
 STATUTORY INSTRUMENTS

1978 No. 1624

UNITED NATIONS

**The South Africa (Prohibited Exports and Transactions)
(Overseas Territories) Order 1978**

<i>Made - - - -</i>	15th November 1978
<i>Laid before Parliament</i>	23rd November 1978
<i>Coming into Operation</i>	14th December 1978

At the Court at Buckingham Palace, the 15th day of November 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations have, by a resolution adopted on 4th November 1977, called upon Her Majesty's Government in the United Kingdom and all other Members of the United Nations to apply certain measures to give effect to a decision of that Council in relation to the Republic of South Africa:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the South Africa (Prohibited Exports and Transactions) (Overseas Territories) Order 1978 and shall come into operation on 14th December 1978.

Interpretation

2.—(1) In this Order the expression "Governor" means the Governor or other officer administering the government of the Territory.

(2) In this Order any reference to the holder of an office by a term designating or describing his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to perform the functions of that office.

(3) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom, and as if this Order were such an Act of Parliament.

Extent of Order

3.—(1) This Order extends to the territories (including the dependencies thereof) mentioned in Schedule 1 to this Order.

(a) 1946 c. 45.

(b) 1889 c. 63.

(2) In the application of this Order to any of the said territories as part of its law the expression “ the Territory ” in this Order means that territory.

Exportation of certain goods from the Territory

4.—(1) All goods to which this Article applies are prohibited to be exported from the Territory to South Africa.

(2) Any person who exports any goods from the Territory in contravention of paragraph (1) of this Article shall be guilty of an offence against this Order.

(3) The goods to which this Article applies are the goods specified in Schedule 2 to this Order insofar as they are specially designed for military purposes or para-military police purposes.

(4) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from the Territory.

Prohibition of certain transactions relating to patents, registered designs and industrial information or techniques

5.—(1) No person shall enter into any licensing arrangements for the use of patents, registered designs or industrial information or techniques specially devised or formulated for the manufacture or maintenance of the goods to which this Article applies if that person intends, or has reasonable cause to believe that another person intends, by such arrangements to promote the manufacture or maintenance of any such goods in South Africa.

(2) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order.

(3) The goods to which this Article applies are the goods specified in Schedule 2 to this Order, insofar as they are specially designed for military purposes or para-military police purposes.

Obtaining of evidence and information

6. The provisions of Schedule 3 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Governor, of evidence of the commission of an offence against this Order.

Penalties and Proceedings

7.—(1) Any person guilty of an offence against this Order shall be liable—

(a) on conviction before a superior court to imprisonment for a term not exceeding two years or to a fine or to both; or

(b) on summary conviction to a fine not exceeding £1,000.

(2) When an offence under this Order which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members the preceding provisions of this paragraph shall apply in relation to the acts

and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Proceedings for an offence against this Order shall not be instituted except by, or with the consent of, the Attorney-General:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

(4) In paragraph (3) of this Article "the Attorney-General" means the Attorney-General or other principal law officer of the Territory:

Provided that—

- (a) if there is no such office established for the Territory the reference to the Attorney-General in that paragraph shall be construed as if it were a reference to the Governor; and
- (b) if by the law of the Territory power is vested to the exclusion of any other person in some officer other than the principal law officer to take over and continue criminal proceedings instituted before any civil court of the Territory by any other person or authority the said reference shall be construed as if it were a reference to that other officer.

Exercise of powers of the Governor

9. The Governor may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 3 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Governor shall be construed accordingly.

N. E. Leigh,
Clerk of the Privy Council.

Article 3

SCHEDULE 1

TERRITORIES TO WHICH THIS ORDER APPLIES

Anguilla
Belize.
Bermuda.
British Antarctic Territory.
British Indian Ocean Territory.
British Virgin Islands.
Cayman Islands.
Falkland Islands (Colony and Dependencies).
Gibraltar.
Gilbert Islands.
Hong Kong.
Montserrat.
Pitcairn, Henderson, Ducie and Oeno Islands.
St. Helena (Colony and Dependencies).
Sovereign Base Areas of Akrotiri and Dhekelia.
Turks and Caicos Islands.

