

# Statutory Instrument 1998 No. 1752

## **The Angola (United Nations Sanctions) Order 1998**

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STATUTORY INSTRUMENTS

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**1998 No. 1752**

**UNITED NATIONS**

## The Angola (United Nations Sanctions) Order 1998

<i>Made</i>	<i>21st July 1998</i>
<i>Laid before Parliament</i>	<i>22nd July 1998</i>
<i>Coming into force</i>	<i>23rd July 1998</i>

At the Court at Buckingham Palace, the 21st day of July 1998

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 a resolution adopted on 12th June 1998, 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 Angola:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946<sup>[1]</sup>, 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 Angola (United Nations Sanctions) Order 1998 and shall come into force on 23rd July 1998.

(2) If the Security Council of the United Nations takes any decision which has the effect of cancelling or postponing or suspending the operation of the resolution adopted by it on 12th June 1998, in whole or in part, this Order shall cease to have effect or its operation shall be postponed or suspended, in whole or in part, 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 United Kingdom.

### **Interpretation**

**2.** In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say -

"body corporate" includes a Scottish partnership and, in relation to such a partnership, any reference to a director or other officer of a body corporate is a reference to a partner;

"commander", in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"export" includes shipment as stores;

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

"master", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

"operator", in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or the vehicle;

"owner", where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

"restricted goods" means the goods falling within the Headings and Sub-headings of the Combined Nomenclature of the European Community established by Annex 1 to the Council Regulation (EEC) No. 2658/87, as amended<sup>[2]</sup>, listed in Schedule 1 to this Order;

"restricted services" means ground or waterborne transportation services;

"ship" has the meaning it bears in section 313 of the Merchant Shipping Act 1995<sup>[3]</sup>;

"shipment" (and cognate expressions) and "stores" shall have the meanings they bear in the Customs and Excise Management Act 1979<sup>[4]</sup>;

"vehicle" means land transport vehicle.

### **Supply of restricted goods**

3. - (1) Except under the authority of a licence granted by the Secretary of State under this article, no person shall:

- (a) supply or deliver; or
- (b) agree to supply or deliver

restricted goods to any person in Angola.

(2) Nothing in paragraph (1)(b) 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 Secretary of State under this article.

### **Supply of restricted services**

4. - (1) Except under the authority of a licence granted by the Secretary of State under this article, no person shall -

- (i) supply; or

(ii) agree to supply

restricted services to any person in Angola.

(2) Nothing in paragraph (1)(b) of this article shall apply where the supply of the services to the person concerned is authorised by a licence granted by the Secretary of State under this article.

#### **Exportation of restricted goods to Angola**

5. Except under the authority of a licence granted by the Secretary of State under this article, the Export of Goods (Control) Order 1994[5] or the Dual-Use and Related Goods (Export Control) Regulations 1996[6], restricted goods are prohibited to be exported from the United Kingdom to any destination in Angola, or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person in Angola.

#### **Use of ships, aircraft and vehicles: restricted goods and services**

6. - (1) Without prejudice to the generality of article 3 of this Order, and 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 -

(i) for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place outside Angola to any destination therein; or

(ii) for the supply of any restricted services to any person in Angola.

(2) This article applies to ships registered in the United Kingdom, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is -

(a) a British citizen, a British Dependent Territories citizen, a British Overseas citizen, a British subject or a British protected person; or

(b) a body incorporated or constituted under the law of the United Kingdom.

(3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) of this article then -

(a) in the case of a ship registered in the United Kingdom or any aircraft so registered, 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 is such a person as is referred to in sub-paragraph (a) or sub-paragraph (b) of paragraph (2) of this article, 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 he proves that he did not know and had no reason to suppose that -

(i) the carriage of the goods in question was, or formed part of, carriage from any place outside Angola to any destination therein; or

(ii) the supply of the services in question was to a person in Angola,

as the case may be.

(4) Nothing in paragraph (1) of this article shall apply where -

(i) the supply or delivery or exportation from the United Kingdom of the goods concerned to Angola was authorised by a licence granted by the Secretary of State under article 3 or article 5 of this Order; or

(ii) the supply of the services concerned to Angola was authorised by a licence granted by the Secretary of State under article 4 of this Order.

(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.

#### **Assets of UNITA or persons connected with UNITA**

7. - (1) Except with permission granted by or on behalf of the Treasury, 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) This article applies to any action which is likely to make available to or for the benefit of UNITA or any person connected with UNITA any funds or any other financial assets or resources, whether by their removal from the United Kingdom or otherwise, or otherwise to result in the remittance or transfer of funds or other such assets or resources to or for the benefit of UNITA or any person connected with UNITA.

(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) 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<sup>[7]</sup>;

(b) "investments" means any asset, right or interest falling within any paragraph of Part I of Schedule 1 to the Financial Services Act 1986<sup>[8]</sup> which is not a security;

(c) "person connected with UNITA" means any of the following persons:

(i) any senior official of UNITA; or

(ii) any adult member of the immediate family of any senior UNITA official; or

(iii) any person or body acting on behalf of a person described in sub-paragraph (i) or (ii);

(d) "UNITA" means the Uniao Nacional para a Independencia Total de Angola.

#### **Application of articles 3, 4 and 7**

8. - (1) The provisions of articles 3, 4 and 7 of this Order shall apply to any person within the United Kingdom 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; or

(b) is a body incorporated or constituted under the law of any part of the United Kingdom.

(2) Subject to the provisions of paragraphs (3) and (4) of this article, any person specified in paragraph (1) of this article who contravenes the provisions of article 3, 4 or 7 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 a person in Angola.

