
STATUTORY INSTRUMENTS

1998 No. 1756

UNITED NATIONS

**The Angola (United Nations Sanctions)
(Channel Islands) Order 1998**

<i>Made</i>	- - - -	<i>21st July 1998</i>
<i>Laid before Parliament</i>		<i>22nd July 1998</i>
<i>Coming into force</i>	- -	<i>23rd July 1998</i>

At the Court at Buckingham Palace, the 21st day of July 1998

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 has, by a resolution adopted on 12th June 1998, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to Angola:

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

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Angola (United Nations Sanctions) (Channel Islands) Order 1998 and shall come into force on 23rd July 1998.

(2) If the Security Council of the United Nations takes a decision which has the effect of cancelling, postponing or suspending the operation of the resolution adopted by it on 12th June 1998 in whole or in part, this Order shall cease to have effect or its operation shall be postponed or suspended, in whole or in part as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Secretary of State in a notice in the London, Edinburgh and Belfast Gazettes.

(3) This Order shall extend to the Channel Islands so as to be law, respectively, in the Bailiwick of Guernsey and the Bailiwick of Jersey only.

(1) 1946 c. 45.

Interpretation

2. In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say—

“Attorney General” means—

(a) in the application of this Order to the Bailiwick of Guernsey, the Attorney General or the Solicitor General for Guernsey; and

(b) in the application of this Order to the Bailiwick of Jersey, the Attorney General for Jersey; “Chief Revenue Officer” and “States Revenue Officer” have the meaning they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972;

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“enactment” includes an enactment of the States of Guernsey or, as the case may be, the States of Jersey;

“export” includes shipment as stores, and cognate expressions shall be construed accordingly;

“exportation” in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power, and cognate expressions shall be construed accordingly;

“import” includes shipment as stores, and cognate expressions shall be construed accordingly;

“master”, in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“operator”, in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“owner”, in relation to a ship, where the owner of the ship is not the operator, means the operator and any person to whom it is chartered;

“police officer” means—

(a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

(b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey; and

(d) in relation to the Bailiwick of Jersey, a member of the Honorary Police or a member of the States of Jersey Police Force;

“restricted goods” means the goods falling within the Headings and Sub-headings of the Combined Nomenclature of the European Community established by Annex 1 to Council Regulation (EEC) No. 2658/37, as amended⁽²⁾, specified in Schedule 1 to this Order;

“restricted services” means ground or waterborne transportation services;

“ship” includes every description of vessel used in navigation;

(2) OJ No. L256, 7.9.87, p.1; Annex 1 to the Regulation was substituted by Commission Regulation (EC) No. 2086/97, OJ No. L312, 14.11.97, p.1; there have been other amendments to Annex 1 which are not relevant to this Order.

“shipment” (and cognate expressions) and “stores” shall, in the application of this Order to the Bailiwick of Guernsey, have the meanings they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972, and in the application of this Order to the Bailiwick of Jersey, have the meanings they bear in the Customs and Excise (General Provisions) (Jersey) Law 1972;

“vehicle” means land transport vehicle.

Supply of restricted goods

3.—(1) Except under the authority of a licence granted under this article—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person shall—

(i) supply or deliver; or

(ii) agree to supply or deliver

any restricted goods to any person in Angola.

(2) Nothing in paragraph (1)(ii) above shall apply where the supply or delivery of the restricted goods to the person concerned is authorised by a licence granted under this article.

Supply of restricted services

4. Except under the authority of a licence granted under this article—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee, no person shall—

(i) supply; or

(ii) agree to supply

any restricted services to any person in Angola.

(2) Nothing in paragraph (1)(ii) above shall apply where the supply of the restricted services to the person concerned is authorised by a licence granted under this article.

Exportation of restricted goods to Angola

5. Except under the authority of a licence granted under this article—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

restricted goods are prohibited to be exported from any of the Channel Islands to any destination in Angola, or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person in Angola.

