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STATUTORY INSTRUMENTS

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**2019 No. 855**

**The Russia (Sanctions) (EU Exit) Regulations 2019**

**PART 11**

Supplementary and final provision

**Notices**

**95.**—(1) This regulation applies in relation to a notice required by regulation 66 (licences: general provisions) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a “principal office”—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

“proper officer”—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

#### Commencement Information

- I1** Reg. 95 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

### Article 20 of the Export Control Order 2008

**96.** Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 5 (Trade).

#### Commencement Information

- I2** Reg. 96 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

### Trade: overlapping offences

**97.** A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34, 35, 37 or 38 of that Order, and
- (b) any provision of Part 5 (Trade) or regulation 68 (trade: licensing offences), 76(6) (general trade licences: records) or 77(5) (general trade licences: inspection of records).

#### Commencement Information

- I3** Reg. 97 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

### [<sup>F1</sup>Disapplication of Banking Act 2009 requirement to recognise third-country resolution actions

**97A.—**(1) The duty of the Bank of England to make a decision under section 89H(2) of the Banking Act 2009 (recognition of third-country resolution actions) does not apply in relation to the notification of third-country resolution action in respect of—

- (a) a designated person, or
  - (b) a person who is owned or controlled directly or indirectly (within the meaning of regulation 7) by a designated person.
- (2) In paragraph (1)—

“designated person” has the same meaning as it has in Chapter 1 of Part 3 (asset-freeze etc.);

“third-country resolution action” has the meaning given in section 89H(7) of the Banking Act 2009.]

#### Textual Amendments

- F1** [Reg. 97A](#) inserted (16.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **19**

## Revocations of relevant retained EU law

98. The following are revoked—

- (a) Council Regulation (EU) No 269/2014 of 17 March 2014 (concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine) <sup>M1</sup>;
- (b) Council Regulation (EU) No 692/2014 of 23 June 2014 (concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol) <sup>M2</sup>;
- (c) Council Regulation (EU) No 833/2014 of 31 July 2014 (concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine) <sup>M3</sup>.

### Commencement Information

- I4** Reg. 98 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1), see reg. 1(2))

### Marginal Citations

- M1** OJ L 78, 17.3.2014, p. 6–15  
**M2** OJ L 183 24.6.2014, p. 9  
**M3** OJ L 229, 31.7.2014, p. 1–11

## Other revocations and amendments

99.—(1) The Ukraine Financial Sanctions Regulations are revoked.

(2) The Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 <sup>M4</sup> is revoked.

### Commencement Information

- I5** Reg. 99 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1), see reg. 1(2))

### Marginal Citations

- M4** S.I. 2014/2357, as amended by S.I. 2014/2932, S.I. 2015/97 and SI 2015/1933.

## Transitional provision: Treasury licences

100.—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under the Ukraine Financial Sanctions Regulations,
- (b) was in effect immediately before [F2IP completion day], and
- (c) authorises an act which would (on and after [F2IP completion day], and in the absence of paragraphs (2) to (4)) be prohibited by Part 3 (Finance),

and such a licence is referred to in this regulation as “an existing financial sanctions licence”.

(2) An existing financial sanctions licence has effect on and after [F2IP completion day] as if it had been issued by the Treasury under regulation 64(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the Ukraine Financial Sanctions Regulations is to be treated on and after [F2IP completion day] as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

- (a) the Ukraine Financial Sanctions Regulations, or
- (b) the EU Russia Regulations,

is to be treated on and after [F<sup>2</sup>IP completion day] as a reference to the corresponding prohibition in Part 3 (Finance).

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the Ukraine Financial Sanctions Regulations was made before [F<sup>2</sup>IP completion day],
- (b) the application is for authorisation of acts which would (on and after [F<sup>2</sup>IP completion day]) be prohibited by Part 3, and
- (c) a decision to grant or refuse the application has not been made before that date.

(6) The application is to be treated on and after [F<sup>2</sup>IP completion day] as an application for a licence, or for the variation of a licence (as the case may be), under regulation 64(1) (Treasury licences).

