
STATUTORY INSTRUMENTS

1993 No. 2811

UNITED NATIONS

**The Libya (United Nations Sanctions)
(Channel Islands) Order 1993**

Made - - - - *16th November 1993*
Laid before Parliament *26th November 1993*
Coming into force - - *1st December 1993*

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 31st March 1992 and 11th November 1993, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to Libya;

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement, operation and extent

1.—(1) This Order may be cited as the Libya (United Nations Sanctions) (Channel Islands) Order 1993 and shall come into force on 1st December 1993.

(2) If, after the making of this Order, the Security Council of the United Nations takes a decision which has the effect of cancelling or suspending the operation of the resolutions adopted by it on 31st March 1992 and 11th November 1993, this Order shall cease to have effect or its operation shall be suspended, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Secretary of State in a notice in the London, Edinburgh and Belfast Gazettes.

(3) This Order shall extend to the Channel Islands so as to be law, respectively, in the Bailiwick of Guernsey and in the Bailiwick of Jersey only.

Interpretation

2.—(1) In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say:

“the 1992 Order” means the Libya (United Nations Sanctions) (Channel Islands) Order 1992(2);

“Chief Revenue Officer” and “States Revenue Officer”—

(1) 1946 c. 45.
(2) S.I. 1992/977.

- (a) shall, in the application of this Order to the Bailiwick of Guernsey, have the meanings they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972, and
- (b) mean, in the application of this Order to the Bailiwick of Jersey, the Agent of the Impôts (including the Deputy Agent of the Impôts and any person duly authorised by the Agent of the Impôts);

“export” includes shipment as stores;

“exportation” in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey of the vessel or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

“Libyan aircraft” means—

- (a) any aircraft registered in Libya, and
- (b) any other aircraft for the time being chartered to a person connected with Libya;

“person connected with Libya” means—

- (a) the Government of Libya;
- (b) any other person in, or resident in, Libya;
- (c) any body incorporated or constituted under the law of Libya;
- (d) any body, wherever incorporated or constituted, which is controlled by any of the persons or bodies mentioned in sub-paragraphs (a) to (c) above; or
- (e) any person acting on behalf of any of the above-mentioned persons or bodies;

“police officer” means—

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey, and
- (d) in relation to the Bailiwick of Jersey, a member of the Honorary Police or a member of the States of Jersey Police force;

“shipment” (and cognate expressions) and “stores” shall, in the application of this Order to the Bailiwick of Guernsey, have the meanings they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972 and, in the application of this Order to the Bailiwick of Jersey, have the meanings they bear in the Customs and Excise (General Provisions) (Jersey) Law 1972;

“vehicle” means land transport vehicle;

“vessel” has the meaning it bears in the Export of Goods (Control) Order 1992(3).

(2) Any reference to a provision of an Act of Parliament shall, in the case of a provision which has been extended to the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, be construed as a reference to that provision as it has effect in the Bailiwick in question and, in the case of a provision which has not been so extended, be construed as a reference to that provision as it has effect in the United Kingdom.

(3) S.I. 1992/3092, to which there are amendments not relevant to this Order.

Supply of certain goods to Libya

- 3.—(1) Except under the authority of a licence granted under this article or the 1992 Order—
- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,
- no person mentioned in article 14 shall—
- (i) supply or deliver;
 - (ii) agree to supply or deliver, or
 - (iii) do any act calculated to promote the supply or delivery of,
- any goods specified in Schedule 1 to this Order to or to the order of a person connected with Libya.
- (2) Nothing in paragraph (1)(ii) or (iii) above shall apply where the supply or delivery of the goods to the person concerned is authorised by a licence granted under this article or article 4, or under the 1992 Order.

Exportation of certain goods to Libya

4. Except under the authority of a licence granted under this article or the 1992 Order—
- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,
- the goods specified in Schedule 1 to this Order are prohibited to be exported from any of the Channel Islands to any destination in Libya or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person connected with Libya.

