

United Nations Sanctions (Eritrea) (Amendment) Regulation 2013

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

1. United Nations Sanctions (Eritrea) Regulation amended

The United Nations Sanctions (Eritrea) Regulation (Cap. 537 sub. leg. AR) is amended as set out in sections 2 to 18.

2. Section 1 amended (interpretation)

- (1) Section 1, English text, definition of *arms or related materiel*, paragraph (b)—

Repeal

“of”

Substitute

“for”.

- (2) Section 1, definition of *designated person*—

Repeal

“指明人士”

Substitute

“指認人士”.

- (3) Section 1, definition of *licence*—

Repeal

“under section 10(1);”

Substitute

“under—

- (a) section 9A(1)(a) or (b);

(b) section 9B(1); or

(c) section 10(1);”.

- (4) Section 1, Chinese text, definition of 有關連人士, paragraphs (b), (c), (d) and (e)—

Repeal

“任何”.

- (5) Section 1, Chinese text, definition of 有關連人士—

Repeal

“指明人士”

Substitute

“指認人士”.

3. Section 2 amended (prohibition against supply, sale or transfer of certain goods)

- (1) Section 2(2)—

Repeal

“A person”

Substitute

“Except under the authority of a licence granted under section 9A(1)(a), a person”.

- (2) Section 2(2)(b), after “Eritrea;”—

Add

“or”.

- (3) Section 2(2)(c)—

Repeal the semicolon

Substitute a full stop.

- (4) Section 2(2)—

Repeal paragraphs (d) and (e).

- (5) After section 2(2)—

Add

“(2A) A person must not supply, sell or transfer, or agree to supply, sell or transfer, directly or indirectly, or do any act likely to promote the supply, sale or transfer of, any prohibited goods—

- (a) to, or to the order of, a designated person; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.”.

- (6) Section 2(3)—

Repeal

“subsection (2)”

Substitute

“subsection (2) or (2A)”.

- (7) Section 2(4)(a)—

Repeal

“or”.

- (8) Section 2(4)(b), before “that the goods”—

Add

“for a contravention of subsection (2),”.

- (9) Section 2(4)(b)(ii), after “Eritrea;”—

Add

Section 4

“or”.

- (10) Section 2(4)(b)(iii), after “Eritrea,”—

Add

“or”.

- (11) Section 2(4)(b)—

Repeal subparagraphs (iv) and (v).

- (12) After section 2(4)(b)—

Add

“(c) for a contravention of subsection (2A), that the goods concerned were or were to be supplied, sold or transferred—

(i) to, or to the order of, a designated person; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.”.

4. Section 3 amended (prohibition against carriage of certain goods)

- (1) Section 3(2), after “section 2,”—

Add

“except under the authority of a licence granted under section 9A(1)(b),”.

- (2) Section 3(2)(b), after “Eritrea,”—

Add

“or”.

- (3) Section 3(2)(c)—

Repeal the semicolon

Substitute a full stop.

- (4) Section 3(2)—

Repeal paragraphs (d) and (e).

- (5) After section 3(2)—

Add

“(2A) Subsection (2) does not apply if—

- (a) the carriage of the prohibited goods is performed in the course of the supply, sale or transfer of the prohibited goods; and
- (b) the supply, sale or transfer was authorized by a licence granted under section 9A(1)(a).

(2B) Without limiting section 2, a ship, aircraft or vehicle must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—

- (a) to, or to the order of, a designated person; or
- (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.”.

- (6) Section 3(3)—

Repeal

“subsection (2)”

Substitute

“subsection (2) or (2B)”.

- (7) Section 3(3)(a), (b), (c), (d) and (e), English text—

Repeal

“in the case of”

Substitute

“for”.

- (8) Section 3(5)(a)—

Repeal

“or”.

- (9) Section 3(5)(b), before “that the carriage of the goods”—

Add

“for a contravention of subsection (2),”.

- (10) Section 3(5)(b)(ii), after “Eritrea;”—

Add

“or”.

- (11) Section 3(5)(b)(iii), after “Eritrea;”—

Add

“or”.

- (12) Section 3(5)(b)—

Repeal subparagraphs (iv) and (v).

- (13) After section 3(5)(b)—

Add

“(c) for a contravention of subsection (2B), that the carriage of the goods concerned was, or formed part of, a carriage—

(i) to, or to the order of, a designated person; or

(ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a designated person.”.

5. Section 4 amended (prohibition against provision of certain assistance or training)

- (1) Section 4(2)—

Repeal

“A person”

Substitute

“Except under the authority of a licence granted under section 9B(1), a person”.

