
STATUTORY INSTRUMENTS

2009 No. 886

UNITED NATIONS

The Iran (United Nations Sanctions) Order 2009

Made - - - - *8th April 2009*
Laid before Parliament *9th April 2009*
Coming into force - - *10th April 2009*

At the Court at Windsor Castle, the 8th day of April 2009

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 resolution adopted on 24th March 2007, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to Iran:

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 Iran (United Nations Sanctions) Order 2009 and shall come into force on 10th April 2009.

(2) This Order shall extend to the United Kingdom.

[^{F1}(3) An offence may be committed under this Order by any person within the territory of the United Kingdom, including the territorial sea, or by any person elsewhere who is—

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person;
- (b) a body incorporated or constituted under the law of any part of the United Kingdom;
- (c) on board a United Kingdom ship; or
- (d) on board an aircraft registered in the United Kingdom.]

(1) 1946 c. 45.

Status: Point in time view as at 17/12/2010.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Art. 1(3) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 3

Commencement Information

- I1** Art. 1 in force at 10.4.2009, see [art. 1\(1\)](#)

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—

“aircraft” means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing airborne vehicle or helicopter;

“body corporate” includes a Scottish partnership and, in relation to such a partnership, any reference to a director or other officer of a body corporate is a reference to a partner;

“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;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

[^{F2}“customs official” means a designated general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009, or a designated customs revenue official under section 11(1) of that Act;]

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

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

“military goods” means the goods, software and technology specified in Schedule 2 to the Export Control Order 2008(2) made under the Export Control Act 2002(3);

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

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

[^{F3}permitted light water reactor goods” means

- (i) equipment covered by INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/ Rev.8/Part 2 (listed in Schedule 4) when such equipment is for light water reactors;
- (ii) low-enriched uranium covered by Annex A1.2 of INFCIRC/254/Rev.9/Part 1, when it is incorporated in assembled nuclear fuel elements for such reactors; or
- (iii) items, materials, equipment, goods and technology set out in sections 1 and 2 of the Annex to INFCIRC/254/Rev.7/Part 2 and sections 3 to 6 as notified in advance to the Committee established by the Security Council of the United Nations under resolution 1737(2006) only when for exclusive use in light water reactors, where the supply, sale or transfer is in accordance with the requirements of paragraph 5 of resolution 1737 (2006)

(2) [S.I. 2008/3231](#).

(3) [2002 c.28](#).

and where such supply, sale or transfer is necessary for technical cooperation provided to Iran by the International Atomic Energy Agency (“IAEA”) or under its auspices as provided for in paragraph 16 of resolution 1737 (2006);]

“procurement” means procurement by whatever means, including but not limited to by purchase, import or transport, and including by using any ship, aircraft or vehicle to which article 4 of this Order applies;

“ship” has the meaning it bears in section 313 of the Merchant Shipping Act 1995(4);

[^{F4}“ship supply services” means the provision to a ship of bunker oil or any other supply, provision or service, other than basic provisions for the crew, to facilitate a voyage by that ship;]

[^{F4}“ United Kingdom ship ” means

- (i) the ship is registered under Part 2 of the Merchant Shipping Act 1995, or
- (ii) the ship is not registered under the law of any state but is wholly owned by persons each of whom is –
 - (aa) a British Citizen, or
 - (bb) a body incorporated or constituted under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom;]

“vehicle” means a land transport vehicle;

[^{F5}“WMD goods” (weapons of mass destruction goods) means the items, materials, equipment, goods and technology which are set out in the documents of the United Nations Security Council listed in Schedule 4.]

Textual Amendments

- F2** Words in art. 2 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **4(a)**
- F3** Words in art. 2 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **4(b)**
- F4** Words in art. 2 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **4(c)**
- F5** Words in art. 2 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **4(d)**

Commencement Information

- I2** Art. 2 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F6}Military and WMD Goods, Ship Supply Services and Related Offences]

Textual Amendments

- F6** Art. 3 cross-heading substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **5**

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Procurement of [^{F7}military goods or WMD goods] from Iran

3.—(1) Except under the authority of a licence granted by the Secretary of State under this article, the procurement of [^{F8}military goods or WMD goods] from Iran is prohibited, whether or not originating in the territory of Iran.

(2) Any military goods which are procured or attempted to be procured shall be liable to forfeiture.

