

2010 No. 2978

UNITED NATIONS

The Iran (United Nations Sanctions) (Amendment) Order 2010

Made - - - - *15th December 2010*

Laid before Parliament *16th December 2010*

Coming into force - - *17th December 2010*

At the Court at Buckingham Palace, the 15th December 2010

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 23rd December 2006, 24th March 2007, 3rd March 2008 and 9th June 2010 called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to Iran.

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 the advice of Her Privy Council, to order, and it is ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Iran (United Nations Sanctions) (Amendment) Order 2010 and shall come into force on 17th December 2010.

(2) In this Order “the principal Order” means The Iran (United Nations Sanctions) Order 2009(b).

Amendment of the principal Order

2. The principal Order is amended as follows.

3. For article 1(3) substitute—

“(3) An offence may be committed under this Order by any person within the territory of the United Kingdom, including the territorial sea, or by any person elsewhere who is—

(a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person;

(a) 1946 c. 45.
(b) S.I. 2009/886.

- (b) a body incorporated or constituted under the law of any part of the United Kingdom;
- (c) on board a United Kingdom ship; or
- (d) on board an aircraft registered in the United Kingdom.”

4. In article 2—

- (a) after the definition of “the Commissioners” and before the definition of “document” insert the definition of “customs official” as follows—

““customs official” means a designated general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009, or a designated customs revenue official under section 11(1) of that Act;”

- (b) after the definition of “owner” and before the definition of “procurement” insert a definition of “permitted light water reactor goods” as follows—

“permitted light water reactor goods” means

- (i) equipment covered by INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.8/Part 2 (listed in Schedule 4) when such equipment is for light water reactors;
- (ii) low-enriched uranium covered by Annex A1.2 of INFCIRC/254/Rev.9/Part 1, when it is incorporated in assembled nuclear fuel elements for such reactors; or
- (iii) items, materials, equipment, goods and technology set out in sections 1 and 2 of the Annex to INFCIRC/254/Rev.7/Part 2 and sections 3 to 6 as notified in advance to the Committee established by the Security Council of the United Nations under resolution 1737(2006) only when for exclusive use in light water reactors, where the supply, sale or transfer is in accordance with the requirements of paragraph 5 of resolution 1737 (2006) and where such supply, sale or transfer is necessary for technical cooperation provided to Iran by the International Atomic Energy Agency (“IAEA”) or under its auspices as provided for in paragraph 16 of resolution 1737 (2006);”

- (c) after the definition of “ship” and before the definition of “vehicle” insert a definition of “ship supply services” and “United Kingdom ship” as follows—

““ship supply services” means the provision to a ship of bunker oil or any other supply, provision or service, other than basic provisions for the crew, to facilitate a voyage by that ship;

“United Kingdom ship” means

- (i) the ship is registered under Part 2 of the Merchant Shipping Act 1995, or
- (ii) the ship is not registered under the law of any state but is wholly owned by persons each of whom is –
 - (aa) a British Citizen, or
 - (bb) a body incorporated or constituted under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom.”

- (d) after the definition of “vehicle” insert a definition of “WMD goods” as follows—

““WMD goods” (weapons of mass destruction goods) means the items, materials, equipment, goods and technology which are set out in the documents of the United Nations Security Council listed in Schedule 4.”

5. In articles 3(1) and 4(1) for “military goods” substitute “military goods or WMD goods” and amend the heading to articles 3 and 4 accordingly. In article 4(2) delete “ships registered in the United Kingdom and replace it with “United Kingdom ships” and replace “aircraft so registered” with “aircraft registered in the United Kingdom”. In article 4(3) delete “ship registered in the

United Kingdom” and replace it with the words “United Kingdom ship”. In article 4(3) replace the words “any aircraft so registered” with “an aircraft registered in the United Kingdom”. The general heading preceding article 3 is deleted and the heading “Military and WMD Goods, Ship Supply Services and Related Offences” is inserted in its place.

