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STATUTORY INSTRUMENTS

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**2019 No. 792**

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

**PART 5**

Trade

**CHAPTER 1**

Interpretation

**Definitions relating to goods and technology prohibited under Part 5**

**25.—(1)** For the purposes of this Part—

“arms and related materiel” means—

- (a) military goods, and
- (b) any thing which is, or would be, classified under chapter 93 of the Goods Classification Table, other than military goods;

“aviation fuel and aviation fuel additives” has the meaning given to it in paragraph 2 in Part 2 of Schedule 2;

“bank notes or coinage” means newly printed or unissued Syrian-denominated bank notes and minted coinage;

“crude oil and petroleum products” has the meaning given to it in paragraphs 3 and 4 in Part 2 of Schedule 2;

“gold, precious metals or diamonds” has the meaning given to it in paragraph 6 in Part 2 of Schedule 2;

“the Goods Classification Table” has the same meaning as it has in paragraph 1(3) in Part 1 of Schedule 2;

“goods relating to chemical and biological weapons” means—

- (a) any thing specified in Schedule 3, other than technology relating to chemical and biological weapons (but see paragraph (3)), and
- (b) any tangible storage medium on which technology relating to chemical and biological weapons is recorded or from which it can be derived;

“goods relating to crude oil and natural gas” means anything specified in Annex # of the EU Syria Regulation, other than—

- (a) technology relating to crude oil and natural gas, and
- (b) military goods;

“goods relating to electricity production” has the meaning given to it in paragraph 5 in Part 2 of Schedule 2;

“interception and monitoring goods” means any item mentioned in sub-paragraph (a) or (b), provided that it may be used for interception and monitoring services—

- (a) a relevant Schedule 4 item;
- (b) any tangible storage medium on which interception and monitoring technology is recorded or from which it can be derived;

“interception and monitoring technology” means any thing—

- (a) which is described as software in paragraph 2 of Schedule 4 provided that it may be used for interception and monitoring services, and
- (b) which is described as software or other technology in paragraph 3 of Schedule 4, (but see paragraph (5));

“internal repression goods” means—

- (a) any thing specified in Schedule 5, other than—
  - (i) any thing which is internal repression technology,
  - (ii) any thing for the time being specified in Schedule 2 to the Export Control Order 2008(1), or
  - (iii) any thing for the time being specified in Annex I of the Dual-Use Regulation, and
- (b) any tangible storage medium on which internal repression technology is recorded or from which it can be derived;

“internal repression technology” means any thing which is described in Schedule 5 as software or technology;

“luxury goods” has the meaning given to it in paragraph 7 in Part 2 of Schedule 2;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;

“technology relating to chemical and biological weapons” means any thing specified as technology or software in Schedule 3, other than technology which is—

- (a) the minimum necessary for—
  - (i) the installation, operation, maintenance and repair of any goods which are not subject to a prohibition under this Part, or
  - (ii) patent applications,
- (b) in the public domain, or
- (c) basic scientific research;

“technology relating to crude oil and natural gas” means any thing specified as technology or software in Annex # of the EU Syria Regulation, other than military technology.

(2) For the purpose of the definition of “arms and related materiel” in paragraph (1), paragraph 1(2) in Part 1 of Schedule 2 (the rules of interpretation for the purpose of determining whether or not a thing is “classified”) applies.

(1) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697, S.I. 2018/165 and S.I. 2018/939. There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.

(3) The definition of “goods relating to chemical and biological weapons” does not apply to anything specified in Part 3 of Schedule 3, other than Isopropanol (as specified in paragraph 6(p) of that Part), which are consumer goods packaged for—

- (a) retail sale for an individual’s personal use, or
- (b) individual use.

(4) For the purpose of the definition of “interception and monitoring goods” in paragraph (1) “a relevant Schedule 4 item” means any thing described in Schedule 4, other than—

- (a) any thing which is interception and monitoring technology, or
- (b) any thing for the time being specified in—
  - (i) Schedule 2 to the Export Control Order 2008, or
  - (ii) Annex I of the Dual-Use Regulation.

(5) The definition of “interception and monitoring technology” does not apply to software which is—

- (a) generally available to the public, or
- (b) in the public domain.

**Definition of “interception and monitoring services”**

**26.**—(1) For the purposes of this Part, “interception and monitoring services” means any service that has as its object or effect the interception of a communication in the course of its transmission by means of a telecommunication system.