SCHEDULE 2

GOODS TO WHICH ARTICLES 4 AND 5 APPLY

Acoustic devices represented by the manufacturers or suppliers thereof as suitable for riot control purposes and specialised parts and components therefor

Aircraft, assembled or dismantled, aircraft engines and parts and components of aircraft and aircraft engines, the following:—

- (1) Aircraft and helicopters, of the piloted or pilotless type, specially designed or adapted for military purposes;
- (2) Other helicopters over 4530 kg empty weight
- (3) Aircraft and helicopters, not specified in (1) and (2) above, and having a maximum all-up weight of 680 kg or more, incorporating or equipped with equipment specified in this Schedule relating to communication, navigation, direction-finding and radar equipment, or to compasses and gyroscopic apparatus
- (4) Aircraft engines and helicopter engines, specially designed for military purposes
- (5) Aircraft engines and helicopter engines, not specified in (4) above
- (6) Specialised parts and components of aircraft, helicopters, or aircraft engines and helicopter engines, specified in (1) (2) (3) (4) and (5) above

Anti-riot shields and parts and components therefor

Apparatus and appliances specially designed for use in aircraft, the following:—

- Anti-g suits
- Anti-g valves
- Crash helmets
- Ejection seats and catapults and cartridges therefor
- Liquid oxygen converters
- Partial pressure suits
- Pressurised breathing apparatus

Appliances for use with arms and apparatus specially designed and intended for land, sea or aerial warfare

Appliances, mechanical, designed to produce smoke for military purposes

Armour, the following:—

- Armour plate made wholly or mainly of metal
- Panels, whether or not of metal, specially designed to be bullet resistant

Arms and ammunition and parts and components therefor, the following:—

- (1) Small arms, machine guns and smooth bore guns, the following:—
 - (a) Carbines, pistols (including machine pistols), revolvers, rifles, smooth bore guns
 - (b) Machine guns, interrupter gears and mountings for machine guns
- (2) Artillery and projectors, the following:—
 - (a) Cannon, guns, howitzers, military flame throwers, mortars, recoilless rifles, projectile launchers, rocket launchers, rocket projectors, tank destroyers
 - (b) Carriages and mountings and accessories for mountings for items mentioned in sub-head (a)
 - (c) Military smoke, gas and pyrotechnic projectors
- (3) Ammunition, including projectiles, for any of the weapons mentioned in heads (1) or (2) of this entry
- (4) Parts and components of any of the foregoing

Bayonets and parts and components therefor

Bombs, mines, missiles, guided or unguided, rockets, torpedoes, demolition charges, pyrotechnic flare signals, apparatus designed for use therewith, and parts and components therefor, the following:—

- (1) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, missiles (guided or unguided), depth charges, fire bombs, incendiary bombs; military demolition charges and kits; and pyrotechnic flare signals for military use, cartridges therefor and simulators thereof
- (2) Apparatus and devices specially designed for the handling, control, activation, launching, laying, sweeping, clearing, discharging, detonation or detection of items mentioned in head (1) of this entry
- (3) Parts and components of any of the foregoing

Bullet-proof clothing

Centrifugal equipment specially designed for the testing of any item included in this Schedule

Charcoal impregnated bonded fibre clothing specially designed to protect personnel against radioactive biological or chemical agents in the atmosphere

Construction equipment built to military specifications, specially designed for airborne transport

Decontamination kits for use following contamination of personnel or objects by any of the noxious chemicals specified in this Schedule

Devices designed for the detection of the noxious chemicals specified in this Schedule

Devices for firing booby traps

Diving and under-water swimming apparatus, self-contained, of the closed circuit or semi-closed (re-breathing) types, and articles specially designed for use therewith

Electrically triggered shutters of the carbon injection or photochromic function type having a shutter speed of less than 100 microseconds, other than shutters specially designed for high speed cameras

Electronic, chemical and other timer delay devices designed for the detonation of explosive charges and munitions

Electronic equipment specially designed for military use and parts and components therefor

Equipment specially designed for ground functional testing of the hydraulic systems of military aircraft

Explosives, propellants and related substances, the following:—

- (1) (a) Ammonium perchlorate
- (b) Cellulose nitrate (in dry or wetted form)
- (c) Dinitrophenol (in dry or wetted form)
- (d) Guanidinium nitrate
- (e) Hydrazine and its derivatives, the following:—
 - asym*Dimethylhydrazine
 - sym*Dimethylhydrazine
 - Hydrazine in concentrations of 70% or more
 - Hydrazinium nitrate
 - Hydrazinium perchlorates
 - Methylhydrazine . .
- (f) Hydrogen peroxide in concentrations of 85% or more