Licensing arrangements for arms and oil industry equipment

5. Except under the authority of a licence granted under this article or the 1992 Order—
- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,
- no person mentioned in article 14 shall assign or transfer to any person connected with Libya, or enter into any licensing agreement or other arrangement for the use by any person connected with Libya, of—
- (i) any copyright;
 - (ii) any patent or application for a patent or any right in or under any patent;
 - (iii) any registered design, industrial design or utility model;
 - (iv) any design right or any document recording the design;
 - (v) any trade mark or service mark; or
 - (vi) any technical information or know-how,
- for or in connection with the manufacture or maintenance of any goods specified in Part A or Part D of Schedule 1 to this Order.

Supply of certain technical advice, assistance or training

6. Except under the authority of a licence granted under this article or the 1992 Order—
- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall provide—

- (i) to a person connected with Libya, any technical advice, assistance or training related to the supply, delivery, manufacture, maintenance or use of any goods specified in Part A of Schedule 1 to this Order;
- (ii) to a Libyan national, any advice, assistance or training as an aircraft pilot, aircraft flight engineer or aircraft or ground maintenance engineer.

Servicing of aircraft

7. Except under the authority of a licence granted under this article or the 1992 Order—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall provide engineering or maintenance servicing for any Libyan aircraft or any other aircraft in Libya, or for any components of any such aircraft.

Insurance of Libyan aircraft

8.—(1) This article applies to any contract of insurance, other than a contract of re-insurance, upon any Libyan aircraft or upon the machinery, tackle, furniture or equipment of any such aircraft.

(2) Except under the authority of a licence granted under this article or the 1992 Order—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall—

- (i) make payment in full or partial settlement of any claim under a contract of insurance to which this article applies, unless the claim is in respect of an incident occurring before the coming into force of the 1992 Order;
- (ii) effect any new contract of insurance, or agree to any variation or extension of any existing contract of insurance, to which this article applies.

Libyan Arab Airlines

9.—(1) No person mentioned in article 14 shall carry on any business, or establish or maintain any place of business, under the name of “Libyan Arab Airlines”.

(2) Except under the authority of a licence granted under this article or the 1992 Order—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person—

- (i) mentioned in article 14 shall establish or maintain any place of business in connection with the carriage of persons or goods by air (whether to or from the Channel Islands or elsewhere) by any person connected with Libya;
- (ii) connected with Libya and mentioned in article 14 shall carry on any business of carrying persons or goods by air (whether to or from the Channel Islands or elsewhere).

(3) Except under the authority of such a licence and without prejudice to the other provision of this Order, no person mentioned in article 14 shall—

- (a) enter into any new agreement or other arrangement with Libyan Arab Airlines;

- (b) agree to any variation or extension of any existing agreement or other arrangement with Libyan Arab Airlines;
- (c) make to or receive from Libyan Arab Airlines any payment, or do any other act, under or pursuant to an agreement or other arrangement between that person and Libyan Arab Airlines.

Aviation services

10.—(1) Except under the authority of a licence granted under this article—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall provide any engineering or other services to any person connected with Libya for the maintenance of any civil or military airfield in Libya, including any facilities and equipment on or associated with the airfield.

(2) The provisions of this article do not apply to services for the maintenance of emergency equipment or equipment directly related to civilian air traffic control.

Making available of aircraft to Libya

11. Except under the authority of a licence granted under this article—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall enter into, agree to extend, or extend, any contract or other arrangement for the purpose of making available for operation in Libya any aircraft or aircraft components.

Assets of Libya

12.—(1) Except with permission granted by or on behalf of the Treasury, no person mentioned in article 14 shall—

- (a) make any payment or part with any gold, securities or investments; or
- (b) make any change in the persons to whose credit any sum is to stand or to whose order any gold, securities or investments are to be held,

where any such action is action to which this article applies.

(2) Subject to paragraph (4) below, this article applies to any action which is likely to make available, or otherwise to result in the remittance or transfer, to or for the benefit of any of the following persons—

- (a) the Government of Libya;
- (b) any persons or bodies exercising for the time being public functions in Libya; or
- (c) any Libyan undertaking,

any funds or other financial resources, whether by their removal from the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey or otherwise.

