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STATUTORY INSTRUMENTS

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**2019 No. 792**

**The Syria (Sanctions) (EU Exit) Regulations 2019**

**PART 11**

**Supplementary and final provision**

**Directions under Part 6**

**94.**—(1) Paragraphs (3) to (5) apply in relation to a direction given under Part 6 (Aircraft).

(2) A direction under regulation 51(5) may be given to any airport operator or to airport operators generally.

(3) A person to whom a direction is given has a duty to comply with it.

(4) A direction may be of indefinite duration or a defined duration.

(5) A person who gives a direction may vary, revoke or suspend it at any time.

**Notices**

**95.**—(1) This regulation applies in relation to a notice required by regulation 64 (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 its 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.

### **Article 20 of the Export Control Order 2008**

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

### **Trade: overlapping offences**

**97.** 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, 35, 37 or 38 of that Order<sup>(1)</sup>, and
- (b) any provision of Part 5 (Trade) or regulation 57(6) (exceptions relating to petroleum products: notification requirement), 66 (trade: licensing offences), 75(6) or 76(5) (information offences in connection with general trade licences).

### **Amendment to the Syria Council Regulation**

**98.**—(1) Council Regulation (EU) No 36/2012 of 18 January 2012, concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011<sup>(2)</sup> is amended as follows.

- (2) Omit Articles 1 to 11b.
- (3) Omit Articles 12 to 26a.
- (4) In Article 27(1)—
  - (a) for “measures” substitute “measure”;
  - (b) omit point (a);
  - (c) in point (c), for “points (a) or (b)” substitute “point (b)”.
- (5) In Article 27a, for “Articles 2a, 3, 3a, 4, 5, 6, 7a, 8, 9, 11, 11a, 11b, 11c, 12, 13, 14, 24, 25, 26 and 26a” substitute “Article 11c”.
- (6) In Article 28, for “prohibitions” substitute “prohibition”.
- (7) In Article 29(1)(a), omit the words “, such as accounts and amounts frozen in accordance with Article 14,”.
- (8) Omit Article 36.
- (9) Omit Annexes Ia, IIa, III, IV, V, Va, Vb, VI, VII, VIII, IX and X.

### **Other amendments and revocations**

**99.**—(1) The Syria (European Union Financial Sanctions) Regulations 2012<sup>(3)</sup> are revoked.

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(1) Article 35 of the Order has been amended by the Export Control (Amendment) (No. 3) Order 2009 (S.I. 2009/2151). Articles 37 and 38 have been amended by the Export Control (Amendment) (No. 2) Order 2012 (S.I. 2012/910) and has also been amended by the Export Control (Amendment) Order 2017 (S.I. 2017/85).

(2) As prospectively amended by S.I. 2019/380.

(3) S.I. 2012/129, as modified by the Wales Act 2014 (c.29), section 4(4)(a) and amended by S.I. 2012/639, S.I. 2012/2524, S.I. 2013/472, S.I. 2013/534, S.I. 2013/877, S.I. 2013/1876, S.I. 2017/560, S.I. 2017/754 and S.I. 2018/682 and as prospectively amended by S.I. 2018/1149.

- (2) The Export Control (Syria Sanctions) Order 2013(4) is amended as follows.
- (3) Omit article 2.
- (4) In article 3(1), omit all definitions except for the definitions of “the 1979 Act” and “the Syria Regulation”.
- (5) Omit articles 4 to 12.
- (6) Omit articles 13 to 16.
- (7) In article 17—
  - (a) paragraphs (1) and (2) are omitted;
  - (b) in paragraph (3), for “articles 6(1)(b) to (c) or (3), 7(a)(ii) to (iv), 8, 8A(b), 9(b) or (c), 11(b) or (c), 12A, 13(b), 14, 15 or 16(2)” substitute “article 12A”;
  - (c) in paragraph (4), for the words from “in article 4 of this Order” to “or 12(1)(a)” substitute “Article 11c(1)”;
  - (d) in paragraph (5), for “Articles 6(a), 11a(1)(b) or 11c(1)” substitute “Article 11c(1)”.
- (8) Omit article 18(2).
- (9) Omit article 19.
- (10) Omit Schedules 1 and 2.