Use of ships, aircraft and vehicles: restricted goods and services

6.—(1) Without prejudice to the generality of articles 3 and 4 above, and except under the authority of a licence granted under this article—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no ship or aircraft to which this article applies, and no vehicle within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, shall be used—

- (i) for the carriage of any restricted goods if the carriage is, or forms part of, carriage from any place outside Angola to any destination therein; or
- (ii) for the supply of any restricted services to any person in Angola.

(2) This article applies to ships registered in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, to aircraft registered in the United Kingdom and to any other ship or aircraft that is for the time being chartered to any person who is—

- (a) a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or
- (b) a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) above, then—

- (a) in the case of a ship registered in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey or any aircraft registered in the United Kingdom, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft;
- (b) in the case of any other ship or aircraft—
 - (i) the person to whom the ship or aircraft is for the time being chartered; and
 - (ii) if he is such a person as is referred to in paragraph (2) above, the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (c) in the case of a vehicle, the operator of the vehicle,

shall be guilty of an offence under this Order, unless he proves that he did not know and had no reason to suppose that—

- (i) the carriage of the goods in question was, or formed part of, carriage from any place outside Angola to any destination therein; or
- (ii) the supply of the services in question was to a person in Angola,

as the case may be.

(4) Nothing in paragraph (1) above shall apply where—

- (a) the supply or delivery or exportation from the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey of the goods concerned to Angola was authorised by a licence granted by the relevant authority under article 3 or 5 above; or
- (b) the supply of the services concerned to Angola was authorised by a licence granted by the relevant authority under article 4 above,

as the case may be.

(5) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

Importation of diamonds from Angola

7. Except under the authority of a licence granted under this article—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

diamonds exported from Angola on or after 1st July 1998 are prohibited to be imported, directly or indirectly, into the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

Assets of UNITA or persons connected with UNITA

8.—(1) Except with permission granted under this article—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person shall—

- (i) make any payment, or part with any gold, securities or investments; or
- (ii) make any change in the persons to whose credit any sum is to stand or to whose order any gold, securities or investments are to be held,

where any such action is action to which this article applies.

(2) This article applies to any action which is likely to make available to or for the benefit of UNITA or any person connected with UNITA any funds or any other financial assets or resources, whether by their removal from the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey or otherwise, or otherwise to result in the remittance or transfer of funds or other such assets or resources to or for the benefit of UNITA or any person connected with UNITA.

(3) Any permission granted by or on behalf of the relevant authority under this article may be granted either absolutely or subject to conditions and may be varied or revoked at any time by or on behalf of the relevant authority.

(4) In this article—

- (a) “gold”, “payment” and “securities” shall have the meanings they bear in section 2 of the Emergency Laws (Re-enactments and Repeals) Act 1964⁽³⁾;
- (b) “investment” means any asset, right or interest falling within any paragraph of Part I of Schedule 1 to the Financial Services Act 1986⁽⁴⁾ and which is not a security;
- (c) “person connected with UNITA” means any of the following persons—
 - (i) any senior official of UNITA;
 - (ii) any adult member of the immediate family of any senior official of UNITA; or
 - (iii) any person acting on behalf of a person described in paragraph (i) or (ii) above;
- (d) “UNITA” means the Uniao Nacional para a Independencia Total de Angola.

Application of articles 3, 4 and 8

9.—(1) The provisions of articles 3, 4 and 8 above shall apply to any person within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey and to any person elsewhere who—

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject, or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or
- (b) is a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(2) Subject to the provisions of paragraphs (3) and (4) below, any person specified in paragraph (1) above who contravenes the provisions of article 3, 4 or 8 above shall, in the Bailiwick in question, be guilty of an offence.

(3) In the case of proceedings for an offence in contravention of article 3 above it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to a person in Angola.

⁽³⁾ 1964 c. 60.

⁽⁴⁾ 1986 c. 60.

(4) In the case of proceedings for an offence in contravention of article 4 above it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the services in question were to be supplied to a person in Angola.