(3) Any permission granted by or on behalf of the Treasury under this article may be granted either absolutely or subject to conditions and may be varied or revoked at any time by, or on behalf of, the Treasury.

(4) The provisions of this article shall not apply to any funds or other financial resources which represent amounts derived from or are otherwise attributable to the sale of petroleum or petroleum

products or agricultural products or commodities originating in Libya and exported therefrom after 30th November 1993:

Provided that any such funds (but not other financial resources) are held in an account with a relevant institution in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey which is used exclusively for such funds and any interest derived from them.

(5) In this article—

- (a) “gold”, “payment” and “securities” shall have the meanings they bear in section 2 of the Emergency Laws (Re-enactments and Repeals) Act 1964(4);
- (b) “investments” means any asset, right, or interest falling within any paragraph of Part 1 of Schedule 1 to the Financial Services Act 1986(5), which is not a security;
- (c) “Libyan undertaking” means any entity, wherever incorporated or constituted, which is controlled by—

- (i) the Government of Libya;
- (ii) any person or body exercising for the time being public functions in Libya; or
- (iii) any person acting on behalf of any of the above mentioned persons;

“petroleum” means a naturally occurring mixture including hydrocarbons;

“petroleum products” means any products, other than chemicals, which may be obtained by primary distillation or secondary refining from petroleum and includes natural gas, petroleum ether, solvents, benzene, naphtha, motor spirits (including aviation spirit), kerosenes (including jet fuel), heavy oils, fuel oils, lubricating oils, greases, petroleum jelly, paraffin wax and asphaltic bitumen;

“relevant institution” means—

- (a) in the application of this Order to the Bailiwick of Guernsey, a person registered under section 4 of the Protection of Depositors (Bailiwick of Guernsey) Ordinance, 1971, or a person who, although not so registered, may by virtue of section 1 B of that Ordinance lawfully carry on the business of accepting money for the purpose of investment on deposit; and
- (b) in the application of this Order to the Bailiwick of Jersey, a person registered under the Banking Business (Jersey) Law 1991 for the purpose of carrying on a deposit-taking business, or a person carrying on such a business within the meaning of Article 3 of that Law who is exempted from registration.

Bonds and indemnities

13.—(1) Except under the authority of a licence granted under this article or the 1992 Order—

- (a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

no person mentioned in article 14 shall—

- (i) make any payment to or to the order of any person to whom this article applies under or in respect of a bond to which this article applies;
- (ii) do any act for the purpose of obtaining payment, or make any payment, in respect of any right to indemnity in respect of any bond to which this article applies, where payment under the bond is, or if payment were to be made by a person referred to in article 14(1) would be, unlawful by virtue of sub-paragraph (i) above.

(4) 1964 c. 60.

(5) 1986 c. 60.

- (2) This article applies to the following persons—
- (a) the Government of Libya;
 - (b) any persons or bodies exercising for the time being public functions in Libya;
 - (c) any entity, wherever incorporated or constituted, which is controlled by—
 - (i) the Government of Libya; or
 - (ii) any person or body exercising for the time being public functions in Libya;
 - (d) any Libyan national; and
 - (e) any person acting on behalf of any of the persons mentioned in sub-paragraphs (a) to (d) above.
- (3) This article applies to any bond given in respect of a contract the performance of which is unlawful, wholly or in part, by virtue of this Order.
- (4) In this article—
- (a) “bond” means an agreement under which a person (“the obligor”) agrees that, if called upon to do so, or if a third party fails to fulfil contractual obligations owed to another, the obligor will make payment to or to the order of the other party to the agreement; and
 - (b) “make any payment” means make payment by any method, including but not restricted to the grant, or any agreement to the exercise, of any right to set off, accord and satisfaction and adjustment of any account, or any similar means.

Application of articles 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13

14.—(1) The provisions of articles 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13 shall apply to any person within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey and to any person elsewhere who—

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, or
- (b) is a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(2) Subject to the provisions of paragraphs (3) to (14) below, any person specified in paragraph (1) above who contravenes the provisions of article 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 shall, in the Bailiwick in question, be guilty of an offence.