(2) A person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if—

- (a) the person does a relevant act in relation to the system, and
- (b) the effect of the relevant act is to make any content of the communication available, at a relevant time, to a person who is not the sender or intended recipient of the communication.

(3) In paragraph (2) a “relevant act”, in relation to a telecommunication system, means—

- (a) modifying, or interfering with, the system or its operation;
- (b) monitoring transmissions made by means of the system;
- (c) monitoring transmissions made by wireless telegraphy to or from apparatus that is part of the system.

(4) In paragraph (2), a “relevant time”, in relation to a communication transmitted by means of a telecommunication system, means—

- (a) any time while the communication is being transmitted, and
- (b) any time when the communication is stored in or by the system (whether before or after its transmission).

(5) For the purpose of paragraph (2), the cases in which any content of a communication is to be taken to be made available to a person at a relevant time include any case in which any of the communication is diverted or recorded at a relevant time so as to make the content of the communication available to a person after that time.

(6) In paragraph (3), references to modifying a telecommunication system include references to attaching any apparatus to, or otherwise modifying or interfering with—

- (a) any part of the system, or
- (b) any wireless telegraphy apparatus used for making transmissions to or from apparatus that is part of the system.

- (7) For the purposes of this regulation, the following definitions also apply—
- “apparatus” includes any equipment, machinery or device (whether physical or logical) and any wire or cable;
- “communication”, for the purpose of a telecommunication system, includes—
- (a) anything comprising speech, music, sounds, visual images or data of any description, and
  - (b) signals serving for the impartation of anything between persons, between a person and a thing or between things, for the actuation or control of any apparatus;
- “content”, in relation to a communication and a telecommunication system, means any element of the communication, or any data attached to or logically associated with the communication, which reveals anything of what might reasonably be considered to be the meaning (if any) of the communication, but—
- (c) any meaning arising from the fact of the communication or from any data relating to the transmission of the communication is to be disregarded, and
  - (d) anything which is systems data is not content;
- “systems data” means any data that enables or facilitates, or identifies or describes anything connected with enabling or facilitating, the functioning of a telecommunication system (including any apparatus forming part of the system);
- “a telecommunication system” means a system (including the apparatus comprised in it) that exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electromagnetic energy;
- “wireless telegraphy” and “wireless telegraphy apparatus” have the same meaning as in sections 116 and 117 of the Wireless Telegraphy Act 2006(2).

### **Interpretation of other expressions used in Part 5**

- 27.**—(1) Paragraphs 32 to 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.
- (2) In this Part, any reference to the United Kingdom includes a reference to the territorial sea.
- (3) In this Part—
- (a) the following definitions apply—
- “technical assistance”, in relation to goods or technology, means—
- (i) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
  - (ii) any other technical service relating to the goods or technology;
- “transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act;
- (b) the following terms have the meaning given to them in the Dual-Use Regulation—
- “basic scientific research”;
- “in the public domain”.
- (4) For the purpose of regulation 25(5), software is “generally available to the public” if the software is sold from stock at retail selling points without restriction, by means of—
- (a) over the counter transactions,
  - (b) mail order transactions,
  - (c) electronic transactions, or

- (d) telephone order transactions.
- (5) For the purposes of Chapters 2 and 4, a person is to be regarded as “connected with” Syria if the person is—
  - (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Syria,
  - (b) an individual who is, or an association or combination of individuals who are, located in Syria,
  - (c) a person, other than an individual, which is incorporated or constituted under the law of Syria, or
  - (d) a person, other than an individual, which is domiciled in Syria.
- (6) For the purposes of Chapter 4, “a Syrian regime person” means—
  - (a) the Syrian regime;
  - (b) the Central Bank of Syria;
  - (c) a person acting on behalf, or at the direction, of a person mentioned in sub-paragraph (a) or (b);
  - (d) a person who is not an individual and who is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person mentioned in sub-paragraph (a) or (b).

## CHAPTER 2

### Trade prohibitions relating to export, supply, sale and transfer

#### **Application of prohibitions in Chapter 2 of Part 5**

**28.**—(1) Except where otherwise provided, the prohibitions contained in this Chapter apply to the goods falling within paragraph (2) and the technology falling within paragraph (3).

- (2) The following goods fall within this paragraph—
  - (a) aviation fuel and aviation fuel additives (but not for the purpose of regulation 33 (technical assistance));
  - (b) goods relating to chemical and biological weapons;
  - (c) goods relating to crude oil and natural gas;
  - (d) interception and monitoring goods;
  - (e) internal repression goods.
- (3) The following technology falls within this paragraph—
  - (a) interception and monitoring technology;
  - (b) internal repression technology;
  - (c) technology relating to chemical and biological weapons;
  - (d) technology relating to crude oil and natural gas.