Customs powers to demand evidence of destination which goods reach

10. Any exporter or any shipper of goods which have been exported from the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey shall, if so required by, in the case of the Bailiwick of Guernsey, the Chief Revenue Officer or, in the case of the Bailiwick of Jersey, the Agent or Deputy Agent of the Impôts or any person duly authorised by the Agent of the Impôts, furnish within such time as they may allow proof to their satisfaction that the goods have reached either—

- (a) a destination to which they were authorised to be exported by a licence granted under this Order; or
- (b) 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 under 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.

Offences in connection with applications for licences, conditions attaching to licences, etc.

11.—(1) If for the purposes of obtaining any licence under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence under this Order.

(2) Any person who has done any act under the authority of a licence granted by the Lieutenant Governor or, as the case may be, the Finance and Economics Committee under this Order and who fails to comply with any condition attaching to that licence shall be guilty of an offence under this Order:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Lieutenant Governor or, as the case may be, the Finance and Economics Committee after the doing of the act authorised by the licence.

Declaration as to goods: powers of search

12.—(1) Any person who is about to leave any of the Channel Islands shall, if he is required to do so by, in the case of the Bailiwick of Guernsey, a States Revenue Officer or, in the case of the Bailiwick of Jersey, an officer of the Impôts—

- (a) declare whether or not he has with him any restricted goods which are destined for Angola or for any destination for delivery, directly or indirectly, to or to the order of any person in Angola; and
- (b) produce any such goods as aforesaid which he has with him,

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

Provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the foregoing provisions of this article shall be guilty of an offence under this Order.

(3) Any person who under the provisions of this article makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence under this Order.

Investigation, etc. of suspected ships

13.—(1) Where any authorised officer has reason to suspect that any ship to which article 6 above applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and
- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 6 above, he may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b) above), with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued, take the further action specified in paragraph (2) below.

(2) The further action referred to in paragraph (1)(c) above is either—

- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified; or
- (b) to request the master of the ship to take any one or more of the following steps:
 - (i) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by an authorised officer that the ship may so proceed;
 - (ii) if the ship is then in a port in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
 - (iii) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (ii) above; and
 - (iv) to take her to any other destination that may be specified by the officer in agreement with the master.

(3) Without prejudice to the provisions of article 16(3) below, where—

- (a) a master refuses or fails to comply with a request made under paragraph (2)(b) above, or
- (b) an authorised officer otherwise has reason to suspect that a request that has been so made may not be complied with,

any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(4) In this article “authorised officer” means—

- (a) in respect of the Bailiwick of Guernsey, any officer as is referred to in section 284(1) of the Merchant Shipping Act 1995 as extended to the Bailiwick of Guernsey by the Merchant

Shipping (Oil Pollution and General Provisions) (Guernsey) Order 1998(5), or a States Revenue officer;

- (b) in respect of the Bailiwick of Jersey, the Harbour Master or an officer appointed to deputise for him.

Investigation, etc. of suspected aircraft

14.—(1) Where any authorised officer or authorised person has reason to suspect that any aircraft to which article 6 above applies has been or is being or is about to be used in contravention of paragraph (1) of that article—

- (a) he may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify;
- (b) he may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and
- (c) if the aircraft is then in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, he may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (a) above) further request the charterer, operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the aircraft may depart.

(2) Without prejudice to the provisions of article 16(3) below, where an authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1) (c) above may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft and any of its cargo; and
- (c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article—

“authorised officer” means—

- (a) in respect of the Bailiwick of Guernsey, any States Revenue Officer;
- (b) in respect of the Bailiwick of Jersey, any officer of the Impôts;

“authorised person” means any person authorised by the Attorney General for the purpose of this article either generally or in a particular case.

