

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 2,756 of 16th December, 1993

LEGAL NOTICE NO. 174 OF 1993.

1993 No. 2808

UNITED NATIONS

The Libya (United Nations Sanctions) (Dependent Territories) Order 1993.

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

At the Court at Buckingham Palace, the 16th day of November 1993

Present,

The Queen's Most Excellent Majesty in Council

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 (a), is pleased, by and with 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) (Dependent Territories) Order 1993 and shall come into force in , 1 st 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 Governor in a notice in the official gazette of the Territory.

(3)(a) This Order shall extend to the territories listed in Schedule 3 to this Order.

(b) In the application of this Order to any of the said territories the expression "the Territory" in this Order means that territory.

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) (Dependent Territories) Order 1992 (b);

"export" includes shipment as stores;

"exportation" in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Territory of the vessel, submersible vehicle 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;

"Governor" means the Governor or other officer administering the government of the Territory;

"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 mentioned in sub-paragraphs (a) to (c) above; or

- (e) any person acting on behalf of any of the persons mentioned in subparagraphs (a) to (d) above;

"shipment" includes loading into an aircraft;

"stores" means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a vessel or aircraft as merchandise for sale by retail to persons carried therein;

"vehicle" means land transport vehicle;

"vessel" includes any ship, surface effect vehicle, small waterplane area twin-hull vessel and hydrofoil, and the hull or part of the hull of a vessel.

(2) In this Order references to an offence under any enactment relating to customs includes an offence against any provision of law with respect to similar matters that is for the time being in force in any territory to which this Order extends.

Supply of certain goods to Libya.

3.(1) Except under the authority of a licence granted by the Governor under this article or the 1992 Order, no person shall-

- (a) supply or deliver;
- (b) agree to supply or deliver; or
- (c) 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)(b) or (c) of this article shall apply where the supply or delivery of the goods to the person concerned is authorised by a licence granted by the Governor under this article or Article 4 of this Order or under the 1992 Order.

Exportation of certain goods to Libya.

4. Except under the authority of a licence granted by the Governor under this article or the 1992 Order, the goods specified in Schedule 1 to this Order are prohibited to be exported from the Territory 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 by the Governor under this article or the 1992 Order, no person shall assign or transfer to any person connected with Libya, or enter into any licensing agreement or other arrangements for the use by any person connected with Libya of-

- (a) any copyright;
- (b) any patent or application for a patent or any right in or under any patent;
- (c) any registered design, industrial design or utility model;
- (d) any design right or any document recording the design;
- (e) any trade mark or service mark; or
- (f) 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 by the Governor under this article or the 1992 Order, no person shall-

- (a) provide 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;
- (b) provide 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 by the Governor under this article or the 1992 Order, no person shall provide engineering or maintenance servicing for any Libyan aircraft or any other aircraft in Libya, or for any component 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 by the Governor under this article or the 1992 Order-

- (a) no person shall 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;
- (b) no person shall 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 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 by the Governor under this article or the 1992 Order-

- (a) no person shall establish or maintain any place of business in connection with the carriage of persons or goods by air (whether to or from the Territory or elsewhere) by any person connected with Libya;
- (b) no person connected with Libya shall carry on any business of carrying persons or goods by air (whether to or from the Territory or elsewhere);

- (c) without prejudice to the other provisions of this Order, no person shall-
 - (i) enter into any new agreement or other arrangement with Libyan Arab Airlines;
 - (ii) agree to any variation or extension of any existing agreement or other arrangement with Libyan Arab Airlines;
 - (iii) make to 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 by the Governor under this article, no person 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 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 by the Governor under this article, no person 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 the Governor, no person 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 the provisions of paragraph (3) of this article, 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 Territory or otherwise.

(3) 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 Territory which is used exclusively for such funds and any interest derived from them.

(4) Any permission granted by the Governor under this article may be granted either absolutely or subject to conditions and may be varied or revoked at any time by the Governor.

(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 of the United Kingdom ;

- (b) "investments" means any asset, right, or interest falling within any paragraph of Part 1 of Schedule 1 to the Financial Services Act 1986 of the United Kingdom (b), which is not a security;
- (c) "Libyan undertaking" means any entity, wherever incorporated or constituted, which is controlled by the following persons-
 - (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) the person or body responsible for carrying out in the Territory the functions of a monetary authority;
- (b) any person who may lawfully accept deposits in or from within the Territory in the course of carrying on a deposit-taking business, and for this purpose "deposit" has the meaning given to that term in section 5 of the Banking Act 1987 of the United Kingdom (a) and "deposit-taking business" has the meaning given to that term in section 6 of that Act.

Bonds and indemnities.

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

- (a) no person shall 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;
- (b) no person shall 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) of this Order would be, lawful by virtue of subparagraph (a) of this paragraph.

