

STATUTORY INSTRUMENTS

2019 No. 855

The Russia (Sanctions) (EU Exit) Regulations 2019

PART 5

Trade

[^{F1}]^{F2}CHAPTER 4JA

Gold jewellery and relevant processed gold

Textual Amendments

- F1** Pt. 5 Chs. 4H-4K inserted (21.7.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 14) Regulations 2022 (S.I. 2022/850), regs. 1(2), **12**
- F2** Pt. 5 Ch. 4JA inserted (29.10.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 15) Regulations 2022 (S.I. 2022/1110), regs. 1(2)(b), **5**

Interpretation

46Z16A.—(1) In this Chapter—

“relevant day” means the day on which this Chapter comes into force;

“relevant processed gold” means gold which—

- (a) has been processed in a third country; and
- (b) incorporates gold that, on or after 21st July 2022—
 - (i) originated in Russia, and
 - (ii) has been exported from Russia;

“third country” means a country that is not the United Kingdom, the Isle of Man or Russia.

(2) For the purposes of this Chapter, a thing has been exported from Russia when—

- (a) it has completed the applicable export formalities; and
- (b) where the thing was transported by—
 - (i) land, it has left Russian territory;
 - (ii) sea, the ship on which it was transported has departed a port in Russia for a destination outside of Russia;
 - (iii) air, the aircraft on which it was transported has departed an airport in Russia for a destination outside of Russia.

(3) For the purposes of this Chapter, gold is processed where it is—

- (a) altered;
- (b) transformed in any way; or
- (c) subjected to any other type of operation or process.

Prohibition on the import of gold jewellery from Russia

46Z16B.—(1) The import of gold jewellery originating in Russia is prohibited where the gold jewellery has been exported from Russia on or after the relevant day.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Prohibition on the import of relevant processed gold

46Z16C.—(1) The import of relevant processed gold is prohibited.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

Acquisition of gold jewellery from Russia

46Z16D.—(1) A person must not directly or indirectly acquire gold jewellery which—

- (a) originates in Russia; and
- (b) is located in Russia,

with the intention of the gold jewellery entering the United Kingdom.

(2) A person must not directly or indirectly acquire gold jewellery which—

- (a) originates in Russia; and
- (b) on or after the relevant day, has been exported from Russia,

with the intention of the gold jewellery entering the United Kingdom.

(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 the offence of contravening that paragraph to show that the person did not know and had no reasonable cause to suspect that the gold jewellery—

- (a) originated in Russia; or
- (b) was located in Russia.

(5) A person who contravenes a prohibition in paragraph (2) commits an offence, but it is a defence for a person charged with the offence of contravening that paragraph to show that the person did not know and had no reasonable cause to suspect that the gold jewellery—

- (a) originated in Russia; or
- (b) had been exported from Russia on or after the relevant day.

Technical assistance relating to gold jewellery

46Z16E.—^[F3](1) A person must not directly or indirectly provide technical assistance relating to—

- (a) the import of gold jewellery which on or after the relevant day—
 - (i) originated in Russia, or
 - (ii) is exported from Russia;
- (b) the direct or indirect acquisition of gold jewellery which—
 - (i) originated in Russia, or
 - (ii) is located in Russia or, on or after the relevant day, has been exported from Russia, with the intention of that gold jewellery entering the United Kingdom.]

(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) paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an import described in that sub-paragraph;
- (b) paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an acquisition described in that sub-paragraph.

Textual Amendments

F3 Reg. 46Z16E(1) substituted (16.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 17) Regulations 2022 (S.I. 2022/1331), reg. 1(2)(b), **Sch. 4 para. 4**

Technical assistance relating to relevant processed gold

46Z16F.—(1) A person must not directly or indirectly provide technical assistance relating to the import of relevant processed gold.

(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 paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the technical assistance related to an import described in that paragraph.

Financial services and funds relating to gold jewellery

46Z16G.—^{F4}(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 gold jewellery which on or after the relevant day—
 - (i) originated in Russia, or
 - (ii) is exported from Russia;
- (b) the direct or indirect acquisition of gold which on or after the relevant day—
 - (i) originated in Russia, or
 - (ii) is located in Russia,

with the intention of that gold jewellery entering the United Kingdom.]

(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 the offence of contravening 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.

Textual Amendments

F4 Reg. 46Z16G(1) substituted (16.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 17) Regulations 2022 (S.I. 2022/1331), reg. 1(2)(b), **Sch. 4 para. 5**

Financial services and funds relating to relevant processed gold

46Z16H.—(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 the import of relevant processed gold.

(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 the offence of contravening 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.

Brokering services relating to gold jewellery and relevant processed gold

46Z16I.—(1) A person must not directly or indirectly provide brokering services in the pursuance of, or in connection, with any arrangements described in regulations 46Z16G(1) and 46Z16H(1).

(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 the offence of contravening paragraph (1) 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.]]

Changes to legislation:

There are currently no known outstanding effects for the The Russia (Sanctions) (EU Exit) Regulations 2019, CHAPTER 4JA.