Changes to legislation: *The Export Control (Venezuela Sanctions) Order 2018 is up to date with all changes known to be in force on or before 04 March 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2018 No. 108

CUSTOMS

The Export Control (Venezuela Sanctions) Order 2018

Made - - - -	*29th January 2018*
Laid before Parliament	*1st February 2018*
Coming into force - -	*26th February 2018*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not member States [F2].

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to an EU instrument to be construed as references to that instrument as amended from time to time.

The Secretary of State makes this Order in exercise of the powers conferred by section 2(2) of, and paragraph 1A [F3] of Schedule 2 to, the European Communities Act 1972 and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002 [F4].

F1 1972 c.68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
F2 S.I. 1994/757, to which there are amendments not relevant to this Order.
F3 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1.
F4 2002 c. 28.

PART 1

Introductory

Citation, commencement and application

1.—(1) This Order may be cited as the Export Control (Venezuela Sanctions) Order 2018 and comes into force on 26th February 2018.

(2) An offence may be committed under this Order—

(a) in the United Kingdom by any person;

(b) elsewhere by a person who is a United Kingdom person within the meaning of section 11 of the Export Control Act 2002.

Interpretation

2.—(1) In this Order—

"the 1979 Act" means the Customs and Excise Management Act 1979 [F5];

"EU authorisation" means an authorisation granted under Article 4(1), 6(1) or 7(1) of the Venezuela Sanctions Regulation; and

"the Venezuela Sanctions Regulation" means Council Regulation (EU) No 2017/2063 concerning restrictive measures in view of the situation in Venezuela [F6] and references to that Regulation are references to that Regulation as amended from time to time.

(2) A term used both in this Order and the Venezuela Sanctions Regulation has the meaning that it bears in that Regulation.

F5 1979 c. 2.
F6 OJ No L 295, 14.11.2017, p. 21.

PART 2

Offences in relation to prohibitions in the Venezuela Sanctions Regulation

Offences related to goods and technology in the EU Common List of Military Equipment

3.—(1) A person who is knowingly concerned in an activity which is prohibited by a provision of the Venezuela Sanctions Regulation mentioned in paragraph (2) with intent to evade that prohibition commits an offence and may be arrested.

(2) The provisions are—

(a) Article 2(1)(a) (prohibition on the provision of technical assistance, brokering services and other services related to goods and technology listed in the EU Common List of Military Equipment [F7] and to the provision, manufacture, maintenance and use of goods and technology listed in the EU Common List of Military Equipment to any natural or legal person, entity or body in, or for use in, Venezuela);

(b) Article 2(1)(b) (prohibition on the provision of finance or financial assistance related to goods and technology listed in the EU Common List of Military Equipment to any natural or legal person, entity or body in, or for use in, Venezuela).

(3) Paragraph (1) does not apply to a person who is concerned in an activity which is authorised under Article 4(1) of the Venezuela Sanctions Regulation.

F7 OJ No C 129, 21.4.2015, p. 1.

Offences related to items listed in Annex I of the Venezuela Sanctions Regulation

4.—(1) A person who is knowingly concerned in an activity (other than the export of goods) which is prohibited by a provision of the Venezuela Sanctions Regulation mentioned in paragraph (2) with intent to evade that prohibition commits an offence and may be arrested.

(2) The provisions are—

(a) Article 3(a) (prohibition on the sale or transfer of equipment listed in Annex I of the Venezuela Sanctions Regulation to any natural or legal person, entity or body in, or for use in, Venezuela);

(b) Article 3(b) (prohibition on the provision of technical assistance, brokering and other services related to the equipment listed in Annex I of the Venezuela Sanctions Regulation to any natural or legal person, entity or body in, or for use in, Venezuela);

(c) Article 3(c) (prohibition on financing or financial assistance related to the equipment listed in Annex I of the Venezuela Sanctions Regulation to any natural or legal person, entity or body or for use in, Venezuela).

(3) Paragraph (1) does not apply to a person who is concerned in an activity which is authorised under Article 4(1) of the Venezuela Sanctions Regulation.

Offence related to items listed in Annex II of the Venezuela Sanctions Regulation

5.—(1) A person who is knowingly concerned in an activity (other than the export of goods) which is prohibited by a provision of the Venezuela Sanctions Regulation mentioned in paragraph (2) with intent to evade that prohibition commits an offence and may be arrested.

(2) The provisions are—

(a) Article 6(1) (prohibition on sale, supply, transfer or export of items listed in Annex II of the Venezuela Sanctions Regulation to any person, entity or body in, or for use in, Venezuela, without prior authorisation);

(b) Article 7(1)(a) (prohibition on providing technical assistance or brokering services related to the items listed in Annex II of the Venezuela Sanctions Regulation to any person, entity or body or for use in Venezuela, without prior authorisation);

(c) Article 7(1)(b) (prohibition on financing or financial assistance related to the items listed in Annex II of the Venezuela Sanctions Regulation to any person, entity or body in Venezuela, without prior authorisation);

(d) Article 7(1)(c) (prohibition on providing telecommunications or internet monitoring or interception services to or for the benefit of Venezuela's Government, public bodies, corporations and agencies or any person or entity acting on their behalf, without prior authorisation).

PART 3

Supplementary offences

Circumvention of prohibitions in the Venezuela Sanctions Regulation

6.—(1) A person commits an offence and may be arrested where that person participates, knowingly and intentionally, in an activity (other than the export of goods) the object or effect of which (whether directly or indirectly) is—

(a) to circumvent a prohibition in a provision of the Venezuela Sanctions Regulation mentioned in paragraph (2); or

(b) to enable or facilitate the contravention of any such prohibition.

(2) The provisions are Article 2(1)(a), Article 2(1)(b), Article 3(a), Article 3(b), Article 3(c), Article 6(1), Article 7(1)(a), Article 7(1)(b) and Article 7(1)(c).

Offences related to EU authorisations

7.—(1) A person commits an offence and may be arrested where, for the purpose of obtaining an EU authorisation, that person—

(a) makes any statement or furnishes any document or information which to that person's knowledge is false in a material particular; or

(b) recklessly makes any statement or furnishes any document or information which is false in a material particular.

(2) An EU authorisation granted in the circumstances referred to in paragraph (1) is void from the time it was granted.

[F8(3) A person commits an offence and may be arrested if the person—

(a) purports to act under the authority of an EU authorisation, but

(b) fails to comply with any requirement or condition of the authorisation.**]**

F8 Art. 7(3) inserted (1.10.2019) by The Export Control (Sanctions) (Amendment) Order 2019 (S.I. 2019/1236), arts. 1(2), **5(2)**

PART 4

Enforcement and penalties

Penalties

8.—(1) A person guilty of an offence under the provisions of this Order mentioned in paragraph (2) is liable—

(a) on summary conviction—

(i) in England and Wales, to imprisonment for a term not exceeding **[**F9three months**]** or to a fine, or to both;

(ii) in Northern Ireland, to imprisonment for a term not exceeding **[**F10three months**]** or to a fine not exceeding the statutory maximum, or to both;

(iii) in Scotland, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) The provisions are—

(a) article 3(1) in connection with the prohibitions in Article 2(1)(b) of the Venezuela Sanctions Regulation;

(b) article 4(1) in connection with the prohibitions in Article 3(c) of the Venezuela Sanctions Regulation;

(c) article 5(1) in connection with the prohibitions in Article 7(1)(b) or 7(1)(c) of the Venezuela Sanctions Regulation;

(d) article 6;

(e) article 7(1) **[**F11or (3)**]**.

(3) A person guilty of an offence under the provisions of this Order mentioned in paragraph (4) is liable—