Investigation, etc. of suspected vehicles

15.—(1) Where any authorised officer or authorised person has reason to suspect that any vehicle in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey has been or is being or is about to be used in contravention of article 6(1) above—

- (a) he may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify;
- (b) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and
- (c) he may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (a) above) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 16(3) below, where any authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1) (c) above may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;
- (b) detain, or authorise the detention of, that vehicle and any goods contained in it; and
- (c) use, or authorise the use of, reasonable force/.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article—

“authorised officer” means—

- (a) in respect of the Bailiwick of Guernsey, any States Revenue Officer;
- (b) in respect of the Bailiwick of Jersey, any officer of the Impôts;

“authorised person” means any person authorised by the Attorney General for the purpose of this article either generally or in a particular case.

Provisions supplementary to articles 13 to 15

16.—(1) No information furnished or document produced by any person in pursuance of a request made under article 13, 14 or 15 above shall be disclosed except—

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

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;

- (b) to any person who would have been empowered under article 13, 14 or 15 above 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 States of Guernsey or Alderney or the Chief Pleas of Sark or, as the case may be, the States of Jersey;
- (c) on the authority of the Attorney General, to any organ of the United Nations or to any person in the service of the United Nations or of 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 Angola 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 under this Order or, with respect of any of the matters regulated by this Order, for an offence under any enactment relating to customs, or for an offence under any provision of law with respect to similar matters that is for the time being in force in the Bailiwick of Guernsey or the Bailiwick of Jersey.
- (2) Any power conferred by article 13, 14 or 15 above to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.
- (3) Each of the following persons shall be guilty of an offence under this Order, that is to say—
- (a) a master of a ship who disobeys any direction given under article 13(2)(a) above;
 - (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who—
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under article 13, 14 or 15 above by any person empowered to make it, or
 - (ii) wilfully furnishes false information or produces false documents to such a person in response to such a request;
 - (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any person (or any person acting under the authority of that person) in the exercise of his powers under article 13, 14 or 15 above.
- (4) Nothing in this article or articles 13 to 15 above shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

Obtaining of evidence and information

17. The provisions of Schedule 2 to this Order shall have effect in order to facilitate the obtaining of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining of evidence of the commission of an offence under this Order or, with respect to any of the matters regulated by this Order, of an offence under any enactment relating to customs or of an offence against any provision of law with respect to similar matters for the time being in force in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

Investigations by the Agent of the Impôts

18. Where, in the case of the Bailiwick of Jersey, the Agent of the Impôts or any officer of the Impôts investigates or proposes to investigate any matter with a view to determining whether there are grounds for believing that an offence under this Order has been committed, that matter shall be treated as an assigned matter within the meaning of Article 1(1) of the Customs and Excise (General Provisions) (Jersey) Law, 1972.

Penalties and proceedings

19.—(1) Any person guilty of an offence under article 6(3) or 9(2) above shall be liable in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding seven years or to a fine or to both.

(2) Any person guilty of an offence under article 16(3)(b)(ii) above or paragraph 5(b) or (d) of Schedule 2 to this Order shall be liable, in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(3) Any person guilty of an offence under article 11(1) or (2) or article 12(3) above shall be liable, in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to a fine not exceeding the statutory maximum,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(4) Any person guilty of an offence under article 10 or article 12(2) above shall be liable—

- (a) in the Bailiwick of Guernsey, on summary conviction to a fine not exceeding level 5 on the standard scale; and
- (b) in the Bailiwick of Jersey, on conviction to a fine.

(5) Any person guilty of an offence under article 16(3)(a), (b)(i) or (c) above or paragraph 5(a) or (c) of Schedule 2 to this Order shall be liable—

- (a) in the Bailiwick of Guernsey, on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both; and
- (a) in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding six months or to a fine or to both.

(6) Where any body corporate is guilty of an offence under this Order, and that offence 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 shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings in the Bailiwick of Guernsey and any proceedings in the Bailiwick of Jersey for an offence under this Order, being an offence alleged to have been committed outside the Bailiwick in question, may be commenced at any time not later than 12 months from the date on which the person charged first enters that Bailiwick after committing the offence.