^{F9}(3)

Textual Amendments

F7 Words in art. 3 heading substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **5**

F8 Words in art. 3(1) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **5**

F9 Art. 3(2) revoked (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **6**

Commencement Information

I3 Art. 3 in force at 10.4.2009, see [art. 1\(1\)](#)

Use of ships, aircraft and vehicles: [^{F10}military goods or WMD goods]

4.—(1) Without prejudice to the generality of article 3, and except under the authority of a licence granted by the Secretary of State under this article, no ship or aircraft to which this article applies, and no vehicle within the United Kingdom, shall be used for the carriage of [^{F11}military goods or WMD goods] if the carriage is, or forms part of, carriage from Iran to any destination outside Iran.

(2) This article applies—

(a) to [^{F12}United Kingdom ships];

(b) to [^{F12}aircraft registered in the United Kingdom];

(c) to any other ship or aircraft that is for the time being chartered to any person who is—

(i) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person; or

(ii) a body incorporated or constituted under the law of any part of the United Kingdom.

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

(a) in the case of a [^{F13}United Kingdom ship] or [^{F13}an 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; or

(b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he or she is such a person as is referred to in paragraph (2)(c)

(i) or (ii), 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 the person proves that he or she did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from Iran to any destination outside Iran.

(4) Nothing in paragraph (1) shall apply where the procurement of the goods concerned was authorised by a licence granted by the Secretary of State under article 3.

(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.

Textual Amendments

- F10** Words in art. 4 heading substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 5
- F11** Words in art. 4(1) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 5
- F12** Words in art. 4(2) substituted (17.12.2010) by virtue of [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 5
- F13** Words in art. 4(3) substituted (17.12.2010) by virtue of [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 5

Commencement Information

- I4** Art. 4 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F14}Use of ships, aircraft and vehicles: Military and WMD goods to Iran

4A.—(1) Except under the authority of a licence granted by the Secretary of State under this article, no ship or aircraft to which this article applies, and no vehicle within the United Kingdom, shall be used for the carriage of WMD goods, other than permitted light water reactor goods, or military goods if the carriage is, or forms part of, carriage from any place outside Iran to any destination therein.

(2) This article applies—

- (a) to any United Kingdom ship;
- (b) to aircraft registered in the United Kingdom; and
- (c) to any other ship or aircraft that is for the time being chartered to any person who is—
 - (i) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person; or
 - (ii) a body incorporated or constituted under the law of any part of the United Kingdom.

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

- (a) in the case of a United Kingdom ship 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; or
- (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he or she is such a person as is referred to in paragraph (2)(c) (i) or (ii), 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 the person proves that he or she did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside Iran to any destination therein.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from the United Kingdom of the goods concerned to Iran was authorised by a licence granted by the Secretary of State under the Export Control Order 2008.

Status: Point in time view as at 17/12/2010.

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(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.]

Textual Amendments

F14 Art. 4A inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 7

F15
...

Textual Amendments

F15 Art. 5 cross-heading omitted (17.12.2010) by virtue of [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 8

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

^{F16}5.

Textual Amendments

F16 Art. 5A substituted for Art. 5 (17.12.2010) by virtue of [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 8, 9

[^{F16}Ship Supply Services to Iranian ships

5A.—(1) Except under the authority of a licence granted by the Secretary of State under this article, the provision of ship supply services to any ship registered in Iran is prohibited, in the circumstances set out in paragraph (2).

(2) The circumstances referred to in paragraph (1) are where there is information which provides reasonable grounds to believe that the ship is carrying items, the supply, delivery, sale, transfer, export or procurement of which is prohibited by articles 2, 3, 4, 5, 8 and 9 of Council Regulation (EC) No 961/2010, the Export Control Order 2008 or by articles 4 or 4A of this Order.

(3) Any person knowingly concerned in the provision or attempted provision of such services in such circumstances shall be guilty of an offence under this Order.]

Textual Amendments

F16 Art. 5A substituted for Art. 5 (17.12.2010) by virtue of [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 8, 9

[^{F17}Investigation of suspect ships

6.—(1) An authorised officer who has reasonable grounds to suspect that the cargo of any ship contains military goods or WMD goods in contravention of articles 4(1) or article 4A(1) may exercise the powers set out in Part 1 of Schedule 3 for the purposes of investigating, preventing or suppressing the commission of an offence under article 4(3) or 4A(3).

