

1996 No. 3153

UNITED NATIONS

The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Isle of Man)
Order 1996

<i>Made</i>	<i>19th December 1996</i>
<i>Laid before Parliament</i>	<i>20th December 1996</i>
<i>Coming into force</i>	<i>21st December 1996</i>

At the Court at Buckingham Palace, the 19th day of December 1996

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 have, by certain resolutions adopted on 23rd January 1992, 19th November 1992 and 17th May 1994 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 Somalia, Liberia and Rwanda: Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1 of the United Nations Act 1946^[1], is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Isle of Man) Order 1996 and shall come into force on 21st December 1996.

(2) This Order shall extend to the Isle of Man only, as part of its law.

Interpretation

2.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

"body corporate" includes a limited liability company constituted under the Limited Liability Companies Act 1996 (an Act of Tynwald) and, in relation to such a company, any reference to a director or other officer of a body corporate is a reference to a member and to the company's manager and registered agent;

"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 in charge or command of the aircraft;

"custody" means custody within the meaning of the Custody Act 1995 (an Act of Tynwald);

"enactment" includes an Act of Tynwald and any provision contained in such an Act;

"export" includes shipment as stores and, in relation to any ship, submersible vehicle or aircraft, includes the taking out of the Isle of Man of the ship, 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;

"officer of Customs and Excise" means an officer authorised as such under the Customs and Excise Management Act 1986 (an Act of Tynwald);

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

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

"person connected with a prohibited destination" means—

- (a) the Government of any territory comprised within a prohibited destination;
- (b) any other person in, or resident in, a prohibited destination;
- (c) any body incorporated or constituted under the law of any part of a prohibited destination;
- (d) any body, wherever incorporated or constituted, which is controlled by a person or body mentioned in any of sub-paragraphs (a) to (c) above; and
- (e) any person acting on behalf of any person or body mentioned in any of sub-paragraphs (a) to (d) above;

"prohibited destination" means Somalia, Liberia or Rwanda;

"prohibited goods" means—

- (a) goods of a description specified in Group 1 of Part III of Schedule 1 to the Export of Goods (Control) Order 1994^[2]; and
- (b) goods which are or may be intended, wholly or in part, to be used in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or the development, production, maintenance or storage of missiles capable of delivering such weapons;

"ship" has the meaning it bears in section 313 of the Merchant Shipping Act 1995^[3];

"shipment" (and cognate expressions) and "stores" have the meanings they bear in the Customs and Excise Management Act 1986 (an Act of Tynwald);

"the Treasury" means the Isle of Man Treasury, a department of the Government of the Isle of Man.

(2) Any reference to a provision of an Act of Parliament or to a statutory instrument shall, in the case of a provision which has been extended to the Isle of Man, be construed as a reference to that provision as it has effect there and,

in any other case, be construed as a reference to that provision as it has effect in the United Kingdom.

Deliveries and supplies of certain goods to a prohibited destination

3.—(1) Except under the authority of a licence granted by the Treasury under this article, no person shall—

- (a) supply or deliver,
- (b) agree to supply or deliver, or
- (c) do any act likely to promote the supply or delivery of, prohibited goods—
 - (i) to a prohibited destination;
 - (ii) to, or to the order of, a person connected with a prohibited destination; or
 - (iii) to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination, or to, or to the order of, a person connected with a prohibited destination.

(2) The provisions of this article shall apply to any person within the Isle of Man, 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 Isle of Man;
- (b) is a body incorporated or constituted under the law of the Isle of Man.

(3) Subject to the provisions of paragraph (4) of this article, any person specified in paragraph (2) of this article who contravenes the provisions of paragraph (1) of this article shall be guilty of an offence under this Order.

(4) In the case of proceedings for an offence in contravention of paragraph (1) of this article it shall be a defence for the accused person to prove—

- (a) that he did not know and had no reason to suppose that the goods in question were prohibited goods; or
- (b) that he did not know and had no reason to suppose that the goods were to be delivered or supplied to a prohibited destination or to, or to the order of, a person connected with a prohibited destination.

(5) Paragraph (1) of this article shall not apply to prohibited goods delivered or supplied to a prohibited destination by or on behalf of the United Nations or the peacekeeping forces of the Economic Community of West African States.

(6) Nothing in sub-paragraph (b) or (c) of paragraph (1) 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 Treasury under this article.

Customs powers to demand evidence of destination which goods reach

4. Any exporter or shipper of prohibited goods which have been exported from the Isle of Man shall, if so required by the Treasury, furnish within such time as it may allow proof to its satisfaction that the goods have reached either—

- (a) a destination to which they were authorised to be supplied or delivered by a licence granted under this Order; or
- (b) a destination to which their supply or delivery 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 a destination to which sub-paragraph (a) or (b) above applies.

Offences in connection with applications for licences, conditions attaching to licences, etc.

5.—(1) If for the purpose of obtaining any licence under this Order any person—

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) 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 Treasury 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 Treasury after the doing of the act authorised by the licence.

