
STATUTORY INSTRUMENTS

2012 No. 1755

OVERSEAS TERRITORIES

**The Syria (Restrictive Measures)
(Overseas Territories) Order 2012**

<i>Made</i>	- - - -	<i>10th July 2012</i>
<i>Laid before Parliament</i>		<i>11th July 2012</i>
<i>Coming into force</i>	- -	<i>12th July 2012</i>

At the Court at Windsor Castle, the 10th day of July 2012

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 112 of the Saint Helena Act 1833⁽¹⁾, the British Settlements Acts 1887 and 1945⁽²⁾, and all of the other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and application

1.—(1) This Order may be cited as the Syria (Restrictive Measures) (Overseas Territories) Order 2012 and comes into force on 12th July 2012.

(2) This Order extends to the territories listed in Schedule 1.

Interpretation

2.—(1) In this Order, unless otherwise provided—

“aircraft” means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing airborne vehicle or helicopter;

“assistance” means any form of assistance including advice, training, technical assistance, financing and financial assistance, investment, brokering or other services, and the transfer of financial resources and services;

“branch”, in relation to a financial or credit institution, means a place of business which forms a legally dependent part of a financial or credit institution and which carries out directly all or some of the transactions inherent in the business of financial or credit institutions;

(1) 1833 c.85.

(2) 1887 c.54 and 1945 c.7.

“brokering services” means—

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country, or
- (b) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“contract or transaction” means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties, and for this purpose “contract” includes a bond, guarantee or indemnity, (particularly a financial guarantee or financial indemnity) and credit, whether legally independent or not, as well as any related provision arising under or in connection with the transaction;

“the Council Regulation” means Council Regulation (EU) No 36/2012 adopted by the Council of the European Union on 18th January 2012⁽³⁾ concerning restrictive measures in view of the situation in Syria and repealing Regulation EU No 442/2011, and a reference to an Annex to that Regulation is to be construed as a reference to that Annex as amended from time to time;

“designated person” means any person, entity or body listed in Annex II or IIa to the Council Regulation;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;

“export” includes shipment as stores;

“exportation” in relation to any ship or aircraft, includes the taking out of the Territory of the ship or aircraft, whether or not it is conveying goods or passengers, or moving under its own power; and cognate expressions are to be construed accordingly;

“financing and financial assistance” in relation to the provision of assistance related to restricted goods includes in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such goods;

“funds” means financial assets and benefits of every kind, including (but not limited to)—

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments,
- (b) deposits with relevant institutions or other entities, balances on accounts, debts and debt obligations,
- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts,
- (d) interest, dividends or other income on or value accruing from or generated by assets,
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments,
- (f) letters of credit, bills of lading, bills of sale,
- (g) documents providing evidence of an interest in funds or financial resources, or

(3) O.J. L.16 19.1.2012, p.1.

(h) any other instrument of export financing;

“frozen account” means an account with a relevant institution which is held or controlled (directly or indirectly) by a listed person;

“Gazette” means the official gazette of the Territory or any other form in which official information is normally made available in the Territory;

“goods” includes items, materials and equipment;

“Governor” means the Governor or other officer administering the Government of the Territory;

“insurance” means an undertaking or commitment where a natural or legal person is obliged, in return for a payment, to provide another person, in the event of materialisation of a risk, with an indemnity or a benefit as determined by the undertaking or commitment;

“master”, in relation to a ship, includes any persons (other than a pilot) for the time being in charge of the ship;

“officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate or any person who has purported to act in any such capacity;

“operator”, in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;

“owner”, in relation to a ship, where the owner is not the operator, means the operator and any person to whom it is chartered;

“person” means any natural or legal person, entity or body;

“a person to whom this Order applies” means any person in the Territory, or any person elsewhere 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 any part of the Territory;

“prohibited goods” means any goods, software or technology, including restricted goods, the sale, supply, transfer, export or purchase of which is prohibited by articles 4 to 16;

“reinsurance” means the activity consisting in accepting risks ceded by an insurance undertaking or by another reinsurance undertaking or, in the case of the association of underwriters known as Lloyd’s, the activity consisting in accepting risks, ceded by any member of Lloyd’s, by an insurance or reinsurance undertaking other than the association of underwriters known as Lloyd’s;

“relevant institution” means—

(a) any person who may lawfully accept deposits in or from within the Territory by way of a business;

(b) any society established lawfully in the Territory whose principal purpose is the making of loans secured on residential property where such loans are funded substantially by its members;

“restricted goods” means the goods, software and technology specified in Schedule 2 to the Export Control Order 2008⁽⁴⁾ and, in so far as they are not covered in that Schedule, the goods, software and technology specified in the Common Military List of the European Union ⁽⁵⁾;

“ship” includes every description of vessel used in navigation;

⁽⁴⁾ SI 2008/3231.

⁽⁵⁾ O.J. C. 86 18.3.2011, p.1.

“shipment” includes loading into an aircraft;

“stores” means goods for use in a ship or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a ship or aircraft as merchandise for sale by retail to persons carried in them;

“Syrian person, entity or body” means—

- (a) the State of Syria or any public authority of the State of Syria,
- (b) any natural person in, or resident in, Syria,
- (c) any legal person, entity or body having its registered office in Syria,
- (d) any legal person, entity or body, inside or outside Syria, owned or controlled directly or indirectly by one or more of the persons or bodies mentioned in paragraphs (a) to (c);

“technical assistance” means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

“vehicle” means land transport vehicle.

(2) For the purpose of the definition of “relevant institution” in paragraph (1)—

- (a) the activity of accepting deposits has the meaning given in any relevant order made under section 22 of the Financial Services and Markets Act 2000⁽⁶⁾, and
- (b) a person is not regarded as accepting deposits by way of business if—
 - (i) the person does not hold himself or herself out as accepting deposits on a day to day basis, and
 - (ii) any deposits which the person accepts are accepted only on particular occasions, whether or not involving the issue of any securities.

(3) In determining for the purposes of paragraph (2)(b)(ii) whether deposits are accepted only on particular occasions, regard is to be had to the frequency of those occasions and to any characteristics distinguishing them from each other.