(2) The persons to whom this article applies are-

- (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; or
- (e) any person acting on behalf of any of the persons mentioned in subparagraphs (a) to (d) of this paragraph.

(3) A bond to which this article applies is a 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 of this Order shall apply to any person within the Territory 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 Territory; or
- (b) is a body incorporated or constituted under the law of any part of the Territory.

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

(3) In the case of proceedings for an offence in contravention of Article 3 of this Order 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 of this Order 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 the 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(a) of this Order 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(b) of this Order 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 of this Order in relation to a Libyan aircraft or components 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 of this Order 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)(a) of this Order 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(2)(c) of this Order 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 of this Order 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 of this Order 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)(a) of this Order, 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 unlawfully 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)(h) of this Order, 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.

Powers to demand evidence of destination which goods reach.

15. Any exporter or any shipper of goods which have been exported from the Territory shall, if so required by the Governor, furnish within such time as they may allow proof to their satisfaction that the goods have reached either-

- (i) a destination to which they were authorised to be exported by a licence granted under this Order or the 1992 Order; or
- (ii) 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 under this Order 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 purposes 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 under this Order.

(2) Any person who has done any act under the authority of a licence or permission granted by the Governor under this Order who fails to comply with any condition attaching to that licence or permission shall be guilty of an offence under this Order:

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, by the Governor after the doing of the act authorised by the licence or permission.

Declaration as to goods: powers of search.

17.(1) Any person who is about to leave the Territory shall if he is required to do so by an officer authorised for the purpose by the Governor-

- (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 under this Order.

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

Obtaining of evidence and information.

18. The provisions of Schedule 2 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Governor, 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) of this order shall be liable-

- (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 £5,000 or its equivalent 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-

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both;
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(3) Any person guilty of an offence under Article 16(1) or (2) or Article 17(3) of this Order shall be liable-

- (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 £5,000 or its equivalent.

(4) Any person guilty of an offence under paragraph 5(a) or (c) of Schedule 2 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) Any person guilty of an offence under Article 15 or Article 17(2) of this Order shall be liable on summary conviction to a fine not exceeding £5,000 or its equivalent.

(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 for an offence under this Order, being an offence alleged to have been committed outside the Territory, may be instituted at any time not later than 12 months from the date in which the person charged first enters the Territory after committing the offence.

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

(9) No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the principal public officer of the Territory having responsibility for criminal prosecutions:

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 of the Governor.

20.(1) The Governor may to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 2 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him and references in this Order to the Governor 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. Any provision of this Order which prohibits the doing of a thing except under the authority of a licence or permission granted by the Governor shall not have effect in relation to any such thing done in a country or place other than the Territory to which this Order extends, or done elsewhere outside the Territory by a person who is ordinarily resident in, or by a body corporate incorporated or constituted under the law of, that country or place, provided that it is so done under the authority of a licence or permission granted, in accordance with any law in force in that country or place (being a law substantially corresponding to the relevant provision of this Order), by the authority competent in that behalf under that law.

Revocation of 1992 Order.

22. The 1992 Order is revoked.

R.P. Bulling
Clerk of the Privy Council.

SCHEDULE 1

Articles 3 to 6

PART A

(Arms)

(1) Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary police equipment).

(2) Any component for any goods specified in Paragraph (1) of this Part of this Schedule.

(3) Any goods specially designed or prepared for use, or normally used, in the manufacture or maintenance of any goods specified in paragraph (1) or (2) of this Part of this Schedule.

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 bouys or single pointing 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 specifically 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 4,000 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 (i.e. pigging tools) of 16 inches or more in diameter
- metering equipment with a capacity of 1,000 cubic metres 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, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to him (or to that authorised person) any information in his possession or control, or to produce to him (or that authorised person) any document in his possession or control, which he (or that authorised person) may require 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 counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of 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 any judge, magistrate or justice of the peace is satisfied by information on oath given by any police officer, or person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case-

- (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 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) A 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 documents 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.

3. A person authorised by the Governor 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 of 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 subparagraph, 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;

- (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 Government of any territory to which this Order extends;
- (c) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service 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 against 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, secrets or removes any documents,

shall be guilty of an offence under this Order.

SCHEDULE 3.

(Article (1)(3)(a))

TERRITORIES TO WHICH THE ORDER EXTENDS.

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory
Cayman Islands
Falkland Islands
South Georgia and South Sandwich Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn
St Helena and its dependencies
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE.

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 3. The Order re-enacts, with certain modifications, 'the provisions of the Libya (United Nations 'Sanctions)

(Dependent Territories) Order 1992 (S.I. 1992/976) and imposes restrictions, pursuant to a decision of the Security Council of the United Nations in Resolution N0. 883 of 11th November 1993, on the export to Libya and the supply to persons connected with Libya, of further 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, England).