(3) In the case of proceedings for an offence in contravention of article 3 it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to or to the order of a person connected with Libya.

(4) In the case of proceedings for an offence in contravention of article 5 it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the transaction in question was for transfer to, or the use of the right in question by, a person connected with Libya or that the right in question was to be transferred or used for or in connection with the manufacture or maintenance of goods specified in Part A or Part D, as the case may be, of Schedule 1 to this Order.

(5) In the case of proceedings for an offence in contravention of article 6(i) it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the advice, assistance or training was being provided to a person connected with Libya or that it related to the supply, delivery, manufacture, maintenance or use of any goods specified in Part A of Schedule 1 to this Order.

(6) In the case of proceedings for an offence in contravention of article 6(ii) it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the advice, assistance or training was being provided to a Libyan national.

(7) In the case of proceedings for an offence in contravention of article 7 in relation to a Libyan aircraft or component thereof it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the aircraft was a Libyan aircraft or that the component was part of such an aircraft.

(8) In the case of proceedings for an offence in contravention of article 8 it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the aircraft was a Libyan aircraft or that the machinery, tackle, furniture or equipment was part of such an aircraft.

(9) In the case of proceedings for an offence in contravention of article 9(2)(i) it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the carriage of persons or goods was by a person connected with Libya.

(10) In the case of proceedings for an offence in contravention of article 9(3) it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that he had made any payment to or received any payment from Libyan Arab Airlines.

(11) In the case of proceedings for an offence in contravention of article 10 it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the services were for the maintenance of an airfield in Libya or facilities and equipment on or associated with the airfield or that they were not for the maintenance of emergency equipment or equipment directly related to civilian air traffic control.

(12) In the case of proceedings for an offence in contravention of article 11 it shall be a defence for the accused person to prove that he did not know and had no reason to suppose that the purpose was to make available the aircraft or component for operation in Libya.

(13) In the case of proceedings for an offence in contravention of article 13(1)(i), it shall be a defence for the accused person to prove that—

- (a) he did not know and had no reason to suppose that payment was made to or to the order of a person connected with Libya; or
- (b) (i) he did not know and had no reason to suppose that the bond was given in respect of a contract the performance of which was unlawful by virtue of this Order; and
(ii) he made all reasonable enquiries to ascertain whether the bond was given in respect of such a contract.

(14) In the case of proceedings for an offence in contravention of article 13(1)(ii), it shall be a defence for the accused person to prove that—

- (a) he did not know and had no reason to suppose that payment under the bond was or would be to or to the order of a person connected with Libya; or
- (b) (i) he did not know and had no reason to suppose that the bond was given in respect of a contract the performance of which was unlawful by virtue of this Order; and
(ii) he made all reasonable enquiries to ascertain whether the bond was given in respect of such a contract:

Provided that sub-paragraph (b) shall not apply where the accused person is a party to the contract in respect of which the bond was given.

Customs powers to demand evidence of destination which goods reach

15. Any exporter or any shipper of goods which have been exported from any of the Channel Islands shall, if so required by the Chief Revenue Officer, furnish within such time as he may allow proof to his satisfaction that the goods have reached either—

- (a) a destination to which they were authorised to be exported by a licence granted under this Order or the 1992 Order; or
 - (b) a destination to which their exportation was not prohibited by this Order or the 1992 Order,
- and if he fails to do so, he shall be guilty of an offence, unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

Offences in connection with applications for licences, conditions attaching to licences etc.

16.—(1) If for the purpose of obtaining any licence or permission under this Order any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence.

(2) Any person who has done any act under the authority of a licence or permission granted by the Treasury, the Lieutenant Governor or, as the case may be, the Finance and Economics Committee under this Order and who fails to comply with any condition attaching to that licence or permission shall be guilty of an offence:

Provided that no person shall be guilty of an offence under this paragraph where he proves that the condition with which he failed to comply was modified, otherwise than with his consent—

- (a) by the Lieutenant Governor or, as the case may be, the Finance and Economics Committee after the doing of the act authorised by the licence;
- (b) by or on behalf of the Treasury after the doing of the act with permission granted by or on behalf of the Treasury.

