EXPLANATORY MEMORANDUM TO

THE EXPORT CONTROL (LIBERIA) ORDER 2006

2006 No. 2065

1. This explanatory memorandum has been prepared by the Department of Trade & Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. The Order makes provision with regard to Council Regulation (EC) No 234/2004 of 10 February 2004 imposing certain restrictions measures in respect of Liberia ('the 2004 Regulation') and Council Regulation (EC) No. 1126/2006 ("the 2006 Regulation") which amends the 2004 Regulation.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. The Department is today laying before Parliament the Order. The Department considers that in order to give effect to our European obligations, in respect of the Liberia embargo, it is necessary for this Order to come into force as soon as possible.

4. Legislative Background

4.1. The Order, under Article 2, revokes previous Regulations which made provisions in relation to the 2004 Regulation; and

4.2 Articles 3 to 7 of the Order provides for national offences, penalties and licensing provisions with regard to the prohibitions in the 2004 Regulation. These prohibitions are on the;

a) Grant, sale, supply, or transfer of technical assistance related to military activities and to the provision, manufacture, maintenance, and use of arms and related material of all types directly or indirectly to any person, entity or body in, or for use in Liberia; or
b) the provision of financing or financial assistance related to military activities, for any sale, supply, transfer or export of arms or related material directly or indirectly to any person, entity or body in, or for use in, Liberia; or
c) the participation, knowingly or intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in (a), (b)above.

5. Extent

5.1. This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative instrument resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Order provides for national offences, penalties and licensing provisions as required in the directly applicable 2004 Regulation further amended by the 2006 Regulation which introduced additional derogations to the ban on certain services related to arms and military equipment.

7.2 The 2006 Regulation gives the opportunity to introduce an Order under the provisions of the Export Control Act which provides for greater penalties and, in common with other sanctions Orders made under the Act, introduction of a new offence of 'being knowingly' concerned with the transaction.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2. The impact on the public sector is minimal.

9. Contact

9.1. Jim Bouttell at the Department of Trade and Industry, Tel: 020 7215 4648, or email: jim.bouttell@dti.gsi.gov.uk can answer any queries regarding this instrument.

DEPARTMENT OF TRADE AND INDUSTRY
25th July 2006