- (2) Those powers are exercisable in relation to:
- (i) any ship in the territory of the United Kingdom, including the territorial sea adjacent to the United Kingdom;
 - (ii) any United Kingdom ship where it is seaward of the limits of the territorial sea of any state; and
 - (iii) any United Kingdom ship, not being a ship falling within article 6(2)(i) or 6(2)(ii) above, with authority of Secretary State given in accordance with article 6B.
- (3) Part 2 of Schedule 3 makes further provision about the exercise of the powers conferred by Part 1 of that Schedule.
- (4) In Schedule 3 “the ship” refers to the ship in relation to which the powers are exercised.
- (5) For the purposes of this article or Schedule 3 each of the following is an authorised officer:
- (a) a constable,
 - (b) an officer of Revenue and Customs,
 - (c) a customs official,
 - (d) a commissioned officer of the regular forces (within the meaning of the Armed Forces Act 2006,
 - (e) a person in command or charge of any aircraft or hovercraft in the service of the regular forces (within the meaning of that Act),
 - (f) a person of any other description authorised for the purposes of this article by the Secretary of State.
- (6) In this Order, the reference to the commission of an offence includes a reference to the commission of an offence which consists in:
- (a) attempting or conspiring to commit such an offence,
 - (b) aiding, abetting, counselling or procuring the commission of such an offence,
 - (c) being art and part in the commission of such an offence, or
 - (d) encouraging, assisting or inciting such an offence.]

Textual Amendments

F17 Art. 6 substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **10**

[^{F18}Authority to other states in relation to United Kingdom ships

6A.—(1) The Secretary of State may authorise a state other than the United Kingdom to exercise, in relation to a United Kingdom ship, powers corresponding to the powers set out in Part 1 of Schedule 3 for a purpose mentioned in article 6(1).

(2) An authorisation under paragraph (1) may be subject to such conditions or limitations, if any, as the Secretary of State sees fit.

(3) An authorisation under paragraph (1) may be given by the Secretary of State—

- (a) of his or her own motion, or
 - (b) in response to a request from a state other than the United Kingdom;
- (4) An authorisation under paragraph (1) may be general or particular.

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Textual Amendments

F18 Arts. 6A, 6B inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **11**

Exercise of powers in territorial sea of other states

6B.—(1) The powers set out in Part 1 of Schedule 3 may be exercised with respect to a ship in the territory or territorial sea of any state other than the United Kingdom with the authority of the Secretary of State.

(2) The Secretary of State must not give his or her authority unless the Secretary of State is satisfied that that state has consented to the exercise of those powers.]

Textual Amendments

F18 Arts. 6A, 6B inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **11**

Investigation, etc. of suspected aircraft

7.—(1) Where any authorised officer or authorised person has reason to suspect that any aircraft to which [^{F19}article 4 or 4A] applies has been or is being or is about to be used in contravention of [^{F19}article 4(1) or 4A(1)]—

- (a) the authorised officer or authorised person may (either alone or accompanied and assisted by persons under his or her authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the authorised officer or authorised person 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 or her inspection such documents so relating and such cargo as he or she may specify; and
- (c) if the aircraft is then in the United Kingdom, any authorised officer or authorised person 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)) 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 United Kingdom until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provisions of article 9(3), where an authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he or she may take such steps as appear to him or her 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 or her authority.

(4) In this article—

“authorised officer” means any officer of Revenue and Customs;

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

Textual Amendments

F19 Words in art. 7(1) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **12**

Commencement Information

I5 Art. 7 in force at 10.4.2009, see [art. 1\(1\)](#)

Investigation, etc. of suspected vehicles

8.—(1) Where any authorised officer or authorised person has reason to suspect that any vehicle in the United Kingdom has been or is being or is about to be used in contravention of [^{F20}article 4(1) or 4A(1)]—

- (a) the authorised officer or authorised person may (either alone or accompanied and assisted by persons under his or her authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) the authorised officer or authorised person 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 or her inspection such documents so relating and such goods as he or she may specify; and
- (c) any authorised officer or authorised person 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 (b)) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the United Kingdom until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 9(3), where any authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he or she may take such steps as appear to him or her 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 or her authority.

