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STATUTORY INSTRUMENTS

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**1999 No. 2822**

**CUSTOMS AND EXCISE**

**The Indonesia (Supply, Sale, Export and Shipment of  
Equipment) (Penalties and Licences) Regulations 1999**

<i>Made</i>	- - - -	<i>13th October 1999</i>
<i>Laid before Parliament</i>		<i>13th October 1999</i>
<i>Coming into Force</i>	- -	<i>14th October 1999</i>

The Secretary of State, being a Minister designated (1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to the interruption or reduction in part or completely of economic relations with one or more countries which are not Member States, in exercise of powers conferred on him by that section, hereby makes the following Regulations:

1. These Regulations may be cited as the Indonesia (Supply, Sale, Export and Shipment of Equipment) (Penalties and Licences) Regulations 1999 and shall come into force on 14 October 1999.

2. Any person who infringes the prohibition in Article 1 of Council Regulation (EC) No. 2158/99 of 11 October 1999(3) concerning the ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism, shall be guilty of an offence and may be arrested.

3.—(1) Authorisation for

- (a) the supply, sale, export or shipment of equipment to Indonesia, or
- (b) the participation in related activities,

as provided for in the said Council Regulation shall in the United Kingdom be by way of a licence in writing granted by the Secretary of State.

(2) If for the purpose of obtaining a licence any person—

- (a) makes any statement or furnishes any document which to his knowledge is false in a material particular, or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

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(1) S.I.1994/757.

(2) 1972 c. 68.

(3) OJ No L 265 13.10. 1999.

he shall be guilty of an offence; and any licence granted in connection with the application for which the false statement was made or the false document or information furnished shall be void as from the time it was granted.

(3) Any person who, having carried out any of the acts specified in paragraph (1) under the authority of a licence granted under this regulation, fails to comply with any requirements or conditions to which the licence is subject shall be guilty of an offence unless—

- (a) the licence had been modified previously by the Secretary of State without that person's consent,
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified, and
- (c) that person proves that the carrying out of the act had taken place before the modification had been made.

4.—(1) A person guilty of an offence under regulation 2 or 3(2) or (3) above shall be liable—

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

(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence Act 1984<sup>(4)</sup> and the Police and Criminal Evidence (Northern Ireland Order) 1989<sup>(5)</sup>, section 24(2) of that Act (in England and Wales) and Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Act and the Order.

(3) Section 138 of the Customs and Excise Management Act 1979<sup>(6)</sup> (provision as to arrest of persons) shall apply to the arrest of any person for an offence under regulation 2 above as it applies to the arrest of any person for an offence under the customs and excise Acts.

(4) Sections 145 to 148 and 150 to 155 of the Customs and Excise Management Act 1979<sup>(7)</sup> (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under these regulations and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under the customs and excise Acts.

(5) Nothing in subsections (1) to (4) of section 145 of the Customs and Excise Management Act 1979 (institution of proceedings for offences under the customs and excise Acts to be by order of the Commissioners) shall prevent the institution of proceedings by the Secretary of State for an offence under regulation 3(2) or (3) above.

(6) In this regulation, “customs and excise Acts” has the same meaning as in section 1 of the Customs and Excise Management Act 1979.

<sup>(4)</sup> 1984 c. 60.

<sup>(5)</sup> S.I. 1989/1341 (N.I.12).

<sup>(6)</sup> 1979 c. 2.

<sup>(7)</sup> Section 145(6) was amended by the Police and Criminal Evidence Act 1984 (c. 60), section 114(1); section 146(1) was modified by S.I. 1990/2167; section 146A was inserted by the Finance Act 1989 (c. 26), section 16(1) and (4); section 147(1) was repealed by the Finance Act 1989 (c. 26), section 16(2) and (4), section 187(1) and Schedule 17, Part 1; section 147(2) was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 176; section 147(5) was repealed by the Criminal Justice Act 1982 (c. 48), section 77 and Schedule 114, paragraph 42 and section 78 and Schedule 16; section 148 was extended by S.I. 1993/1813; section 151 was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 177; section 153(4) was inserted by the Finance Act 1981 (c. 35), section 11(1) and Schedule 8, Part 1, paragraph 9; section 154(2) was modified by S.I. 1990/2167.

13th October 1999

*Kim Howells*  
Parliamentary Under Secretary of State for  
Consumers and Corporate Affairs  
Department of Trade and Industry

**Status:** This is the original version (as it was originally made).

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## EXPLANATORY NOTE

*(This not is not part of the Regulations)*

Council Regulation (EC) No. 2158/99 of 11 October 1999 prohibits the supply, sale, export and shipment of specified equipment, and, the participation in related activities, to Indonesia which might be used for internal repression or terrorism.

These Regulations—

- (a) make it an offence to infringe that prohibition;
- (b) provide for licensing of supplies, sales, exports or shipments, and, related activities, in accordance with the Council Regulation; and
- (c) make provision for enforcement of the Council Regulation.