

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
		Heading:	Empowering section	Version Date:	22/08/1997

(Cap 537 section 3)

[22 August 1997]

(L.N. 423 of 1997)

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	1	Heading:	Interpretation and application	Version Date:	31/10/2008

- (1) In this Regulation, unless the context otherwise requires-
- "authorized officer" (獲授權人員) means a person authorized in writing by the Chief Executive for the purposes of this Regulation;
- "commander" (機長), 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;
- "customs officer" (海關人員) means any member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap 342);
- "export" (出口) includes shipment as stores and, in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the HKSAR of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power;
- "HKSAR" (特區) means the Hong Kong Special Administrative Region of the People's Republic of China;
- "master" (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;
- "operator" (營運人), in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;
- "owner" (擁有人), 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" (與受禁制目的地有關連的人) 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 the Government of any territory comprised within a prohibited destination, any other person in, or resident in, a prohibited destination, or any body incorporated or constituted under the law of any part of a prohibited destination;
 - (e) any person acting on behalf of any of the above mentioned persons;

"prohibited destination" (受禁制目的地) means-

(a) (Repealed L.N. 281 of 2001)

~~(b) Somalia; or (L.N. 236 of 2008)~~

(c)-(d) (Repealed L.N. 236 of 2008)

(e) Sierra Leone; (L.N. 367 of 1998)

"ship" (船舶) includes every description of vessel used in navigation not propelled by oars;

"shipment" (付運) includes loading into an aircraft.

(L.N. 236 of 2008)

(2) No licence shall be granted under this Regulation except with the approval of the instructing authority given generally or in a particular case.

(3) (Repealed L.N. 236 of 2008)

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	2	Heading:	Supplies and deliveries of certain goods to a prohibited destination	Version Date:	31/10/2008

(1) Except under the authority of a licence granted by the Chief Executive under this section, 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,

any goods specified in Schedule 1-

(i) to a prohibited destination;

(ii) to or to the order of, any person connected with a prohibited destination; or (L.N. 236 of 2008)

(iii) to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination or to, or to the order of, any person connected with a prohibited destination. (L.N. 236 of 2008)

(iv)-(v) (Repealed L.N. 236 of 2008)

(2) The provisions of this section shall apply to any person within the HKSAR and to any person acting elsewhere who is-

(a) a permanent resident of the HKSAR; or

(b) a body incorporated or constituted under the law of the HKSAR. (L.N. 367 of 1998)

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

(4) In the case of proceedings for an offence in contravention of subsection (1) 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 supplied or delivered to a prohibited destination or to, or to the order of, a person connected with a prohibited destination.

(5) Subsection (1) shall not apply to goods supplied or delivered to a prohibited destination by or on behalf of the United Nations.

(6) Nothing in subsection (1)(b) or (c) shall apply where the supply or delivery of the goods to

the person concerned is authorized by a licence granted by the Chief Executive under this section.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	3	Heading:	Exportation of certain goods to a prohibited destination	Version Date:	31/10/2008

(1) Except under the authority of a licence granted by the Chief Executive under this section, the goods specified in Schedule 1 are prohibited to be exported from the HKSAR- (L.N. 367 of 1998)

- (a) to a prohibited destination;
- (b) to, or to the order of, any person connected with a prohibited destination; or (L.N. 236 of 2008)
- (c) to any destination for the purpose of delivery, directly or indirectly, to a prohibited destination or to, or to the order of, any person connected with a prohibited destination. (L.N. 236 of 2008)
- (d)-(e) (Repealed L.N. 236 of 2008)

(2) Any person who exports any goods from the HKSAR in contravention of subsection (1) shall be guilty of an offence. (L.N. 367 of 1998)

(3) Nothing in this section shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from the HKSAR. (L.N. 367 of 1998)

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
Section:	4	Heading:	Powers to demand evidence of destination which goods reach	Version Date:	22/08/1997

Any exporter or any shipper of goods specified in Schedule 1 which have been exported from the HKSAR shall, if so required by the Chief Executive, furnish within such time as he may allow proof to his satisfaction that the goods have reached-

- (a) a destination to which they were authorized to be supplied or delivered by a licence granted under this Regulation; or
 - (b) a destination to which their supply or delivery was not prohibited by this Regulation,
- and, if he fails to do so, he shall be guilty of an offence and liable to a fine at level 6 unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination mentioned in paragraph (a) or (b).