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**Textual Amendments**

**F2** Words in reg. 100 substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(10)**; [S.I. 2020/1514](#), reg. 4

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**Commencement Information**

**I6** Reg. 100 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

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**Transitional provision: trade licences**

**101.**—(1) Paragraph (2) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before [F<sup>3</sup>IP completion day], and
- (b) authorises an act—
  - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), or which requires an authorisation under or pursuant to the Dual-Use Regulation, and
  - (ii) which would (on and after [F<sup>3</sup>IP completion day]), and in the absence of paragraph (2)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as “an existing trade licence”.

(2) A licence is deemed to have been issued by the Secretary of State on [F<sup>3</sup>IP completion day] under regulation 65 (trade licences)—

- (a) disapplying every provision of Part 5 (Trade) which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) Paragraphs (4) to (6) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before [F3IP completion day], F4 ...
- [F5(aa) is not an existing trade licence, and]
- (b) authorises an act—
- (i) which would otherwise be prohibited by the EU Russia Regulations, and
- (ii) which would (on or after [F3IP completion day]), and in the absence of Paragraphs (4) to (6), be prohibited by Part 5 (Trade),
- and such a licence or authorisation is referred to in this regulation as “an existing trade sanctions licence”.
- (4) An existing trade sanctions licence has effect on and after [F3IP completion day] as if it were a licence which had been issued by the Secretary of State under regulation 65 (trade licences).
- (5) Any reference in an existing trade sanctions licence to a provision of the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 or the Export Control Order 2008 is to be treated on and after [F3IP completion day] as a reference to the corresponding provision of these Regulations (if any).
- (6) Any reference in an existing trade sanctions licence to a prohibition in the EU Russia Regulations is to be treated on and after [F3IP completion day] as a reference to the corresponding prohibition in Part 5 (Trade).

#### Textual Amendments

- F3** Words in reg. 101 substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(11)(a)**; S.I. 2020/1514, reg. 4
- F4** Word in reg. 101(3) omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(11)(b)(i)**; S.I. 2020/1514, reg. 4
- F5** Reg. 101(3)(aa) inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(11)(b)(ii)**; S.I. 2020/1514, reg. 4

#### Commencement Information

- I7** Reg. 101 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

#### Transitional provision: pending applications for trade licences

- 102.**—(1) Paragraph (2) applies where—
- (a) an application was made before [F6IP completion day] for a licence or authorisation under or pursuant to the Export Control Order 2008 or the Dual-Use Regulation,
- (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
- (c) a decision to grant or refuse the application has not been made before [F6IP completion day].
- (2) The application is to be treated on and after [F6IP completion day] as including an application for a licence under regulation 65 (trade licences).
- (3) Paragraph (4) applies where—

- (a) an application was made before [<sup>F6</sup>IP completion day] for a licence or authorisation under the Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 or the EU Russia Regulations,
  - (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
  - (c) a decision to grant or refuse the application has not been made before [<sup>F6</sup>IP completion day].
- (4) The application is to be treated on and after [<sup>F6</sup>IP completion day] as an application for a licence under regulation 65 (trade licences).

#### Textual Amendments

- F6** Words in reg. 102 substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(12)**; S.I. 2020/1514, reg. 4

#### Commencement Information

- I8** Reg. 102 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

#### Transitional provision: prior obligations

**103.**—(1) Where—

- (a) a person was named in an Annex to the EU Russia Regulations immediately before [<sup>F7</sup>IP completion day], and
- (b) the person is a designated person immediately before [<sup>F7</sup>IP completion day],

any reference in a provision mentioned in paragraph (2) to the date on which a person became a designated person is a reference to the date on which the person was named in an Annex to the EU Russia Regulations.

(2) The provisions referred to in paragraph (1) are—

- (a) regulation 58(5) (finance: exceptions from prohibitions),
- (b) paragraph 6 of Schedule 5 (pre-existing judicial decisions), and
- (c) paragraph 8 of Schedule 5 (prior obligations).

(3) In this regulation, “designated person” has the same meaning as it has in Chapter 1 of Part 3 (finance restrictions in relation to designated persons).

#### Textual Amendments

- F7** Words in reg. 103 substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(13)**; S.I. 2020/1514, reg. 4

#### Commencement Information

- I9** Reg. 103 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

**Changes to legislation:**

There are currently no known outstanding effects for the The Russia (Sanctions) (EU Exit) Regulations 2019, PART 11.