(8) Proceedings against any person for an offence under this Order, in its application to the Bailiwick of Guernsey, may be taken before the appropriate court in the Bailiwick having jurisdiction in the place where that person is for the time being.

(9) No proceedings for an offence under this Order, in its application to the Bailiwick of Jersey, shall be instituted except by, or with the consent of, the Attorney General for Jersey:

Provided that this paragraph shall not prevent the arrest of any person in respect of such an offence, or the remand 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.

Exercise of powers

20.—(1) The Lieutenant Governor or, as the case may be, the Finance and Economics Committee, or the Attorney General, may to such extent and subject to such restrictions and conditions as he or it may think proper, delegate or authorise the delegation of any of his or its powers under this Order (other than the power to give authority under Schedule 2 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him or it, and references in this Order to the Lieutenant Governor, Finance and Economics Committee and Attorney General shall be construed accordingly.

(2) Any licence granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority which granted it.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 2

HEADINGS AND SUB-HEADINGS OF THE COMBINED
NOMENCLATURE OF THE EUROPEAN COMMUNITY (CN)

1. Equipment used in mining or mining services

<i>CN Heading or Sub-heading No.</i>	<i>Goods referred to in Heading or Sub-heading</i>
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers.
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting, or boring machinery, for earth, minerals or ores, pile-drivers and pile-extractors; snow-ploughs and snow-blowers.
8431 but only in relation to 8429 and 8430	Parts suitable for use solely or principally with the machinery of Heading nos. 8429 and 8430.
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; machinery for agglomerating, shaping or moulding solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand.

2. Motorised vehicles or watercraft or their spare parts

<i>CN Heading or Sub-heading No.</i>	<i>Goods referred to in Heading or Sub-heading</i>
8407	Spark-ignition reciprocating or rotary internal combustion piston engines.
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines).
8409	Parts suitable for use solely or principally with the engines of Heading nos. 8407 or 8408.
8483	Transmission shafts (including cam shafts and crank shafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, including torque converters; fly-wheels and pulleys, including pulley blocks, clutches and shaft couplings (including universal joints).
8601	Rail locomotives powered from an external source of electricity or by electric accumulators.

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<i>CN Heading or Sub-heading No.</i>	<i>Goods referred to in Heading or Sub-heading</i>
8602	Other rail locomotives; locomotive tenders.
8603	Self-propelled railway or tramway coaches, vans and trucks other than those of Heading 8604.
8604	Railway or tramway maintenance or service vehicles, whether or not self-propelled (for example, workshops, cranes, ballast tampers, trackliners, testing coaches and track inspection vehicles).
8605	Railway or tramway passenger coaches, not self-propelled; luggage vans, post office coaches and other special purpose railway or tramway coaches, not self-propelled (excluding those of Heading no. 8604).
8606	Railway or tramway goods vans and wagons, not self-propelled.
8607	Parts of railway or tramway locomotives or rolling-stock.
8701	Tractors (other than tractors of Heading no. 8709).
8702	Motor vehicles for the transport of ten or more persons including the driver.
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of Heading no. 8702), including station wagons and racing cars.
8704	Motor vehicles for the transport of goods.
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radio-logical units).
8706	Chassis fitted with engines, for the motor vehicles of Headings nos. 8701 to 8705.
8707	Bodies (including cabs) for the motor vehicles of Headings nos. 8701 to 8705.
8708	Parts and accessories of the motor vehicles of Headings nos. 8701 to 8705.
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors

<i>CN Heading or Sub-heading No.</i>	<i>Goods referred to in Heading or Sub-heading</i>
	of the type used on railway station platforms; parts of the foregoing vehicles.
8710	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles.
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars.
8714.11	Spare parts and accessories for vehicles in Heading no. 8711.
8714.19	Spare parts and accessories for vehicles in Heading no. 8711.
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof.
8901	Cruise ships, excursion boats, ferry boats, cargo ships, barges and similar vessels for the transport of persons or goods.
8902	Fishing vessels; factory ships and other vessels for processing or preserving fishery products.
8903	Yachts and other vessels for pleasure or sports; rowing boats and canoes.
8904	Tugs and pusher craft.
8905	Light-vessels, fire-floats, dredgers, floating cranes, and other vessels the navigability of which is subsidiary to their main function; floating docks, floating or submersible drilling or production platforms.
8906	Other vessels, including warships and lifeboats other than rowing boats.