(4) In this article—

“authorised officer” means any officer of Revenue and Customs;

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

Textual Amendments

F20 Words in art. 8(1) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **13**

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Commencement Information

16 Art. 8 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F21}Provisions supplementary to articles 7 and 8 and Schedule 3

9.—(1) No information furnished or document produced by any person in pursuance of a request made under article 7 or 8 or a requirement made under Part 1 of Schedule 3 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 or her 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 or her own right;

(b) to any person who would have been empowered under articles 7 or 8 to request or, under Part 1 of Schedule 3, to require that it be furnished or produced to any person holding or acting in any office under or in the service of:

- (i) the Crown in respect of the Government of the United Kingdom;
- (ii) the Government of the Isle of Man;
- (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
- (iv) the States of Jersey; or
- (v) the Government of any territory listed in Schedule 1;

(c) on the authority of the Secretary of State, 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 Iran 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—

- (i) in the United Kingdom, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or
- (ii) for any offence under any law making provision with respect to such matters that is in force in any of the Channel Islands, the Isle of Man or any territory listed in Schedule 1 to this Order.

(2) Any power conferred by articles 7 or 8 or Part 1 of Schedule 3 to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the 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 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 articles 7 or 8 by any person empowered to make it, or
- (ii) furnishes any document or information which to his or her knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request;

- (b) a charterer or an operator or a commander or a member of a crew of an aircraft or a driver of a vehicle who wilfully obstructs any such authorised officer or authorised person (or any person acting under the authority of any such person) in the exercise of his or her powers under articles 7 or 8.

(4) Nothing in articles 6 to 9 or Schedule 3 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.]

Textual Amendments

F21 Art. 9 substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 14

Obtaining of evidence and information

10. The provisions of Schedule 2 shall have effect in order to facilitate the obtaining, by or on behalf of the Secretary of State or the Commissioners—

- (a) of evidence and information for the purpose of securing compliance with or detecting evasion of—
 - (i) this Order in the United Kingdom; or
 - (ii) any law making provision with respect to any of the matters regulated by this Order that is in force in any of the Channel Islands or the Isle of Man or any territory listed in Schedule 1; and
- (b) of evidence of the commission of—
 - (i) in the United Kingdom, an offence under this Order or, with respect to any of the matters regulated by this Order, an offence relating to customs; or
 - (ii) with respect to any of those matters, an offence under the law of any of the Channel Islands or the Isle of Man or any territory listed in Schedule 1.

Commencement Information

I7 Art. 10 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F22}Customs Investigations

11.—(1) Where the Commissioners for Revenue and Customs or the Secretary of State investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that an offence under article 4(3) or 4A(3) of this Order has been committed; or
- (b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter within the meaning of section 1(1) of the Customs and Excise Management Act 1979 (“CEMA”).

(2) Section 138 of CEMA (provision as to arrest of persons) shall apply to the arrest of a person for an offence under this Order as it applies to the arrest of a person for an offence under the customs and excise Acts.

(3) Sections 145, 146, 146A, 147, 148, 150, 151, 152, 154 and 155 of CEMA (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and

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penalties under this Order as they apply in relation to offences and penalties under the customs and excise Acts.

(4) For the purposes of the application of section 145 of CEMA to this Order, only offences related to contraventions of the provisions referred to in paragraph 1(a) are offences under the customs and excise Acts.]

Textual Amendments

F22 Art. 11 substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 15

Penalties and proceedings

12.—^{F23}(1) Any person guilty of an offence under article 3(3), 4(3), 4A(3) or 5A(1) shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or
- (b) on summary conviction—
 - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or both.

(2) Any person guilty of an offence under article 5(2), article 9(3)(a)(ii), paragraph 5(b) or (d) of Schedule 2 or paragraph 15(1), (2) or (3) of Part 3 of Schedule 3 shall be liable—

- (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—
 - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or both.]

(3) Any person guilty of an offence under article 5(1) or (2) shall be liable—

- (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.

(4) Any person guilty of an offence under ^{F24}[article 9(3)(a)(i) or (b)], or paragraph 5(a) or (c) of Schedule 2, shall be liable 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.

(5) 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 or other officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980⁽⁵⁾, a summary offence under this Order may be tried by a magistrates' court in England and Wales if any

(5) 1980 c. 43.

information is laid at any time within three years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his or her knowledge.

(7) Notwithstanding anything in section 136 of the Criminal Procedure (Scotland) Act 1995⁽⁶⁾, summary proceedings in Scotland for an offence under this Order may be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his or her knowledge; and subsection (3) of that section applies for the purpose of this paragraph as it applies for the purpose of that section—

Provided that such proceedings shall not be commenced after the expiration of three years from the commission of the offence.