Section 6

- (2) Section 4(3), Chinese text—

Repeal

“指明人士”

Substitute

“指認人士”.

- (3) Section 4(5)(a)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

- (4) Section 4(5)(b)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

- (5) Section 4(5)(b)(i), Chinese text—

Repeal

“指明人士”

Substitute

“指認人士”.

6. Section 5 amended (prohibition against procurement of certain items or services by certain persons)

- (1) Section 5(5)(a)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

(2) Section 5(5)(b)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

7. Section 6 amended (prohibition against procurement of certain items or services using ships, aircraft or vehicles)

Section 6(3)(a), (b), (c), (d) and (e), English text—

Repeal

“in the case of”

Substitute

“for”.

8. Section 7 amended (prohibition against making available funds, etc. or dealing with funds, etc.)

Section 7(2), after “a licence”—

Add

“granted under section 10(1)”.

9. Section 8 amended (prohibition against entry or transit by certain persons)

Section 8(1), Chinese text—

Repeal

“指明人士”

Substitute

“指認人士”.

10. Section 9 amended (exceptions to prohibition against entry or transit by certain persons)

Section 9(a) and (b), Chinese text—

Repeal

“指明人士”

Substitute

“指認人士”.

11. Part 3 heading amended (licence)

Part 3, English text, heading—

Repeal

“Licence”

Substitute

“Licences”.

12. Sections 9A and 9B added

Part 3, before section 10—

Add

“9A. Licence for supply, sale, transfer or carriage of certain goods

(1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant, as appropriate—

(a) a licence for the supply, sale or transfer of, or the doing of an act likely to promote the supply, sale or transfer of, prohibited goods—

(i) to Eritrea;

- (ii) to, or to the order of, a person connected with Eritrea; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Eritrea or to, or to the order of, a person connected with Eritrea; or
- (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
 - (i) from a place outside Eritrea to a place in Eritrea;
 - (ii) to, or to the order of, a person connected with Eritrea; or
 - (iii) to a destination for the purpose of delivery or transfer, directly or indirectly, to Eritrea or to, or to the order of, a person connected with Eritrea.
- (2) The requirements are as follows—
 - (a) the prohibited goods are protective clothing, including flak jackets and military helmets, to be temporarily exported to Eritrea by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
 - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee.

9B. Licence for provision of certain assistance or training

- (1) If satisfied on application that any of the requirements in subsection (2) is met, the Chief Executive must grant a licence for the provision of technical assistance, training, or financial or other assistance related to military activities or to the provision, manufacture,

maintenance or use of any prohibited goods to a person connected with Eritrea.

(2) The requirements are as follows—

- (a) the assistance or training is related to protective clothing, including flak jackets and military helmets, to be temporarily exported to Eritrea by the personnel of the United Nations, representatives of the media, humanitarian or development workers or associated personnel, for their personal use only;
- (b) the assistance or training is related to the supply of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee.”.

13. Section 10 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)

Section 10(2)—

Repeal

“referred to in subsection (1)”.

14. Section 13 amended (investigation of suspected ships)

Section 13(1) and (2)—

Repeal

“3(2)” (wherever appearing)

Substitute

“3(2) or (2B)”.

15. Section 16 amended (investigation of suspected aircraft)

Section 16(1)—

Repeal

“3(2)”

Substitute

“3(2) or (2B)”.

16. Section 19 amended (investigation of suspected vehicles)

Section 19(1)—

Repeal

“3(2)”

Substitute

“3(2) or (2B)”.

17. Section 25 amended (power of magistrate or judge to make order for forfeiture and disposal)

(1) Section 25(2), Chinese text—

Repeal

“等”.

(2) Section 25(3), Chinese text, after “須向”—

Add

“任何”.

18. Section 32 amended (specification of relevant person or relevant entity by Chief Executive)

Section 32, Chinese text—

Repeal

“指明的人”

Substitute

“指認的人”.

C. Y. LEUNG
Chief Executive

23 July 2013

Explanatory Note

This Regulation amends the United Nations Sanctions (Eritrea) Regulation (Cap. 537 sub. leg. AR) to give effect to certain decisions in Resolution 2060 (2012), as adopted by the Security Council of the United Nations on 25 July 2012, by providing for certain exceptions to the prohibition against—

- (a) the supply, sale, transfer or carriage of certain goods;
and
- (b) the provision of certain assistance or training.

2. The Regulation also makes certain minor textual amendments.