



Jersey

COMMUNITY PROVISIONS (UZBEKISTAN SANCTIONS) (JERSEY) ORDER 2007

Arrangement

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COMMUNITY PROVISIONS (UZBEKISTAN SANCTIONS) (JERSEY) ORDER 2007

Made 24th May 2007

Coming into force 25th May 2007

THE CHIEF MINISTER, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996¹ and having regard to Council Regulation (EC) No. 1859/2005 of 14th November 2005 concerning certain restrictive measures in respect of Uzbekistan, orders as follows –

1 Interpretation

(1) In this Order –

“equipment that might be used for internal repression” means the goods specified in the Schedule, but not any goods so specified that have been specially designed or modified for military use;

“technical assistance” means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service.

(2) For the purposes of this Order, technical assistance –

(a) may take forms such as instruction, advice, training, transmission of working knowledge or skills, or consulting services; and

(b) includes verbal forms of assistance.

2 Application

This Order applies –

(a) within Jersey, the territorial sea adjacent to Jersey, and the airspace above Jersey and above the territorial sea adjacent to Jersey;

(b) on board an aircraft or a vessel under Jersey’s jurisdiction;

(c) to a legal person or body that is incorporated or constituted under the law of Jersey; and

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- (d) to a legal person or body that is doing business in Jersey.

3 Prohibition of assistance relating to military activities

It is prohibited –

- (a) to provide technical assistance related to a military activity or to the provision, manufacture, maintenance or use of arms or related matériel of any type (including any weapon, ammunition, military vehicle or equipment, paramilitary equipment, or spare part for the aforementioned) directly or indirectly to a person, entity or body in or for use in Uzbekistan;
- (b) to provide financing or financial assistance related to a military activity (including in particular a grant, loan or export credit insurance, for a sale, supply, transfer or export of arms or related matériel) directly or indirectly to a person, entity or body in or for use in Uzbekistan; or
- (c) to participate, knowingly and intentionally, in an activity the object or effect of which is directly or indirectly to promote a transaction to which paragraph (a) or paragraph (b) refers.

4 Prohibition of assistance relating to internal repression

It is prohibited –

- (a) to sell, supply, transfer or export, directly or indirectly, equipment that might be used for internal repression, whether or not originating in Jersey, to a person, entity or body in or for use in Uzbekistan;
- (b) to provide technical assistance related to such equipment, directly or indirectly to a person, entity or body in or for use in Uzbekistan;
- (c) to provide financing or financial assistance related to such equipment, directly or indirectly to a person, entity or body in or for use in Uzbekistan; or
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is directly or indirectly to promote a transaction to which any of paragraphs (a), (b) and (c) refers.

5 Derogations from Articles 3 and 4

- (1) By way of derogation from Articles 3 and 4, the Chief Minister may authorize –
- (a) the provision of financing or financial assistance or technical assistance related to –
- (i) non-lethal military equipment intended solely for humanitarian or protective use, or for an institution-building programme of the United Nations, the European Union or the European Community, or
- (ii) military equipment for use by the forces in Uzbekistan of contributors to the International Security Assistance Force or Operation Enduring Freedom;

- (b) the provision of financing or financial assistance or technical assistance related to equipment that might be used for internal repression, being equipment intended for European Union or United Nations crisis-management operations;
 - (c) the sale, supply, transfer or export of equipment that might be used for internal repression, being equipment –
 - (i) for use by the forces in Uzbekistan of contributors to the International Security Assistance Force or Operation Enduring Freedom, or
 - (ii) intended solely for humanitarian or protective use; or
 - (d) the provision of financing, financial assistance or technical assistance related to any transaction referred to in subparagraph (c).
- (2) An authorization to which paragraph (1) refers may only be granted prior to the activity for which it is requested.

6 Exception for protective clothing

- (1) Articles 3 and 4 shall not apply to protective clothing temporarily exported to Uzbekistan by United Nations personnel, personnel of the European Union, the European Community or its Member States, representatives of the media or humanitarian or development workers or associated personnel for their personal use only.
- (2) In paragraph (1), “protective clothing” includes flak jackets and military helmets.