- (g) Nitric acid, red fuming, containing dissolved nitrogen dioxide
- (h) Perfluoroguanidines
- (i) Picrates (in dry or wetted form)
- (j) Stabilisers for explosives, the following:—
 - sym*Diethyldiphenylurea (centralite 1)
 - sym*Dimethyldiphenylurea (centralite 2)
 - asym*Diphenylurea
 - Ethyl diphenylcarbamate
 - Ethyl *asym*diphenylurea
 - Ethyl di-*o*-tolylcarbamate
 - Ethyl N-ethylphenylcarbamate
 - Methyl *asym*diphenylurea
 - 2-Nitrodiphenylamine
 - N-Methyl-*p*-nitroaniline

- (2) Chemical base high energy solid or liquid fuels, including aircraft fuels, specially formulated for military purposes
- (3) Explosives, not elsewhere specified. The term “ explosives ”—
 - (a) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyro-technic effect; and
 - (b) includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined

Fire-control, range-finding and sighting apparatus, the following:—

- Fire-control, gun-laying, night-sighting, missile-tracking and guidance apparatus
- Range, position and height finders, and spotting instruments specially designed for military purposes
- Aiming devices, electronic, gyroscopic, acoustic and optical, specially designed for military purposes
- Bomb sights, bombing computers, gun sights and periscopes specially designed for military purposes
- Television sighting units specially designed for military purposes
- Parts and components of any of the foregoing
- Telemetry and telecontrol apparatus suitable for use with aircraft (piloted or pilotless), missiles (guided or unguided) or space vehicles (guided or unguided) and specialised test equipment therefor

Fuses and parts and components therefor

Gas masks, respirators and similar protective devices, and face-pieces and filter canisters therefor

Gilding metal clad steel

Gun forgings, rough

Gun turrets, including barbettes, and parts and components therefor

Hovercraft, the following:—

- (1) Hovercraft, assembled or dismantled
- (2) Specialised parts and components for use in or on hovercraft
- (3) Engines for hovercraft
- (4) Specialised parts and components of engines for hovercraft

Kine-theodolites

Metal-cutting and working tools for machine operations, the following:—

- Gun barrel rifling broaches
- Small arms, deep hole drills or bars

Military steel helmets

Military infra-red equipment and image-intensifier equipment, and specialised parts and components therefor

Naval equipment, the following:—

Accumulators (electric storage batteries) of a kind used in the propulsion of submarines, and parts thereof, the following:—

- Accumulators, lead acid
- Containers
- Covers
- Plates and grids
- Separators

Cables, buoyant or near buoyant

Catapults and other similar aircraft launching gear

Compasses and ship's course indicators specially designed for submarines

Diesel engines of 1,500 brake horse power and over with rotary speed of 700 rev/min or over, specially designed for submarines

Electric motors over 1,000 brake horse power, quick reversing type, liquid cooled and totally enclosed, specially designed for submarines

Gunmountings and parts and components therefor

Marine boilers having either of the following characteristics:—

- (a) a heat release rate (at maximum rating) equal to or in excess of 2,000 kW per hour per cubic metre of furnace volume
- or
- (b) a ratio of steam generated in kg/h (at maximum rating) to the dry weight of the boiler in kg equal to or in excess of 0.83

Nets, anti-submarine and anti-torpedo

Non-magnetic diesel engines capable of developing 50 brake horse power and over, specially designed for military purposes and having

- (a) non-magnetic parts other than crank-case, block, head, pistons, covers, end plates, valve facings, gaskets, and fuel, lubrication and other supply lines
- or
- (b) a non-magnetic content exceeding 75% of their total weight

Periscopes, submarine

Torpedo aiming, control or loading apparatus, torpedo tubes and other apparatus for discharging torpedoes

Underwater detecting devices specially designed for military purposes, magnetic, pressure or acoustic, and controls and parts and components therefor