(4) In the application of this Order to any of the territories listed in Schedule 1, the expression “the Territory” in this Order means that territory.

(5) An expression used both in this Order and in the Council Regulation has the meaning that it bears in the Council Regulation.

Publicly available list of designated persons and restricted goods

3.—(1) The Governor must publish in the Gazette a list of—

- (a) designated persons, and
- (b) restricted goods.

(2) A list published under paragraph (1) must be updated as necessary.

Restricted and prohibited goods

Supply of restricted goods to Syria

4.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

(6) 2000 c. 8.

- (a) supplies or delivers, or agrees to supply or deliver, restricted goods to any person or destination in Syria, or
- (b) does anything else calculated to promote the supply or delivery of restricted goods to any person or destination in Syria.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.

Exportation of restricted goods to Syria

5.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly exports, or attempts to export, restricted goods from the Territory—

- (a) to any destination in Syria, or
- (b) to any other destination for the purpose of delivery (directly or indirectly) to, or to the order of, any person in Syria.

(2) Restricted goods which are exported, or attempted to be exported, in contravention of paragraph (1) may be forfeited, disposed of or transferred as appropriate.

(3) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.

(4) If, but for this paragraph, P would be guilty of an offence under this article and article 4, P is not guilty of an offence under this article.

Provision of assistance related to the supply, sale, transfer, manufacture, maintenance or use of restricted goods

6.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly provides (directly or indirectly) assistance relating to—

- (a) the sale, supply or transfer of restricted goods to a person or destination in Syria, or
- (b) the maintenance, manufacture or use of restricted goods by a person in Syria.

(2) Paragraph (1) does not apply if the person is acting under the authority of a licence granted by the Governor under this article.

Use of ships, aircraft and vehicles for carriage of prohibited goods to Syria

7.—(1) A person falling within paragraph (2) (“P”) commits an offence if P knowingly—

- (a) uses a relevant ship or aircraft for the carriage of prohibited goods, or
- (b) uses any vehicle within the Territory for the carriage of prohibited goods,

if the carriage is, or forms part of, carriage from any place outside Syria to any destination in Syria.

(2) The following persons fall within this paragraph—

- (a) a person to whom this Order applies;
- (b) in the case of a ship registered in the Territory, the owner or master of the ship;
- (c) in the case of any other ship, the person to whom the ship is for the time being chartered if the person is a person to whom this Order applies;
- (d) in the case of an aircraft registered in the Territory, the operator or commander of the aircraft;
- (e) in the case of any other aircraft, the person to whom the aircraft is for the time being chartered if the person is a person to whom this Order applies; or
- (f) in the case of a vehicle, the operator or driver of the vehicle.

- (3) For the purposes of paragraph (1)(a), “a relevant ship or aircraft” is—
- (a) a ship or aircraft registered in the Territory, or
 - (b) any other ship or aircraft that is for the time being chartered to a person to whom this Order applies.
- (4) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.
- (5) This article is without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

Licences granted under articles 4 to 7

8. The Governor may grant a licence under articles 4, 5, 6 or 7 in respect of—
- (a) supplies and technical assistance intended solely for the support of, or use by, the United Nations Disengagement Observer Force;
 - (b) the sale, supply or delivery of non-lethal military equipment or of equipment which might be used for internal repression but which is intended solely for humanitarian or protective use, or for institution building programmes of the United Nations and the European Union, or for European Union and United Nations crisis management operations;
 - (c) the sale, supply or delivery of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection and which are intended solely for humanitarian or protective use of personnel of the European Union and its Member States in Syria;
 - (d) the provision of technical assistance or brokering services related to the equipment or programmes or operations referred to in paragraphs (a) to (c);
 - (e) the provision of financing and financial assistance related to the equipment or programmes or operations referred to in paragraphs (a) to (c); or
 - (f) the sale, supply or delivery of protective clothing, including flak jackets and military helmets temporarily exported to Syria by United Nations personnel, personnel of the European Union or its Member States, representatives of the media and humanitarian and development work and associated personnel for their personal use only.

Further export and import restrictions relating to listed goods etc.

Offences related to equipment, goods and technology listed in Annex I, IA or IX

- 9.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —
- (a) sells, supplies, transfers or exports (directly or indirectly) equipment which might be used for internal repression listed in Annex I to the Council Regulation to persons in Syria or for use in Syria;
 - (b) sells, supplies, transfers or exports (directly or indirectly) equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression listed in Annex IA to the Council Regulation to persons in Syria or for use in Syria;
 - (c) sells, supplies, transfers or exports (directly or indirectly) equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression listed in Annex IX to the Council Regulation to persons in Syria or for use in Syria;

- (d) provides (directly or indirectly) technical assistance or brokering services related to the equipment, goods or technology which might be used for internal repression listed in Annex I or IA of the Council Regulation, to persons in Syria or for use in Syria;
 - (e) provides (directly or indirectly) technical assistance or brokering services related to the equipment, goods or technology listed in Annex IX to the Council Regulation, or related to the provision, manufacture, maintenance or use of goods included in that Annex, to persons in Syria or for use in Syria; or
 - (f) provides (directly or indirectly) financing or financial assistance related to the goods and technology listed in Annex I, IA or IX to the Council Regulation or for any provision of related technical assistance, brokering services or other services to persons in Syria or for use in Syria.
- (2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.
- (3) Paragraph (1)(a) does not apply to protective clothing, including flak jackets and helmets, temporarily exported to Syria by United Nations personnel, personnel of the European Union or its Member States, representatives of the media or humanitarian and development workers and associated persons exclusively for their personal use.
- (4) The Governor may grant a licence under this article to authorise a transaction—
- (a) in relation to equipment referred to in paragraph (1)(a), if it is intended only for humanitarian or protective use;
 - (b) in relation to equipment, goods and technology referred to in paragraph (1)(b), if the goods or technology are for food, agricultural, medical or other humanitarian purposes;
 - (c) in relation to—
 - (i) equipment, goods or technology referred to in paragraph (1)(c),
 - (ii) technical assistance or brokering services referred to in paragraph (1)(e), or
 - (iii) financing or financial assistance referred to in paragraph (1)(f) and related to the goods and technology listed in Annex IX,unless the Governor reasonably suspects that any such transaction is or may be intended to contribute to internal repression or for the manufacture and maintenance of products which might be used for internal repression; or
 - (d) in relation to—
 - (i) technical assistance referred to in paragraph (1)(d), or
 - (ii) financing or financial assistance referred to in paragraph (1)(f) and related to the equipment, goods or technology listed in Annex I or IA,if one of the conditions in paragraph (5) is met.
- (5) The conditions referred to in paragraph (4)(d) are that the technical assistance, financing or financial assistance is—
- (a) technical assistance intended solely for the support of the United Nations Disengagement Observer Force,
 - (b) related to non-lethal military equipment, or equipment which might be used for internal repression, intended solely for humanitarian purposes or protective use or for institution building programmes of the UN and the European Union, or for European Union or UN crisis management operations, or
 - (c) non-combat vehicles fitted with materials to provide ballistic protection, intended solely for the protective use of personnel of the European Union and its Member States in Syria.

