
STATUTORY INSTRUMENTS

2020 No. 590

**The Sanctions (EU Exit) (Miscellaneous
Amendments) (No. 2) Regulations 2020**

PART 1

Amendments of sanctions regulations

Amendment of the Venezuela (Sanctions) (EU Exit) Regulations 2019

- 3.—**(1) The Venezuela (Sanctions) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.
- (2) In regulation 3—
- (a) in paragraph (3), for “In paragraphs (1) and (2)” substitute “In this regulation”;
 - (b) in paragraph (6), for “In paragraphs (4) and (5)” substitute “In this regulation”.
- (3) In regulation 5(2), for “the provisions mentioned in each of the sub-paragraphs of” substitute “different provisions mentioned in”.
- (4) In regulation 6(4)—
- (a) in sub-paragraph (a), after “provision of” insert “Part 3 (Finance) or”;
 - (b) in sub-paragraph (b), after “provision of”, in the second place that it occurs, insert “Part 3 (Finance) or”.
- (5) In regulation 7(4), after “and” omit “,”.
- (6) In regulation 21—
- (a) in paragraph (4), omit “except for regulation 29 (provision of interception and monitoring services),”;
 - (b) omit paragraph (5).
- (7) In regulation 29—
- (a) in paragraph (1), for “a person connected with Venezuela” substitute “the Government of Venezuela”;
 - (b) in paragraph (3), for the words from “person to whom” to “with Venezuela” substitute “services were provided to, or for the benefit of, the Government of Venezuela”.
- (8) For Chapter 4 of Part 5 substitute—

“CHAPTER 4

Military activities etc.

Military activities or otherwise enabling or facilitating the conduct of armed hostilities

30.—(1) A person must not directly or indirectly provide anything falling within paragraph (2) to or for the benefit of the National Bolivarian Armed Forces of Venezuela, or to any person acting on its behalf or under its direction, where such provision—

- (a) relates to the military activities of the recipient in Venezuela, or
- (b) otherwise enables or facilitates the conduct of armed hostilities in Venezuela.

(2) The following fall within this paragraph—

- (a) technical assistance,
- (b) armed personnel,
- (c) financial services or funds, or
- (d) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, anything mentioned in sub-paragraphs (a) to (c).

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

(4) 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 provision as mentioned in paragraph (1)—

- (a) was to or for the benefit of the National Bolivarian Armed Forces of Venezuela, or to any person acting on its behalf or under its direction, or
- (b) related to the military activities of the recipient in Venezuela or would otherwise enable or facilitate the conduct of armed hostilities in Venezuela.

(5) In this regulation—

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

“technical assistance” means the provision of technical support or any other technical service.

(6) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in Chapter 2 or 3.”

(9) In regulation 43—

- (a) in paragraph (1)(a), after “controlled by” insert “, or on behalf of,”;
- (b) in paragraph (7)(a)(i), after “controlled by” insert “, or on behalf of,”.

(10) In regulation 46(2)(a), for “regulation 23(1)” substitute “regulation 22(1)”.

(11) In regulation 53(2), for the words before sub-paragraph (a) substitute “Where an offence under these Regulations is committed outside the United Kingdom—”.

(12) In regulation 58, for “and regulation 38” substitute “or regulation 38”.

(13) In regulation 59, after paragraph (d)—

- (a) for “.” substitute “;”, and
- (b) insert—

“(e) regulation 30(1) (military activities or otherwise enabling or facilitating the conduct of armed hostilities).”

(14) In regulation 60(2)—

- (a) in sub-paragraph (a), for “exports” substitute “export”;
- (b) for sub-paragraph (c), substitute—
 - “(c) a prohibition in regulation 24(1)(a) or (b) (making restricted goods and technology available);”;
- (c) in sub-paragraph (d), for “and (b)”, substitute “or (b)”;
- (d) after sub-paragraph (d)—
 - (i) for “.” substitute “;”, and
 - (ii) insert—
 - “(e) a prohibition imposed by a condition of a trade licence in relation to any prohibition mentioned in sub-paragraphs (a) to (d).”
- (15) In regulation 65(2), for “regulation 60(2)(a) to (d)” substitute “regulation 60(2)(a) to (e)”.
- (16) In regulation 68(a), after “article 34” insert “, 37 or 38”.
- (17) In regulation 71(2), after “existing financial sanctions licence” insert “which authorises an act which would otherwise be prohibited”.
- (18) In Schedule 2—
 - (a) in paragraph 4(2), for “sub-paragraphs (a) to (e)” substitute “sub-paragraph (1)(a) to (e)”;
 - (b) in paragraph 8—
 - (i) in sub-paragraph (1), after “protection of” insert “a”;
 - (ii) in sub-paragraph (2)(b), for “sub-paragraph (a) or (b), substitute “sub-paragraph (1) (a) or (b)”.
 - (c) in paragraph 16, for “to develop, produce or use” substitute “for the development, production or use of”;
 - (d) for paragraph 17 substitute—
 - “**17.**—(1) In this Schedule, “firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant.
 - (2) For the purposes of this Schedule, the following terms have the meaning given to them in the Dual-Use Regulation—
 - “development”;
 - “production”;
 - “software”;
 - “technology”;
 - “use”.”
- (19) In Schedule 3—
 - (a) in paragraph 3, for “to develop, produce or use” substitute “for the development, production or use of”;
 - (b) for paragraph 4 substitute—
 - “**4.** For the purposes of this Schedule, the following terms have the meaning given to them in the Dual-Use Regulation—
 - “development”;
 - “production”;
 - “software”;

“technology”;

“use”.

(20) In Schedule 4—

(a) in paragraph 1, for the definition of “diplomatic mission” substitute—

““diplomatic mission”, and any reference to the functions of a diplomatic mission, are to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;”;

(b) in paragraphs 2(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”.