(4) In the case of proceedings for an offence in contravention of article 4 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 in question were to be supplied to a person in Angola.

#### **Customs powers to demand evidence of destination which goods reach**

9. Any exporter or any shipper of goods which have been exported from the United Kingdom shall, if so required by the Commissioners of Customs and Excise, 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

(ii) a destination to which their exportation was not prohibited by this 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.**

**10.** - (1) If for the purposes of obtaining any licence 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 granted by the Secretary of State under this Order and who fails to comply with any condition attaching to that licence 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 Secretary of State after the doing of the act authorised by the licence.

**Declaration as to goods: powers of search**

**11.** - (1) Any person who is about to leave the United Kingdom shall if he is required to do so by an officer of the Customs and Excise -

(a) declare whether or not he has with him any restricted goods which are destined for Angola or for delivery, directly or indirectly, to or to the order of any person in Angola; 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.

**Investigation, etc. of suspected ships**

12. - (1) Where any authorised officer has reason to suspect that any ship to which article 6 of the Order applies has been or is being or is about to be used in contravention of paragraph (1) of either of those articles -

(a) he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force;

(b) he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and

(c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of paragraph (1) of article 6 of this Order any authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b) above), with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued, may take the further action specified in paragraph (2) below.

(2) The further action referred to in paragraph (1)(c) of this article is either -

(a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified; or

(b) to request the master of the ship to take any one or more of the following steps:

(i) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by an authorised officer that the ship may so proceed;

(ii) if the ship is then in port in the United Kingdom, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;

(iii) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (ii) above; and

(iv) to take her to any other destination that may be specified by the officer in agreement with the master.

(3) Without prejudice to the provisions of article 15(3) of this Order, where -

(a) a master refuses or fails to comply with a request made under paragraph (2)(b) of this article; or

(b) an authorised officer otherwise has reason to suspect that a request

that has been so made may not be complied with,

any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(4) In this article "authorised officer" means any officer as is referred to in section 284(1) of the Merchant Shipping Act 1995.

### **Investigation, etc. of suspected aircraft**

**13.** - (1) Where any authorised officer or authorised person has reason to suspect that any aircraft to which article 6 of this Order applies has been or is being or is about to be used in contravention of paragraph (1) of either of those articles -

(a) he may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify;

(b) he may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and

(c) if the aircraft is then in the United Kingdom any authorised officer or authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (a) above) further request the charterer, operator and the commander or any of them to cause the aircraft and any of its cargo to remain in the United Kingdom until notified that the aircraft and its cargo may depart.

(2) Without prejudice to the provision of article 15(3) of this Order, where an authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1)(c) of this article may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose -

(a) enter, or authorise entry, upon any land and upon that aircraft;

(b) detain, or authorise the detention of, that aircraft and any of its cargo; and

(c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article -

"authorised officer" means any officer of Customs and Excise;

"authorised person" means any person authorised by the Secretary of State for the purpose of this article either generally or in a particular case.

#### **Investigation, etc. of suspected vehicles**

**14.** - (1) Where any authorised officer or authorised person has reason to suspect that any vehicle in the United Kingdom has been or is being or is about to be used in contravention of article 6 of this Order -

(a) he may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify;

(b) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and

(c) any authorised officer or authorised person may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (a) above) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in the United Kingdom until notified that the vehicle may depart.

(2) Without prejudice to the provisions of article 15(3) of this Order, where any authorised officer or authorised person has reason to suspect that any request that has been made under paragraph (1)(c) of this article may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose -

(a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;

(b) detain, or authorise the detention of, that vehicle and any goods contained in it; and

(c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this article, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this article -

"authorised officer" means any officer of Customs and Excise;

"authorised person" means any person authorised by the Secretary of State for the purpose of this article either generally or in a particular case.

#### **Provisions supplementary to articles 12 to 14**

**15.** - (1) No information furnished or document produced by any person in pursuance of a request made under article 12, 13 or 14 of this Order 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 capacity as servant or agent of [a] 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;

(b) to any person who would have been empowered under article 12, 13 or 14 of this Order 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;

(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 Angola 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 of any of the matters regulated by this Order, for an offence under any enactment relating to customs.

(2) Any power conferred by article 12, 13 or 14 of this Order to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether 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 master of a ship who disobeys any direction given under article 13 (2)(a) of this Order;

(b) a master of a ship or 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 article 12, 13 or 14 of this Order by any person empowered to make it, or

(ii) wilfully furnishes false information or produces false documents to such a person in response to such a request;

(c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any such person (or any person

acting under the authority of any such person) in the exercise of his powers under article 12, 13 or 14 of this Order.

(4) Nothing in articles 12 to 15 of this Order 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.

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*Notes:*

[1] 1946 c.45.[back](#)

[2] OJ No. L256, 7.9.87, p.1, Annex 1 to that Regulation was substituted by Commission Regulation (EC) No. 2086/97, OJ No. L312, 14.11.97, p.1, and there have also been amendments to Annex 1 which are not relevant to this Order.[back](#)

[3] 1995 c.21.[back](#)

[4] 1979 c.2.[back](#)

[5] S.I. 1994/1191, to which there are amendments not relevant to this Order.[back](#)

[6] S.I. 1996/2721, to which there are amendments not relevant to this Order.[back](#)

[7] 1964 c.60.[back](#)

[8] 1986 c.60.[back](#)

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[a] Amended by Correction Slip. Page 7, article 15(1)(a), second line of second paragraph, after "as servant or agent": delete "or" substitute "of".[back](#)

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