Offences related to equipment, technology and software listed in Annex V

10.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports (directly or indirectly) equipment, technology or software listed in Annex V to the Council Regulation to persons in Syria or for use in Syria;
- (b) provides (directly or indirectly) technical assistance or brokering services related to the equipment, technology or software listed in Annex V, or related to the provision, manufacture, maintenance and use of equipment, technology or software listed in that Annex, or to the provision, installation, operation or updating of any software listed in that Annex, to persons in Syria or for use in Syria;
- (c) provides (directly or indirectly) financing or financial assistance related to the equipment, technology or software listed in Annex V, to persons in Syria or for use in Syria; or
- (d) provides any telecommunication or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, the State of Syria, its Government, its public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.

(3) The Governor must not grant a licence for an activity mentioned in paragraph (1), and may annul, suspend, modify or revoke a licence that has already been so granted, if the Governor reasonably believes that the equipment, technology or software is or may be intended for use in connection with—

- (a) the monitoring, by or on behalf of the Syrian regime, of internet or telephone communications in Syria, or
- (b) the interception, by or on behalf of the Syrian regime, of internet or telephone communications in Syria.

Offences related to crude oil and petroleum products listed in Annex IV

11.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) imports crude oil or petroleum products listed in Annex IV to the Council Regulation into the Territory if the products originated in Syria, or have been exported from Syria;
- (b) purchases crude oil or petroleum products listed in Annex IV which are located in or which originated in Syria;
- (c) transports crude oil or petroleum products listed in Annex IV if the products originated in Syria, or are being exported from Syria to any other country; or
- (d) provides (directly or indirectly) financing or financial assistance (including financial derivatives, insurance and reinsurance) related to the import, purchase or transport of crude oil and petroleum products listed in Annex IV if the products originated in Syria, or have been imported from Syria.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

(3) Paragraph (1) does not apply to—

- (a) the execution of an obligation arising from a contract concluded before the date on which this Order comes into force, or
- (b) the purchase of crude oil or petroleum products which had been exported from Syria before the date on which this Order comes into force or, where the export was made pursuant to paragraph (a), on or before that date,

if the person, entity or body seeking to perform the obligation concerned has notified the transaction or activity to the Governor of the Territory in which it is established at least 7 working days in advance.

Offences related to key equipment or technology listed in Annex VI

12.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports key equipment or technology listed in Annex VI to the Council Regulation (directly or indirectly) to any Syrian person, entity or body or for use in Syria;
- (b) provides (directly or indirectly) technical assistance or brokering services related to the key equipment and technology listed in Annex VI, or related to the provision, manufacture, maintenance and use of goods listed in that Annex, to any Syrian person, entity or body or for use in Syria; or
- (c) provides (directly or indirectly) financing or financial assistance related to the key equipment and technology listed in Annex VI to any Syrian person, entity or body or for use in Syria.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this Order.

(3) Paragraph (1) does not apply to the performance of an obligation required by a contract which was awarded or concluded before the date on which this Order comes into force, provided that the person or entity seeking to rely on this paragraph has notified the Governor of the Territory in which it is established at least 21 calendar days in advance.

(4) For the purposes of paragraph (3), a contract has been “awarded” to a person or entity if express written confirmation of the award of the contract to that person or entity has been sent by the other contracting party, following the conclusion of a formal tender process.

Offences related to the movement of Syrian banknotes or coins

13. A person to whom this Order applies (“P”) commits an offence if P knowingly sells, supplies, transfers or exports (directly or indirectly) new Syrian denominated banknotes or coinage printed or minted in the Territory, to the Central Bank of Syria.

Offences related to the movement of gold, precious metals or diamonds listed in Annex VIII

14. A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports (directly or indirectly) gold, precious metals or diamonds, as listed in Annex VIII to the Council Regulation, to the Government of Syria, its public bodies, corporations and agencies, the Central Bank of Syria or any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them;
- (b) purchases, imports or transports (directly or indirectly) gold, precious metals or diamonds as listed in Annex VIII, whether or not the item concerned originated in Syria, from the Government of Syria, its public bodies, corporations and agencies or any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them; or
- (c) provides (directly or indirectly) technical assistance or brokering services, financing or financial assistance, related to gold, precious metals and diamonds as listed in Annex VIII, to the Government of Syria, its public bodies, corporations and agencies, the Central Bank

of Syria or any person, entity or body acting on their behalf or at their direction, or any entity or body owned or controlled by them.

Offences related to luxury goods listed in Annex X

15.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly sells, supplies, transfers or exports (directly or indirectly) luxury goods listed in Annex X to the Council Regulation to Syria.

(2) The prohibition in paragraph (1) does not apply to goods of a non-commercial nature, for personal use, contained in travellers’ luggage.

Offences related to equipment or technology listed in Annex VII

16.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) sells, supplies, transfers or exports equipment or technology to be used in the construction or installation in Syria of new power plants for electricity production, as listed in Annex VII to the Council Regulation, or
- (b) provides (directly or indirectly) financial or technical assistance in relation to any project referred to in paragraph (a).

