

Draft
Ordinance of the Chief Pleas
entitled

The Federal Republic of Yugoslavia (Supply, Sale and Export
of Petroleum and Petroleum Products)
(Penalties and Licences) (Sark) Ordinance, 1999

THE CHIEF PLEAS, in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994(a), hereby order:-

Amendment of Ordinance.

1. Any person who infringes any of the prohibitions in Article 1 of Council Regulation (EC) No. 2111/1999(b) of 4th October, 1999 prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia shall be guilty of an offence.

Licences for sale or supply of petroleum or petroleum products.

2. Authorisation for the sale, supply, export or shipment of petroleum or petroleum products to the Federal Republic of Yugoslavia as provided for in the said Regulation shall in Sark be by way of licence granted by the States of Guernsey Advisory and Finance Committee.

False statements.

3. If, for the purpose of obtaining a licence under section 2, any person-

- (a) makes any statement or furnishes any document which to his knowledge is false, deceptive or misleading in a material particular; or

(a) Order in Council No. III of 1994.

(b) O.J. No. L258, 5.10.1999, p. 12.

- (b) recklessly makes any statement or furnishes any document or information which is false, deceptive or misleading in a material particular;

he shall be guilty of an offence; and any licence granted in connection with the application for which the false statement was made or the false document or information furnished shall be void as from the time it was granted.

Failure to comply with licence conditions.

4. Any person who, having supplied, sold or exported petroleum or petroleum products under the authority of a licence granted under section 2, fails to comply with any requirement or condition to which the licence is subject shall be guilty of an offence unless-

- (a) the licence had previously been modified by the States of Guernsey Advisory and Finance Committee without that person's consent;
- (b) the alleged failure to comply would not have been a failure to comply had the licence not been so modified; and
- (c) that person proves that the supply, sale or export took place before the modification was made.

Penalties.

5. (1) A person guilty of an offence under section 1, 3 or 4 shall be liable-

- (a) on conviction on indictment, to a fine, to imprisonment for a term not exceeding 2 years or to both;
- (b) on summary conviction, to a fine not exceeding level 5 on the Sark uniform scale.

(2) Where a body corporate is guilty of an offence under this Ordinance, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Certain provisions of customs and excise Laws applicable.

6. (1) Section 55 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended(c), shall apply to the detention of any person for an offence under section 1 as it applies to the detention of any person for an offence under the customs or excise Laws.

(2) Sections 61 to 65 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended, shall apply in relation to offences, penalties and proceedings for offences under this Ordinance as they apply to offences, penalties and proceedings for offences under the customs or excise Laws.

Citation.

7. This Ordinance may be cited as the Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Sark) Ordinance, 1999.

(c) Ordres en Conseil Vol. XXIII, p. 573; and No. XIII of 1991.