

STATUTORY INSTRUMENTS

2019 No. 438

The South Sudan (Sanctions) (EU Exit) Regulations 2019

VALID FROM 31/12/2020

PART 10

Supplementary and final provision

Notices

64.—(1) This regulation applies in relation to a notice required by regulation 35 (licences: general provisions) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a “principal office”—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any).

(6) In this regulation—

“proper officer”—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs, and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

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Commencement Information

I1 Reg. 64 not in force at made date, see [reg. 1\(2\)](#)

Article 20 of the Export Control Order 2008

65. Article 20 of the Export Control Order 2008 (embargoed destinations) is not to be taken to prohibit anything prohibited by Part 5 (Trade).

Commencement Information

I2 Reg. 65 not in force at made date, see [reg. 1\(2\)](#)

Trade: overlapping offences

66. A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34, 37 or 38 of that Order, and
- (b) any provision of Part 5 (Trade) or regulation 37 (trade: licensing offences), 45(6) or 46(5) (information offences in connection with general trade licences).

Commencement Information

I3 Reg. 66 not in force at made date, see [reg. 1\(2\)](#)

Revocations

67.—(1) Council Regulation (EU) No 2015/735 of 7 May 2015, concerning restrictive measures in respect of the situation in South Sudan and repealing Regulation (EU) No 748/2014 is revoked.

(2) The South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015 ^{M1} are revoked.

Commencement Information

I4 Reg. 67 not in force at made date, see [reg. 1\(2\)](#)

Marginal Citations

M1 [S.I. 2015/1361](#) as amended by [S.I. 2017/560](#); [S.I. 2017/754](#); [S.I. 2018/682](#) and [S.I. 2018/1149](#).

Amendments

68.—(1) ^{M2}The Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 are amended as follows—

- (a) in regulation 3—
 - (i) in paragraph (1)—

(aa) in the definition of “EU authorisation”, omit “or Article 3 of the South Sudan Regulation”.

[^{F1}(bb) omit the definition of “the South Sudan Regulation”];

[^{F2}(ii) omit paragraphs (4) and (5).]

(b) in the heading to Part 2, for “and the South Sudan Regulations” substitute “ Regulation ”.

(c) regulation 5 is omitted;

(d) in regulation 7(a), omit “, Article 2 of the South Sudan Regulation”;

(e) in paragraphs (2) and (3)(a) of regulation 11, omit “, the South Sudan Regulation”.

(2) In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017 ^{M3}, omit the following row from the table—

“United Nations Security Council Resolution 2206 (2015)	Council Regulation (EU) 2015/735 of 7 th May 2015 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No. 748/2014.”
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Textual Amendments

F1 Reg. 68(1)(a)(i)(bb) substituted (1.10.2019) by [The Export Control \(Sanctions\) \(Amendment\) Order 2019 \(S.I. 2019/1236\)](#), arts. 1(2), **8(a)**

F2 Reg. 68(1)(a)(ii) substituted (1.10.2019) by [The Export Control \(Sanctions\) \(Amendment\) Order 2019 \(S.I. 2019/1236\)](#), arts. 1(2), **8(b)**

Commencement Information

I5 Reg. 68 not in force at made date, see reg. 1(2)

Marginal Citations

M2 [S.I. 2014/3258](#), as amended by [S.I. 2015/97](#) and [S.I. 2015/1546](#).

M3 [S.I. 2017/478](#), to which there are amendments not relevant to these Regulations.

Transitional provision: Treasury licences

69.—(1) Paragraphs (2) to (4) apply to a licence which—

(a) was granted, or deemed to be granted, by the Treasury under regulation 9 of the 2015 Regulations,

(b) was in effect immediately before the relevant date, and

(c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (Finance),

and such a licence is referred to in this regulation as “an existing financial sanctions licence”.

(2) An existing financial sanctions licence has effect on and after the relevant date as if it had been issued by the Treasury under regulation 33(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2015 Regulations is to be treated on and after the relevant date as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

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- (a) the 2015 Regulations,
- (b) the EU South Sudan Regulation, or
- (c) Council Regulation (EU) No 748/2014 of 10 July 2014 concerning restrictive measures in respect of the situation in South Sudan ^{M4},

is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2015 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on an after the relevant date) be prohibited under Part 3, and
- (c) a decision to grant or refuse the application has not been made before that date.

