

SCHEDULE 1

Regulation 7(3)

Rules for interpretation of regulation 7(2)

Application of Schedule

1.—(1) The rules set out in the following paragraphs of this Schedule apply for the purpose of interpreting regulation 7(2).

(2) They also apply for the purpose of interpreting this Schedule.

Joint interests

2. If two or more persons each hold a share or right jointly, each of them is treated as holding that share or right.

Joint arrangements

3.—(1) If shares or rights held by a person and shares or rights held by another person are the subject of a joint arrangement between those persons, each of them is treated as holding the combined shares or rights of both of them.

(2) A “joint arrangement” is an arrangement between the holders of shares or rights that they will exercise all or substantially all the rights conferred by their respective shares or rights jointly in a way that is pre-determined by the arrangement.

(3) “Arrangement” has the meaning given by paragraph 12.

Calculating shareholdings

4.—(1) In relation to a person who has a share capital, a reference to holding “more than 50% of the shares” in that person is to holding shares comprised in the issued share capital of that person of a nominal value exceeding (in aggregate) 50% of that share capital.

(2) In relation to a person who does not have a share capital—

(a) a reference to holding shares in that person is to holding a right or rights to share in the capital or, as the case may be, profits of that person;

(b) a reference to holding “more than 50% of the shares” in that person is to holding a right or rights to share in more than 50% of the capital or, as the case may be, profits of that person.

Voting rights

5.—(1) A reference to the voting rights in a person is to the rights conferred on shareholders in respect of their shares (or, in the case of a person not having a share capital, on members) to vote at general meetings of the person on all or substantially all matters.

(2) In relation to a person that does not have general meetings at which matters are decided by the exercise of voting rights—

(a) a reference to holding voting rights in the person is to be read as a reference to holding rights in relation to the person that are equivalent to those of a person entitled to exercise voting rights in a company;

(b) a reference to holding “more than 50% of the voting rights” in the person is to be read as a reference to holding the right under the constitution of the person to block changes to the overall policy of the person or to the terms of its constitution.

Status: This is the original version (as it was originally made).

6. In applying regulation 7(2) and this Schedule, the voting rights in a person are to be reduced by any rights held by the person itself.

Rights to appoint or remove members of the board

7. A reference to the right to appoint or remove a majority of the board of directors of a person is to the right to appoint or remove directors holding a majority of the voting rights at meetings of the board on all or substantially all matters.

8. A reference to a board of directors, in the case of a person who does not have such a board, is to be read as a reference to the equivalent management body of that person.

Shares or rights held “indirectly”

9.—(1) A person holds a share “indirectly” if the person has a majority stake in another person and that other person—

- (a) holds the share in question, or
- (b) is part of a chain of persons—
 - (i) each of whom (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of whom holds the share.

(2) A person holds a right “indirectly” if the person has a majority stake in another person and that other person—

- (a) holds that right, or
- (b) is part of a chain of persons—
 - (i) each of whom (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of whom holds that right.

(3) For these purposes, a person (“A”) has a “majority stake” in another person (“B”) if—

- (a) A holds a majority of the voting rights in B,
- (b) A is a member of B and has the right to appoint or remove a majority of the board of directors of B,
- (c) A is a member of B and controls alone, pursuant to an agreement with other shareholders or members, a majority of the voting rights in B, or
- (d) A has the right to exercise, or actually exercises, dominant influence or control over B.

(4) In the application of this paragraph to the right to appoint or remove a majority of the board of directors, a person (“A”) is to be treated as having the right to appoint a director if—

- (a) any person’s appointment as director follows necessarily from that person’s appointment as director of A, or
- (b) the directorship is held by A itself.

Shares held by nominees

10. A share held by a person as nominee for another is to be treated as held by the other (and not by the nominee).

Rights treated as held by person who controls their exercise

11.—(1) Where a person controls a right, the right is to be treated as held by that person (and not by the person who in fact holds the right, unless that person also controls it).

(2) A person “controls” a right if, by virtue of any arrangement between that person and others, the right is exercisable only—

- (a) by that person,
- (b) in accordance with that person’s directions or instructions, or
- (c) with that person’s consent or concurrence.

12. “Arrangement” includes—

- (a) any scheme, agreement or understanding, whether or not it is legally enforceable, and
- (b) any convention, custom or practice of any kind.

Rights exercisable only in certain circumstances etc.

13.—(1) Rights that are exercisable only in certain circumstances are to be taken into account only—

- (a) when the circumstances have arisen, and for so long as they continue to obtain, or
- (b) when the circumstances are within the control of the person having the rights.