(8) Notwithstanding anything in article 19 of the Magistrates' Courts (Northern Ireland) Order 1981⁽⁷⁾, summary proceedings in Northern Ireland for an offence under this Order may be instituted at any time within three years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his or her knowledge.

(9) For the purposes of this article—

- (a) a certificate signed by or on behalf of the prosecutor or the Lord Advocate (as the case may be) as to the date on which such evidence as is referred to in paragraphs (6), (7) and (8) came to his or her knowledge shall be conclusive evidence of that fact; and
- (b) a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

(10) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(11) In England and Wales, subsection (2) of section 24 of the Police and Criminal Evidence Act 1984⁽⁸⁾ shall apply to the offences under this Order that are not arrestable offences by virtue of the term of imprisonment for which a person may be sentenced in respect of them, as if they were mentioned in that subsection; and accordingly such offences shall be arrestable offences within the meaning of that Act.

(12) In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under this Order, he or she may arrest that person without a warrant.

(13) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted in England, Wales or Northern Ireland except by the Secretary of State or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland;

[^{F25}(14) In paragraphs 1(b) and 2(b) as they apply to England and Wales in the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, for “twelve months” substitute “six months”.]

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 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.

⁽⁶⁾ 1995 c. 46.

⁽⁷⁾ S.I. 1981/1675 (N.I. 26)

⁽⁸⁾ 1984 c.60.

Status: Point in time view as at 17/12/2010.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F23** Art. 12(1)(2) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **16(2)**
- F24** Words in art. 12(4) substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **16(3)**
- F25** Art. 12(14) inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **16(4)**

Commencement Information

- I8** Art. 12 in force at 10.4.2009, see [art. 1\(1\)](#)

Exercise of the powers of the Secretary of State

13.—(1) The Secretary of State may, to such extent and subject to such restrictions and conditions as he or she may think proper, delegate or authorise the delegation of any of his or her powers under this Order to any person, or class or description of persons, approved by him or her, and references in this Order to the Secretary of State shall be construed accordingly.

(2) Any licences granted under this Order shall be in writing and 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 that granted them.

Commencement Information

- I9** Art. 13 in force at 10.4.2009, see [art. 1\(1\)](#)

Judith Simpson
Clerk of the Privy Council

SCHEDULE 1

Article 9

DISCLOSURE OF INFORMATION – LISTED TERRITORIES

Commencement Information

I10 Sch. 1 in force at 10.4.2009, see [art. 1\(1\)](#)

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
Gibraltar
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St Helena and Dependencies
South Georgia and the South Sandwich Islands
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Turks and Caicos Islands
Virgin Islands

SCHEDULE 2

Article 10

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Secretary of State or the Commissioners may request any person in or resident in the United Kingdom to furnish to him or her, or to them any information in his or her possession or control, or to produce to him or her, or to them any document in his or her possession or control, which he or she, or they 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 sub-paragraph (1) shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his or her possession 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 or her, 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.

Status: Point in time view as at 17/12/2010.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(5) The furnishing of any information or the production of any document under this paragraph shall not be treated as a breach of any restriction imposed by statute or otherwise.

Commencement Information

111 Sch. 2 para. 1 in force at 10.4.2009, see [art. 1\(1\)](#)

2.—(1) If any justice of the peace is satisfied by information on oath given by any constable or person authorised by the Secretary of State or the Commissioners 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 under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs 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 and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft.

he or she may grant a search warrant authorising any constable or any officer of Revenue and Customs, 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, 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) Any authorised person who has entered any premises or any vehicle, ship or aircraft in accordance with sub-paragraph (1) may do any or all of the following things—

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

(3) Any information required in accordance with sub-paragraph (2) 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 constable or officer of Revenue and Customs lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) may—

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

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

Status: Point in time view as at 17/12/2010.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(5) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, ship or aircraft he or she 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 Scotland any reference to a justice of the peace includes a reference to the sheriff; and any reference to information on oath is a reference to evidence on oath.