6. Delete article 3(2)

7. After article 4 insert—

“Use of ships, aircraft and vehicles: Military and WMD goods to Iran

4A.—(1) Except under the authority of a licence granted by the Secretary of State under this article, no ship or aircraft to which this article applies, and no vehicle within the United Kingdom, shall be used for the carriage of WMD goods, other than permitted light water reactor goods, or military goods if the carriage is, or forms part of, carriage from any place outside Iran to any destination therein.

(2) This article applies—

- (a) to any United Kingdom ship;
- (b) to aircraft registered in the United Kingdom; and
- (c) to any other ship or aircraft that is for the time being chartered to any person who is—
 - (i) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person; or
 - (ii) a body incorporated or constituted under the law of any part of the United Kingdom.

(3) If any ship, aircraft or vehicle referred to in paragraph (1) is used in contravention of paragraph (1) then—

- (a) in the case of a United Kingdom ship or any aircraft registered in the United Kingdom, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he or she is such a person as is referred to in paragraph (2)(c)(i) or (ii), the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (c) in the case of a vehicle, the operator of the vehicle,

shall be guilty of an offence under this Order, unless the person proves that he or she did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside Iran to any destination therein.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from the United Kingdom of the goods concerned to Iran was authorised by a licence granted by the Secretary of State under the Export Control Order 2008(a).

(5) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.”

8. Article 5 is renumbered to become article 5A and the general heading “General” is deleted.

9. Delete article 5 and insert a new article 5 in its place which reads as follows—

(a) S.I. 2008/3231.

“Ship Supply Services to Iranian ships

5A.—(1) Except under the authority of a licence granted by the Secretary of State under this article, the provision of ship supply services to any ship registered in Iran is prohibited, in the circumstances set out in paragraph (2).

(2) The circumstances referred to in paragraph (1) are where there is information which provides reasonable grounds to believe that the ship is carrying items, the supply, delivery, sale, transfer, export or procurement of which is prohibited by articles 2, 3, 4, 5, 8 and 9 of Council Regulation (EC) No 961/2010(a), the Export Control Order 2008 or by articles 4 or 4A of this Order.

(3) Any person knowingly concerned in the provision or attempted provision of such services in such circumstances shall be guilty of an offence under this Order.”

10. For article 6 substitute—

“Investigation of suspect ships

6.—(1) An authorised officer who has reasonable grounds to suspect that the cargo of any ship contains military goods or WMD goods in contravention of articles 4(1) or article 4A(1) may exercise the powers set out in Part 1 of Schedule 3 for the purposes of investigating, preventing or suppressing the commission of an offence under article 4(3) or 4A(3).

(2) Those powers are exercisable in relation to:

- (i) any ship in the territory of the United Kingdom, including the territorial sea adjacent to the United Kingdom;
- (ii) any United Kingdom ship where it is seaward of the limits of the territorial sea of any state; and,
- (iii) any United Kingdom ship, not being a ship falling within article 6(2)(i) or 6(2)(ii) above, with authority of Secretary State given in accordance with article 6B.

(3) Part 2 of Schedule 3 makes further provision about the exercise of the powers conferred by Part 1 of that Schedule.

(4) In Schedule 3 “the ship” refers to the ship in relation to which the powers are exercised.

(5) For the purposes of this article or Schedule 3 each of the following is an authorised officer:

- (a) a constable,
- (b) an officer of Revenue and Customs,
- (c) a customs official,
- (d) a commissioned officer of the regular forces (within the meaning of the Armed Forces Act 2006(b)),
- (e) a person in command or charge of any aircraft or hovercraft in the service of the regular forces (within the meaning of that Act),
- (f) a person of any other description authorised for the purposes of this article by the Secretary of State.

(6) In this Order, the reference to the commission of an offence includes a reference to the commission of an offence which consists in:

- (a) attempting or conspiring to commit such an offence,

(a) OJ No. L281, 27.10.2010.

(b) 2006 c.52.

- (b) aiding, abetting, counselling or procuring the commission of such an offence,
- (c) being art and part in the commission of such an offence, or
- (d) encouraging, assisting or inciting such an offence.”