Declaration as to goods: powers of search

17.—(1) Any person who is about to leave any of the Channel Islands shall if he is required to do so by a States Revenue Officer—

- (a) declare whether or not he has with him any goods specified in Schedule 1 to this Order which are destined for Libya or for delivery, directly or indirectly, to or to the order of a person connected with Libya; and
- (b) produce any such goods as aforesaid which he has with him,

and such officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid:

Provided that no person shall be searched in pursuance of this paragraph except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the foregoing provisions of this article shall be guilty of an offence.

(3) Any person who under the provisions of this article makes a declaration which to his knowledge is false and in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence.

Obtaining of evidence and information

18. The provisions of Schedule 2 to this Order shall have effect in order to facilitate the obtaining of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining of evidence of the commission of an offence under this Order or, with respect to any of the matters regulated by this Order, of an offence under any enactment relating to customs.

Penalties and proceedings

19.—(1) Any person guilty of an offence under article 14(2) shall be liable, in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding seven years or to a fine or to both.

(2) Any person guilty of an offence under paragraph 5(b) or (d) of Schedule 2 to this Order shall be liable in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(3) Any person guilty of an offence under article 16(1) or (2) or article 17(3) shall be liable, in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to a fine not exceeding the statutory maximum,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(4) Any person guilty of an offence under paragraph 5(a) or (c) of Schedule 2 to this Order shall be liable—

- (a) in the Bailiwick of Guernsey, on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both; and
- (b) in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding six months or to a fine or to both.

(5) Any person guilty of an offence under article 15 or 17(2) shall be liable—

- (a) in the Bailiwick of Guernsey, on summary conviction to a fine not exceeding level 5 on the standard scale; and
- (b) in the Bailiwick of Jersey, on conviction to a fine.

(6) Where any body corporate is guilty of an offence under this Order, and that 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, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings in the Bailiwick of Guernsey and any proceedings in the Bailiwick of Jersey for an offence under this Order, being an offence alleged to have been committed outside the Bailiwick in question, may be commenced at any time not later than twelve months from the date on which the person charged first enters that Bailiwick after committing the offence.

(8) Proceedings against any person for an offence under this Order may be taken before the appropriate court in any of the Channel Islands having jurisdiction in the place where that person is for the time being.

(9) No proceedings for an offence under this Order, in its application to the Bailiwick of Jersey, shall be instituted except by or with the consent of the Attorney General for Jersey:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers

20.—(1) The Lieutenant Governor or, as the case may be, the Finance and Economics Committee, or the Attorney General may, to such extent and subject to such restrictions and conditions as he or it may think proper, delegate or authorise the delegation of any of his or its powers under this Order to any person, or class or description of persons, approved by him or it, and references in this Order to the Lieutenant Governor, the Finance and Economics Committee and the Attorney General shall be construed accordingly.

(2) Any licences granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

Miscellaneous

21.—(1) Any provision of this Order which prohibits the doing of a thing except under the authority of any licence or with any permission shall not have effect in relation to any such thing done anywhere other than in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, provided that it is duly authorised.

(2) A thing is duly authorised for the purpose of paragraph (1) above if it is done under the authority of a licence or with permission granted, in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Order), by the authority competent in that behalf under that law.

22. The 1992 Order is revoked.

R. P. Bulling
Clerk of the Privy Council

SCHEDULE 1

Articles 3 to 6

PART A

(Arms)

The goods specified in Part II of, or in Group 1 of Part III of, Schedule 1 to the Export of Goods (Control) Order 1992 and, to the extent to which they are not included in the foregoing, equipment specially designed or adapted for police use and spare parts therefor.

PART B

(Aircraft)

Any aircraft and any component specially designed for aircraft.

PART C

(Airfield Infrastructure)

Any materials specially designed or prepared or destined for the construction, improvement or maintenance of civilian or military airfields and their associated facilities and equipment, with the exception of emergency equipment and equipment directly related to civilian air traffic control.

