
STATUTORY INSTRUMENTS

2022 No. 748

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) Regulations 2022

PART 5

Aircraft and ships

Ships

28. After Part 5A (Aircraft) insert—

“PART 5B

Ships

Prohibition on port entry

29F.—(1) A person must not provide a ship to which this paragraph applies with access to a port in the United Kingdom, if the person knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(2) The master or pilot of a ship to which this paragraph applies must not cause or permit the ship to enter a port in the United Kingdom if the master or pilot knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) Paragraphs (1) and (2) apply to—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship flying the flag of Belarus,
- (d) a ship registered in Belarus, or
- (e) a specified ship.

(6) In paragraph (5), a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

Directions prohibiting port entry

29G.—(1) A port barring direction may be given to the master or pilot of a specified ship.

(2) A port barring direction may be given by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(3) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in a port barring direction does not enter a port or ports specified in the direction, or any port in the United Kingdom.

(4) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(5) The Secretary of State may notify a person that the existence of a port barring direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(6) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (5) that the information is to be treated as confidential.

(7) In this regulation, a “port barring direction” means a direction prohibiting a ship from entering a port or ports specified in the direction, or any port in the United Kingdom.

Movement of ships

29H.—(1) A port entry direction or a movement direction may be given by the Secretary of State to the master or pilot of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(2) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in paragraph (1)—

- (a) proceeds to or enters a port specified in the direction,
- (b) leaves a port specified in the direction,
- (c) proceeds to a place specified in the direction, or
- (d) remains where it is.

(3) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(4) The Secretary of State may notify a person that the existence of a port entry direction or a movement direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(5) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (4) that the information is to be treated as confidential.

(6) In this regulation—

“designated person” means a person who is designated under regulation 5 for the purposes of this regulation;

“movement direction” means a direction requiring a ship—

- (a) to leave a port specified in the direction,
- (b) to proceed to a place specified in the direction, or
- (c) to remain where it is;

“port entry direction” means a direction requiring a ship to proceed to or enter a port specified in the direction.

Detention of ships

29I.—(1) A detention direction may be given to the master of a ship referred to in paragraph (3) by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(2) A detention direction under paragraph (1)(b) may only be given by a harbour authority to the master of a specified ship if it has received a direction from the Secretary of State in accordance with paragraph (3)(d).

(3) The Secretary of State may direct a harbour authority to give a detention direction to the master of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(4) A “detention direction” means a direction requiring the detention of a ship at a port or anchorage in the United Kingdom.

(5) A detention direction given in relation to a ship—

- (a) must be in writing,
- (b) must be delivered to the master of the ship by the person who detains the ship,
- (c) must state the grounds on which the ship is detained, and
- (d) must state that—
 - (i) it is given under this regulation, and
 - (ii) any requirements imposed by the direction must be complied with.

(6) Paragraph (7) applies if—

- (a) the ship is not a British ship, and
- (b) there is in the United Kingdom a consular officer for the country to which the ship belongs.

(7) A copy of the detention direction must be sent as soon as practicable to the nearest consular officer for the country to which the ship belongs.

(8) Section 284(1), (2), (2A), (2B), (3) and (8) of the Merchant Shipping Act 1995(1) (enforcement of detention of ship) applies in the case of detention under a detention direction as it applies in the case of detention authorised or ordered by that Act, but as if—

- (a) any reference in that section to a notice of detention were to the detention direction, and

(1) 1995 c. 21. Section 284(1), (2), (2A), (2B), (3) was inserted and amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 5 and S.I. 2015/664.

(b) the reference in subsection (2A) of that section to a direction given under subsection (1A)(a)(2) of that section were to any requirement imposed by the detention direction.

(9) In this regulation, “consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country.

(10) In this regulation, a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

Registration of ships in the United Kingdom

29J.—(1) The Registrar must refuse to register a ship if, on the basis of the information given to the Registrar by the Secretary of State or accompanying the application for registration, the ship appears to the Registrar to be owned, controlled, chartered or operated by—

- (a) a designated person; or
- (b) a person connected with Belarus.