11. After article 6 insert—

“Authority to other states in relation to United Kingdom ships

6A.—(1) The Secretary of State may authorise a state other than the United Kingdom to exercise, in relation to a United Kingdom ship, powers corresponding to the powers set out in Part 1 of Schedule 3 for a purpose mentioned in article 6(1).

(2) An authorisation under paragraph (1) may be subject to such conditions or limitations, if any, as the Secretary of State sees fit.

(3) An authorisation under paragraph (1) may be given by the Secretary of State—

- (a) of his or her own motion, or
- (b) in response to a request from a state other than the United Kingdom;

(4) An authorisation under paragraph (1) may be general or particular.

Exercise of powers in territorial sea of other states

6B.—(1) The powers set out in Part 1 of Schedule 3 may be exercised with respect to a ship in the territory or territorial sea of any state other than the United Kingdom with the authority of the Secretary of State.

(2) The Secretary of State must not give his or her authority unless the Secretary of State is satisfied that that state has consented to the exercise of those powers.”

12. In article 7(1), for “article 4” substitute “article 4 or 4A” and for “article 4(1)” substitute “article 4(1) or 4A(1)”.

13. In article 8(1), for “article 4(1)” substitute “article 4(1) or 4A(1).”

14. For article 9 substitute—

“Provisions supplementary to articles 7 and 8 and Schedule 3

9.—(1) No information furnished or document produced by any person in pursuance of a request made under article 7 or 8 or a requirement made under Part 1 of Schedule 3 shall be disclosed except—

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

provided that a person who has obtained information or is in possession of a document only in his or her 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 or her own right;

- (b) to any person who would have been empowered under articles 7 or 8 to request or, under Part 1 of Schedule 3, to require that it be furnished or produced to any person holding or acting in any office under or in the service of:

- (i) the Crown in respect of the Government of the United Kingdom;
- (ii) the Government of the Isle of Man;
- (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
- (iv) the States of Jersey; or
- (v) the Government of any territory listed in Schedule 1;

- (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 of 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 Iran 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—
 - (i) in the United Kingdom, for an offence under this Order or, with respect to any of the matters regulated by this Order, for an offence relating to customs; or
 - (ii) for any offence under any law making provision with respect to such matters that is in force in any of the Channel Islands, the Isle of Man or any territory listed in Schedule 1 to this Order.

(2) Any power conferred by articles 7 or 8 or Part 1 of Schedule 3 to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(3) Each of the following persons shall be guilty of an offence under this Order, that is to say—

- (a) a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who:
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under articles 7 or 8 by any person empowered to make it, or
 - (ii) furnishes any document or information which to his or her knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular to such a person in response to such a request;
- (b) a charterer or an operator or a commander or a member of a crew of an aircraft or a driver of a vehicle who wilfully obstructs any such authorised officer or authorised person (or any person acting under the authority of any such person) in the exercise of his or her powers under articles 7 or 8.

(4) Nothing in articles 6 to 9 or Schedule 3 shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.”

15. For article 11 substitute—

“Customs Investigations

11.—(1) Where the Commissioners for Revenue and Customs or the Secretary of State investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that an offence under article 4(3) or 4A(3) of this Order has been committed; or
- (b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter within the meaning of section 1(1) of the Customs and Excise Management Act 1979 (“CEMA”)(a).

(2) Section 138 of CEMA (provision as to arrest of persons) shall apply to the arrest of a person for an offence under this Order as it applies to the arrest of a person for an offence under the customs and excise Acts.

(a) 1979 c.2.

(3) Sections 145, 146, 146A, 147, 148, 150, 151, 152, 154 and 155 of CEMA (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under this Order as they apply in relation to offences and penalties under the customs and excise Acts.

(4) For the purposes of the application of section 145 of CEMA to this Order, only offences related to contraventions of the provisions referred to in paragraph 1(a) are offences under the customs and excise Acts.”