(2) Paragraph (1) does not apply to the performance of an obligation required by a contract or agreement which was concluded before the date on which this Order comes into force, provided that the person or entity seeking to rely on this paragraph has notified the Governor of the Territory in which it is established at least 21 calendar days in advance.

Offences related to restrictions on financing of certain enterprises

17.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly —

- (a) grants any financial loan or credit to a relevant Syrian person, entity or body,
- (b) acquires or extends a participation in a relevant Syrian person, entity or body, or
- (c) creates a joint venture with a relevant Syrian person, entity or body.

(2) Paragraph (1)—

- (a) does not apply to the execution of an obligation arising from an agreement or contract concluded before the date on which this Order comes into force and relating to—
 - (i) the exploration, production or refining of crude oil, or
 - (ii) the construction or installation of new power plants for electricity production; and
- (b) does not prevent the extension of a participation relating to—
 - (i) the exploration, production or refining of crude oil, if such extension is an obligation under an agreement concluded before the date on which this Order comes into force, or
 - (ii) the construction or installation of new power plants for electricity production, if such extension is an obligation under an agreement concluded before the date on which this Order comes into force.

(3) For the purposes of this article—

“the exploration of crude oil” includes the exploration for, prospecting for and management of crude oil reserves, as well as the provision of geological services in relation to such reserves; “the refining of crude oil” means the processing, conditioning or preparation of oil for the ultimately final sale of fuels;

“relevant Syrian person, entity or body” means a Syrian person entity or body engaged—

- (i) in the exploration, production or refining of crude oil, or
- (ii) the construction or installation of new power plants for electricity production.

Circumvention of prohibitions in articles 4 to 17

18. A person to whom this Order applies (“P”) commits an offence if P participates, knowingly and intentionally, in activities the object or effect of which is (directly or indirectly)—

- (a) to circumvent any of the prohibitions in articles 4 to 17, or
- (b) to enable or facilitate the contravention of any such prohibition.

Customs powers and investigations

Customs powers to demand evidence of destination of prohibited goods

19.—(1) The Governor may require any person who exports or ships prohibited goods that have been exported from the Territory to provide proof to the Governor’s satisfaction that the goods have reached a permitted destination.

(2) For the purposes of paragraph (1), “a permitted destination” means—

- (a) a destination to which the exportation of prohibited goods is not prohibited by this Order, or
- (b) a destination to which the exportation of prohibited goods is authorised by a licence granted under this Order.

(3) A person (“P”) commits an offence if P fails to comply with a requirement under paragraph (1), unless P proves that P did not consent to or connive at the goods reaching a destination other than a permitted destination.

Declaration as to goods: powers of search

20.—(1) An officer authorised by the Governor may require any person who is about to leave the Territory (“P”) to—

- (a) declare whether P is carrying prohibited goods destined for Syria or for delivery (directly or indirectly) to, or to the order of, any person in Syria, and
- (b) produce any such goods that P is carrying.

(2) P commits an offence if P—

- (a) fails without reasonable excuse to comply with a requirement under paragraph (1), or
- (b) knowingly or recklessly makes a declaration which is false in a material particular.

(3) An officer authorised by the Governor, or a person acting under the officer’s authority, may search P for the purpose of finding out whether P is carrying prohibited goods.

(4) A search under paragraph (3) must be carried out by a person of the same sex as P.

(5) P commits an offence if P fails without reasonable excuse to comply with a request to be searched under paragraph (3).

(6) An officer authorised by the Governor, or a person acting under the officer’s authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.

Investigation etc. of suspected ships

21.—(1) Where an authorised officer reasonably suspects that a ship has been, is being, or is about to be used in the commission of an offence under article 7(1)—

- (a) the officer may (alone or assisted by persons under the officer's authority) board the ship and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the officer may request the owner or master of the ship to provide such information relating to the ship and its cargo and produce for inspection such documents and cargo as the officer may specify; and
- (c) the officer must seize any prohibited goods on the ship, and may take further action in accordance with paragraph (2).

(2) The further action referred to in paragraph (1)(c) is—

- (a) to direct the master of the ship to refrain from landing any part of the ship's cargo specified under paragraph (1)(b) at any port specified by the officer, except with the officer's consent, or
- (b) to request the master of the ship to take any of the following steps—
 - (i) to stop the ship from proceeding with the voyage on which it is engaged, or about to engage, until notified by an authorised officer that the ship may so proceed;
 - (ii) if the ship is in port in the Territory, to cause it to remain there until notified by an authorised officer that the ship may depart;
 - (iii) if the ship is in any other place, to take it to a port specified by the officer and keep it there until notified by an authorised officer that the ship may depart;
 - (iv) to take the ship to any other destination specified by the officer in agreement with the master.

(3) An authorised officer may take such steps as appear necessary to secure compliance with a request under paragraph (2)(b) where—

- (a) the master fails to comply with the request, or
- (b) the officer reasonably suspects that the request may not be complied with.

(4) Those steps may include in particular—

- (a) entering, or authorising entry upon, the ship, and
- (b) using, or authorising the use of, reasonable force.

(5) A master or owner of a ship ("P") commits an offence if P—

- (a) fails to comply with a direction under paragraph (2)(a),
- (b) fails without reasonable excuse to comply with a request under paragraph (1)(b) or (2),
- (c) knowingly or recklessly provides information or a document which is false in a material particular in response to a request under paragraph (1)(b), or
- (d) wilfully obstructs an authorised officer, or a person acting under the officer's authority, in the exercise of any power conferred by this article.

(6) An authorised officer, or a person acting under the officer's authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.

(7) In this article "authorised officer" means—

- (a) a commissioned naval or military officer;
- (b) a British consular officer;
- (c) a police or customs officer; or

- (d) a person authorised by the Governor for the purpose of this article, whether generally or in a particular case.

Investigation etc. of suspected aircraft

22.—(1) Where an authorised person reasonably suspects that an aircraft has been, is being, or is about to be used in the commission of an offence under article 7(1)—

- (a) the person may (alone or assisted by persons under the authorised person’s authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the person may request the charterer, operator or commander of the aircraft to provide such information relating to the aircraft and its cargo and produce for inspection such documents and cargo as the person may specify; and
- (c) if the aircraft is in the Territory, the person may request the charterer, operator or commander to keep the aircraft and any of its cargo in the Territory until notified that the aircraft and its cargo may depart.