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
Section:	5	Heading:	Offences in connection with applications for licences, conditions attaching to licences, etc.	Version Date:	22/08/1997

(1) If for the purpose of obtaining any licence under this Regulation any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular or recklessly makes any statement or furnishes any document or information which is false in a material particular he shall be guilty of an offence.

(2) Any person who has done any act under the authority of a licence granted by the Chief Executive under this Regulation and who fails to comply with any condition attaching to that licence shall be guilty of an offence:

Provided that no person shall be guilty of an offence under this subsection where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Chief Executive after the doing of the act authorized by the licence.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
Section:	6	Heading:	Declaration as to goods: powers of search	Version Date:	22/08/1997

(1) Any person who is about to leave the HKSAR shall if he is required to do so by an authorized officer-

(a) declare whether or not he has with him any goods specified in Schedule 1;

(b) produce any goods specified in Schedule 1 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 subsection except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with the provisions of this section shall be guilty of an offence.

(3) Any person who under the provisions of this section 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.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	7	Heading:	Carriage of certain goods	Version Date:	31/10/2008

**destined for a prohibited
destination**

(1) Except under the authority of a licence granted by the Chief Executive under this section, and without prejudice to the generality of section 2, no ship or aircraft to which this section applies, and no vehicle within the HKSAR, shall be used for the carriage of goods specified in Schedule 1 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) (Repealed L.N. 236 of 2008)

(3) This section applies to ships registered in the HKSAR, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person who is-

(a) within the HKSAR; (L.N. 367 of 1998)

(aa) a permanent resident of the HKSAR; or (L.N. 367 of 1998)

(b) a body incorporated or constituted under the law of the HKSAR.

(4) If any ship, aircraft or vehicle is used in contravention of subsection (1), then-

(a) in the case of a ship registered in the HKSAR or any aircraft so registered, 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 subsection (3)(a) or (b), the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

(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.

(5) (Repealed L.N. 236 of 2008)

(6) In the case of proceedings for an offence in contravention of subsection (4), 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 goods specified in Schedule 1.

(7) Nothing in this section shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

(8) Nothing in this section shall apply where the supply or delivery or exportation from the HKSAR of the goods concerned to the prohibited destination was authorized by a licence granted by the Chief Executive under section 2(1) or 3(1). (L.N. 367 of 1998)

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	8	Heading:	Investigation, etc. of suspected ships, aircraft and vehicles	Version Date:	31/10/2008

(1) Where any authorized officer has reason to suspect that any ship registered in the HKSAR has been or is being or is about to be used in contravention of section 7(1), he may (either alone or accompanied and assisted by persons under his authority) board the ship and search it and, for that purpose, may use or authorize the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and its cargo and produce for his inspection such

documents so relating and such cargo as he may specify; and an authorized officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of section 7, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of such contravention or in order that inquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorized 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- (L.N. 367 of 1998; L.N. 236 of 2008)

- (a) to cause the ship not to proceed with the voyage on which it is then engaged or about to engage until the master is notified by any authorized officer that the ship may so proceed;
- (b) if the ship is then in the HKSAR to cause it to remain there until the master is notified by any authorized officer that the ship may depart;
- (c) if the ship is then in any other place, to take it to any such port specified by the officer and to cause it to remain there until the master is notified as mentioned in paragraph (b);
- (d) to take it 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.

(2) Without prejudice to the provisions of subsection (10), where a master refuses or fails to comply with a request made under this section that his ship shall or shall not proceed to or from any place or where an authorized officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such 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 authorize entry upon, that ship and use, or authorize the use of, reasonable force.

(3) Where the Chief Executive or any authorized officer has reason to suspect that any aircraft registered in the HKSAR or any aircraft for the time being chartered to any person specified in section 7(3) has been or is being or is about to be used in contravention of section 7(1), the Chief Executive or that authorized officer may 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 Chief Executive or that authorized officer may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorize the use of reasonable force; and, if the aircraft is then in the HKSAR, the Chief Executive or any such authorized officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the charterer, the operator and the commander or any of them to cause the aircraft to remain in the HKSAR until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request. (L.N. 367 of 1998; L.N. 236 of 2008)

(4) Without prejudice to the provisions of subsection (10), where any authorized officer has reason to suspect that any request that an aircraft should remain in the HKSAR that has been made under this section may not be complied with, that authorized 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-

- (a) enter, or authorize entry, upon any land and upon that aircraft;
- (b) detain, or authorize the detention of, that aircraft; and
- (c) use, or authorize the use of, reasonable force.

