);
- (b) a master of a ship or its owner or a charterer or operator or commander of an aircraft or an operator or a driver of a vehicle who—
  - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under articles 18, 19 or 20 by any person empowered to make it, or
  - (ii) furnishes any document or information which to his or her knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, to such a person in response to such a request;
- (c) a master, owner or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of their powers under articles 18, 19 or 20.

(4) Nothing in articles 18, 19 and 20 or this article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

## GENERAL

### **Offences in connection with applications for licences, conditions attaching to licences, etc.**

**22.**—(1) If, for the purposes of obtaining any licence under this Order, any person makes any statement or furnishes any document or information which to their knowledge is false in a material particular, or recklessly makes any statement or furnishes any document or information which is false in a material particular, they shall be guilty of an offence under this Order.

(2) Subject to paragraph (3), any person who has done any act under the authority of a licence granted by the Governor under this Order and who fails to comply with any conditions attaching to that licence shall be guilty of an offence under this Order.

(3) No person shall be guilty of an offence under paragraph (2) where they prove that the condition with which they failed to comply was modified, otherwise than with their consent, by the Governor after the doing of the act authorised by the licence.

### **Evidence and information**

**23.**—(1) The provisions of Schedule 6 which contains further provisions about evidence and information shall have effect in order to facilitate the obtaining, by or on behalf of the Governor—

- (a) of evidence or information for the purpose of securing compliance with or detecting evasion of:
  - (i) this Order in the Territory; or
  - (ii) any law making provision with respect to the matters regulated by this Order that is in force in the United Kingdom, any of the Channel Islands or the Isle of Man or any British overseas territory;
- (b) of evidence of the commission of—
  - (i) in the Territory, an offence under this Order or, with respect to any of the matters regulated by this Order, an offence relating to customs; or
  - (ii) with respect to any of the matters regulated by this Order, an offence under the law of the United Kingdom, any of the Channel Islands or the Isle of Man or any British overseas territory;
- (c) of evidence or information establishing—
  - (i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by a designated person; or
  - (ii) the nature of any financial transactions entered into by a designated person;
- (d) of evidence or information considered by the Governor appropriate to cooperate with any domestic or international investigation relating to the funds, economic resources or financial transactions of a designated person.

(2) No information furnished or document produced by any person in pursuance of a request made under Schedule 6 shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced, provided that a person who has obtained information or is in possession of a document only in their capacity as a servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by

- any person who is entitled to that information or the possession of that document in his or her own right;
- (b) to any person empowered under Schedule 6 to request that the information furnished or the document produced be furnished or produced to any person holding or acting in any office under or in the service of—
- (i) the Crown in respect of the Government of the United Kingdom;
  - (ii) the Government of the Isle of Man;
  - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
  - (iv) the States of Jersey; or
  - (v) the Government of any other British overseas territory;
- (c) with a view to the institution of, or otherwise for the purposes of, any proceedings—
- (i) in the Territory, for an offence under this Order or with respect to any of the matters regulated by this Order, for any offence relating to customs, or
  - (ii) for an offence under any law making provision with respect to such matters that is in force in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas Territory;
- (d) to the Financial Services Authority of the United Kingdom or to any equivalent authority of any other country or territory.

## Penalties

- 24.—(1) A person guilty of an offence under articles 4(1), 5(3), 6, 7(3) or 8(3) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.
- (2) A person guilty of an offence under articles 10(2), 11(2), 13, 21(3)(b)(ii) or paragraphs 4(1)(b) or (d) of Schedule 6 is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both; or
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.
- (3) A person guilty of an offence under articles 17(4) or 22(1) or (2) is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine of any amount or to both;
  - (b) on summary conviction to a fine not exceeding £5,000 or its equivalent or to both.
- (4) A person guilty of an offence under articles 21(3)(a), 21(3)(b)(i), 21(3)(c), 30(4) or paragraph 4(1)(a) or (c) of Schedule 6 shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000 or its equivalent or to both.
- (5) A person guilty of an offence under articles 16 or 17(3) shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.
- (6) If an offence under this Order committed by a body corporate is shown—
- (a) to have been committed with the consent or connivance of an officer of the body corporate, or
  - (b) to be attributable to any neglect on the part of an officer of the body corporate,

the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

### **Proceedings**

**25.**—(1) Proceedings against any person for an offence may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

(2) Summary proceedings for an offence alleged to have been committed outside the Territory, may be instituted at any time not later than 12 months from the date on which the person charged first enters the Territory after committing the offence.