PART D

(Oil Industry Equipment)

1. Pumps of a capacity of 350 cubic metres per hour or more and drivers (gas turbines and electric motors) designed for use in the transportation of crude oil or natural gas.

2. Equipment designed for use in crude oil export terminals, as follows:

- loading buoys or single point moorings (spm)
- flexible hoses of 12 to 16 inches in diameter for connection between underwater manifolds(plem)
- single point mooring and floating loading hoses of 12 to 16 inches in diameter
- anchor chains.

3. Equipment not specially designed for use in crude oil export terminals but which because of their large capacity can be used for this purpose, as follows:

- loading pumps with a capacity of 4000 cubic metres per hour or more and of small head (10 bars)
- boosting pumps within the same range of flow rates
- inline pipe line inspection tools and cleaning devices (ie pigging tools) of 16 inches to more in diameter
- metering equipment with a capacity of 1000 cubic meters per hour or more.

4. Refinery equipment, as follows:

- pumps meeting American Petroleum Institute (API) 610 standards

- boilers meeting industry 1 standards
- furnaces meeting industry 8 standards
- fractionation columns meeting industry 8 standards
- catalytic reactors meeting industry 8 standards
- prepared catalysts, including the following:
 - catalysts containing platinum
 - catalysts containing molybdenum.

5. Any spare parts or other equipment or supplies specially designed or prepared or destined for the manufacture or maintenance of any of the equipment listed in paragraphs 1 to 4 above.

6. Except as otherwise indicated, the standards referred to in paragraph 4 above are those of the American Society of Mechanical Engineers (ASME).

SCHEDULE 2

Article 18

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law—

- (a) in the application of this Order to the Bailiwick of Guernsey, the Attorney General for Guernsey; or
- (b) in the application of this Order to the Bailiwick of Jersey, the Bailiff; or
- (c) any person authorised by the person specified in paragraph (a) or, as the case may be, (b) above for that purpose either generally or in a particular case,

may request any person in or ordinarily resident in the Bailiwick in question to furnish to him any information in his possession or control, or to produce to him any document in his possession or control which may be required for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as advocate or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted for failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If the Bailiff is satisfied by information given on oath—

- (a) that there is reasonable ground for suspecting that an offence under this Order or, with respect to any of the matters regulated by this Order, an offence under any enactment relating to customs has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or

- (b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) Any person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any document which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no person shall, in pursuance of any warrant issued under this paragraph, be searched except by a person of the same sex.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

(5) In the application of this paragraph to the Island of Alderney and Sark, any reference to the Bailiff includes a reference, in the case of Alderney, to the Chairman of the Court of Alderney and, in the case of Sark, to the Seneschal.

3. A person authorised by the Attorney General or, as the case may be, the Bailiff to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the State of Guernsey or Alderney or, as the case may be, the States of Jersey; or
- (c) on the authority of the Attorney General or, as the case may be, the Bailiff, to any organ of the United Nations or to the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of

measures in relation to Libya decided upon by the Security Council of the United Nations;
or

- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence under any enactment relating to customs.

5. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or
- (b) wilfully furnishes false information or a false explanation to any person exercising his powers under this Schedule; or
- (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes, or removes any document,

shall be guilty of an offence.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, re-enacts, with certain modifications, the provisions of the Libya (United Nations Sanctions) (Channel Islands) Order 1992 (S.I.1992/977), and imposes in the Channel Islands further restrictions, pursuant to a decision of the Security Council of the United Nations in Resolution No. 883 of 11th November 1993, on the export to Libya and supply to persons connected with Libya of other goods including certain oil industry equipment and airfield infrastructure.

It restricts certain activities including the training of Libyan pilots and other aviation personnel. The Order also places restrictions on certain actions making available or otherwise transferring certain funds or other financial resources to or for the benefit of certain persons connected with Libya.

Copies of the API and ASME standards referred to in Schedule 1 to the Order may be obtained from or through the British Standards Institution (BSI) at 3 Linford Wood, Milton Keynes, MK14 6LE.