(5) Where the Chief Executive or any authorized officer has reason to suspect that any vehicle in the HKSAR has been or is being or is about to be used in contravention of section 7(1), the Chief Executive or that authorized officer may request the operator and driver of the vehicle or either of them 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 Chief Executive or that authorized officer may (either alone or accompanied and assisted by persons under his authority) board the vehicle and search it and, for the purpose, may use or authorize the use of reasonable force; and the Chief Executive or any such authorized officer (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of such a request) may further require the operator or driver to cause the vehicle to remain in the HKSAR until notified that the vehicle may depart; and the operator and the driver shall comply with any such request. (L.N. 236 of 2008)

(6) Without prejudice to the provisions of subsection (10), where the Chief Executive or any authorized officer has reason to suspect that any request that a vehicle should remain in the HKSAR that has been made under this section may not be complied with, the Chief Executive or that authorized 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-

- (a) enter, or authorize entry, upon any land and upon that vehicle;
- (b) detain, or authorize the detention of, that vehicle;
- (c) use, or authorize the use of, reasonable force.

(7) Before or on exercising any power conferred by subsection (1), (2), (3), (4), (5) or (6), an authorized officer shall, if requested so to do, produce evidence of his authority.

(8) No information furnished or document produced by any person in pursuance of a request made under this section 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 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 section to request that it be furnished or produced;
- (c) on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any place outside the People's Republic of China for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to ~~Somalia or~~ Sierra Leone decided upon by the Security Council of the United Nations; or (L.N. 367 of 1998; L.N. 281 of 2001; L.N. 236 of 2008)
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, for an offence against any enactment relating to customs.

(9) Any power conferred by this section 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. (L.N. 367 of 1998)

(10) Each of the following persons shall be guilty of an offence, that is to say-

- (a) a master of a ship who disobeys any direction given under subsection (1) with respect to the landing of any cargo;
- (b) a master of a ship or charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who-
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this section by any person empowered to make it;or

- (ii) intentionally 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 or an operator or a driver of a vehicle who intentionally obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this section.

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

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
Section:	9	Heading:	Obtaining of evidence and information	Version Date:	22/08/1997

The provisions of Schedule 2 shall have effect in order to facilitate the obtaining, by or on behalf of the Chief Executive, of evidence and information for the purpose of securing compliance with or detecting evasion of this Regulation and in order to facilitate the obtaining, by or on behalf of the Chief Executive, of evidence of the commission of an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, of an offence relating to customs.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 236 of 2008
Section:	10	Heading:	Penalties and proceedings	Version Date:	31/10/2008

(1) Any person guilty of an offence under section 2(3), 3(2) or 7(4) shall be liable- (L.N. 367 of 1998; L.N. 236 of 2008)

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(2) Any person guilty of an offence under section 8(10)(b)(ii), or section 3(b) or (d) of Schedule 2, shall be liable-

- (a) on conviction on indictment to a fine and to imprisonment for 2 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(3) Any person guilty of an offence under section 5(1) or (2) or 6(3) shall be liable-

- (a) on conviction on indictment to a fine and to imprisonment for 2 years;
- (b) on summary conviction to a fine at level 6.

(4) Any person guilty of an offence under section 6(2) shall be liable on summary conviction to a fine at level 6.

(5) Any person guilty of an offence under section 8(10)(a), (b)(i) or (c), or section 3(a) or (c) of Schedule 2, shall be liable on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(6) Where any body corporate is guilty of an offence under this Regulation, 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) Summary proceedings for an offence under this Regulation, being an offence alleged to have been committed outside the HKSAR, may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after committing the offence.

(8) No proceedings for an offence under this Regulation shall be instituted in the HKSAR except by or with the consent of the Secretary for Justice.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 423 of 1997
Section:	11	Heading:	Exercise of powers of the Chief Executive	Version Date:	22/08/1997

(1) The Chief Executive may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorize the delegation of any of his powers under this Regulation to any person, or class or description of persons, approved by him, and references in this Regulation to the Chief Executive shall be construed accordingly.

(2) Any licences granted under this Regulation may be 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 Chief Executive.