Noxious chemicals, the following:—

- Bromobenzyl cyanide
- o*Chlorobenzylidenemalononitrile (*o*Chlorobenzalmalononitrile)
- mono*Chloromethyl chloroformate
- 2-Chlorotriethylamine
- Dibenzoxazepine
- Dibromodimethyl ether

Dichlorodimethyl ether
 2:2'-Dichlorotriethylamine
 Diphenylaminechloroarsine
 Diphenylchloroarsine
 Diphenylcyanoarsine
 Ethyl NN-dimethylphosphoramidocyanidate
 Ethyldibromoarsine
 Ethyldichloroarsine
 Lewisite (chlorovinylchloroarsine and dichlorovinylchloroarsine)
 Methylchloroarsine
 Mustard gas (dichlorodiethyl sulphide)
 Phenylcarbylamine chloride (phenylaminocarbonyl chloride)
 Phenylacetyl chloride (*w*-Chloroacetophenone)
 Phenyldibromoarsine
 Phenyldichloroarsine
 Pinacolyl methylphosphonofluoridate
*iso*Propyl methylphosphonofluoridate
 2:2':2" Trichlorotriethylamine

Parachutes

Photographic instruments and appliances, the following:—

Cameras of the kinds specially designed for aerial survey or reconnaissance

Gun cameras, aircraft

Machines of the kinds specially designed for the continuous processing of photographic film or paper of a width of 50 mm or more

Portable anti-riot devices for administering an electric shock or an incapacitating substance, and specialised parts and components therefor

Refuelling apparatus and appliances, for military aircraft, the following:—

(1) Aircraft pressure-refuellers and aircraft refuellers, open circuit

(2) Pressure-refuelling hose-end couplings or units and pressure-control or flow-control valves of the kind specially designed for aircraft pressure-refuelling

(3) Ring-mains dispensers, aircraft servicers or other appliances incorporating any of the articles mentioned in head (2) of this entry

Refuelling apparatus and appliances for missiles, guided or unguided

Rocket-assisted take-off apparatus and parts and components therefor

Rockets motors and parts and components therefor

Searchlight control units

Searchlights, power-controlled, of which the reflectors have a diameter of 50 cm or more

Ships of war, designed for offensive or defensive action (surface or underwater) whether or not converted to non-military use

Silencers and telescopic sights for firearms

Specialised machinery, equipment and gear specially designed for the examination, manufacture, testing and checking of the arms, ammunition, appliances and machines referred to in this Schedule, including but not limited to the following:—

Armour plate drilling machines, other than radial drilling machines

Armour plate planing machines

Armour plate quenching presses

Artillery casting machines
Bomb copy boring lathes
Bomb nose and tail boring machines
Bomb nose and tail forging machines
Bomb spinning lathes
Bullet assembling (multipunch) machines
Bullet canneluring machines
Bullet core filling machines
Bullet cutting and cupping machines
Bullet drawing machines
Bullet gauging machines
Bullet lead forming machines
Bullet pointing, forming and sizing machines
Bullet trimming machines
Bullet weighing machines
Cartridge automatic loading machines
Cartridge cap cutting and cupping machines
Cartridge cap varnishing machines
Cartridge case presses
Cartridge case flash-hole drilling machines
Cartridge case flash-hole piercing machines
Cartridge case head turning lathes
Cartridge case mouth boring lathes
Cartridge cordite reeling machines
Cartridge cup priming and pressing machines
Cartridge finishing and assembly machines
Cartridge gauging and weighing machines
Cartridge neck varnishing machines
Cartridge sizing or rectifying machines
Cartridge wadding machines
Centrifugal casting machines capable of casting tubes 1.8m or more in length,
with a wall thickness of 5cm and over
Gun barrel rifling and broaching machines
Gun barrel rifling machines
Gun barrel trepanning machines
Gun boring and turning machines
Gun honing machines of 1.8m stroke or more
Gun jump screw lathes
Gun rifling machines
Gun straightening presses
Induction hardening machines for tank turret rings and sprockets
Jigs and fixtures and other metal working implements or accessories of the
kinds specially designed for use in the manufacture of ammunition, fire-
arms, ordnance and other stores and appliances for land, sea or aerial
warfare
Shell and shell case extrusion and draw presses
Shell banding presses
Shell cavity boring lathes
Shell copper band turning lathes
Shell forging presses
Shell groove, wave and undercutting lathes