16.—(1) Article 12 is amended as follows—

(2) For paragraphs (1) and (2) substitute—

“(1) Any person guilty of an offence under article 3(3), 4(3), 4A(3) or 5A(1) shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or
- (b) on summary conviction—
 - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or both.

(2) Any person guilty of an offence under article 5(2), article 9(3)(a)(ii), paragraph 5(b) or (d) of Schedule 2 or paragraph 15(1), (2) or (3) of Part 3 of Schedule 3 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—
 - (i) in England and Wales or Scotland, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or both.”

(3) In paragraph (4) for “article 9(3)(a), (b)(i) or (c)” substitute “article 9(3)(a)(i) or (b)”.

(4) After paragraph 13 insert—

“(14) In paragraphs 1(b) and 2(b) as they apply to England and Wales in the case of an offence committed before section 154(1) of the Criminal Justice Act 2003(a) comes into force, for “twelve months” substitute “six months”.”

17. After Schedule 2 insert—

“SCHEDULE 3

Enforcement powers in respect of ships

PART 1

THE POWERS

Power to stop, board, divert and detain

1.—(1) An authorised officer may stop and board the ship.

(a) 2003 c.44; at the date of this Order, section 154(1) had not been commenced.

(2) If the authorised officer thinks it is necessary for the exercise of the authorised officer's functions, the authorised officer may require the ship to be taken to a port or anchorage:

- (a) in the United Kingdom, or
- (b) in any other country or territory willing to receive it,

and detain it there.

(3) If the ship is stopped in waters landward of the baselines from which the territorial sea adjacent to the United Kingdom is measured or in the territorial sea adjacent to the United Kingdom, the authorised officer may require it to be taken to any place in those waters or that sea specified by the authorised officer.

(4) For any purpose mentioned in sub-paragraph (1) to (3), the authorised officer may require the master or any member of the crew to take such action as may be necessary.

(5) If a ship is detained by an authorised officer, that officer must serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by service on the master of a further notice in writing signed by an authorised officer.

(6) Sub-paragraph (5) does not apply if it is not reasonably practicable to serve the notice on the master.

Power to search and obtain information

2.—(1) An authorised officer may search the ship, anyone on it and anything on it, including its cargo.

(2) An authorised officer may require any person on the ship to give information concerning that person or anything on the ship.

(3) Without prejudice to the generality of those powers an authorised officer may:

- (a) open any containers,
- (b) make tests and take samples of anything on the ship,
- (c) require the production of documents, books or records relating to the ship or anything on it,
- (d) make photographs or copies of anything the authorised officer has power to require to be produced.

Power in respect of suspected offence

3. If an authorised officer has reasonable grounds to suspect that an offence under article 4(3) or 4A(3) has been committed the authorised officer may:

- (a) arrest without warrant anyone on the ship whom the authorised officer has reasonable grounds for suspecting to be guilty of the offence, and
- (b) seize and detain anything found on the ship which appears to the authorised officer to be evidence of the offence.

Power in respect of identified prohibited items

4. If an authorised officer identifies on the ship any military goods or WMD goods prohibited to be carried from Iran under article 4(1) or WMD or military goods prohibited to be carried to Iran under article 4A(1), the authorised officer may seize the goods, detain them and dispose of them, either by destroying them or in such other manner as the authorised officer may decide.

Assistants

5.—(1) A person may be taken with an authorised officer to assist the authorised officer in the exercise of the authorised officer's functions.

(2) A person taken with an authorised officer under sub-paragraph (1) may perform any of the authorised officer's functions under paragraphs 1 to 4 and 6 and 7 but only under the authorised officer's supervision.

Use of force

6.—(1) An authorised officer may use reasonable force in the performance of the authorised officer's functions.

(2) Such force may be used only if:

- (a) the authorised officer or any person assisting the authorised officer is being obstructed in the performance of the authorised officer's functions, or
- (b) it is necessary to ensure the safety of the authorised officer, any person assisting the authorised officer or any other person on board the ship.

Equipment

7. An authorised officer may take any equipment or materials to assist the authorised officer in the exercise of the authorised officer's powers.