(2) An authorised person may take such steps as appear necessary to secure compliance with a request under paragraph (1)(c) where—

- (a) the charterer, operator or commander fails to comply with the request, or
- (b) the person reasonably suspects that the request may not be complied with.

(3) Those steps may include in particular—

- (a) entering, or authorising entry upon, the aircraft or any land;
- (b) detaining, or authorising the detention of, the aircraft and any of its cargo;
- (c) seizing any prohibited goods; and
- (d) using, or authorising the use of, reasonable force.

(4) A charterer, operator or commander of an aircraft (“P”) commits an offence if P—

- (a) fails without reasonable excuse to comply with a request under paragraph (1),
- (b) knowingly or recklessly provides information or a document which is false in a material particular in response to a request under paragraph (1)(b), or
- (c) wilfully obstructs an authorised person, or a person acting under that person’s authority, in the exercise of any power conferred by this article.

(5) An authorised person, or a person acting under that person’s authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.

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

Investigation etc. of suspected vehicles

23.—(1) Where an authorised person reasonably suspects that a vehicle in the Territory has been, is being, or is about to be used in the commission of an offence under article 7(1)—

- (a) the person may (alone or assisted by persons under the authorised person’s authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the person may request the operator or driver of the vehicle to provide such information relating to the vehicle and any goods in the vehicle and produce for inspection such documents and goods as the person may specify; and

- (c) the person may request the operator or driver to keep the aircraft and any goods in the vehicle in the Territory until notified that the vehicle may depart.
- (2) An authorised person may take such steps as appear necessary to secure compliance with a request under paragraph (1)(c) where—
 - (a) the operator or driver fails to comply with the request, or
 - (b) the person reasonably suspects that the request may not be complied with.
- (3) Those steps may include in particular—
 - (a) entering, or authorising entry of, the vehicle or upon any land;
 - (b) detaining, or authorising the detention of, the vehicle and any goods in the vehicle;
 - (c) seizing any prohibited goods; and
 - (d) using, or authorising the use of, reasonable force.
- (4) An operator or driver of a vehicle (“P”) commits an offence if P—
 - (a) fails without reasonable excuse to comply with a request under paragraph (1),
 - (b) knowingly or recklessly provides information or a document which is false in a material particular in response to a request under paragraph (1)(b), or
 - (c) wilfully obstructs an authorised person, or a person acting under that person’s authority, in the exercise of any power conferred by this article.
- (5) An authorised person, or a person acting under that person’s authority, must, if requested to do so, produce evidence of his or her authority before exercising any power conferred by this article.
- (6) In this article, “authorised person” means a person authorised by the Governor for the purpose of this article either generally or in a particular case.

Provisions supplementary to articles 21 to 23

24.—(1) A person (“P”) to whom this Order applies commits an offence if P discloses information given or a document produced by a person in accordance with a request made under article 21, 22 or 23 except—

- (a) to any person who would have been authorised to request the information or document under article 21, 22 or 23, or to any person holding or acting in any office under or in the service of—
 - (i) the Crown in right 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 British overseas territory;

for the purpose of giving assistance or co-operation, pursuant to the Regulation, to any person in the service of the Council of the European Union, the European Commission or the government of any country;

- (b) with a view to instituting, 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) in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas territory, for an offence under a similar provision in any such jurisdiction;

- (c) to the Financial Services Authority of the United Kingdom, or to the relevant authority with responsibility in any other country or territory for the regulation and supervision of financial services business;
- (d) with the consent of a person, who in the person's own right, is entitled to the information, or to possession of the document, to any third party.

(2) In paragraph (1)(d) "in the person's own right" means not merely in the capacity as a servant or agent of another person.

(3) Any power conferred by article 21, 22 or 23 to request for inspection information, a document, cargo or goods includes a power to specify the form in which the information or document should be given, and the period within which the information, document, goods or cargo should be produced for inspection.

(4) This article and articles 21 to 23 are without prejudice to any other provision of law conferring powers, imposing restrictions or enabling restrictions to be imposed in respect of ships, aircraft or vehicles.

Freezing funds and making funds available

Freezing funds and economic resources

25.—(1) A person to whom this Order applies ("P"), including the designated person, commits an offence if P deals with funds or economic resources belonging to, or owned, held or controlled by, a designated person if P knows, or has reasonable cause to suspect, that P is dealing with such funds or economic resources.

(2) In this article, "deals with" means—

(a) in relation to funds—

(i) use, alter, move, allow access to or transfer;

(ii) deal with the funds in any other way that would result in a change in volume, amount, location, ownership, possession, character or destination; or

(iii) make any other change that would enable use, including portfolio management; and

(b) in relation to economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the resources.

(3) Paragraph (1) is subject to articles 30 and 33.

Making funds available to a designated person

26.—(1) A person to whom this Order applies ("P") commits an offence if P makes funds available, directly or indirectly, to a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

(2) Paragraph (1) is subject to articles 31 and 33.

Making funds available for the benefit of a designated person

27.—(1) A person to whom this Order applies ("P") commits an offence if P makes funds available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

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

(a) funds are made available for the benefit of a designated person only if that person obtains, or is able to obtain, a significant financial benefit from the funds, and

- (b) “financial benefit” includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.
- (3) Paragraph (1) is subject to articles 31 and 33.

Making economic resources available to a designated person

28.—(1) A person to whom this Order applies (“P”) commits an offence if P makes economic resources available, directly or indirectly, to a designated person if P knows, or has reasonable cause to suspect—

- (a) that P is making the economic resources so available, and
- (b) that the designated person would be likely to exchange the economic resources, or use them in exchange, for funds, goods or services.
- (2) Paragraph (1) is subject to article 33.

Making economic resources available for the benefit of a designated person

29.—(1) A person to whom this Order applies (“P”) commits an offence if P makes economic resources available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the economic resources so available.

- (2) For the purposes of paragraph (1)—
 - (a) economic resources are made available for the benefit of a designated person only if that person obtains, or is able to obtain, a significant financial benefit from the economic resources, and
 - (b) “financial benefit” includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.
- (3) Paragraph (1) is subject to article 33.