(6) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 33(1) (Treasury licences).

(7) In paragraphs (3) and (4), a reference to the 2015 Regulations is to be treated as including a reference to the South Sudan (European Union Financial Sanctions) Regulations 2014 ^{M5}.

(8) In this regulation—

“the 2015 Regulations” means the South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015;

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

Commencement Information

I6 Reg. 69 not in force at made date, see [reg. 1\(2\)](#)

Marginal Citations

M4 OJ L 203 11.7.2014, p.13.

M5 [S.I. 2014/1827](#), as amended by the Wales Act [2014 c.29](#). These regulations were revoked and replaced by [S.I. 2015/1361](#).

Transitional provision: trade licences

70.—(1) Paragraph (2) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), and
 - (ii) which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(2) A licence is deemed to have been issued by the Secretary of State at the beginning of the relevant date under regulation 34 (trade licences)—

- (a) disapplying every provision of Part 5 which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) Paragraphs (4) to (6) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by the EU South Sudan Regulation, and
 - (ii) which would (on and after the relevant date, and in the absence of paragraphs (4) to (6)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade sanctions licence”.

(4) An existing trade sanctions licence has effect on and after the relevant date as if it were a licence which had been issued by the Secretary of State under regulation 34.

(5) Any reference in an existing trade sanctions licence to a provision of the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 or the Export Control Order 2008 is to be treated on and after the relevant date as a reference to the corresponding provision of these Regulations (if any).

(6) Any reference in an existing trade sanctions licence to a prohibition in the EU South Sudan Regulation is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 5 (Trade).

(7) In this regulation, “the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 5 comes into force.

Commencement Information

I7 Reg. 70 not in force at made date, see [reg. 1\(2\)](#)

Transitional provision: pending applications for trade licences

71.—(1) Paragraph (2) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under or pursuant to the Export Control Order 2008,
- (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
- (c) a decision to grant or refuse the application has not been made before the relevant date.

(2) The application is to be treated on and after the relevant date as including an application for a licence under regulation 34 (trade licences).

(3) Paragraph (4) applies where—

- (a) an application was made before the relevant date for a licence or authorisation under the Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 or the EU South Sudan Regulation,

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- (b) the application is for authorisation of an act prohibited by Part 5 (Trade), and
 - (c) a decision to grant or refuse the application has not been made before the relevant date.
- (4) The application is to be treated on and after the relevant date as an application for a licence under regulation 34.
- (5) In this regulation, “the relevant date” means—
- (a) where regulations under section 56 of the Act provide that Part 5 comes into force at a specified time on a day, that time on that day;
 - (b) otherwise, the date on which Part 5 comes into force.

Commencement Information

18 Reg. 71 not in force at made date, see [reg. 1\(2\)](#)

Transitional provisions: prior obligations

72.—(1) Where—

- (a) a person was named in Annex II of the EU South Sudan Regulation immediately before the relevant date, and
- (b) the person is a designated person immediately before the relevant date,

any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is a reference to the original listing date.

(2) Where, immediately before the relevant date, a person was named by the Security Council or the Committee for the purposes of paragraph 12 of resolution 2206, any reference in a provision mentioned in paragraph (3) to the date on which a person became a designated person is to be read as a reference to the date on which the person was so named.

(3) The provisions referred to in paragraphs (1) and (2) are—

- (a) regulation 31(5) (finance: exceptions from prohibitions), and
- (b) paragraphs 6(b)(i) and 7(a) of Schedule 2 (Treasury licences: purposes).

(4) In this regulation—

“designated person” has the same meaning as it has in Part 3 (Finance);

“original listing date” means—

- (a) where the person was named in Annex I of Council Regulation (EU) No 748/2014 of 10 July 2014 concerning restrictive measures in respect of the situation in South Sudan immediately before the repeal of that Regulation, the date on which that person was named in Annex I of that Regulation;
- (b) otherwise, the date on which the person was named in Annex II of the EU South Sudan Regulation.

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

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19 Reg. 72 not in force at made date, see [reg. 1\(2\)](#)

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