Evidence of authority

8. A person authorised to act as an authorised officer must, if required, produce evidence of that authority.

PART 2

JUDICIAL AUTHORISATION

Judicial authorisation: exercise of powers to divert and search

9.—(1) This paragraph applies where—

- (a) an authorised officer boards a ship under paragraph 1,
- (b) there are one or more persons on board the ship when it is boarded,
- (c) an authorised officer requires the ship to be taken to a place for the purposes of exercising any of the powers of search under paragraph 2(1), and
- (d) for the purposes of taking the ship to that place or for the purposes of exercising any of those powers of search, an authorised officer requires one or more of the persons on board to remain on the ship.

(2) The persons may be required to remain on board the ship after the end of the period of 48 hours beginning with the time when the ship is boarded ("the 48 hour period") only if—

- (a) the requirement is authorised by a judicial authority under sub-paragraph (4), or
- (b) the requirement is authorised by virtue of sub-paragraphs (6) and (7).

(3) An application for authorisation by a judicial authority may be made by any authorised officer.

(4) The judicial authority must authorise an authorised officer to require the persons to remain on board for a further period not exceeding 72 hours if satisfied—

- (a) that it is reasonable for an authorised officer to require the ship to be taken to the place in question for the purposes of exercising any of the powers of search under paragraph 2(1), and
- (b) that all reasonable steps are being taken to ensure that the ship arrives at the place, and that the search is completed, as soon as is practicable.

(5) If the judicial authority does not authorise an authorised officer to require the persons to remain on board for a further period, any authorised officers on board the ship, and any persons taken with them under paragraph 5, must leave the ship as soon as it is practicable for them to do so without endangering themselves or any other person on board the ship.

(6) Sub-paragraph (7) applies if all reasonable steps are taken by an authorised officer to obtain authorisation by a judicial authority but either—

- (a) it is not possible to make an application for authorisation before the end of the 48 hour period, or
- (b) although such an application is made within the 48 hour period, it is not determined during that period.

(7) The persons may be required to remain on board the ship after the end of the 48 hour period but only for so long as is necessary to enable an application for authorisation to be made (if it has not already been made) and determined.

(8) In subparagraph (1) the reference to an authorised officer includes a reference to a person taken with an authorised officer under paragraph 5.

(9) In this paragraph and paragraph 10, “judicial authority” means either of the following—

- (a) a judge of the Administrative Court in the Queen’s Bench Division of the High Court;
- (b) a sheriff in Scotland.

10.—(1) This paragraph applies where a judicial authority gives authorisation under paragraph 9(4) (whether the authorisation is the first given in relation to the persons or, by virtue of sub-paragraph (2) below, the second or subsequent).

(2) Sub-paragraphs (2) to (8) of paragraph 9 apply in relation to the persons as if the references in sub-paragraphs (2), (6)(a) and (b) and (7) to the 48 hour period were references to the further period authorised by the judicial authority.

11.—(1) An application made, or an authorisation given, under paragraph 9 may be made or given orally or in writing.

(2) An application under that paragraph may be made and determined without notice to any of the persons required to remain on the ship.

(3) Nothing in paragraph 9(5) prevents authorised officers (or persons taken with them under paragraph 5) who are required to leave the ship from taking with them anything that has been lawfully seized in the exercise of the powers conferred by Part 1 of this Schedule.

Judicial authorisation: arrested persons

12.—(1) This paragraph applies where an authorised officer arrests a person under paragraph 3(a).

(2) The arrested person may be detained after the end of the period of 48 hours beginning with the time of the arrest (“the 48 hour period”) only if—

- (a) the detention is authorised by a judicial authority under sub-paragraph (4), or
- (b) the detention is authorised by virtue of sub-paragraphs (6) and (7).

