
STATUTORY INSTRUMENTS

2009 No. 886

The Iran (United Nations Sanctions) Order 2009

GENERAL

Penalties and proceedings

- 12.**—(1) Any person guilty of an offence under article 3(3) or 4(3) shall be 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 the statutory maximum or to both.
- (2) Any person guilty of an offence under article 9(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 2 shall be liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (3) Any person guilty of an offence under article 5(1) or (2) shall be liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction to a fine not exceeding the statutory maximum.
- (4) Any person guilty of an offence under article 9(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 2, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.
- (5) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director or other officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980⁽¹⁾, a summary offence under this Order may be tried by a magistrates' court in England and Wales if any information is laid at any time within three years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his or her knowledge.
- (7) Notwithstanding anything in section 136 of the Criminal Procedure (Scotland) Act 1995⁽²⁾, summary proceedings in Scotland for an offence under this Order may be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to

(1) 1980 c. 43.

(2) 1995 c. 46.

justify the proceedings came to his or her knowledge; and subsection (3) of that section applies for the purpose of this paragraph as it applies for the purpose of that section—

Provided that such proceedings shall not be commenced after the expiration of three years from the commission of the offence.

(8) Notwithstanding anything in article 19 of the Magistrates' Courts (Northern Ireland) Order 1981⁽³⁾, summary proceedings in Northern Ireland for an offence under this Order may be instituted at any time within three years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his or her knowledge.

(9) For the purposes of this article—

- (a) a certificate signed by or on behalf of the prosecutor or the Lord Advocate (as the case may be) as to the date on which such evidence as is referred to in paragraphs (6), (7) and (8) came to his or her knowledge shall be conclusive evidence of that fact; and
- (b) a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

(10) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(11) In England and Wales, subsection (2) of section 24 of the Police and Criminal Evidence Act 1984⁽⁴⁾ shall apply to the offences under this Order that are not arrestable offences by virtue of the term of imprisonment for which a person may be sentenced in respect of them, as if they were mentioned in that subsection; and accordingly such offences shall be arrestable offences within the meaning of that Act.

(12) In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under this Order, he or she may arrest that person without a warrant.

(13) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted in England, Wales or Northern Ireland except by the Secretary of State or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland;

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Commencement Information

II Art. 12 in force at 10.4.2009, see [art. 1\(1\)](#)

⁽³⁾ S.I. 1981/1675 (N.I. 26)

⁽⁴⁾ 1984 c.60.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 12(1)(2) substituted by [S.I. 2010/2978 art. 16\(2\)](#)
- art. 12(1) words substituted by [S.I. 2016/378 art. 2\(10\)\(a\)](#)
- art. 12(2) words deleted by [S.I. 2011/2985 art. 2\(2\)](#)
- art. 12(4) words substituted by [S.I. 2010/2978 art. 16\(3\)](#)
- art. 12(11) omitted by [S.I. 2016/378 art. 2\(10\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2020/591 reg. 8\(a\)](#)
- Order words substituted by [S.I. 2012/362 art. 2Sch. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 inserted by [S.I. 2010/2978 art. 17](#)
- Sch. 3 para. 4 substituted by [S.I. 2016/378 art. 2\(11\)\(b\)](#)
- Sch. 3 para. 3 words substituted by [S.I. 2016/378 art. 2\(11\)\(a\)](#)
- Sch. 3 para. 12(4)(a) words substituted by [S.I. 2016/378 art. 2\(11\)\(c\)](#)
- Sch. 4 inserted by [S.I. 2010/2978 art. 18](#)
- Sch. 4 omitted by [S.I. 2016/378 art. 2\(12\)](#)
- art. 4A inserted by [S.I. 2010/2978 art. 7](#)
- art. 4A4B substituted for art. 4A and heading by [S.I. 2016/378 art. 2\(5\)](#)
- art. 4B(3) substituted by [S.I. 2016/1119 art. 22](#)
- art. 5-5A replaced by [S.I. 2011/2985 art. 2\(1\)](#)
- art. 5A omitted by [S.I. 2016/378 art. 2\(7\)](#)
- art. 5A substituted for reg. 5 by [S.I. 2010/2978 art. 89](#)
- art. 6A6B inserted by [S.I. 2010/2978 art. 11](#)
- art. 11(1)(a) words substituted by [S.I. 2016/378 art. 2\(9\)](#)
- art. 12(14) inserted by [S.I. 2010/2978 art. 16\(4\)](#)
- art. 12(14) words substituted by [2020 c. 17 Sch. 24 para. 446\(1\)](#)