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STATUTORY INSTRUMENTS

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**2021 No. 496**

**The Myanmar (Sanctions) Regulations 2021**

**PART 10**

**Supplementary and final provision**

**Notices**

**75.**—(1) This regulation applies in relation to a notice required by regulation 46 (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.

**Article 20 of the Export Control Order 2008**

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

**Trade: overlapping offences**

77. 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<sup>(1)</sup>, and
- (b) any provision of Part 5 (Trade) or regulation 48 (trade: licensing offences), regulation 56(6) or regulation 57(5) (information offences in connection with general trade licences).

**Revocation of the Burma (Sanctions) (EU Exit) Regulations 2019**

78. The Burma (Sanctions) (EU Exit) Regulations 2019<sup>(2)</sup> are revoked.

**Transitional provision: prior obligations etc.**

79.—(1) — This regulation applies to a person (“P”) who, immediately before the relevant date, was designated by the Secretary of State under regulation 5 (power to designate persons) of the 2019 Regulations for the purposes of—

- (a) regulations 11 to 15 (asset-freeze etc.) of those Regulations, or
- (b) regulation 17 (immigration) of those Regulations.

(2) Subject to paragraph (3), any reference in a provision mentioned in paragraph (4) to the date on which P became a designated person is a reference to the date on which P was designated by the Secretary of State under regulation 5 of the 2019 Regulations.

(3) Where P was named in Annex I of the EU Burma Regulation immediately before IP completion day<sup>(3)</sup>, any reference in a provision mentioned in paragraph (4) to the date on which P became a designated person is a reference to the date on which P was named in that Annex.

- (4) The provisions referred to in paragraphs (2) and (3) are—
  - (a) regulation 41(5) (finance: exceptions from prohibitions), and
  - (b) paragraphs 6(b)(i) and 9(a) of Schedule 4 (Treasury licences: purposes).

(5) In this regulation—

“the 2019 Regulations” means the Burma (Sanctions) (EU Exit) Regulations 2019;

“the EU Burma Regulation” means Council [Regulation \(EU\) No 401/2013](#) of 2 May 2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) [No 194/2008](#)<sup>(4)</sup>, as it has effect in EU law;

“the relevant date” means the date on which Part 3 (Finance) and Part 4 (Immigration) come into force.

**Transitional provision: Treasury licences**

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

- (a) was issued by the Treasury under regulation 35(1) of the 2019 Regulations,
- (b) was in effect immediately before the relevant date, and

(1) Article 34 was amended by the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 446(1). Article 35 was amended by the Sentencing Act 2020, Schedule 24, paragraph 446(1); S.I. 2009/1305; S.I. 2009/2151; and S.I. 2019/137. Article 37 was amended by S.I. 2012/1910; and S.I. 2019/137. Article 38 was amended by S.I. 2017/85; and S.I. 2019/137.

(2) S.I. 2019/136, amended by the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 446(1); S.I. 2020/590; and S.I. 2020/951.

(3) Schedule 1 to the Interpretation Act 1978 (c. 30) provides that “IP completion day” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (c. 1) (see section 39(1) to (5) of that Act).

(4) OJ No. L 121, 3.5.2013, p.1.

(c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under 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 which authorises an act which would otherwise be prohibited has effect on and after the relevant date as if it had been issued by the Treasury under regulation 44(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2019 Regulations is to be treated on and after the relevant date as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in the 2019 Regulations is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

(5) Paragraph (6) applies where—

(a) an application for a licence, or for the variation of a licence, under the 2019 Regulations was made before the relevant date,

(b) the application is for the authorisation of conduct which would (on and after the relevant date) be prohibited under 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 the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 44(1).

(7) In this regulation—

“the 2019 Regulations” means the Burma (Sanctions) (EU Exit) Regulations 2019;

“the relevant date” means the date on which Part 3 comes into force.

### **Transitional provision: trade licences**

**81.**—(1) Paragraph (2) applies to a licence or authorisation which—

(a) was—

(i) issued by the Secretary of State under regulation 36 of the 2019 Regulations,

(ii) deemed to have been issued by the Secretary of State under regulation 36 of the 2019 Regulations<sup>(5)</sup>, or

(iii) treated as if it had been issued by the Secretary of State under regulation 36 of the 2019 Regulations<sup>(6)</sup>,

(b) was in effect immediately before the relevant date, and

(c) authorises an act which would (on and after the relevant date, 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 sanctions licence”.

(2) An existing trade sanctions licence which authorises an act which would otherwise be prohibited has effect on and after the relevant date as if it had been issued by the Secretary of State under regulation 45 (trade licences).

(3) Any reference in an existing trade sanctions licence to—

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(5) Regulation 72(2) of the Burma (Sanctions) (EU Exit) Regulations 2019 provides that a licence is deemed to have been issued under those Regulations in respect of an existing trade licence (as defined in that regulation).

(6) Regulation 72(4) of the Burma (Sanctions) (EU Exit) Regulations 2019 provides that an existing trade sanctions licence (as defined in that regulation) has effect as if it had been issued under those Regulations.

- (a) a provision of the 2019 Regulations, or
- (b) a provision in any other enactment which was treated as a reference to the corresponding provision of the 2019 Regulations,

is to be treated on and after the relevant date as a reference to the corresponding provision of these Regulations.

(4) Paragraph (5) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2019 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on and after the relevant date) be prohibited under Part 5, and
- (c) a decision to grant or refuse the application has not been made before that date.

(5) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 45.

(6) For the purposes of paragraph (4), the reference to an application for a licence under the 2019 Regulations includes an application that is treated as such an application by virtue of regulation 73 (transitional provision: pending applications for trade licences) of the 2019 Regulations.

(7) In this regulation—

“the 2019 Regulations” means the Burma (Sanctions) (EU Exit) Regulations 2019;

“the relevant date” means the date on which Part 5 comes into force.