- (3) An application for authorisation may be made by any authorised officer.
- (4) A judicial authority must authorise the detention of the person for a further period not exceeding 72 hours if satisfied—
- (a) that there are reasonable grounds to suspect that the person is guilty of an offence under article 4(3) or 4A(3),
 - (b) that all reasonable steps are being taken to ensure that the person is brought as soon as is practicable to the United Kingdom to be dealt with in respect of the offence, and
 - (c) that the detention of the person is necessary for one or more of the purposes mentioned in sub-paragraph (5).
- (5) Those purposes are—
- (a) to obtain evidence that the person has committed the offence, whether by questioning the person or otherwise;
 - (b) to preserve evidence relating to the commission of the offence or to prevent the person interfering with witnesses;
 - (c) to prevent the person evading, or attempting to evade, prosecution for the offence;
 - (d) to prevent the person from being injured or from causing injury;
 - (e) to prevent the person causing loss of, or damage to, property.
- (6) Sub-paragraph (7) applies if all reasonable steps are taken by an authorised officer to obtain authorisation by a judicial authority but either—
- (a) it is not possible to make an application for authorisation before the end of the 48 hour period, or
 - (b) although such an application is made within the 48 hour period, it is not determined during that period.
- (7) The arrested person may be detained after the end of the 48 hour period but only for so long as is necessary to enable an application for authorisation to be made (if it has not already been made) and determined.
- (8) In subparagraph (1) any reference to an authorised officer includes a reference to a person taken with an authorised officer under paragraph 5.
- (9) In this paragraph and paragraph 13, “judicial authority” means either of the following—
- (a) a judge of the Administrative Court in the Queen’s Bench Division of the High Court;
 - (b) a sheriff in Scotland.
- 13.—**(1) This paragraph applies where a judicial authority authorises the continued detention of an arrested person under paragraph 12 (whether the authorisation is the first given in relation to the person or, by virtue of sub-paragraph (2) below, the second or subsequent).
- (2) Sub-paragraphs (2) to (8) of paragraph 12 apply in relation to the arrested person as if the references in sub-paragraphs (2), (6)(a) and (b) and (7) to the 48 hour period were references to the further period of detention authorised by the judicial authority.
- 14.—**(1) An application made, or an authorisation given, under paragraph 12 may be made or given orally or in writing.
- (2) An application under that paragraph may be made and determined without notice to the arrested person.
- (3) Nothing in paragraph 12 applies in relation to the detention of a person at any time after that person’s entry into the United Kingdom to be dealt with in respect of the offence.

(4) Nothing in paragraph 12 prevents an authorised officer exercising the powers conferred by paragraph 1(4) or 6 in relation to a person who is released from detention by virtue of paragraph 12.

PART 3 OFFENCES

15.—(1) It is an offence for a person intentionally to obstruct an authorised officer in the performance of any of the authorised officer’s functions under this Schedule.

(2) It is an offence for a person to fail without reasonable excuse to comply with a requirement made by an authorised officer in the performance of those functions.

(3) It is an offence for a person, in purporting to give information required by an authorised officer for the performance of those functions, to:

- (a) make a statement which that person knows to be false in a material particular or recklessly to make a statement which is false in a material particular, or
- (b) intentionally to fail to disclose any material particular.

(4) In this paragraph any reference to an authorised officer includes a person taken with an authorised officer under paragraph 5.”

18. After Schedule 3 insert—

“SCHEDULE 4

Lists of WMD goods prohibited from being supplied to or procured from Iran pursuant to Security Council Resolutions 1737 (2006), 1803 (2008) and 1929 (2010)

S/2010/263	9 June 2010	List of items, materials, equipment, goods and technology related to ballistic missile programmes referred to in resolution 1929 (2010).
INFCIRC/254/Rev. 9/Part 1 and INFCIRC/254/Rev.8/Part 2	9 June 2010	List of items, materials, equipment, goods and technology related to nuclear programmes referred to in resolution 1929 (2010)”

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, amends the Iran (United Nations Sanctions) Order 2009 (S.I. 2009/886) (“the principal Order”) to give further effect to United Nations sanctions against Iran under resolutions 1737(2006), 1747(2007), 1803(2008) and 1929(2010) of the Security Council.

This amending Order provides enhanced powers of law enforcement in relation to the maritime interdiction of UK flag vessels.