Declaration as to goods: powers of search

6.—(1) Any person who is about to leave the Isle of Man shall, if he is required to do so by an officer of Customs and Excise—

- (a) declare whether or not he has with him any prohibited goods; and
- (b) produce any prohibited goods 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:

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—

- (a) refuses to make a declaration;
- (b) fails to produce any goods; or
- (c) refuses to allow himself to be searched,

in accordance with any provision of this article, shall be guilty of an offence under this Order.

(3) Any person who for the purposes of any provision 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.

Carriage of certain goods destined for a prohibited destination

7.—(1) Except under the authority of a licence granted by the Treasury under article 3 of this Order or under this article, and without prejudice to the generality of article 3 of this Order, no ship or aircraft to which this article applies, and no vehicle within the Isle of Man, shall be used for the carriage of prohibited goods if the carriage is or forms part of carriage from any place outside a prohibited destination to any place therein, or to, or to the order of, a person connected with a prohibited destination.

(2) This article applies to ships registered in the Isle of Man or the United Kingdom, to aircraft registered in the United Kingdom, and to any other ship or aircraft which 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 and is ordinarily resident in the Isle of Man; or
- (b) a body incorporated or constituted under the law of the Isle of Man.

(3) Subject to paragraph (4) below, if any ship, aircraft or vehicle is used in contravention of paragraph (1) of this article—

- (a) in the case of a ship registered in the Isle of Man or the United Kingdom, 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;
- (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 (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;
- (c) in the case of a vehicle, the operator of the vehicle,

shall be guilty of an offence unless he proves that he 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 a prohibited destination to any place therein or to, or to the order of, any person connected with a prohibited destination.

(4) In the case of proceedings for an offence in contravention of paragraph (3) above, 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 prohibited goods.

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

Investigation, etc. of suspected ships, aircraft and vehicles

8.—(1) Where any authorised officer (which for the purposes of paragraphs (1) to (3) of this article means any such officer as is referred to in section 284(1) of the Merchant Shipping Act 1995^[4]) has reason to suspect that any ship to which article 7 of this Order applies has been or is being or is about to be used in contravention of paragraph (1) of that article, he may—

(a) 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 the master shall comply with any such request;

(b) 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;

(c) either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request under sub-paragraph (a) above, in the case of a ship that is reasonably suspected of being used or of being about to be used in contravention of article 7 of this Order, exercise the further powers described in paragraph (2) of this article 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.

(2) Under sub-paragraph (c) of paragraph (1) of this article, the authorised officer may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps—

(a) 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 any authorised officer that the ship may so proceed;

(b) if the ship is then in a port in the Isle of Man to cause her to remain there until the master is notified by any authorised officer that the ship may depart;

(c) 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 (b) of this paragraph;

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

and the master shall comply with any such request or direction.

(3) Without prejudice to the provisions of paragraph (11) of this article, where—

(a) a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place; or

(b) an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with,

any authorised 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) Where any officer of Customs and Excise or any person authorised by the Treasury for that purpose (either generally or in a particular case) has reason to suspect that any aircraft to which article 7 of this Order applies has been or is being or is about to be used in contravention of paragraph (1) of that article, he may—

(a) 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; and the charterer, the operator and the commander shall comply with any such request;

(b) 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 Isle of Man, either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request under sub-paragraph (a) above, further request the charterer, operator and the commander or any of them to cause the aircraft to remain in the Isle of Man until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request.

(5) Without prejudice to the provisions of paragraph (11) of this article, where any officer or authorised person (within the meaning of paragraph (4) of this article) has reason to suspect that any request that an aircraft should remain in the Isle of Man that has been made under sub-paragraph (c) of that paragraph 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
- (c) use, or authorise the use of, reasonable force.

(6) Where any officer of Customs and Excise or any person authorised by the Treasury for that purpose (either generally or in a particular case) has reason to suspect that any vehicle in the Isle of Man has been or is being or is about to be used in contravention of paragraph (1) of article 7 of this Order, he may request the operator and driver of the vehicle or either of them—

- (a) 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, and the operator and the driver shall comply with any such request; and
- (b) either alone or accompanied and assisted by persons under his authority, board the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force; and
- (c) either there and then or upon consideration of any information furnished or documents or goods produced in pursuance of a request under sub-paragraph (a) above, further require the operator or driver to cause the vehicle to remain in the Isle of Man until notified that the vehicle may depart; and the operator and the driver shall comply with any such request.

(7) Without prejudice to the provisions of paragraph (11) of this article, where any officer or authorised person (within the meaning of paragraph (6) of this article) has reason to suspect that any request that a vehicle should remain in the Isle of Man that has been made under sub-paragraph (c) of that

paragraph 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 vehicle;
- (b) detain, or authorise the detention of, that vehicle; and
- (c) use, or authorise the use of, reasonable force.

(8) A person authorised by the Treasury to exercise any power for the purposes of paragraph (4), (5), (6) or (7) of this article shall, if requested to do so, produce evidence of his authority before exercising that power.