7 Provision of information to European Commission

- (1) The Chief Minister may inform the European Commission of the measures taken under this Order.
- (2) The Chief Minister may supply the European Commission with any other relevant information at the Chief Minister’s disposal in connection with this Order (and, in particular, information in respect of violation or enforcement problems or judgments of courts of law).

8 Offences

- (1) A person who –
 - (a) contravenes Article 3 or 4;
 - (b) intentionally furnishes false information or a false explanation to a person exercising his or her powers under this Order; or
 - (c) with intent to evade the provisions of this Order, destroys, mutilates, defaces, secretes or removes a document,

shall be guilty of an offence and liable to a fine and to imprisonment for 2 years.

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- (2) If an offence under this Order committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
 - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) a person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for the offence.
 - (3) If the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.
 - (4) A person who aids, abets, counsels or procures the commission of an offence under this Order shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
 - (5) A prosecution for an offence under this Order shall not be instituted without the consent of the Attorney General.

9 Applicability of Customs and Excise (Jersey) Law 1999 to certain offences

- (1) Article 48 of the Customs and Excise (Jersey) Law 1999² (which Article relates to powers of arrest) 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 that Law.
- (2) Articles 64, 65, 66 and 67 of the Customs and Excise (Jersey) Law 1999 (which Articles relate to legal proceedings, power to levy administrative penalties and provisions as to proof) shall apply in relation to offences and penalties under this Order and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under that Law.

10 Power of delegation

- (1) The Chief Minister may, to such extent and subject to such restrictions and conditions as he or she thinks proper, delegate or authorize the delegation of any of his or her functions under this Order to a person, or person of a class or description, approved by the Chief Minister.
- (2) Where any such function is so delegated, references to the Chief Minister shall be construed accordingly.

11 Citation and commencement

- (1) This Order may be cited as the Community Provisions (Uzbekistan Sanctions) (Jersey) Order 2007.
- (2) It shall come into force on the day after it is made.

SENATOR F.H. WALKER

Chief Minister

SCHEDULE 1

(Article 1(1))

EQUIPMENT THAT MIGHT BE USED FOR INTERNAL REPRESSION

1. Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.
2. Specially designed fingerprint equipment.
3. Power-controlled searchlights.
4. Construction equipment provided with ballistic protection.
5. Hunting knives.
6. Specially designed production equipment to make shotguns.
7. Ammunition hand-loading equipment.
8. Communications intercept devices.
9. Solid-state optical detectors.
10. Image-intensifier tubes.
11. Telescopic weapon sights.
12. Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor; except –
 - signal pistols,
 - air- and cartridge-powered guns designed as industrial tools or humane animal stunners.
13. Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.
14. Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.
15. Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.
16. All-wheel-drive utility vehicles capable of off-road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.
17. Water cannon and specially designed or modified components therefor.
18. Vehicles equipped with a water cannon.
19. Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

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20. Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.
 21. Leg-irons, gang-chains, shackles and electric-shock belts, specially designed for restraining human beings; except –
 - handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.
 22. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.
 23. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric-shock shields, stun guns and electric-shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.
 24. Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except –
 - TV or X-ray inspection equipment.
 25. Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.
 26. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except –
 - those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g. car air-bag inflators, electric-surge arresters or fire sprinkler actuators).
 27. Equipment and devices designed for explosive ordnance disposal; except –
 - bomb blankets,
 - containers designed for folding objects known to be, or suspected of being, improvised explosive devices.
 28. Night vision and thermal imaging equipment and image intensifier tubes or solid-state sensors therefor.
 29. Linear cutting explosive charges.
 30. Explosives and related substances as follows –
 - amatol,
 - nitrocellulose (containing more than 12,5 % nitrogen),
 - nitroglycol,
 - pentaerythritol tetranitrate (PETN),

- picryl chloride,
 - trinitrophenylmethylnitramine (tetryl),
 - 2,4,6-trinitrotoluene (TNT).
31. Software specially designed and technology required for all listed items.

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- ¹ *chapter 17.245*
² *chapter 24.660*