
STATUTORY INSTRUMENTS

2023 No. 713

**The Russia (Sanctions) (EU Exit)
(Amendment) (No. 3) Regulations 2023**

Amendment to regulation 85 (trade enforcement: application of CEMA)

8. In regulation 85—

- (a) in paragraph (3)(a), at the end, insert “except regulation 54D (legal advisory services), but only insofar as the offence under that regulation relates to legal advisory services concerning relevant activity which would be prohibited under any of regulations 11 to 19”;
- (b) after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), unless the suspected offence has been the subject of—

(a) a referral to the Commissioners by—

(i) the Secretary of State,

(ii) the Treasury, or

(iii) OFCOM, where such referral relates to a suspected offence under regulation 54A(4)(1);

(b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of a relevant offence under any of the following provisions—

(a) regulation 29(3);

(b) regulation 30C(3)(2);

(c) regulation 41(3);

(d) regulation 45(3);

(e) regulation 46B(4)(3) insofar as it relates to the prohibition at regulation 46B(2)(a);

(f) regulation 46F(3);

(g) regulation 46G(3)(4) insofar as it relates to the prohibition at regulation 46G(1)(c);

(h) regulation 46H(3) insofar as it relates to the prohibition at regulation 46H(1)(c);

(i) regulation 46K(3);

(j) regulation 46N(4) insofar as it relates to the prohibition at regulation 46N(2)(a);

(1) Regulation 54A was inserted by [S.I. 2022/477](#).

(2) Regulation 30C was inserted by [S.I. 2022/792](#).

(3) Regulations 46B and 46F were inserted by [S.I. 2022/452](#).

(4) Regulations 46G, 46H, 46K and 46N were inserted by [S.I. 2022/792](#).

- (k) regulation 46Y(4)(5) insofar as it relates to the prohibition at regulation 46Y(2)(a);
- (l) regulation 46Z2(3) insofar as it relates to the prohibitions at regulation 46Z2(1)(e), (f) and (g);
- (m) regulation 46Z9B(8)(6);
- (n) regulation 46Z9B(9);
- (o) regulation 46Z9C(4);
- (p) regulation 46Z9C(5);
- (q) regulation 46Z9D(4);
- (r) regulation 46Z9D(5);
- (s) regulation 46Z30(4)(7) insofar as it relates to the prohibition at regulation 46Z30(2)(a);
- (t) regulation 46Z33(3) insofar as it relates to the prohibitions at regulation 46Z33(1)(e), (f) and (g);
- (u) regulation 49(3);
- (v) regulation 53(3);
- (w) regulation 54(3);
- (x) regulation 54A(4);
- (y) regulation 54C(3);
- (z) regulation 54D(4);
- (z1) regulation 67(1);
- (z2) regulation 67(2).

(3C) Regulations 85(3A) also applies to the suspected commission of a relevant offence under any of regulations 68(1), 76(6) and 77(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 65, and
- (b) the prohibited activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B)(a) to (z).”.

(5) Regulations 46Y were inserted by [S.I. 2022/850](#) and amended by [S.I. 2022/1110](#).

(6) Regulations 46Z9B, 46Z9C and 46Z9D were inserted by [S.I. 2022/1122](#).

(7) Regulations 46Z30 and 46Z33 were inserted by [S.I. 2022/1110](#).