(9) No information furnished or document produced by any person in pursuance of a request made under this article 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 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 this article 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 the Isle of Man; or

- (c) on the authority of the Treasury 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 Somalia, Liberia or Rwanda 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.

(10) Any power conferred by this article 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.

(11) 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 paragraph (1) of this article with respect to the landing of any cargo;

(b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or driver of a vehicle who—

(i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article 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 who wilfully obstructs any person exercising powers conferred by or under this article (or any person acting under the authority of such a person) in the exercise of those powers.

(12) Nothing in this article shall be construed so as to prejudice any other enactment or rule of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

Obtaining of evidence and information

9. The provisions of the Schedule to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Treasury, 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 Treasury, 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 relating to customs.

Penalties and Proceedings

10.—(1) Any person guilty of an offence under paragraph (3) of article 3 or paragraph (3) of article 7 of this Order shall be liable—

(a) on conviction on information to custody for a term not exceeding seven years or to a fine or to both; or

(b) on summary conviction to custody for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(2) Any person guilty of an offence under sub-paragraph (b)(ii) of paragraph (11) of article 8 of this Order or sub-paragraph (b) or (d) of paragraph 5 of the Schedule to this Order shall be liable—

(a) on conviction on information to custody for a term not exceeding two years or to a fine or both;

(b) on summary conviction to custody for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(3) Any person guilty of an offence under paragraph (1) or (2) of article 5 of this Order shall be liable—

(a) on conviction on information to custody for a term not exceeding two years or to a fine or both;

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

(4) Any person guilty of an offence under sub-paragraph (2) of article 6 of this Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Any person guilty of an offence under any of sub-paragraphs (a), (b)(i) or (c) of paragraph (11) of article 8 of this Order or sub-paragraph (a) or (c) of paragraph 5 of the Schedule to this Order shall be liable on summary conviction to custody for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

(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) Notwithstanding anything in section 75(1) of the Summary Jurisdiction Act 1989 (an Act of Tynwald), a complaint relating to an offence under this Order which is triable by a court of summary jurisdiction may be heard if it is made at any time within 3 years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his knowledge.

(8) For the purposes of this article—

- (a) a certificate signed by or on behalf of the prosecutor as to the date on which such evidence as is referred to in paragraph (7) above came to his knowledge shall be conclusive evidence of that fact; and
- (b) a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

(9) Proceedings against any person for an offence under this Order may be taken before the appropriate court having jurisdiction in the Isle of Man.

(10) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted except by the Treasury or by, or with the consent of, the Attorney General for the Isle of Man:

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 that offence has not been obtained.

Exercise of powers of the Treasury

11.—(1) The Treasury may, to such extent and subject to such restrictions and conditions as it may think proper, delegate or authorise the delegation of any of its powers under this Order (other than the power to give authority under the Schedule to this Order to apply for a search warrant) to any person, or class or description of persons, approved by it, and references in this Order to the Treasury shall be construed accordingly.

(2) Any licence 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 which granted it.

Miscellaneous

12. This Order applies to or in relation to any ship or aircraft or any body corporate which purports to be registered in any particular place or, as the case may be, which purports to be incorporated or constituted under the law of any particular place, as it applies to or in relation to any ship or aircraft that is so registered or any body corporate that is so incorporated or constituted.

N. H. Nicholls

Clerk of the Privy Council

SCHEDULE

Article 9

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or to anything contained in any other enactment or rule of law, and subject to sub-paragraph (2) below, the Treasury (or any person authorised by it for that purpose either generally or in a particular case) may request any person in or resident in the Isle of Man to furnish to it (or to that authorised person) any information in his possession or control, or to produce to it (or to that authorised person) any document in his possession or control, which it (or to 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 advocate 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 to do so 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 a justice of the peace is satisfied by information given on oath by any constable or person authorised by the Treasury 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 ship, aircraft or vehicle 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 ship, aircraft or vehicle,

he may grant a search warrant authorising any constable, together with any other persons named in the warrant and any other constables, to enter the premises specified in the information or, as the case may be, any premises upon which the ship, aircraft or vehicle 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 ship, aircraft or vehicle.

(2) A person authorised by any such warrant as aforesaid to search any premises or any ship, aircraft or vehicle 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 ship, aircraft or vehicle and may seize any document or article found on the premises or in the ship, aircraft or vehicle or on such person which such authorised person 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, ship, aircraft or vehicle 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 mentioned in sub-paragraph (1)(a) of paragraph 2 of this Schedule to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Treasury 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 or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under sub-paragraph (2) of paragraph 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 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; or

(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 the Isle of Man; or

(c) on the authority of the Treasury, to any organ of the United Nations or to any person in the service of the United Nations or 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 Somalia, Liberia or Rwanda 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 under 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, secretes or removes any document,

shall be guilty of an offence.

Notes:

[1] 1946 c. 45.

[2] S.I. 1994/1191.

[3] 1995 c. 21.

[4] 1995 c. 21.