(2) But rights that are exercisable by an administrator or by creditors while a person is subject to relevant insolvency proceedings are not to be taken into account while the person is subject to those proceedings.

(3) “Relevant insolvency proceedings” means—

- (a) administration within the meaning of the Insolvency Act 1986⁽¹⁾,
- (b) administration within the meaning of the Insolvency (Northern Ireland) Order 1989⁽²⁾, or
- (c) proceedings under the insolvency law of another country during which a person’s assets and affairs are subject to the control or supervision of a third party or creditor.

(4) Rights that are normally exercisable but are temporarily incapable of exercise are to continue to be taken into account.

Rights attached to shares held by way of security

14. Rights attached to shares held by way of security provided by a person are to be treated for the purposes of this Schedule as held by that person—

- (a) where apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in accordance with that person’s instructions, and
- (b) where the shares are held in connection with the granting of loans as part of normal business activities and apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in that person’s interests.

(1) 1986 c.45.

(2) S.I. 1989/2405 (N.I.19).

SCHEDULE 2

Regulation 19

Definitions used in Part 5 (Trade)

PART 1

Interpretation

- 1.—(1) For the purposes of this Schedule—
- (a) a thing “falls within” a commodity code if it is, or would be, classified under that commodity code, as set out in the Goods Classification Table;
 - (b) a thing “falls within” a chapter if it is, or would be, classified under that chapter, as set out in the Goods Classification Table;
 - (c) where a commodity code or chapter is preceded by “ex”, the goods specified in this Schedule constitute only a part of the scope of the commodity code or chapter and must fall within both the description given to that code or chapter in this Schedule and the scope of the code or chapter in the Goods Classification Table.
- (2) For the purposes of determining whether or not a thing is, or would be, “classified” in accordance with sub-paragraph (1), the rules of interpretation in the following have effect—
- (a) Part Two (Goods Classification Table Rules of Interpretation) of the Tariff of the United Kingdom;
 - (b) notes to a section or chapter of the Goods Classification Table.
- (3) For the purposes of this paragraph—
- (a) “commodity code” includes a code denoting a heading or sub-heading;
 - (b) “the Goods Classification Table” means the table so named in Annex I in Part Three of the Tariff of the United Kingdom;
 - (c) “the Tariff of the United Kingdom” means the document containing the legal classification and import rate for products being imported into the United Kingdom, entitled “The Tariff of the United Kingdom”, as revised or re-issued from time to time⁽³⁾, including by any document published under regulations made under section 8(1) of the Taxation (Cross-border Trade) Act 2018⁽⁴⁾ replacing the same in whole or in part.
- (4) The references in this Schedule to a “CAS No.” followed by a numerical sequence is a reference to the CAS Registry Numbers (CAS numbers) assigned to chemicals by the Chemical Abstracts Service, a division of the American Chemical Society. In some instances chemicals are listed by name and CAS number. The list applies to chemicals of the same structural formula (including hydrates) regardless of name or CAS number. CAS numbers are shown to assist in identifying a particular chemical or mixture, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.
- (5) For the purposes of this Schedule, the following terms have the meaning given to them in Schedule 2 to the Export Control Order 2008—
- (a) “production”;
 - (b) “required”;

(3) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837199/Tariff_Reference_Document_8th_October.pdf. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London, SW1A 2BQ.

(4) 2018 ch. 22.

- (c) “technology”;
- (d) “use”.

PART 2

Charcoal

2. For the purposes of regulation 19(1), “charcoal” means any thing which falls within commodity code 4402.

PART 3

IED components

3.—(1) For the purposes of regulation 19(1), “IED component” means any thing described in sub-paragraphs (2) to (6).

(2) Equipment and devices specifically designed to initiate explosives by electrical or non-electrical means, including—

- (a) firing sets;
- (b) detonators;
- (c) igniters;
- (d) detonating chord.

(3) Technology required for the production or use of any thing mentioned in sub-paragraph (2).

(4) Any thing falling—

- (a) within a commodity code or CAS No. in the following table; and
- (b) within the description in column 1 beside the relevant commodity code or CAS No.

Explosive materials

| <i>Name of the substance</i> | <i>CAS No.</i> | <i>Commodity Code</i> |
|--|----------------|-----------------------|
| Tetryl (trinitrophenylmethylnitramine) | 479-45-8 | 2929 90 00 |
| Ammonium Nitrate Fuel Oil | 6484-52-2 | 3102 30 3102 40 |
| Nitrocellulose (containing more than 12.5% nitrogen w/w) | 9004-70-0 | |
| Nitroglycol | 55-63-0 | ex 2920 90 70 |
| Pentaerythritol tetranitrate (PETN) | 78-11-5 | ex 2920 90 70 |
| Picryl chloride | 88-88-0 | ex 2904 99 00 |
| 2, 4, 6- trinitrotoluene (TNT) | 118-96-7 | 2904 20 00 |

(5) Any thing falling—

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- (a) within a commodity code or CAS No. in the following table; and
- (b) within the description in column 1 beside the relevant commodity code or CAS No.