The principal Order is amended by this Order as follows:

Article 3 of this Order amends Article 1(3) of the principal Order such that any offence under the principal Order may be committed by any person within the territory of the United Kingdom (including the territorial seas of the United Kingdom), by persons who are British citizens, bodies incorporated under UK law, persons on board UK ships, and aircraft registered in the UK whilst in international airspace.

Article 4 inserts various definitions, including “customs official” (who is one of several named authorised officers given enforcement powers under Schedule 3), “permitted light water reactor goods”, “ship supply services”, “WMD (weapons of mass destruction) goods” which are prohibited to be supplied to or procured from Iran under Security Council resolutions 1737(2006), 1803(2008) and 1929(2010).

Article 5 amends the relevant articles of the principal Order so that it prohibits the procurement of WMD and military goods from Iran and the carriage of military and WMD goods from Iran. The inclusion of WMD goods is to ensure that the enforcement powers now introduced may be used in relation to the carriage of both prohibited military and WMD goods.

Article 6 omits the provision in the principal Order regarding forfeiture of military goods, as the enforcement powers in Schedule 3 include the power in paragraph 4 to seize and dispose of prohibited military or WMD goods.

Articles 7 amends the principal Order by inserting a new article 4A to prohibit carriage of military or WMD goods (other than permitted light water reactor goods) to Iran in accordance with the requirements of Security Council resolution 1929(2010).

Article 8 renumbers the existing article 5 to become article 5A.

Article 9 inserts a new Article 5 which prohibits the provision of supply services to Iranian registered ships where there is information which provides reasonable grounds to believe that the ship is carrying prohibited items.

Article 10 substitutes a new article 6 in the principal Order empowering an authorised officer to use the enforcement powers set out in Schedule 3 where there are grounds to suspect that a ship contains prohibited military or WMD goods from Iran in contravention of article 4(1) or prohibited WMD or military goods destined for Iran in contravention of article 4A(1). The powers are exercisable in relation to all ships within the territory of the United Kingdom. Powers are exercisable over UK ships on the high seas. Within the territories of other states the powers are exercisable with permission of Secretary of State given in accordance with article 6B. The new article 6(5) defines who are authorised officers and article 6(6) defines the conduct included in “the commission of an offence”.

Article 11 inserts new articles 6A and 6B. Article 6A enables the Secretary of State to authorise another State to exercise the powers in Schedule 3 in relation to a UK ship suspected of committing the offences in article 4(3) (carriage of prohibited military or WMD goods from Iran) or article 4A(3) (carriage of prohibited WMD or military goods to Iran). Article 6B provides that

the powers in Schedule 3 may be exercised over a UK ship in the territory of another State with the authority of the Secretary of State.

Articles 12 and 13 make consequential amendments to articles 7 and 8.

Article 14 substitutes a revised article 9 in the principal Order consequent upon the introduction of Schedule 3.

Article 15 substitutes a revised article 11, expanding on the provisions of the Customs and Excise Management Act 1979 which apply to facilitate the investigation and prosecution of offences under the principal Order.

Article 16 provides penalties in article 12 for the offences in article 4A(3) and paragraph 15 of Schedule 3, and consequential amendments. Article 12(1) and (2) are also amended to take account of section 45 of the Criminal Proceedings etc. Reform (Scotland) Act 2007 and section 154(1) of the Criminal Justice Act 2003.

Article 17 inserts the new Schedule 3 containing the enforcement powers in relation to ships. It consists of three parts. Part 1 sets out the powers. Part 2 makes provision for judicial oversight of the exercise of the powers of arrest or detention. Part 3 provides offences relating to the obstruction of authorised officers in the exercise of their functions.

Article 18 inserts the new Schedule 4 listing the United Nations Security Council documents which contain the lists of prohibited WMD goods. The United Nations Security Council documents which contain the lists of prohibited WMD goods can be accessed on the website of the UN Sanctions Committee set up under resolution 1737 (2006) at the following web address: <http://www.un.org/sc/committees/1737/selecdocs.shtml>.

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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