Trade contract payments

30.—(1) Article 25 is not contravened by a person who deals with funds or economic resources belonging to, or owned, held or controlled by, an entity (“A”) listed in Annex IIa to the Council Regulation provided that—

- (a) A received the funds or economic resources after the date on which A was so listed,
- (b) A used the funds or economic resources to make a payment during the period of two months from the date on which A was listed,
- (c) the payment was due under a trade contract, and
- (d) the Governor has determined that the payment will not be received (directly or indirectly) by a designated person.
- (2) In paragraph (1) “deals with” has the same meaning as in article 25(1).

Credits to a frozen account

31.—(1) Articles 26 and 27 are not contravened by a person who credits 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 before the account became a frozen account.
- (2) Articles 26 and 27 do not prevent a relevant institution from crediting a frozen account where it receives funds transferred to the account.

Circumvention of prohibitions in articles 25 to 29

32. A person (“P”) commits an offence if P intentionally participates in activities knowing that the object or effect of them is (directly or indirectly)—

- (a) to circumvent any of the prohibitions in articles 25 to 29, or
- (b) to enable or facilitate the contravention of any such prohibition.

Licences granted under articles 25 to 29

33.—(1) The prohibitions in articles 25 to 29 do not apply to anything done under the authority of a licence granted by the Governor.

(2) A licence granted under articles 25 to 29 may relate to—

- (a) payment of 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;
- (b) payment of reasonable professional fees and expenses associated with the provision of legal services;
- (c) payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) payment of necessary extraordinary expenses as determined by the Governor, provided that the other Member States and the Commission of the European Union have been notified of the grounds for the Governor’s determination at least two weeks before the Governor’s authorisation of the payment;
- (e) satisfaction of a judicial, administrative or arbitral lien or judgment entered into prior to the date on which this Order comes into force and not for the benefit of a designated person;
- (f) the making available of funds or economic resources held by the Central Bank of Syria, or the making available of funds or economic resources to the Central Bank of Syria, determined by the Governor to be necessary for or in connection with—
 - (i) providing financial institutions with liquidity for the financing of trade, or
 - (ii) a specific trade contract, the execution of which may involve the Central Bank of Syria, provided that the payment will not contribute to an activity prohibited under this Order; or
- (g) payment by a designated person of sums due under a contract or agreement entered into prior to the date on which the person was designated, or under an obligation that arose for the designated person prior to that date, provided that the payment is not directly or indirectly received by a designated person.

Licences: general

34.—(1) Any licence granted by the Governor under this Order must specify the acts authorised by it and may be—

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

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

(3) On the grant, variation or revocation of a licence, the Governor must—

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

- (b) in the case of a general licence or a licence granted to a category of persons, take such steps as the Governor considers appropriate to publicise the grant, variation or revocation of the licence.
- (4) A person who, for the purpose of obtaining a licence, knowingly or recklessly makes any statement or gives any document or information which is false in a material particular commits an offence.
- (5) A licence granted in connection with the application for which the false statement was made or the false document or information given is void from the time it was granted.
- (6) A person ("P") commits an offence if, having acted under the authority of a licence, P fails to comply with any conditions in the licence.
- (7) P is not guilty of an offence under paragraph (6) if—
 - (a) the licence was modified after the completion of the act authorised by the licence, and
 - (b) the alleged failure to comply with a condition in the licence would not have been a failure if the licence had not been so modified.

Notices

- 35.**—(1) This article has effect in relation to any notice to be given to a person by the Governor under article 34(3)(a).
- (2) The notice may be given—
 - (a) by posting it to the person's last known address, or
 - (b) where the person is a body corporate, partnership or unincorporated body other than a partnership, by posting it to the registered or principal office in the Territory of the body or partnership.
 - (3) Where the Governor does not have an address in the Territory for the person, the Governor must make arrangements for the notice to be given to the person at the first available opportunity.

Restrictions on financial services

Sale or purchase of Syrian bonds

- 36.**—(1) A person ("P") commits an offence if P sells or purchases (directly or indirectly) Syrian public or public-guaranteed bonds issued after the date on which this Order comes into force to or from a person, entity or body falling within paragraph (4) if P knows or has reasonable cause to suspect that the sale or purchase is to or from such a person, entity or body.
- (2) A person ("P") commits an offence if P provides brokering services with respect to Syrian public or public-guaranteed bonds issued after the date on which this Order comes into force to a person, entity or body falling within paragraph (4) if P knows or has reasonable cause to suspect that the services are being provided to such a person, entity or body.
- (3) A person ("P") commits an offence if P assists a person, entity or body falling within paragraph (4) to issue Syrian public or public-guaranteed bonds, by providing—
- (a) brokering services,
 - (b) advertising, or
 - (c) any other service with respect to such bonds,
- if P knows or has reasonable cause to suspect that P is assisting such a person, entity or body.
- (4) The following persons, entities and bodies fall within this paragraph—
- (a) the State of Syria or its Government, and its public bodies, corporations and agencies;

- (b) a credit or financial institution domiciled in Syria, including the Central Bank of Syria;
- (c) a branch or subsidiary, wherever located, of a credit or financial institution domiciled in Syria;
- (d) a credit or financial institution that is not domiciled in Syria, but is controlled by a person or entity domiciled in Syria;
- (e) a person, entity or body acting on behalf of or at the direction of a legal person, entity or body falling within sub-paragraph (a), (b), (c) or (d);
- (f) a legal person, entity or body owned or controlled by a person, entity or body falling within sub-paragraph (a), (b), (c), (d) or (e).

Credit and financial institutions: accounts and correspondent banking relationships

37.—(1) A credit or financial institution (“P”) commits an offence if P—

- (a) opens a new bank account,
- (b) establishes a new correspondent banking relationship, or
- (c) establishes a new joint venture,

with a person, entity or body falling within article 36(4) if P knows or has reasonable cause to suspect that the account, relationship or venture is with such a person, entity or body.

(2) P commits an offence if P—

- (a) opens a new representative office in Syria, or
- (b) establishes a new branch or subsidiary in Syria.