Commencement Information

I12 Sch. 2 para. 2 in force at 10.4.2009, see [art. 1\(1\)](#)

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

Commencement Information

I13 Sch. 2 para. 3 in force at 10.4.2009, see [art. 1\(1\)](#)

4. No information furnished or document produced (including any copy of an extract made of any document produced) by a person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) 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 or her capacity as servant or agent of another person may not give consent for the purposes of this subparagraph 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 or her 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—
 - (i) the Crown in respect of the Government of the United Kingdom;
 - (ii) the Government of the Isle of Man;
 - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
 - (iv) the States of Jersey; or
 - (v) the Government of any territory listed in Schedule 1 to this Order;
- (c) on the authority of the Secretary of State, 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 Iran 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—
 - (i) in the United Kingdom, for an offence under this Order or, with respect to any of the matters regulated by this Order or, with respect to any of the matters regulated by this Order, for an offence against any enactment relating to customs; or

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) for any offence under any law making provision with respect to such matters that is in force in any of the Channel Islands, the Isle of Man or any territory listed in Schedule 1.

Commencement Information

I14 Sch. 2 para. 4 in force at 10.4.2009, see [art. 1\(1\)](#)

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; or
- (b) furnishes any information or produces any document which to his or her knowledge is false in a material particular; or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request; or
- (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.

Commencement Information

I15 Sch. 2 para. 5 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F26}SCHEDULE 3

Enforcement powers in respect of ships

Textual Amendments

F26 Sch. 3 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), 17

PART 1

THE POWERS

Power to stop, board, divert and detain

1.—(1) An authorised officer may stop and board the ship.

(2) If the authorised officer thinks it is necessary for the exercise of the authorised officer's functions, the authorised officer may require the ship to be taken to a port or anchorage:

- (a) in the United Kingdom, or
- (b) in any other country or territory willing to receive it,

and detain it there.

(3) If the ship is stopped in waters landward of the baselines from which the territorial sea adjacent to the United Kingdom is measured or in the territorial sea adjacent to the United Kingdom, the authorised officer may require it to be taken to any place in those waters or that sea specified by the authorised officer.

(4) For any purpose mentioned in sub-paragraph (1) to (3), the authorised officer may require the master or any member of the crew to take such action as may be necessary.

(5) If a ship is detained by an authorised officer, that officer must serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by service on the master of a further notice in writing signed by an authorised officer.

(6) Sub-paragraph (5) does not apply if it is not reasonably practicable to serve the notice on the master.

Power to search and obtain information

2.—(1) An authorised officer may search the ship, anyone on it and anything on it, including its cargo.

(2) An authorised officer may require any person on the ship to give information concerning that person or anything on the ship.

(3) Without prejudice to the generality of those powers an authorised officer may:

- (a) open any containers,
- (b) make tests and take samples of anything on the ship,
- (c) require the production of documents, books or records relating to the ship or anything on it,
- (d) make photographs or copies of anything the authorised officer has power to require to be produced.

Power in respect of suspected offence

3. If an authorised officer has reasonable grounds to suspect that an offence under article 4(3) or 4A(3) has been committed the authorised officer may:

- (a) arrest without warrant anyone on the ship whom the authorised officer has reasonable grounds for suspecting to be guilty of the offence, and
- (b) seize and detain anything found on the ship which appears to the authorised officer to be evidence of the offence.

Power in respect of identified prohibited items

4. If an authorised officer identifies on the ship any military goods or WMD goods prohibited to be carried from Iran under article 4(1) or WMD or military goods prohibited to be carried to Iran under article 4A(1), the authorised officer may seize the goods, detain them and dispose of them, either by destroying them or in such other manner as the authorised officer may decide.

Assistants

5.—(1) A person may be taken with an authorised officer to assist the authorised officer in the exercise of the authorised officer's functions.

(2) A person taken with an authorised officer under sub-paragraph (1) may perform any of the authorised officer's functions under paragraphs 1 to 4 and 6 and 7 but only under the authorised officer's supervision.

Use of force

6.—(1) An authorised officer may use reasonable force in the performance of the authorised officer's functions.

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- (2) Such force may be used only if:
- (a) the authorised officer or any person assisting the authorised officer is being obstructed in the performance of the authorised officer's functions, or
 - (b) it is necessary to ensure the safety of the authorised officer, any person assisting the authorised officer or any other person on board the ship.

Equipment

7. An authorised officer may take any equipment or materials to assist the authorised officer in the exercise of the authorised officer's powers.