SCHEDULE 2

Article 17

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Attorney General or, in the case of the Bailiwick of Guernsey, the Chief Revenue Officer or, in the case of the Bailiwick of Jersey, the Agent of the Impôts (or any person authorised by any of those persons either generally or in a particular case) may request any person in or resident in the Bailiwick in question 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.

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(2) Nothing in sub-paragraph (1) above shall be taken to require any person who has acted as advocate or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of 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) If in the case of the Bailiwick of Guernsey or the Bailiwick of Jersey the Bailiff is satisfied by information or evidence, as the case may be, on oath:

- (a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs or an offence under any provision of law with respect to similar matters that is for the time being in force in the Bailiwick in question 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, ship or aircraft so specified; or
- (b) that any documents which ought to have been produced under paragraph 1 above and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorising any police officer or, in the case of the Bailiwick of Guernsey, any States Revenue Officer, together with any other persons named in the warrant and any other police officers or, as the case may be, States Revenue Officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship 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, ship or aircraft.

(2) A police officer or other person authorised by a warrant under sub-paragraph (1) above who has entered any premises or any vehicle, ship or aircraft may do any or all of the following things:

- (a) inspect and search those premises or any vehicle, ship or aircraft for any material which he has reasonable grounds to believe may be evidence in relation to an offence referred to in sub-paragraph (1) above;
- (b) seize anything on the premises or on any vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in sub-paragraph (1) above;
- (c) seize anything on the premises or on any vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1 above Schedule; or
- (d) seize anything that it is necessary to seize in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) above which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer or, in the case of the Bailiwick of Guernsey, a States Revenue Officer, lawfully on any premises or on any vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) above may—

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- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in sub-paragraph (1) above; and
- (b) seize anything he finds in a search referred to in paragraph (a) above, if he has reasonable grounds for believing that it is evidence of an offence referred to in sub-paragraph (1) above:

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

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

(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three 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.

(7) In the application of this paragraph to the Islands of Alderney and Sark, any reference to the Bailiff includes a reference, in the case of Alderney, to the Chairman of the Court of Alderney and, in the case of Sark, to the Seneschal.

3. A person authorised by the Attorney General or by the Chief Revenue Officer or the Agent of the Impôts, as the case may be, 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.

4. No information furnished or document produced (including any copy of an extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) above 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;

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or 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 States of Guernsey or Alderney or the Chief Pleas of Sark or, as the case may be, the States of Jersey;
- (c) on the authority of the Attorney General, 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 Angola 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 under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs or for an offence under any provision of law with respect to similar matters that is for the time being in force in the Bailiwick of Guernsey or the Bailiwick of Jersey.

5. 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;

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- (b) wilfully furnishes false information or a false explanation to any person exercising his powers under this Schedule;
- (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence under this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, imposes in the Channel Islands restrictions pursuant to a decision of the Security Council of the United Nations in Resolution No. 1173 of 12th June 1998 on:

- (a) the export to Angola and the supply to persons in Angola of equipment used in mining or mining services, and motorised vehicles or watercraft or their spare parts;
- (b) the import of diamonds from Angola;
- (c) the supply to persons in Angola of ground or waterborne transportation services; and
- (d) certain actions making available or otherwise resulting in the transfer of funds and financial resources to or for the benefit of UNITA as an organisation, or of senior officials or adult members of their immediate families.

It also restricts certain related activities including the use of ships, aircraft or vehicles for the carriage of the goods referred to in (a) above destined for Angola; and their use for the supply of the services referred to in (c) above.