
STATUTORY INSTRUMENTS

2011 No. 1080

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

PART 1

LISTS

**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.