#### **Export prohibition**

- 29.**—(1) The export of goods to which this paragraph applies to, or for use in, Syria is prohibited.
- (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

**Supply and delivery prohibition**

**30.**—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a third country to a place in Syria.

(2) Paragraph (1) is subject to Part 7 (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 Syria.

(4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

**Prohibition in connection with making goods and technology available**

**31.**—(1) A person must not—

- (a) directly or indirectly make goods or technology to which this paragraph applies available to a person connected with Syria, or
- (b) directly or indirectly make goods or technology to which this paragraph applies available for use in Syria.

(2) Paragraph (1) is subject to Part 7 (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 Syria;
- (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 Syria.

**Transfer of technology prohibition**

**32.**—(1) A person must not—

- (a) transfer technology to which this paragraph applies to a place in Syria, or
- (b) transfer technology to which this paragraph applies to a person connected with Syria.

(2) Paragraph (1) is subject to Part 7 (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 Syria;
- (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 Syria.

**Prohibition relating to the associated provision of technical assistance**

**33.**—(1) A person must not directly or indirectly provide technical assistance relating to goods or technology to which this paragraph applies—

- (a) to a person connected with Syria, or
- (b) for use in Syria.

(2) Paragraph (1) is subject to Part 7 (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 Syria;
  - (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 Syria.
- (4) This regulation does not apply to aviation fuel and aviation fuel additives.

**Prohibitions relating to the associated provision of financial services and funds**

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

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

(2) A person must not directly or indirectly make funds available to a person connected with Syria 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 goods to which this paragraph applies to, or for use in, Syria,
- (b) the direct or indirect supply or delivery of goods to which this paragraph applies to a place in Syria,
- (c) directly or indirectly making goods or technology to which this paragraph applies available—
  - (i) to a person connected with Syria, or
  - (ii) for use in Syria,
- (d) the transfer of technology to which this paragraph applies —
  - (i) to a person connected with Syria, or
  - (ii) to a place in Syria, or
- (e) the direct or indirect provision of technical assistance relating to goods or technology to which this paragraph applies —
  - (i) to a person connected with Syria, or
  - (ii) for use in Syria.

(4) Paragraphs (1) to (3) are subject to Part 7 (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 Syria;

- (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.

**Prohibitions relating to the associated provision of brokering services: non-UK activity**

**35.**—(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 goods to which this paragraph applies from a third country to a place in Syria,
- (b) directly or indirectly making goods to which this paragraph applies available in a third country for direct or indirect supply or delivery—
  - (i) to a person connected with Syria, or
  - (ii) to a place in Syria,
- (c) directly or indirectly making technology to which this paragraph applies available in a third country for transfer—
  - (i) to a person connected with Syria, or
  - (ii) to a place in Syria,
- (d) the transfer of technology to which this paragraph applies from a place in a third country—
  - (i) to a person connected with Syria, or
  - (ii) to a place in Syria,
- (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to goods or technology to which this paragraph applies —
  - (i) to a person connected with Syria, or
  - (ii) for use in Syria,
- (f) the direct or indirect provision, in a non-UK country, of financial services—
  - (i) to a person connected with Syria, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 34(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 34(3),
- (g) directly or indirectly making funds available, in a non-UK country, to a person connected with Syria, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 34(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 34(3).

(2) Paragraph (1) is subject to Part 7 (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 Syria, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the United Kingdom or Syria.

### CHAPTER 3

Trade prohibitions relating to import, purchase and transportation

#### **Import of arms and related materiel, crude oil and petroleum products**

**36.**—(1) The import of the following goods which are consigned from Syria is prohibited—

- (a) arms and related materiel;
  - (b) crude oil and petroleum products.
- (2) The import of the goods mentioned in paragraph (1) which originate in Syria is prohibited.
- (3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).

#### **Purchase of military goods and technology, crude oil and petroleum products**

**37.**—(1) A person must not—

- (a) directly or indirectly acquire goods or technology to which this paragraph applies which originate in Syria;
  - (b) directly or indirectly acquire goods or technology to which this paragraph applies which are located in Syria.
- (2) Paragraph (1) applies to—
- (a) crude oil and petroleum products,
  - (b) military goods, and
  - (c) military technology.
- (3) Paragraph (1) is subject to Part 7 (Exceptions and licences).
- (4) 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 goods or technology originated in Syria;
  - (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 located in Syria.