(3) No proceedings for an offence shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions.

(4) Irrespective of whether such consent has been obtained, paragraph (3) does not prevent—

- (a) the arrest of any person in respect of such an offence, or
- (b) the remand in custody or on bail of any person charged with such an offence.

(5) In this article, “offence” means an offence under this Order.

(6) No proceedings shall be instituted in the Territory by the Libyan authorities, or of any person or body in Libya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolutions 1970 (2011) and 1973 (2011).

### **Notices**

**26.**—(1) This article has effect in relation to any notice to be given to a person by the Governor under articles 14(4)(b) or 15(5)(a).

(2) Any such notice may be given—

- (a) by posting it to their last known address; or
- (b) where the person is a body corporate, by posting it to the registered or principal office of the body corporate in the Territory.

(3) Where the Governor does not have an address in the Territory for the person, the Governor shall make arrangements for the notice to be given to that person at the first available opportunity.

### **Exercise of the power of the Governor**

**27.**—(1) The Governor may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his or her functions under this Order to any person or class or description of persons approved by the Governor.

(2) In the case of a delegation referred to in paragraph (1) of this article, references in this Order to the Governor are to be construed accordingly.

(3) The Governor may by regulations specify in the currency of the Territory the amount which is to be taken as equivalent to sums expressed in sterling in this Order.

### **Postponement etc. of the operation of Security Council resolutions**

**28.**—(1) If the Security Council of the United Nations takes any decision which has the effect of postponing, suspending or cancelling the operation of Security Council resolutions 1970 (2011) and 1973 (2011), in whole or in part, Part 1 of this Order shall cease to have effect or its operation shall be postponed or suspended, in whole or in part, as the case may be, from the date that the decision of the Security Council comes into force.

- (2) The Governor shall publish particulars of the decision in a notice in the Gazette.

### **Miscellaneous**

**29.**—(1) Any provision of this Order which prohibits the doing of an act except under the authority of a licence granted by the Governor shall not have effect in relation to any such act done anywhere other than the Territory, provided it is duly authorised.

- (2) An act is duly authorised for the purposes of paragraph (1) if—
- (a) it is done under the authority of a licence granted in accordance with any law in force in the place where it is done (and that law substantially corresponds to the relevant provisions of this Order); and
  - (b) that licence is granted by the authority competent in that behalf under that law.

### **DISCLOSURE BY FINANCIAL INSTITUTIONS**

#### **Failure to disclose knowledge or suspicion**

**30.**—(1) If a relevant institution knows or suspects that a relevant person—

- (a) is a designated person, or
- (b) has committed an offence under articles 10(2), 11(2), 13, 22(1) or (2), 30(4),

it shall disclose to the Governor the information or other matter specified in paragraph (2) as soon as is reasonably practicable after that information or other matter comes to its attention.

(2) A relevant institution, when it makes a disclosure to the Governor under paragraph (1), shall state—

- (a) the information or other matter on which the knowledge or suspicion is based;
- (b) any information it holds about the relevant person by which the person can be identified; and
- (c) where the relevant person is a designated person, the nature and amount or quantity of any funds or economic resources held by the relevant institution for that person since the person first became a designated person.

(3) A relevant institution shall inform the Governor without delay if it credits a frozen account in accordance with article 12(2).

(4) A relevant institution which fails to comply with the requirement in paragraph (1), (2) or (3) is guilty of an offence under this Order.

(5) In this article “relevant person” means—

- (a) a customer of the relevant institution;
- (b) a person who has been a customer of the relevant institution at any time on or after 26th February 2011<sup>(2)</sup> and has ceased to be a customer; or
- (c) a person with whom the relevant institution has had dealings in the course of business on or after that date.

(6) Where a relevant institution discloses to the Governor—

- (a) its knowledge or suspicion that a person is a designated person or a person who has committed an offence under articles 10(2), 11(2), 13, 22(1) or (2) or 30(4); or
- (b) any information or other matter on which that knowledge or suspicion is based, under paragraph (2)(b) and (c) above;

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(2) This is the date on which the Security Council resolution 1970 (2011) came into force.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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the disclosure shall not be treated as a breach of any restriction imposed by statute or otherwise.