Evidence of authority

8. A person authorised to act as an authorised officer must, if required, produce evidence of that authority.

PART 2

JUDICIAL AUTHORISATION

Judicial authorisation: exercise of powers to divert and search

9.—(1) This paragraph applies where—

- (a) an authorised officer boards a ship under paragraph 1,
- (b) there are one or more persons on board the ship when it is boarded,
- (c) an authorised officer requires the ship to be taken to a place for the purposes of exercising any of the powers of search under paragraph 2(1), and
- (d) for the purposes of taking the ship to that place or for the purposes of exercising any of those powers of search, an authorised officer requires one or more of the persons on board to remain on the ship.

(2) The persons may be required to remain on board the ship after the end of the period of 48 hours beginning with the time when the ship is boarded (“the 48 hour period”) only if—

- (a) the requirement is authorised by a judicial authority under sub-paragraph (4), or
- (b) the requirement is authorised by virtue of sub-paragraphs (6) and (7).

(3) An application for authorisation by a judicial authority may be made by any authorised officer.

(4) The judicial authority must authorise an authorised officer to require the persons to remain on board for a further period not exceeding 72 hours if satisfied—

- (a) that it is reasonable for an authorised officer to require the ship to be taken to the place in question for the purposes of exercising any of the powers of search under paragraph 2(1), and
- (b) that all reasonable steps are being taken to ensure that the ship arrives at the place, and that the search is completed, as soon as is practicable.

(5) If the judicial authority does not authorise an authorised officer to require the persons to remain on board for a further period, any authorised officers on board the ship, and any persons taken with them under paragraph 5, must leave the ship as soon as it is practicable for them to do so without endangering themselves or any other person on board the ship.

(6) Sub-paragraph (7) applies if all reasonable steps are taken by an authorised officer to obtain authorisation by a judicial authority but either—

- (a) it is not possible to make an application for authorisation before the end of the 48 hour period, or

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(b) although such an application is made within the 48 hour period, it is not determined during that period.

(7) The persons may be required to remain on board the ship after the end of the 48 hour period but only for so long as is necessary to enable an application for authorisation to be made (if it has not already been made) and determined.

(8) In subparagraph (1) the reference to an authorised officer includes a reference to a person taken with an authorised officer under paragraph 5.

(9) In this paragraph and paragraph 10, “judicial authority” means either of the following—

- (a) a judge of the Administrative Court in the Queen’s Bench Division of the High Court;
- (b) a sheriff in Scotland.

10.—(1) This paragraph applies where a judicial authority gives authorisation under paragraph 9(4) (whether the authorisation is the first given in relation to the persons or, by virtue of subparagraph (2) below, the second or subsequent).

(2) Sub-paragraphs (2) to (8) of paragraph 9 apply in relation to the persons as if the references in sub-paragraphs (2), (6)(a) and (b) and (7) to the 48 hour period were references to the further period authorised by the judicial authority.

11.—(1) An application made, or an authorisation given, under paragraph 9 may be made or given orally or in writing.

(2) An application under that paragraph may be made and determined without notice to any of the persons required to remain on the ship.

(3) Nothing in paragraph 9(5) prevents authorised officers (or persons taken with them under paragraph 5) who are required to leave the ship from taking with them anything that has been lawfully seized in the exercise of the powers conferred by Part 1 of this Schedule.

Judicial authorisation: arrested persons

12.—(1) This paragraph applies where an authorised officer arrests a person under paragraph 3(a).

(2) The arrested person may be detained after the end of the period of 48 hours beginning with the time of the arrest (“the 48 hour period”) only if—

- (a) the detention is authorised by a judicial authority under subparagraph (4), or
- (b) the detention is authorised by virtue of subparagraphs (6) and (7).

(3) An application for authorisation may be made by any authorised officer.

(4) A judicial authority must authorise the detention of the person for a further period not exceeding 72 hours if satisfied—

- (a) that there are reasonable grounds to suspect that the person is guilty of an offence under article 4(3) or 4A(3),
- (b) that all reasonable steps are being taken to ensure that the person is brought as soon as is practicable to the United Kingdom to be dealt with in respect of the offence, and
- (c) that the detention of the person is necessary for one or more of the purposes mentioned in subparagraph (5).

(5) Those purposes are—

- (a) to obtain evidence that the person has committed the offence, whether by questioning the person or otherwise;

Status: Point in time view as at 17/12/2010.