#### **Transport of military goods, crude oil and petroleum products**

**38.**—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in Syria to a third country where those goods—

- (a) originate in Syria, or
  - (b) are consigned from Syria.
- (2) A person must not directly or indirectly supply or deliver crude oil and petroleum products from a place in a non-UK country to a place in a different non-UK country where the crude oil or petroleum products originate in Syria.
- (3) Paragraph (1) applies to—

- (a) crude oil and petroleum products, and
  - (b) military goods.
- (4) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).
- (5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) or (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Syria;
  - (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 were consigned from Syria.
- (6) In this regulation—
- “non-UK country” means a country that is not the United Kingdom or the Isle of Man;
  - “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

#### **Transfer of military technology**

**39.**—(1) A person must not transfer military technology to persons outside the United Kingdom or to a place outside the United Kingdom, where the transfer is from a place in Syria.

(2) Paragraph (1) is subject to Part 7 (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 the offence to show that the person did not know and had no reasonable cause to suspect that the transfer was from a place in Syria.

#### **Prohibitions relating to the associated provision of financial services and funds**

**40.**—(1) 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 import of goods to which regulation 36 applies which—
  - (i) originate in Syria, or
  - (ii) are consigned from Syria;
- (b) the direct or indirect acquisition of goods or technology to which regulation 37(1) applies—
  - (i) originating in Syria, or
  - (ii) located in Syria;
- (c) the direct or indirect supply or delivery of goods to which regulation 38(1) applies from a place in Syria to a third country, where those goods—
  - (i) originate in Syria, or
  - (ii) are consigned from Syria;
- (d) the direct or indirect supply or delivery of crude oil and petroleum products from a place in a non-UK country to a place in a different non-UK country where the crude oil or petroleum products originate in Syria;
- (e) the transfer of military technology to persons outside the United Kingdom or to a place outside the United Kingdom where the transfer is from a place in Syria.

(2) Paragraph (1) is subject to Part 7 (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 an offence of contravening a prohibition in paragraph (1) 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.

## CHAPTER 4

### Trade prohibitions relating to particular categories of goods

#### **Bank notes or coinage**

**41.**—(1) The export of bank notes or coinage to, or for the benefit of, the Central Bank of Syria is prohibited.

(2) A person must not directly or indirectly—

(a) supply or deliver bank notes or coinage from a third country to, or for the benefit of, the Central Bank of Syria;

(b) make bank notes or coinage available to, or for the benefit of, the Central Bank of Syria.

(3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (2) commits an offence, but—

(a) it is a defence for a person charged with an offence of contravening paragraph (2)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom, or for whose benefit, the bank notes or coinage were supplied or delivered was the Central Bank of Syria;

(b) it is a defence for a person charged with an offence of contravening paragraph (2)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom, or for whose benefit, the bank notes or coinage were made available was the Central Bank of Syria.

(5) For the purposes of paragraph (2), “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

#### **Goods prohibitions relating to gold, precious metals or diamonds**

**42.**—(1) The export of gold, precious metals or diamonds to a Syrian regime person is prohibited.

(2) The import of gold, precious metals or diamonds consigned from a Syrian regime person is prohibited.

(3) A person must not directly or indirectly—

(a) supply or deliver gold, precious metals or diamonds from a third country to a Syrian regime person;

(b) make gold, precious metals or diamonds available to a Syrian regime person;

(c) supply or deliver gold, precious metals or diamonds from a Syrian regime person to a place in a non-UK country;

(d) acquire gold, precious metals or diamonds from a Syrian regime person.

(4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (3) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a Syrian regime person.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;  
“third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

### **Technical assistance relating to gold, precious metals or diamonds**

**43.**—(1) A person must not directly or indirectly provide technical assistance relating to gold, precious metals or diamonds to a Syrian regime person.

(2) Paragraph (1) is subject to Part 7 (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 (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a Syrian regime person.

### **Financial services and funds relating to gold, precious metals or diamonds**

**44.**—(1) A person must not directly or indirectly provide financial services to a Syrian regime person in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of gold, precious metals or diamonds,
- (b) the import of gold, precious metals or diamonds,
- (c) the direct or indirect supply or delivery of gold, precious metals or diamonds, or
- (d) directly or indirectly making gold, precious metals or diamonds available to a person.