Agreements

38. A person (“P”) commits an offence if P concludes an agreement for, or on behalf of, a person, entity or body falling within article 36(4) which relates to the opening of a representative office or the establishment of a branch or subsidiary in the Territory if P knows or has reasonable cause to suspect that the agreement is for, or on behalf of, such a person.

Acquisition or extension of ownership interest

39. A credit or financial institution (“P”) commits an offence if P allows a person, entity or body falling within article 36(4) to acquire or extend a participation, or acquire any other ownership interest in P.

Insurance and reinsurance

40.—(1) A person (“P”) commits an offence if P provides insurance or reinsurance, or brokers the provision of insurance or reinsurance, to —

- (a) the State of Syria or its Government, or its public bodies, corporations or agencies, or
- (b) a person, entity or body acting on behalf of or at the direction of a person, entity or body referred to in sub-paragraph (a),

if P knows or has reasonable cause to suspect that the insurance or reinsurance is being provided to such a person, entity or body.

(2) Paragraph (1) applies to the extension or renewal of an insurance or reinsurance agreement concluded before the date on which this Order comes into force (except where there is a prior contractual obligation on the part of the insurer or reinsurer to accept an extension or renewal

of a policy), but, subject to articles 26 to 29, does not apply to compliance with an insurance or reinsurance agreement concluded before that date.

(3) Paragraph (1) does not apply to the provision of compulsory or third party liability insurance or reinsurance to Syrian persons, entities or bodies based in the Territory, or to the provision of insurance for Syrian diplomatic or consular missions in the Territory.

(4) Paragraph (1)(b) does not apply to the provision of—

(a) insurance, including health and travel insurance, to individuals acting in their private capacity, or

(b) reinsurance relating to insurance falling within sub-paragraph (a).

(5) Paragraph (1)(b) does not prevent the provision of insurance or reinsurance or brokering of insurance to the owner of a vessel, aircraft or vehicle which is chartered by a person, entity or body referred to in paragraph (1)(a), provided that the person, entity or body to which it is chartered is not a designated person.

(6) For the purposes of paragraph (1)(b), a person, entity or body does not act at the direction of a person, entity or body referred to in paragraph (1)(a) where the direction is for the purposes of docking, loading, unloading or safe transit of a vessel or aircraft temporarily in Syrian waters or airspace.

General

Failure to disclose knowledge or suspicion

41.—(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 25, 26, 27, 28, 29, 32 or 34,

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

(2) When making a disclosure to the Governor under paragraph (1), a relevant institution must 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) if the relevant person is a listed 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 listed person.

(3) A relevant institution must inform the Governor without delay if it credits a frozen account in accordance with article 31(1)(b) or (2).

(4) A relevant institution commits an offence if it fails to comply with a requirement in paragraph (1), (2) or (3).

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

(a) a customer of a relevant institution,

(b) a person who has been a customer of a relevant institution at any time on or after the date on which this Order comes into force and has ceased to be a customer, or

(c) a person with whom a 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 listed person or a person who has committed an offence under article 25, 26, 27, 28, 29, 32 or 34, or
 - (b) any information or other matter on which that knowledge or suspicion is based, or
 - (c) any other information pursuant to paragraph (2),
- the disclosure is not to be treated as a breach of any restriction imposed by statute or otherwise.

Evidence and information

42. Schedule 5 (which contains further provisions about obtaining evidence and information) has effect.

Penalties

43.—(1) A person guilty of an offence under article 4, 5, 6, 7, 9(1)(a) to (c), 10(1)(a), 12(1)(a), 13, 14(a), 15, 16(1)(a) or 18 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 article 9(1)(d) to (f), 10(1)(b) to (d), 11, 12(1)(b) or (c), 14(b) or (c), 16(1)(b), 17, 21(5)(c), 23(4)(b), 25, 26, 27, 28, 29, 32, 36, 37, 38, 39, 40 or paragraph 4(b) or (d) of Schedule 5 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 article 20(2)(b), 22(4)(b), 34 or 41 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 a fine not exceeding £5,000 or its equivalent or to both.

(4) A person guilty of an offence under article 21(5)(a), (b) or (d), 22(4)(a) or (c), 23(4)(a) or (c) or 24 is liable 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.

(5) A person guilty of an offence under article 19(3), 20(2)(a) or 20(5) is liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(6) If an offence 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 an offence and is liable to be proceeded against and punished accordingly.

(7) This article applies—

- (a) to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2;
- (b) to the Falkland Islands and South Georgia and the South Sandwich Islands subject to the modification set out in Schedule 3;
- (c) to St Helena, Ascension and Tristan da Cunha as set out in Schedule 4.

Proceedings

44.—(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 may 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, or the issue or execution of a warrant for 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) This article applies to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2.

Functions of the Governor

45.—(1) The Governor may, to such extent and subject to such restrictions and conditions as the Governor thinks proper, delegate or authorise the delegation of any of the Governor’s powers under this Order to any person, or class or description of persons.

(2) 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.

Miscellaneous

46. Any provision of this Order which makes it an offence to act except under the authority of a licence granted by the Governor does not have effect if—

(a) the act is done anywhere other than the Territory, and

(b) the act is done under the authority of a licence granted in accordance with the law in force in the place where it is done corresponding to the provisions of this Order.

Liability

47. No liability will arise for any person concerned in the freezing of funds or economic resources in accordance with article 25 unless it is proved that the funds or economic resources were frozen or withheld as a result of negligence.

