



BRITISH ANTARCTIC TERRITORY

THE IMPORTS AND EXPORTS (CONTROL) ORDINANCE 2020

© Government of the British Antarctic Territory

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying or copying in electronic format) without the written permission of the Commissioner of the British Antarctic Territory, or otherwise as permitted under the terms of a licence from the Government of the British Antarctic Territory.

BRITISH ANTARCTIC TERRITORY

THE IMPORTS AND EXPORTS (CONTROL) ORDINANCE 2020

ARRANGEMENT OF SECTIONS

Section		Page
1.	Citation and commencement.	3
2.	Regulations may prohibit or restrict imports or exports.	3
3.	Scope of regulations.	3
4.	Offences.	4
5.	Forfeiture.	4
6.	Exclusion of law of England on import and export controls.	5

BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,
Ben Merrick,
XX XXXX 2020

Ordinance No. 14 of 2020

THE IMPORTS AND EXPORTS (CONTROL) ORDINANCE 2020

AN ORDINANCE to provide for the control of imports and exports and for matters incidental thereto.

Citation and commencement.

1. This Ordinance may be cited as the Imports and Exports (Control) Ordinance 2020 and shall come into force on **XXXXX**.

Regulations may prohibit or restrict imports or exports.

2. The Commissioner, by regulations which shall be published in the *Gazette*, may prohibit absolutely, or may limit by the imposition of such conditions or restrictions as may be specified in such regulations, the importation of goods into the Territory or the exportation of goods from the Territory; and goods which are imported or exported (or are intended to be exported) in contravention of any such prohibition or limitation are hereinafter referred to as “prohibited imports” or “prohibited exports”, as the case may be.

Scope of regulations.

3. (1) Regulations made under this Ordinance may relate to the importation or exportation of all goods, or of goods of any description or class specified in such regulations, or of goods (whether all goods or goods of any such description or class) imported from or to be exported to any country or place that is so specified.

(2) Regulations made under this Ordinance may make provision for the enforcement of any prohibition or limitation imposed in pursuance of this Ordinance and to facilitate the detection of any contravention or evasion thereof; and, without prejudice to the generality of the foregoing, may include provision empowering:

(a) the obtaining from any person of information relating to the importation or intended importation of goods into the Territory or the exportation or intended exportation of goods from the Territory;

(b) entry upon and the search of vessels, aircraft and premises, and the stopping and search of vehicles, with a view to detecting whether they contain prohibited imports or prohibited exports or evidence relating thereto;

(c) the stopping and the search of persons with such a view as aforesaid; and

(d) the seizure and detention, with a view to proceedings under section 4 or section 5 and pending the outcome of such proceedings, of any goods suspected of being prohibited imports or prohibited exports.

Offences.

4. (1) Any person who –

(a) imports any goods into the Territory or exports any goods from the Territory contrary to a prohibition contained in any regulations made under this Ordinance or any condition or restriction imposed by such a regulation;

(b) is knowingly in possession of any prohibited import or (for the purpose of its exportation) any prohibited export;

(c) refuses or fails to answer any question put in pursuance of a regulation made under this Ordinance for the purpose described in section 3(2)(a), or gives an answer to such a question knowing it to be false or misleading in any particular; or

(d) resists or obstructs the exercise of any such power conferred by a regulation made under this Ordinance as is described in section 3(2)(b), (c) or (d),

shall be guilty of an offence under this Ordinance and shall, upon conviction, be liable to a term of imprisonment not exceeding 5 years or to a fine not exceeding £10,000 or to both such imprisonment and such fine.

(2) Where an offence under this Ordinance committed by a body corporate or unincorporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body or a person who was purporting to act in any such capacity, that person, as well as the body, shall be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

Forfeiture.

5. The following goods shall, on such terms, if any, as the court may think just, be forfeited to the Crown by order of any court (including a court before which proceedings under section 4 are brought) made upon application by or with the authority of the Attorney General –

(a) any prohibited import (whether or not any person has been convicted of an offence in connection therewith);

(b) any prohibited export in connection with which any person has been convicted of an offence under this Ordinance.

Exclusion of law
of England on
import and
export controls.

6. For the avoidance of doubt it is hereby declared –

(a) that the foregoing provisions of this Ordinance (being “specific laws” within the meaning of that term in section 5 of the Administration of Justice Ordinance 2020) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to import and export controls; but

(b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and enforcement of this Ordinance.