Explosives precursors

| <i>Name of the substance</i> | <i>CAS No.</i> | <i>Commodity Code</i> |
|------------------------------|----------------|-----------------------|
| Ammonium nitrate | 6484-52-2 | 3102 30 |
| Potassium nitrate | 7757-79-1 | 2834 21 00 |
| Sodium chlorate | 7775-09-9 | 2829 11 00 |
| Nitric acid | 7697-37-2 | ex 2808 |
| Sulphuric acid | 7664-93-9 | ex 2807 |

- (6) Any mixture containing one or more item mentioned in subparagraph (4) or (5).

SCHEDULE 3

Regulation 47

Treasury licences: purposes

PART 1

Interpretation

1. In this Schedule—

“designated person” has the same meaning as it has in Part 3 (Finance);

“frozen funds or economic resources” means funds or economic resources frozen by virtue of regulation 12, and any reference to a person’s frozen funds or economic resources is to funds or economic resources frozen as a consequence of the designation of that person for the purposes of that regulation.

PART 2

Purposes

Basic needs

2.—(1) To enable the basic needs of a designated person, or (in the case of an individual) any dependent family member of such a person, to be met.

(2) In the case of an individual, in sub-paragraph (1), “basic needs” includes—

- (a) medical needs;
- (b) needs for—
 - (i) food;
 - (ii) payment of insurance premiums;
 - (iii) payment of tax;
 - (iv) rent or mortgage payments;

(v) utility payments.

(3) In the case of a person other than an individual, in sub-paragraph (1), “basic needs” includes needs for—

- (a) payment of insurance premiums;
- (b) payment of reasonable fees for the provision of property management services;
- (c) payment of remuneration, allowances or pensions of employees;
- (d) payment of tax;
- (e) rent or mortgage payments;
- (f) utility payments.

(4) In sub-paragraph (1)—

“dependent” means financially dependent;

“family member” includes—

- (a) the wife or husband of the designated person;
- (b) the civil partner of the designated person;
- (c) any parent or other ascendant of the designated person;
- (d) any child or other descendant of the designated person;
- (e) any person who is a brother or sister of the designated person, or a child or other descendant of such a person.

Legal services

3. To enable the payment of—

- (a) reasonable professional fees for the provision of legal services, or
- (b) reasonable expenses associated with the provision of legal services.

Maintenance of frozen funds and economic resources

4. To enable the payment of—

- (a) reasonable fees, or
- (b) reasonable service charges,

arising from the routine holding or maintenance of frozen funds or economic resources.

Extraordinary expenses

5. To enable an extraordinary expense of a designated person to be met.

Pre-existing judicial decisions etc.

6. To enable, by the use of a designated person’s frozen funds or economic resources, the implementation or satisfaction (in whole or in part) of a judicial, administrative or arbitral decision or lien, provided that—

- (a) the funds or economic resources so used are the subject of the decision or lien,
- (b) the decision or lien—
 - (i) was made or established before the date on which the person became a designated person, and

- (ii) is enforceable in the United Kingdom, and
- (c) the use of the frozen funds or economic resources does not directly or indirectly benefit any other designated person.

PART 3

Purposes relating only to non-UN designated persons

Diplomatic missions etc.

7.—(1) To enable anything to be done in order that the functions of a diplomatic mission or consular post or of an international organisation enjoying immunities in accordance with international law may be carried out.

(2) In sub-paragraph (1)—

“consular post” has the same meaning as in the Vienna Convention on Consular Relations done at Vienna on 24 April 1963⁽⁵⁾, and any reference to the functions of a consular post is to be read in accordance with that Convention;

“diplomatic mission” and any reference to the functions of a diplomatic mission are to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961⁽⁶⁾.

Prior obligations

8. To enable, by the use of a designated person’s frozen funds or economic resources, the satisfaction of an obligation of that person (whether arising under a contract, other agreement or otherwise), provided that—

- (a) the obligation arose before the date on which the person became a designated person, and
- (b) no payments are made to another designated person, whether directly or indirectly.

Extraordinary situation

9. To enable anything to be done to deal with an extraordinary situation.

⁽⁵⁾ United Nations Treaty Series, vol. 596, p.261.

⁽⁶⁾ United Nations Treaty Series, vol. 500, p. 95.