

## STATUTORY INSTRUMENTS

# 2019 No. 438

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

### PART 5

#### Trade

#### CHAPTER 2

#### Military goods and military technology

#### Export of military goods

- 21.**—(1) The export of military goods to, or for use in, South Sudan is prohibited.  
(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

#### Commencement Information

- I1** Reg. 21 not in force at made date, see [reg. 1\(2\)](#)  
**I2** [Reg. 21](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Supply and delivery of military goods

- 22.**—(1) A person must not directly or indirectly supply or deliver military goods from a third country to a place in South Sudan.  
(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).  
(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for South Sudan.  
(4) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or South Sudan.

#### Commencement Information

- I3** Reg. 22 not in force at made date, see [reg. 1\(2\)](#)  
**I4** [Reg. 22](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Making military goods and military technology available

- 23.**—(1) A person must not—  
(a) directly or indirectly make military goods or military technology available to a person connected with South Sudan;

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- (b) directly or indirectly make military goods or military technology available for use in South Sudan.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
  - (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with South Sudan;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in South Sudan.

#### Commencement Information

- I5** Reg. 23 not in force at made date, see [reg. 1\(2\)](#)
- I6** [Reg. 23](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Transfer of military technology

- 24.**—(1) A person must not—
  - (a) transfer military technology to a place in South Sudan;
  - (b) transfer military technology to a person connected with South Sudan.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
  - (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in South Sudan;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with South Sudan.

#### Commencement Information

- I7** Reg. 24 not in force at made date, see [reg. 1\(2\)](#)
- I8** [Reg. 24](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Technical assistance relating to military goods and military technology

- 25.**—(1) A person must not directly or indirectly provide technical assistance relating to military goods or military technology—
  - (a) to a person connected with South Sudan, or
  - (b) for use in South Sudan.
- (2) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
  - (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with South Sudan;

- (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in South Sudan.

#### Commencement Information

- I9** Reg. 25 not in force at made date, see [reg. 1\(2\)](#)  
**I10** [Reg. 25](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Financial services and funds relating to military goods and military technology

**26.**—(1) A person must not directly or indirectly provide, to a person connected with South Sudan, financial services in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of military goods,
- (b) the direct or indirect supply or delivery of military goods,
- (c) directly or indirectly making military goods or military technology available to a person,
- (d) the transfer of military technology, or
- (e) the direct or indirect provision of technical assistance relating to military goods or military technology.

(2) A person must not directly or indirectly make funds available to a person connected with South Sudan in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of military goods to, or for use in, South Sudan,
- (b) the direct or indirect supply or delivery of military goods to a place in South Sudan,
- (c) directly or indirectly making military goods or military technology available—
  - (i) to a person connected with South Sudan, or
  - (ii) for use in South Sudan,
- (d) the transfer of military technology—
  - (i) to a person connected with South Sudan, or
  - (ii) to a place in South Sudan, or
- (e) the direct or indirect provision of technical assistance relating to military goods or military technology—
  - (i) to a person connected with South Sudan, or
  - (ii) for use in South Sudan.

(4) Paragraphs (1) to (3) are subject to Part 6 (Exceptions and licences).

(5) A person who contravenes a prohibition in any of paragraphs (1) to (3) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with South Sudan;
- (b) it is a defence for a person charged with an offence of contravening a prohibition in paragraph (3) to show that the person did not know and had no reasonable cause to suspect

that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

#### Commencement Information

- I11** Reg. 26 not in force at made date, see [reg. 1\(2\)](#)  
**I12** [Reg. 26](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Brokering services: non-UK activity relating to military goods and military technology

**27.**—(1) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of military goods from a third country to a place in South Sudan,
- (b) directly or indirectly making military goods available in a third country for direct or indirect supply or delivery—
  - (i) to a person connected with South Sudan, or
  - (ii) to a place in South Sudan,
- (c) directly or indirectly making military technology available in a third country for transfer—
  - (i) to a person connected with South Sudan, or
  - (ii) to a place in South Sudan,
- (d) the transfer of military technology from a place in a third country—
  - (i) to a person connected with South Sudan, or
  - (ii) to a place in South Sudan,
- (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to military goods or military technology—
  - (i) to a person connected with South Sudan, or
  - (ii) for use in South Sudan,
- (f) the direct or indirect provision, in a non-UK country, of financial services—
  - (i) to a person connected with South Sudan, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
  - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3),
- (g) directly or indirectly making funds available, in a non-UK country, to a person connected with South Sudan, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(1), or
- (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 26(3).

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“third country” means—

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the United Kingdom, the Isle of Man or South Sudan, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or South Sudan.

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**Commencement Information**

**I13** Reg. 27 not in force at made date, see [reg. 1\(2\)](#)

**I14** [Reg. 27](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Changes to legislation:**

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

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

- Pt. 3A inserted by [S.I. 2024/644 reg. 4\(4\)](#)
- reg. 5(1)(aa) inserted by [S.I. 2024/644 reg. 4\(3\)\(b\)](#)
- reg. 33A inserted by [S.I. 2024/644 reg. 4\(5\)](#)
- reg. 36A inserted by [S.I. 2024/644 reg. 4\(7\)](#)
- reg. 54(3A)-(3D) inserted by [S.I. 2024/644 reg. 4\(10\)](#)