(2) The Secretary of State may direct the Registrar to terminate the registration of—

- (a) a ship that is owned, controlled, chartered or operated by;
 - (i) a designated person;
 - (ii) a person connected with Belarus; or
- (b) a specified ship.

(3) For the purposes of this regulation—

- (a) any reference to registering a ship is to registering the ship in the register of British ships maintained by the Registrar;
- (b) “designated person” means a person who is designated under regulation 5 for the purposes of this regulation;
- (c) a ship is “chartered” by a person if it is chartered on bareboat charter terms within the meaning given by section 17(11) of the Merchant Shipping Act 1995.

Specification of ships

29K.—(1) The Secretary of State may specify ships within the meaning of section 7 of the Act for the purposes of—

- (a) regulation 29F (prohibition on port entry),
- (b) regulation 29G (directions prohibiting port entry),
- (c) regulation 29H (movement of ships),
- (d) regulation 29I (detention of ships), and
- (e) regulation 29J (registration of ships in the United Kingdom).

(2) The Secretary of State must specify a ship by its International Maritime Organization number or, where it is not reasonably practicable to identify it by that number, by any other means that the Secretary of State considers appropriate.

(3) The Secretary of State may not specify a ship unless the Secretary of State has reasonable grounds to suspect that the ship is, has been, or is likely to be, involved in a relevant activity..

(2) Subsection (1A) was inserted by paragraph 5(3) of Schedule 1 to the Merchant Shipping and Maritime Security Act 1997.

(4) For the purposes of this regulation a ship is “involved in a relevant activity” if the ship is used for any activity whose object or effect is to contravene or circumvent, or to enable or facilitate the contravention or circumvention of, any provision of Part 3 (Finance), Part 5 (Trade), Part 5A (Aircraft) or Part 5B (Ships).

Notification and publicity where specification power used

29L.—(1) Paragraph (2) applies where the Secretary of State—

- (a) has specified a ship under regulation 29K(1) (specification of ships), or
- (b) has by virtue of section 26 of the Act revoked a specification made under that regulation.

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform such persons as the Secretary of State considers appropriate of the specification or revocation, and
- (b) except where one or more of the restricted publicity conditions is met, must take steps to publicise the specification or revocation generally.

(3) The “restricted publicity conditions” are that the Secretary of State considers that disclosure of the specification or revocation should be restricted—

- (a) in the interests of national security or international relations,
- (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (c) in the interests of justice.

(4) Paragraph (5) applies if—

- (a) when a specification is made one or more of the restricted publicity conditions is met, but
- (b) at any time when the specification has effect, it becomes the case that none of the restricted publicity conditions is met.

(5) The Secretary of State must take steps to publicise the specification generally.

Directions under this Part: general

29M.—(1) Paragraphs (2) to (4) apply in relation to a direction given under this Part.

- (2) A person to whom a direction is given has a duty to comply with it.
- (3) A direction may be of indefinite duration or a defined duration.
- (4) A person who gives a direction may vary, revoke or suspend it at any time.

(5) A direction under regulation 29H(2) (movement of ships) may be given to any harbour authority or to harbour authorities generally.

Interpretation of Part 5B

29N.—(1) For the purposes of regulations 29F to 29L, a ship is—

- (a) “owned” by a person if—
 - (i) the legal title to the ship, or to any share in the ship, is vested in the person, or
 - (ii) the person has a beneficial interest in the ship or in any share in the ship; and

(b) “controlled” by a person who is able to take decisions about its operation, including (but not limited to) decisions about the route the ship may take and the appointment of master or crew.

(2) For the purposes of paragraph (1)(b), a ship is not “controlled” by its master or crew, unless that master or crew are designated persons under any of the relevant regulations of this Part.

(3) For the purposes of the relevant regulations of this Part, a ship is not “operated” by its master or crew unless that master or crew are designated persons for the purposes of any of those regulations.

(4) Any reference in this Part to a legal title or other interest includes one held jointly with any other person or persons.

(5) For the purposes of this Part—

“beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“specified ship” means a ship specified by the Secretary of State under regulation 29K (specification of ships);

“the relevant regulations of this Part” means regulations 29F, 29H, 29I and 29J.

(6) Any expression used in this Part and in section 7 of the Act (shipping sanctions) has the same meaning in this Part as it has in that section.”