

SCHEDULES

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—

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- (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.

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

(1) 1986 c.45.

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

the value of the security, or of realising it, the rights are exercisable only in that person's interests.

SCHEDULE 2

Regulation 19

Internal repression goods and internal repression technology

Firearms and related goods

1. Firearms, ammunition and related accessories, as follows—
 - (a) firearms;
 - (b) ammunition specially designed for firearms;
 - (c) weapon-sights.
2. Simulators for training persons to use firearms.
3. Bombs and grenades.

Vehicles

- 4.—(1) Subject to sub-paragraph (3), the following types of vehicles—
 - (a) vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
 - (b) vehicles specially designed or modified to be electrified to repel boarders;
 - (c) vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
 - (d) vehicles specially designed for the transport or transfer of prisoners or detainees;
 - (e) vehicles specially designed to deploy mobile barriers.
- (2) Components for the vehicles specified in sub-paragraph (1)(a) to (e) that have been designed for the purposes of riot control.
- (3) Vehicles that might otherwise fall within sub-paragraph (1)(a) to (e) are not internal repression goods if they are specially designed for the purposes of fire-fighting.
- (4) For the purposes of this paragraph, “vehicle” includes a trailer.

Explosive substances and related goods

- 5.—(1) Subject to sub-paragraph (3), equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including—
 - (a) firing sets;
 - (b) detonators;
 - (c) igniters;
 - (d) boosters;
 - (e) detonating cord.
- (2) Subject to sub-paragraph (3), components that have been specially designed for any thing mentioned in sub-paragraph (1).

(3) Sub-paragraphs (1) and (2) do not apply to any thing that has been specially designed for a specific commercial use.

(4) For the purpose of sub-paragraph (3), a “specific commercial use” means the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions, including—

- (a) car air-bag inflaters;
- (b) electric-surge arresters;
- (c) fire sprinkler actuators.

6. Linear cutting explosive charges.

7. The following explosives and related substances—

- (a) amatol;
- (b) nitrocellulose (containing more than 12.5 % nitrogen);
- (c) nitroglycol;
- (d) pentaerythritol tetranitrate (PETN);
- (e) picryl chloride;
- (f) 2,4,6-trinitrotoluene (TNT).

Other goods

8.—(1) Subject to sub-paragraph (2), the following equipment designed for the protection of a person—

- (a) body armour providing ballistic or stabbing protection or both;
- (b) helmets providing ballistic or fragmentation protection, or both, including anti-riot helmets;
- (c) anti-riot shields and ballistic shields.

(2) Sub-paragraph (1) does not apply to—

- (a) any thing specially designed to protect persons for the following purposes—
 - (i) participation in competitive sport;
 - (ii) ensuring safety at work;
- (b) any thing mentioned in sub-paragraph (1)(a) or (b) when accompanying a person for that person’s own protection.

9. Night vision equipment.

10. Thermal imaging equipment.

11. Image intensifier tubes.

12. Razor barbed wire.

13. The following types of knives—

- (a) knives that are designed for use by military personnel (military knives);
- (b) knives that are designed for use as a weapon for inflicting injury (combat knives);
- (c) bayonets with blade lengths in excess of 10 cm.

Production equipment

14. Any equipment which is specially designed or modified for the development or for one or more of the production phases of any item mentioned in this Schedule.

Software and technology

15. Any software which is specially designed for the simulators mentioned in paragraph 2.

16. Any technology which is specially designed for the development, production or use of any item mentioned in this Schedule.

Interpretation

17.—(1) In this Schedule, “firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant.

(2) For the purposes of this Schedule, the following terms have the meaning given to them in the Dual-Use Regulation—

- “development”;
- “production”;
- “software”;
- “technology”;
- “use”.

SCHEDULE 3

Regulation 19

Interception and monitoring goods and interception and monitoring technology

Interception and monitoring equipment

1. Any goods which can perform any of the following functions (whether individually or as part of a system)—

- (a) deep packet inspection;
- (b) network interception, including associated systems management and data retention functions;
- (c) radio frequency monitoring, including associated processing or examination;
- (d) network and satellite jamming;
- (e) remote infection;
- (f) speaker recognition, including associated processing functions;
- (g) IMSI, MSISDN, IMEI and TMSI interception and monitoring;
- (h) tactical SMS, GSM, GPS, GPRS, UMTS, CDMA, and PSTN interception and monitoring;
- (i) DHCP, SMTP and GTP information interception and monitoring;
- (j) pattern recognition and pattern profiling;
- (k) remote forensics;
- (l) semantic processing;

- (m) WEP and WPA code breaking;
- (n) interception of VoIP (including proprietary and standard protocols).

2. Any software which can perform any of the functions described in paragraph 1(a) to (n) (whether individually or as part of a system).

Other software and other technology

3. Any software or other technology which is specially designed for the development, production or use of any goods or software described in paragraph 1 or 2.

Interpretation

4. For the purposes of this Schedule, the following terms have the meaning given to them in the Dual-Use Regulation—

- “development”;
- “production”;
- “software”;
- “technology”;
- “use”.

Acronyms and abbreviations used in this Schedule

5. The acronyms and abbreviations used in this Schedule have the following meaning—

<i>ABBREVIATION ACRONYM</i>	<i>/</i>	<i>MEANING</i>	<i>ADDITIONAL INFORMATION</i>
IMSI		International Mobile Subscriber Identity	This is a unique identification code for each mobile telephony device, integrated in the SIM card and which allows identification of that SIM, via GSM and UMTS networks.
MSISDN		Mobile Subscriber Integrated Services Digital Network Number	This is a number that uniquely identifies a subscription in a GSM or a UMTS mobile network. It is the telephone number to the SIM card in a mobile phone and therefore identifies a mobile subscriber as well as the IMSI.
IMEI		International Mobile Equipment Identity	This is a number, usually unique, to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone.
TMSI		Temporary Mobile Subscriber Identity	

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<i>ABBREVIATION ACRONYM</i>	<i>/</i>	<i>MEANING</i>	<i>ADDITIONAL INFORMATION</i>
SMS		Short Message System	
GSM		Global System for Mobile Communications	
GPS		Global Positioning System	
GPRS		General Packet Radio Service	
UMTS		Universal Mobile Telecommunications System	
CDMA		Code Division Multiple Access	
PSTN		Public Switch Telephone Networks	
DHCP		Dynamic Host Configuration Protocol	
SMTP		Simple Mail Transfer Protocol	
GTP		GPRS Tunnelling Protocol	
WEP		Wired Equivalent Privacy	
WPA		Wi-Fi Protected Access	
VoIP		Voice over Internet Protocol	

SCHEDULE 4

Regulation 44

Treasury licences: purposes

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 11, 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 purpose of that regulation.

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—

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- (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.

Diplomatic missions etc.

7.—(1) To enable anything to be done in order that the functions of a diplomatic mission or consular post in Myanmar 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⁽³⁾, 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⁽⁴⁾.

Extraordinary situation

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

Prior obligations

9. 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.

Humanitarian assistance activities etc.

10. To enable anything to be done in connection with the performance of any humanitarian assistance activity.

⁽³⁾ United Nations Treaty Series, vol. 596, p.261.

⁽⁴⁾ United Nations Treaty Series, vol. 500, p. 95.