
STATUTORY INSTRUMENTS

2018 No. 539

The Burma (European Union
Financial Sanctions) Regulations 2018

PART 3

Offences

Contravention and circumvention of prohibitions

10.—(1) A person who contravenes any of the prohibitions in regulations 3 to 7 commits an offence.

(2) A person commits an offence who intentionally participates in activities knowing that the object or effect of them is (whether directly or indirectly)—

- (a) to circumvent any of the prohibitions in regulations 3 to 7, or
- (b) to enable or facilitate the contravention of any such prohibition.

Officers of a body corporate etc

11.—(1) Where an offence under these Regulations committed by a body corporate—

- (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
- (b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Paragraph (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

- (a) in the case of a partnership, to a partner;
- (b) in the case of an unincorporated body other than a partnership—
 - (i) where the body’s affairs are managed by its members, to a member of the body;
 - (ii) in any other case, to a member of the governing body.

Penalties

12.—(1) A person guilty of an offence under regulation 9 or 10 is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both;

- (b) on summary conviction—
 - (i) to imprisonment for a term not exceeding the relevant maximum; or
 - (ii) to a fine, which in Scotland or Northern Ireland may not exceed the statutory maximum,or to both.
- (2) A person guilty of an offence under paragraph 1(5) or paragraph 4(1) of the Schedule is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding the relevant maximum; or
 - (b) to a fine, which in Scotland or Northern Ireland may not exceed the statutory maximum,or to both.
- (3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003⁽¹⁾ (general limit on magistrates’ court’s power to impose imprisonment) comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.

Proceedings

- 13.**—(1) Proceedings against any person for an offence under these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.
- (2) Proceedings against any person for an offence under these Regulations which cannot be taken under paragraph (1) above may be taken before any appropriate court in the United Kingdom.
- (3) An offence falling under these Regulations which is committed wholly or partly outside the United Kingdom may for all incidental purposes be treated as having been committed within the jurisdiction of the court where proceedings are taken.
- (4) In England and Wales an information relating to an offence that is triable by a magistrates’ court may be so tried if it is laid—
 - (a) at any time within three years after the commission of the offence, and
 - (b) within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.
- (5) In Scotland—
 - (a) summary proceedings for an offence may be commenced—
 - (i) within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to the knowledge of the Lord Advocate, and
 - (ii) not later than three years after the commission of the offence; and
 - (b) section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽²⁾ (time limit for certain offences) applies for the purpose of this paragraph as it applies for the purpose of that section.
- (6) In Northern Ireland summary proceedings for an offence may be instituted—
 - (a) at any time within three years after the commission of the offence, and

(1) 2003 c.44.

(2) 1995 c.46.

(b) within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the knowledge of the prosecutor.

(7) For the purposes of this regulation a certificate of the prosecutor (or in Scotland, the Lord Advocate) as to the date on which such evidence as is referred to above came to their notice is conclusive evidence.

Consent to prosecution

14.—(1) Proceedings for an offence under these Regulations (other than for a summary offence) may not be instituted—

(a) in England and Wales, except by or with the consent of the Attorney General,

(b) in Northern Ireland—

(i) where the offence is committed wholly or partly outside Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland;

(ii) for all other offences, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(2) Nothing in paragraph (1) prevents—

(a) the arrest of a person in respect of an offence under these Regulations, or

(b) the remand in custody or on bail of any person charged with such an offence.