2000 No. 1408

CUSTOMS AND EXCISE

The Burma (Sale, Supply and Export of Goods) (Penalties) Regulations 2000

Made - - - - -	*24th May 2000*
Laid before Parliament	*24th May 2000*
Coming into force - -	*25th May 2000*

The Secretary of State, being a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the interruption or reduction in part or completely, of economic relations with one or more countries which are not Member States, in exercise of powers conferred on him by that section, hereby makes the following Regulations:

1. These Regulations may be cited as the Burma (Sale, Supply and Export of Goods) (Penalties) Regulations 2000 and shall come into force on 25th May 2000.

2. Any person who infringes—

(a) the prohibition in Article 1 of Council Regulation (EC) No. 1081/2000(**c**) concerning the reduction of certain economic relations with Burma; or

(b) the prohibition in Article 5 of that Regulation (concerning the participation in related activity) so far as respects the matters referred to in Article 1,

shall be guilty of an offence and may be arrested.

3.—(1) A person guilty of an offence under regulation 2 above shall be liable:

(a) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both; or

(b) on summary conviction, to a fine not exceeding the statutory maximum.

(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence Act 1984(**d**) and the Police and Criminal Evidence (Northern Ireland) Order 1989(**e**), section 24(2) of that Act (in England and Wales) and Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Act and the Order.

(3) Section 138 of the Customs and Excise Management Act 1979(**f**) (provision as to arrest of persons) shall apply to the arrest of any person for an offence under regulation 2 above as it applies to the arrest of any person for an offence under the customs and excise Acts.

(**a**) S.I. 1994/757.
(**b**) 1972 c. 68.
(**c**) OJ No. L122, 24.05.2000, p. 29.
(**d**) 1984 c. 60.
(**e**) S.I. 1989/1341 (N.I. 12).
(**f**) 1979 c. 2.

(4) Sections 145 to 148 and 150 to 155 of the Customs and Excise Management Act 1979(**a**) (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under these regulations and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under the customs and excise Acts.

(5) In this regulation, "customs and excise Acts" has the same meaning as in section 1 of the Customs and Excise Management Act 1979.

Alan Johnson,
Parliamentary Under Secretary
of State for Competitiveness,
Department of Trade and Industry

24th May 2000.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Council Regulation (EC) No. 1081/2000 prohibits the sale, supply and export of certain specified equipment to Burma and the carrying out of related activities promoting the same. The Regulation specifies equipment which may be used for internal repression or terrorism. These regulations:

(a) make it an offence to infringe either prohibition; and

(b) make provision for enforcement.

(**a**) Section 145(6) was amended by the Police and Criminal Evidence Act 1984 (c. 60), section 114(1); section 146(1) was modified by S.I. 1990/2167; section 146A was inserted by the Finance Act 1989 (c. 26), section 16(1) and (4); section 147(1) was repealed by the Finance Act 1989 (c. 26), section 16(2) and (4), section 187(1) and Schedule 17, Part 1; section 147(2) was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 176; section 147(5) was repealed by the Criminal Justice Act 1982 (c. 48), section 77 and Schedule 114, paragraph 42 and section 78 and Schedule 16; section 148 was extended by S.I. 1993/1813; section 151 was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 177; section 153(4) was inserted by the Finance Act 1981 (c. 35), section 11(1) and Schedule 8, Part 1, paragraph 9; section 154(2) was modified by S.I. 1990/2167.

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