(2) A person must not directly or indirectly make funds available to a Syrian regime person 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 gold, precious metals or diamonds to a Syrian regime person,
- (b) the import of gold, precious metals or diamonds consigned from a Syrian regime person,
- (c) the direct or indirect supply or delivery of gold, precious metals or diamonds to or from a Syrian regime person, or
- (d) directly or indirectly making gold, precious metals or diamonds available to a Syrian regime person.

(4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but it is a defence for a person charged with an offence of contravening either of those paragraphs (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a Syrian regime person.

(6) A person who contravenes the prohibition in paragraph (3) 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 financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

### **Brokering services: non-UK activity relating to gold, precious metals or diamonds**

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

- (a) the direct or indirect supply or delivery of gold, precious metals or diamonds from a non-UK country to a different non-UK country,

- (b) directly or indirectly making gold, precious metals or diamonds available, in a non-UK country, for supply or delivery to a different non-UK country,
  - (c) the direct or indirect acquisition, in a non-UK country, of gold, precious metals or diamonds for supply or delivery to a different non-UK country,
  - (d) the direct or indirect procurement, from a non-UK country, of technical assistance relating to gold, precious metals or diamonds,
  - (e) the direct or indirect procurement of financial services, 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 44(1), or
  - (f) 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 44(1).
- (2) 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 gold, precious metals or diamonds from a third country to a Syrian regime person,
  - (b) the direct or indirect supply or delivery of gold, precious metals or diamonds from a Syrian regime person to a place in a third country,
  - (c) directly or indirectly making gold, precious metals or diamonds available, in a third country, for direct or indirect supply or delivery to a Syrian regime person,
  - (d) the direct or indirect acquisition, in a third country, of gold, precious metals or diamonds from a Syrian regime person.
- (3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a Syrian regime person.
- (5) A person who contravenes a prohibition in paragraph (2) 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.
- (6) In this regulation—
- “non-UK country” means—
  - (a) for the purposes of paragraph (1)(a), (b) and (c), a country that is not the United Kingdom or the Isle of Man, and
  - (b) for the purposes of any other provision of this regulation, a country that is not the United Kingdom;
- “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

### **Luxury goods**

- 46.**—(1) The export of luxury goods to Syria is prohibited.
- (2) A person must not directly or indirectly supply or deliver luxury goods from a third country to a place in Syria.
- (3) A person must not directly or indirectly make luxury goods available to a person connected with Syria.
- (4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).

- (5) A person who contravenes a prohibition in paragraphs (2) or (3) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Syria;
  - (b) it is a defence for a person charged with the offence of contravening paragraph (3) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with Syria.
- (6) In this regulation, “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

### **Electricity production**

**47.**—(1) The export of goods relating to electricity production to, or for use in, Syria is prohibited.

- (2) A person must not directly or indirectly—
- (a) supply or deliver goods relating to electricity production from a third country to a place in Syria;
  - (b) make goods relating to electricity production available for use in Syria.
- (3) A person must not directly or indirectly provide—
- (a) technical assistance,
  - (b) financial services, or
  - (c) funds,

where such provision relates to the construction or installation in Syria of a new power plant for electricity production.

- (4) Paragraphs (1) to (3) are subject to Part 7 (Exceptions and licences).
- (5) A person who contravenes a prohibition in paragraph (2) or (3) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening the prohibition in paragraph (2)(a) to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for Syria;
  - (b) it is a defence for a person charged with an offence of contravening the prohibition in paragraph (2)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in Syria;
  - (c) 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 provision as mentioned in paragraph (3) would relate to the construction or installation in Syria of a new power plant for electricity production.
- (6) In this regulation—
- “technical assistance” means the provision of technical support or any other technical service;
  - “third country” means a country that is not the United Kingdom, the Isle of Man or Syria.

## **CHAPTER 5**

### **Interception and monitoring services**

#### **Provision of interception and monitoring services**

**48.**—(1) A person must not directly or indirectly provide interception and monitoring services to, or for the benefit of, the Syrian regime.

(2) Paragraph (1) is subject to Part 7 (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 (“P”) to show that P did not know and had no reasonable cause to suspect that the services were provided to, or for the benefit of, the Syrian regime.

## CHAPTER 6

### Further provision

#### **Circumventing etc prohibitions**

**49.**—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in Chapters 2 to 5 of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

#### **Defences**

**50.**—(1) Paragraph (2) applies where a person relies on a defence under any of Chapters 2 to 5 of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.