- Shell heading or nosing presses
 - Shell lathes
 - Shell loading or filling machines
 - Shell making rough turning lathes of the "inverted bed" type
 - Shell making special purpose capstan lathes
 - Shell shot automatic blasting machines
 - Shell tappers
 - Small arms chambering machines
 - Small arms deep hole drilling machines
 - Small arms machines for rifling groove or bore
 - Small arms rifling machines
 - Small arms spill boring machines
 - Tank turret bearing grinding machines
- Supply dropping apparatus, aircraft
- Tanks, self-propelled guns and other vehicles, the following:—
- Tanks, and self-propelled guns
 - Military type armed or armoured vehicles and vehicles fitted with mountings for arms
 - Armoured railway trains
 - Military half tracks
 - Military type recovery vehicles
 - Gun carriers and tractors specially designed for towing artillery
 - Trailers specially designed to carry ammunition
 - Amphibious and deep water fording military vehicles
 - Military mobile repair shops specially designed to service military equipment
 - Engines specially designed, or essentially modified for military use, for the propulsion of the above-mentioned vehicles; and parts thereof
 - Specially designed parts and components of any of the above-mentioned vehicles
- Trailers and semi-trailers of a carrying capacity of 25 tonnes or over
- Training devices specially designed for military purposes, the following:—
- Flight and navigational synthetic training equipment and parts and components therefor
 - Other training devices
- Tyres and tubes, the following:—
- Bullet-proof and run-flat tyres and double-chambered and self-sealing inner tubes
- Water cannon and parts and components therefor

Article 6

SCHEDULE 3

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, or to produce to him (or to that authorised person) any document in his possession or control, which he (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted before a superior court for failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) Any person who, on any occasion, is about to leave the Territory shall, if on that occasion he is required to do so by an authorised person—

(a) declare whether or not he has with him any goods the export of which from the Territory is subject to any prohibition or restriction under this Order; and

(b) produce any such goods as aforesaid which he has with him;

and such authorised person, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid.

(2) Where at any place in the Territory any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, with a person about to leave the Territory, the provisions of sub-paragraph (1) of this Schedule shall apply in relation to the person so found as they apply in relation to a person about to leave the Territory; and where any person is on any occasion found travelling in the Territory to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to leave the Territory.

(3) In this paragraph and in paragraph 3 of this Schedule “authorised person” means any person authorised by the Governor either generally or in relation to a particular case or class of cases, and references to a person authorised by the Governor include references to the holder for the time being of any office designated by the Governor.

3. Any exporter or any shipper of goods which have been exported from the Territory shall, if so required by an authorised person, furnish within such time as he may allow proof to his satisfaction that the goods have reached a destination to which their exportation was not prohibited by this Order; and, if he fails to do so, he shall be guilty of an offence against this Order unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

4.—(1) If any judge, magistrate or justice of the peace is satisfied by information on oath given by a person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case—

- (a) that there is reasonable ground for suspecting that an offence against this Order has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or
- (b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any constable, together with any other persons named in the warrant and any other constables, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of six months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

5. A person authorised by the Governor to exercise any power for the purposes of this Schedule, shall, if requested to do so, produce evidence of his authority before exercising that power.

6. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 4(2) of this Schedule shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of the Channel Islands, the Isle of Man, an associated state, Brunei, or any territory to which this Order extends; or
- (c) on the authority of a Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that

Government in securing compliance with or detecting evasion of measures in relation to South Africa decided upon by the Security Council of the United Nations; or

- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order (whether in the Territory or in any other territory to which this Order extends) or for an offence against any provision of law with respect to similar matters that is for the time being in force in the United Kingdom, the Channel Islands, the Isle of Man, any associated state or Brunei.

7. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or
- (b) knowingly or recklessly furnishes false information or a false explanation or otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,
- shall be guilty of an offence against this Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 1. It prohibits, pursuant to a decision of the Security Council of the United Nations in Resolution No. 418 of 4th November 1977, the exportation from the territory of certain goods intended for South Africa. It also prohibits certain transactions relating to patents, registered designs and industrial information or techniques for the manufacture or maintenance of arms and certain associated goods in South Africa. It also confers powers to obtain evidence and information for the purposes of the Order.

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