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- (b) to preserve evidence relating to the commission of the offence or to prevent the person interfering with witnesses;
 - (c) to prevent the person evading, or attempting to evade, prosecution for the offence;
 - (d) to prevent the person from being injured or from causing injury;
 - (e) to prevent the person causing loss of, or damage to, property.
- (6) Sub-paragraph (7) applies if all reasonable steps are taken by an authorised officer to obtain authorisation by a judicial authority but either—
- (a) it is not possible to make an application for authorisation before the end of the 48 hour period, or
 - (b) although such an application is made within the 48 hour period, it is not determined during that period.
- (7) The arrested person may be detained after the end of the 48 hour period but only for so long as is necessary to enable an application for authorisation to be made (if it has not already been made) and determined.
- (8) In subparagraph (1) any reference to an authorised officer includes a reference to a person taken with an authorised officer under paragraph 5.
- (9) In this paragraph and paragraph 13, “judicial authority” means either of the following—
- (a) a judge of the Administrative Court in the Queen’s Bench Division of the High Court;
 - (b) a sheriff in Scotland.

13.—(1) This paragraph applies where a judicial authority authorises the continued detention of an arrested person under paragraph 12 (whether the authorisation is the first given in relation to the person or, by virtue of sub-paragraph (2) below, the second or subsequent).

(2) Sub-paragraphs (2) to (8) of paragraph 12 apply in relation to the arrested person as if the references in sub-paragraphs (2), (6)(a) and (b) and (7) to the 48 hour period were references to the further period of detention authorised by the judicial authority.

14.—(1) An application made, or an authorisation given, under paragraph 12 may be made or given orally or in writing.

(2) An application under that paragraph may be made and determined without notice to the arrested person.

(3) Nothing in paragraph 12 applies in relation to the detention of a person at any time after that person’s entry into the United Kingdom to be dealt with in respect of the offence.

(4) Nothing in paragraph 12 prevents an authorised officer exercising the powers conferred by paragraph 1(4) or 6 in relation to a person who is released from detention by virtue of paragraph 12.

PART 3

OFFENCES

15.—(1) It is an offence for a person intentionally to obstruct an authorised officer in the performance of any of the authorised officer’s functions under this Schedule.

(2) It is an offence for a person to fail without reasonable excuse to comply with a requirement made by an authorised officer in the performance of those functions.

(3) It is an offence for a person, in purporting to give information required by an authorised officer for the performance of those functions, to:

Status: Point in time view as at 17/12/2010.

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- (a) make a statement which that person knows to be false in a material particular or recklessly to make a statement which is false in a material particular, or
 - (b) intentionally to fail to disclose any material particular.
- (4) In this paragraph any reference to an authorised officer includes a person taken with an authorised officer under paragraph 5.]

[^{F27}SCHEDULE 4

Lists of WMD goods prohibited from being supplied to or procured from Iran pursuant to Security Council Resolutions 1737 (2006), 1803 (2008) and 1929 (2010)

Textual Amendments
F27 Sch. 4 inserted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **18**

S/2010/263	9 June 2010	List of items, materials, equipment, goods and technology related to ballistic missile programmes referred to in resolution 1929 (2010).
INFCIRC/254/Rev. 9/ Part 1 and INFCIRC/254/ Rev.8/Part 2	9 June 2010	List of items, materials, equipment, goods and technology related to nuclear programmes referred to in resolution 1929 (2010)]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, gives effect to certain aspects of United Nations sanctions against Iran relating to the procurement of arms from Iran. This Order supplements existing trade controls, by prohibiting the procurement of arms from Iran regardless of their destination, and prohibiting the carriage of such goods to any destination using UK flag vessels or aircraft.

The substantive provisions of this Order include the following—

Article 3 prohibits the procurement of military goods from Iran. Military goods are defined by reference to subsidiary legislation made under the Export Control Act 2002. A breach of this article is made an offence.

Article 4 prohibits the use of vessels, aircraft and vehicles for the carriage of military goods from Iran. A breach of this article is made an offence.

Status: Point in time view as at 17/12/2010.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Articles 5 to 11 contain ancillary provisions to facilitate enforcement of the above provisions and to detect the evasion of any prohibition.

Article 12 provides penalties for the offences specified in this Order and for proceedings.

Schedule 1 lists the overseas territories to which information may be disclosed as provided in article 9.

Schedule 2 makes provision for the gathering of evidence and information.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Status:

Point in time view as at 17/12/2010.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Iran (United Nations Sanctions) Order 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.