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number:	L.N. 367 of 1998
Section:	11A	Heading:	Restriction on grant of licence	Version Date:	04/12/1998

No licence shall be granted under this Regulation in respect of goods to be supplied, delivered or exported to Sierra Leone except-

- (a) to the Government of Sierra Leone through a named point of entry on a list that is supplied by that Government to the Secretary-General of the United Nations and is notified to the Central People's Government of the People's Republic of China; or
- (b) for the sole use in Sierra Leone of the Military Observer Group of the Economic Community of West African States or the United Nations.

(L.N. 367 of 1998)

Chapter:	537E	Title:	UNITED NATIONS	Gazette Number:	L.N. 367 of
----------	------	--------	----------------	-----------------	-------------

			SANCTIONS (ARMS EMBARGOES) REGULATION	1998
Section:	12	Heading:	Miscellaneous	Version Date: 04/12/1998

(1) Any provision of this Regulation which prohibits the doing of a thing except under the authority of a licence granted by the Chief Executive shall not have effect in relation to any such thing done in a place outside the HKSAR provided that it is duly authorized.

(2) A thing is duly authorized for the purpose of subsection (1) if it is done under the authority of a licence granted or otherwise with the permission given in accordance with any law in force in the place where it is done (being a law substantially corresponding to the relevant provisions of this Regulation) by the authority competent in that behalf under that law. (L.N. 367 of 1998)

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number: L.N. 423 of 1997
Schedule:	1	Heading:	PROHIBITED GOODS	Version Date: 22/08/1997

[sections 2, 3, 4, 6 & 7]

(1) Any arms and related material (including weapons, ammunition, military vehicles, military equipment and paramilitary police equipment).

(2) Any component for any goods specified in subsection (1).

(3) Any goods specially designed or prepared for use, or normally used, in the manufacture or maintenance of any goods specified in paragraph (1) or (2).

Chapter:	537E	Title:	UNITED NATIONS SANCTIONS (ARMS EMBARGOES) REGULATION	Gazette Number: L.N. 236 of 2008
Schedule:	2	Heading:	EVIDENCE AND INFORMATION	Version Date: 31/10/2008

[sections 9 & 10]

1. (1) Without prejudice to any other provision of this Regulation, or any provision of any other law, the Chief Executive (or an authorized officer) may request any person in or resident in the HKSAR to furnish to him (or to that authorized officer) any information in his possession or control, or to produce to him (or to that authorized officer) any document in his possession or control, which he (or that authorized officer) may require for the purpose of securing compliance with or detecting evasion of this Regulation, 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 subsection (1) shall be taken to require any person who has acted as counsel or solicitor 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 so to do under this section, the magistrate or 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 section to request any person to produce documents shall include power to take copies of or extracts from any documents 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 any magistrate or judge is satisfied by information on oath given by any police officer, customs officer or authorized officer-

- (a) that there is reasonable ground for suspecting that an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, 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 vehicle, ship or aircraft so specified; or
- (b) that any documents which ought to have been produced under section 1 and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorizing any police or customs officer, together with any other persons named in the warrant and any other police or customs officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft 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 vehicle, ship or aircraft.

(2) A person authorized by any such warrant to search any premises or any vehicle, ship or aircraft 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 vehicle, ship or aircraft and may seize any document or article found on the premises or in the vehicle, ship or aircraft or on such person which he 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 section 1, or to take in relation to any such document or article 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 section be searched except by a person of the same sex:

(3) Where, by virtue of this section, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any document or article of which possession is taken under this section may be retained for a period of 3 months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which it is relevant, until the conclusion of those proceedings.

(5) No information furnished or document produced (including any copy of or extract made of any document produced) by any person in pursuance of a request made under this Schedule, and no document seized under subsection (2), 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 a servant or agent of another person may not give consent for the purposes of this 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 Schedule to request that it be furnished or produced;
- (c) on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to any organ of the United Nations or to any person in the service of the United Nations or to the Government of any place outside the People's Republic of China for the purpose of

|| assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to ~~Somalia or~~ Sierra Leone decided upon by the Security Council of the United Nations; or (L.N. 367 of 1998; L.N. 281 of 2001; L.N. 236 of 2008)

- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation or, with respect to any of the matters regulated by this Regulation, for an offence against any enactment relating to customs.

3. 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;
- (b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule;
- (c) otherwise intentionally 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.