#### **Transitional provision: Treasury licences**

- 100.**—(1) Paragraphs (2) to (4) apply to a licence or authorisation which—
- (a) was granted, or deemed to be granted, by the Treasury under regulation 10 of the 2012 Regulations,
  - (b) was in effect immediately before exit day, and
  - (c) authorises conduct which would (on and after exit day, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (Finance),
- and such a licence or authorisation is referred to in this regulation as “an existing financial sanctions licence”.
- (2) An existing financial sanctions licence which authorises an act which would otherwise be prohibited has effect on and after exit day as if it had been issued by the Treasury under regulation 61(1) (Treasury licences).
  - (3) Any reference in an existing financial sanctions licence to the 2012 Regulations is to be treated on and after exit day as a reference to these Regulations.
  - (4) Any reference in an existing financial sanctions licence to a prohibition in—
    - (a) the 2012 Regulations, or
    - (b) the EU Syria Regulation,is to be treated on and after exit day as a reference to the corresponding prohibition in Part 3.
  - (5) Paragraph (6) applies where—
    - (a) an application for a licence or authorisation, or for the variation of a licence or authorisation, under the 2012 Regulations was made before exit day,
    - (b) the application is for the authorisation of conduct which would (on and after exit day) 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 exit day as an application for a licence, or for the variation of a licence (as the case may be), under regulation 61(1) (Treasury licences).

(7) In this regulation, “the 2012 Regulations” means the Syria (European Union Financial Sanctions) Regulations 2012.

(8) In paragraphs (3) and (4), a reference to the 2012 Regulations includes a reference to the Syria (Asset-Freezing) Regulations 2011<sup>(5)</sup>.

### **Transitional provision: trade licences**

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

- (a) was in effect immediately before exit day, 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) or which requires an authorisation under or pursuant to the Dual-Use Regulation, and
  - (ii) which would (on and after exit day, 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 on exit day under regulation 62 (trade licences)—

- (a) disapplying every provision of Part 5 (Trade) 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 exit day, and
- (b) authorises an act—
  - (i) which would otherwise be prohibited by the EU Syria Regulation, and
  - (ii) which would (on and after exit day, 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 exit day as if it were a licence which had been issued by the Secretary of State under regulation 62 (trade licences).

(5) Any reference in an existing trade sanctions licence to a provision of the Export Control Order 2008 is to be treated on and after exit day 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 Syria Regulation is to be treated on and after exit day as a reference to the corresponding prohibition in Part 5 (Trade).

### **Transitional provision: pending applications for trade licences**

**102.**—(1) Paragraph (2) applies where—

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(5) [S.I. 2011/1244](#), as amended by [S.I. 2011/2479](#) and revoked by the 2012 Regulations.

- (a) an application was made before exit day for a licence or authorisation under or pursuant to the Export Control Order 2008 or the Dual-Use Regulation,
  - (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 exit day.
- (2) The application is to be treated on and after exit day as including an application for a licence under regulation 62 (trade licences).
- (3) Paragraph (4) applies where—
- (a) an application was made before exit day for a licence or authorisation under the Export Control (Syria Sanctions) Order 2013 or the EU Syria Regulation,
  - (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 exit day.
- (4) The application is to be treated on and after exit day as an application for a licence under regulation 62 (trade licences).

### **Transitional Provisions: prior obligations**

#### **103.—(1) Where—**

- (a) a person was named in Annex II or IIa of the EU Syria Regulation immediately before exit day, and
- (b) the person is a designated person immediately before exit day,

any reference in a provision mentioned in paragraph (2) to the date on which a person became a designated person is a reference to the original listing date.

#### **(2) The provisions referred to in paragraph (1) are—**

- (a) regulation 55(5) (asset-freeze etc: exceptions from prohibitions), and
- (b) in Schedule 6 (Treasury licences: purposes)—
  - (i) paragraph 6(b)(i);
  - (ii) paragraph 15(a);
  - (iii) paragraph 16(3);
  - (iv) paragraph 16(5)(b).

#### **(3) In this regulation—**

“designated person” has the same meaning as it has in Chapter 1 of Part 3 (Finance);

“original listing date” means the earlier of—

- (a) the date on which the person was named in Annex II or Annex IIa of the EU Syria Regulation, and
- (b) if the person was also named in Annex II of Council Regulation (EU) No 442/2011 of 9 May 2011, concerning restrictive measures in view of the situation in Syria<sup>(6)</sup>, the date on which the person was named in that Annex.

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<sup>(6)</sup> OJ L 121, 10.5.2011, p.1.