Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Export Control (Yemen Sanctions) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 1586

CUSTOMS

The Export Control (Yemen Sanctions) Regulations 2015

Made - - - -	*2nd August 2015*
Laid before Parliament	*5th August 2015*
Coming into force - -	*27th August 2015*

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].

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 makes the following Regulations.

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 these Regulations.

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as the Export Control (Yemen Sanctions) Regulations 2015 and come into force on 27th August 2015.

(2) An offence may be committed under these Regulations—

(a) in the United Kingdom by any person;

(b) elsewhere by any person who is a United Kingdom person within the meaning of section 11 of the Export Control Act 2002 [F3].

F3 2002 c.28.

Interpretation

2.—(1) In these Regulations—

"the 1979 Act" means the Customs and Excise Management Act 1979 [F4];

"the Yemen Regulation" means Council Regulation (EU) No 1352/2014 [F5], as amended by Council Regulation (EU) 2015/878 [F6].

(2) An expression used both in these Regulations and the Yemen Regulation has the meaning given in the Yemen Regulation.

F4 1979 c.2.
F5 OJ No L 365, 19.12.2014, p.61.
F6 OJ No L 143, 9.6.2015, p.1.

PART 2

Offences in relation to prohibitions in the Yemen Regulation

Offences in relation to prohibitions in the Yemen Regulation

3. A person who is knowingly concerned in an activity prohibited by any of the following Articles of the Yemen Regulation with intent to evade a prohibition in those Articles commits an offence and may be arrested—

(a) Article 1a(a) (prohibition on provision of technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, directly or indirectly to any natural or legal person, entity or body, as listed in Annex I to the Yemen Regulation);

(b) Article 1a(b) (prohibition on provision of financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, etc. of arms and related materiel, or for the provision of related technical assistance, directly or indirectly to any natural or legal person, entity or body, as listed in Annex I to the Yemen Regulation).

PART 3

Supplementary provisions as to offences

Circumvention of prohibitions

4. A person commits an offence and may be arrested where that person participates, knowingly and intentionally, in activities the object or effect of which is (whether directly or indirectly)—

(a) to circumvent any of the prohibitions in Article 1a(a) or Article 1a(b) of the Yemen Regulation, or

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

PART 4

Enforcement and penalties

Penalties

5. A person guilty of an offence under regulation 3 or 4 of these Regulations is liable—

(a) on summary conviction, to imprisonment for a term not exceeding three months or to a fine, or to both;

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

Application of the 1979 Act

6.—(1) Where the Commissioners for Her Majesty's Revenue and Customs investigate or propose to investigate any matter with a view to determining—

(a) whether there are grounds for believing that an offence under these Regulations has been committed; or

(b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter.

(2) Section 138 of the 1979 Act (provision as to arrest of persons) [F7] applies to the arrest of a person for an offence under these Regulations as it applies to the arrest of a person for an offence under the customs and excise Acts.

(3) Sections 145 [F8], 146 [F9], 146A [F10], 147 [F11], 148, 150 [F12], 151 [F13], 152 [F14], 154 [F15], and 155 [F16] of the 1979 Act (proceedings for offences, mitigation of penalties, proof and other matters) apply in relation to offences and penalties under these Regulations as they apply in relation to offences and penalties under the customs and excise Acts.

(4) "The customs and excise Acts" and "assigned matter" have the same meanings as in section 1 of the 1979 Act.

F7 Section 138 was amended by the Police and Criminal Evidence Act 1984 (c.60), **sections 114(1)** and 119, Schedule 6, paragraph 37 and Schedule 7, Part 1; by the Finance Act 1988 (c.39), **section 11**; by the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341), **article 90(1)** and Schedule 6, paragraph 9; and by the Serious Organised Crime and Police Act 2005 (c.15), **Schedule 7**, paragraph 54.

F8 Section 145 was amended by the Police and Criminal Evidence Act 1984, section 114(1); and by the Commissioners for Revenue and Customs Act 2005 (c.11), sections 50(6), 52(2), **Schedule 4**, paragraphs 20 and 23.

F9 Section 146 was modified by the Channel Tunnel (Customs and Excise) Order 1990 (S.I. 1990/2167), **article 4** and the Schedule, paragraph 22.

F10 Section 146A was inserted by the Finance Act 1989 (c.26), **section 16(1)** and amended by the Commissioners for Revenue and Customs Act 2005,section 50(6), Schedule 4, paragraphs 20 and 24.

F11 Section 147 was amended by the Magistrates' Courts Act 1980 (c.43), **section 154** and Schedule 7, paragraph 176; by the Criminal Justice Act 1982 (c.48), **sections 77** and 78, Schedule 14, paragraph 42 and Schedule 16; and by the Finance Act 1989, section 16(2), (4), 187, Schedule 17, Part I.

F12 Section 150 was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20 and 25.

F13 Section 151 was amended by the Magistrates' Courts Act 1980, section 154 and Schedule 7, paragraph 177.