Revocation

48. The Syria (Restrictive Measures) (Overseas Territories) Order 2011(7) is revoked.

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

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 1(2)

Territories to which this Order extends

Anguilla
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St Helena, Ascension Island and Tristan da Cunha
South Georgia and the South Sandwich Islands
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Turks and Caicos Islands
Virgin Islands

SCHEDULE 2

Article 43

Application of Articles 43 and 44 to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus

1. Any person guilty of an offence under article 4, 5, 6, 7, 9(1)(a) to (c), 10(1)(a), 12(1)(a), 13, 14(a), 15, 16(1)(a) or 18 is liable on conviction to imprisonment for a term not exceeding seven years, or to a fine, or to both.
2. Any person guilty of an offence under article 9(1)(d) to (f), 10(1)(b) to (d), 11, 12(1)(b) or (c), 14(b) or (c), 16(1)(b), 17, 20(2)(b), 21(5)(c), 22(4)(b), 23(4)(b), 25, 26, 27, 28, 29, 32, 34, 36, 37, 38, 39, 40, 41 or paragraph 4(b) or (d) of Schedule 5 is liable on conviction to imprisonment for a term not exceeding two years, or to a fine, or to both.
3. Any person guilty of an offence under article 21(5)(a), (b) or (d), 22(4)(a) or (c), 23(4)(a) or (c) or 24 is liable on conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £5000 or its equivalent, or to both.
4. Any person guilty of an offence under article 19(3), 20(2)(a) or 20(5) is liable on conviction to a fine not exceeding £5000 or its equivalent.
5. Where a 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 an officer of the body corporate, the officer, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.
6. Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.
7. No proceedings for an offence under this Order are to be instituted in the Territory except by or with the consent of the Attorney General and Legal Adviser.
8. Irrespective of whether consent under paragraph 7 has been obtained, paragraph 7 does not prevent—

- (a) the arrest, or the issue or execution of a warrant for 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.

SCHEDULE 3

Article 43

Application of Article 43 to the Falkland Islands and to South Georgia and the South Sandwich Islands

When the Magistrate's Court is sentencing a person following a summary conviction for an offence under this Order, as an alternative to the penalties applicable under article 43 to the relevant offence upon summary conviction, any penalties which would be applicable under article 43 upon conviction on indictment for that offence are available to the Magistrate's Court.

SCHEDULE 4

Article 43

Application of Article 43 to St Helena, Ascension and Tristan da Cunha

1. A person guilty of an offence under article 4, 5, 6, 7, 9(1)(a) to (c), 10(1)(a), 12(1)(a), 13, 14(a), 15, 16(1)(a) or 18 is liable on conviction to imprisonment for a term not exceeding seven years or to a fine or to both.
2. A person guilty of an offence under article 9(1)(d) to (f), 10(1)(b) to (d), 11, 12(1)(b) or (c), 14(b) or (c), 16(1)(b), 17, 20(2)(b), 21(5)(c), 22(4)(b), 23(4)(b), 25, 26, 27, 28, 29, 32, 34, 36, 37, 38, 39, 40, 41 or paragraph 4(b) or (d) of Schedule 5 is liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both.
3. A person guilty of an offence under article 21(5)(a), (b) or (d), 22(4)(a) or (c), 23(4)(a) or (c) or 24 shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000 or to both.
4. A person guilty of an offence under article 19(3), 20(2)(a) or 20(5) shall be liable on conviction to a fine not exceeding £5,000.
5. 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.

SCHEDULE 5

Article 42

Evidence and Information

- 1.—(1) The Governor may request any person in or resident in the Territory to provide any information or to produce any document in the person's possession or control which the Governor may require for the purpose of—

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- (a) securing compliance with or detecting evasion of this Order;
 - (b) obtaining evidence of the commission of an offence under this Order;
 - (c) establishing the nature and amount or quantity of any funds or economic resources owned, held or controlled by a designated person; or
 - (d) establishing the nature of any financial transactions entered into by any such person.
- (2) This includes power to—
- (a) take copies of or extracts from any document so produced;
 - (b) request any person producing a document to give an explanation of it; and
 - (c) where that person is a body corporate, request any person who is a present or past officer of, or employee of, the body corporate to give such an explanation.
- (3) Any person to whom a request is made must comply with it within such time and in such manner as may be specified in the request.
- (4) Nothing in this paragraph is to be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged information or document in the person's possession in that capacity.

2. A person commits an offence who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule;
- (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, conceals or removes any document; or
- (d) otherwise intentionally obstructs the Governor in the exercise of the Governor's powers under this Schedule.

3. Where a person is convicted of an offence under paragraph 4(a), the court may make an order requiring the person, within such period as may be specified in the Order, to give the requested information or to produce the requested document.

4.—(1) The Governor may only disclose any information given or document produced under this Schedule (including any copy or extract made of any such document)—

- (a) to any person holding or acting in any office under or in the service of—
 - (i) the Crown in right 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 British overseas territory;
- (b) with a view to instituting, or otherwise for the purposes of, any proceedings—
 - (i) in the Territory, for an offence under this Order, or
 - (ii) in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas territory, for an offence under a similar provision in any such jurisdiction;
- (c) to the Financial Services Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for regulating and supervising financial services business;

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- (d) to any third party, with the consent of a person who, in the person's own right, is entitled to the information or to possession of the document, copy or extract;
- (2) In sub-paragraph (1)(d) "in the person's own right" means not merely in the person's capacity as a servant or agent of another person.
5. An action done under this Schedule is not to be treated as a breach of any restriction imposed by statute or otherwise.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order, made under the Saint Helena Act 1833, the British Settlement Acts 1887 and 1945 and prerogative powers, gives effect in the specified Overseas Territories to the measures adopted by the European Union in Council Decision 2011/782/CFSP adopted on 1 December 2011 ("the Council Decision") and EU Council Regulation No 36/2012 adopted on 18 January 2012 ("the Council Regulation"), as amended. The Council Decision and Council Regulation repealed and replaced EU sanctions measures in relation to Syria originally adopted in May 2011 (EU Council Decision 2011/273/CFSP and EU Council Regulation 442/2011, as amended), which were previously given effect in the specified Overseas Territories by The Syria (Restrictive Measures) (Overseas Territories) Order 2011 ("the 2011 Order"). The Order revokes the 2011 Order.

The Order gives effect, in the specified Overseas Territories, to an asset freeze in relation to persons responsible for the violent repression against the Syrian population in Syria, persons and entities benefiting from or supporting the Assad regime, and associated persons and entities, as listed in Annexes II and IIa to the Council Regulation. The Order also gives effect to an arms embargo and trade restrictions (in relation to specified equipment, goods, technology, software, crude oil, petroleum products, Syrian banknotes and coins, gold, precious metals and diamonds and luxury goods) and to restrictions on financial services.