STATUTORY INSTRUMENTS

2015 No. 1899

OVERSEAS TERRITORIES

The Liberia (Sanctions) (Overseas Territories) Order 2015

Made - - - -	*11th November 2015*
Laid before Parliament	*18th November 2015*
Coming into force - -	*10th December 2015*

At the Court at Buckingham Palace, the 11th day of November 2015

Present,

The Queen's Most Excellent Majesty in Council

Under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 2nd September 2015, called upon Her Majesty's Government in the United Kingdom to apply certain measures to give effect to decisions of that Council in relation to Liberia:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(**1**), section 112 of the Saint Helena Act 1833(**2**), the British Settlements Acts 1887 and 1945(**3**), 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, extent and revocation

1.—(1) This Order may be cited as the Liberia (Sanctions) (Overseas Territories) Order 2015.

(2) It comes into force on 10th December 2015.

(3) It extends to the territories listed in Schedule 1.

(4) The Liberia (Restrictive Measures) (Overseas Territories) (Amendment) Order 2012(**4**), the Liberia (Restrictive Measures) (Overseas Territories) (Amendment No. 2) Order 2007(**5**), the Liberia

(**1**) 1946 c.45.
(**2**) 1833 c.85.
(**3**) 1887 c.54 and 1945 c.7.
(**4**) S.I. 2012/2749. In accordance with section 17 of the Interpretation Act 1978 (c.30), any licence granted under S.I. 2004/347 which was in effect immediately before the coming into force of this Order will continue to have effect as if it were a licence granted under this Order.
(**5**) S.I. 2007/2138.

(Restrictive Measures) (Overseas Territories) (Amendment) Order 2007(**6**), the Liberia (Restrictive Measures) (Overseas Territories) (Amendment) Order 2004(**7**) and the Liberia (Restrictive Measures) (Overseas Territories) Order 2004(**8**) are revoked.

Application of the Order

2.—(1) This Order applies to—

(a) any person in the Territory,

(b) any person elsewhere who is—

(i) 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

(ii) a body incorporated or constituted under the law of any part of the Territory, and

(c) any person onboard a ship or aircraft that is registered in the Territory.

(2) Article 4(2) and Schedule 3 also apply to any relevant person mentioned in those provisions (and for this purpose "relevant person" has the meaning given in article 4(4) and 4(5)).

(3) Article 12 (penalties) applies to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, the Falkland Islands, South Georgia and the South Sandwich Islands, and St Helena, Ascension and Tristan de Cuhna as set out in Schedule 2.

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

Interpretation

3.—(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 services, brokering services or other services, and the transfer of financial resources and services;

"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 of the aircraft, or, if there is no operator, the person who is for the time being the pilot in command of the aircraft;

"the Council Regulation" means Council Regulation (EU) No. 2015/1776 adopted by the Council of the European Union on 5th October 2015(**9**) concerning restrictive measures in respect of Liberia;

(**6**) S.I. 2007/284.
(**7**) S.I. 2004/1112.
(**8**) S.I. 2004/347.
(**9**) O.J. L.259 6.10.2015.

"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;

"export" includes shipment as stores;

"Governor" means the Governor or other officer administering the Government of the Territory;

"master", in relation to a ship, includes any persons 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;

"restricted goods" means—

(a) the goods, software and technology specified in Schedule 2 to the Export Control Order 2008(**10**), and

(b) so far as not covered by paragraph (a), the goods, software and technology specified in the Common Military List of the European Union(**11**) as amended from time to time;

"ship" includes every description of vessel used in navigation;

"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;

"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;

"the Territory" has the meaning given in article 2(4);

"vehicle" means land transport vehicle.

(2) An expression used both in this Order and in the Council Regulation has the meaning given in the Council Regulation.

(3) A reference in this Order to any enactment (including legislation of the European Union) or statutory instrument is to be construed as a reference to that enactment or instrument as amended from time to time.

PART 1

Restricted goods etc.

Providing or carrying restricted goods

4.—(1) It is an offence for a person to knowingly sell, supply, transfer or export (directly or indirectly) restricted goods—

(**10**) S.I. 2008/3231.
(**11**) O.J. C. 129 21.4.2015, p.1.

(a) to any non-governmental person in Liberia, or

(b) for use by any non-governmental person in Liberia.

(2) It is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (3) for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place outside Liberia to any non-governmental person in Liberia.

(3) The following fall within this paragraph—

(a) a ship, aircraft or vehicle within the Territory,

(b) a ship or aircraft registered in the Territory, or

(c) any other ship or aircraft that is for the time being chartered to a person mentioned in article 2(1)(a) or (b).

(4) A "relevant person", in relation to a ship, aircraft or vehicle falling within paragraph (5)(a) or (b), means—

(a) the owner or master of the ship,

(b) the charterer, operator or commander of the aircraft, or

(c) the driver or operator of the vehicle.

(5) A "relevant person", in relation to a ship or aircraft falling within paragraph (5)(c) means—

(a) the charterer of the ship or aircraft, or

(b) the master of the ship, or operator of the aircraft, if the master or operator is a person mentioned in article 2(1)(a) or (b).

(6) Paragraph (3) or (4) is without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

(7) This article is subject to articles 6 and 7.

Providing assistance related to military activities

5.—(1) It is an offence for a person to knowingly provide (directly or indirectly) assistance relating to military activities—

(a) to any non-governmental person in Liberia, or

(b) for use by any non-governmental person in Liberia.

(2) This article is subject to articles 6 and 7.

PART 2

General

Licences granted by the Governor

6.—(1) The Governor may, with the consent of the Secretary of State, grant a licence authorising an activity that would otherwise be prohibited under article 4 or 5.

(2) A person is not guilty of an offence under article 4 or 5 in respect of anything done by the person under the authority of a licence granted by the Governor.

(3) A licence may, in particular, relate to—

(a) supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia (UNMIL);

(b) protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

(c) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training;

(4) A licence 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.

(5) The Governor may, with the consent of the Secretary of State, vary or revoke a licence at any time.

(6) 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.

(7) Any notice to be given to a person by the Governor under paragraph (6) 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.

(8) 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.

(9) Failing to comply with any condition in the licence is acting in a way that is not authorised by the licence unless—

(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.

(10) It is an offence for a person to knowingly or recklessly make any statement or give any document or information which is false in a material particular for the purpose of obtaining a licence.

(11) 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.

Licences granted outside the Territory

7. A person is not guilty of an offence under article 4 or 5 in respect of anything done by the person—

(a) outside the Territory, and

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

Requirement to publish list of restricted goods

8.—(1) The Governor must—

(a) publish a list of restricted goods, and