

SCHEDULE 1

Article 9

DISCLOSURE OF INFORMATION – LISTED TERRITORIES

Commencement Information

II 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.

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(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

I2 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.

(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

I3 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

I4 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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- (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

I5 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

I6 Sch. 2 para. 5 in force at 10.4.2009, see [art. 1\(1\)](#)

[^{F1}SCHEDULE 3

Enforcement powers in respect of ships

Textual Amendments

F1 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

(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;

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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:

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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.]

[^{F2}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

F2 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)]

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Changes and effects yet to be applied to :

- art. 2 words inserted by [S.I. 2016/1119 art. 21](#)
- art. 2 words inserted by [S.I. 2016/378 art. 2\(2\)\(a\)](#)
- art. 2 words omitted by [S.I. 2016/378 art. 2\(2\)\(b\)](#)
- art. 3 and heading omitted by [S.I. 2016/378 art. 2\(3\)](#)
- art. 4 substituted by [S.I. 2016/378 art. 2\(4\)](#)
- art. 5(2) words omitted by [S.I. 2016/378 art. 2\(6\)](#)
- art. 6(1) words substituted by [S.I. 2016/378 art. 2\(8\)\(a\)](#)
- art. 6(1) words substituted by [S.I. 2016/378 art. 2\(8\)\(b\)](#)
- art. 12(1) words substituted by [S.I. 2016/378 art. 2\(10\)\(a\)](#)
- art. 12(2) words deleted by [S.I. 2011/2985 art. 2\(2\)](#)
- art. 12(11) omitted by [S.I. 2016/378 art. 2\(10\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2020/591 reg. 8\(a\)](#)
- Order words substituted by [S.I. 2012/362 art. 2Sch. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 4 substituted by [S.I. 2016/378 art. 2\(11\)\(b\)](#)
- Sch. 3 para. 3 words substituted by [S.I. 2016/378 art. 2\(11\)\(a\)](#)
- Sch. 3 para. 12(4)(a) words substituted by [S.I. 2016/378 art. 2\(11\)\(c\)](#)
- Sch. 4 omitted by [S.I. 2016/378 art. 2\(12\)](#)
- art. 4A4B substituted for art. 4A and heading by [S.I. 2016/378 art. 2\(5\)](#)
- art. 4B(3) substituted by [S.I. 2016/1119 art. 22](#)
- art. 5-5A replaced by [S.I. 2011/2985 art. 2\(1\)](#)
- art. 5A omitted by [S.I. 2016/378 art. 2\(7\)](#)
- art. 11(1)(a) words substituted by [S.I. 2016/378 art. 2\(9\)](#)
- art. 12(14) words substituted by [2020 c. 17 Sch. 24 para. 446\(1\)](#)