
First published in the Government *Gazette*, Electronic Edition, on 12 May 2023 at 5 pm.

No. S 278

REGULATION OF IMPORTS AND EXPORTS ACT 1995

REGULATION OF IMPORTS AND EXPORTS (AMENDMENT NO. 2) REGULATIONS 2023

In exercise of the powers conferred by section 3 of the Regulation of Imports and Exports Act 1995, the Minister for Trade and Industry makes the following Regulations:

Citation and commencement

1. These Regulations are the Regulation of Imports and Exports (Amendment No. 2) Regulations 2023 and come into operation on 26 May 2023.

Amendment of Seventh Schedule

2.—(1) In the Regulation of Imports and Exports Regulations (Rg 1), in the Seventh Schedule, in Part 1, in item 9, in the third column, in paragraph (1) —

(a) replace sub-paragraph (a) with —

“(a) arms and related matériel intended solely for the development of Somalia’s security and police institutions at the national and local level, to provide security for the Somali people, except that —

- (i) in the case of a no-objection item, only if the committee established under resolutions 751 (1992) and 1907 (2009) has been notified by Somalia, a United Nations member state delivering that item or an international, regional or subregional organisation delivering that item and did not, within 5 working days after receiving the notification, make a negative decision; or

(ii) in the case of an advance notification item, only if a notification to the committee established under resolutions 751 (1992) and 1907 (2009) has been submitted by Somalia, a United Nations member state delivering that item or an international, regional or subregional organisation delivering that item at least 5 working days in advance of the delivery of that item;”;

(b) delete sub-paragraph (b);

(c) in sub-paragraph (d), replace “African Union Mission in Somalia (AMISOM) and authorised by paragraph 4 of resolution 1744 (2007) and paragraph 9 of resolution 1772 (2007)” with “African Union Transition Mission in Somalia (ATMIS)”;

(d) replace sub-paragraph (e) with —

“(e) arms and related matériel intended solely for the support of, or use by ATMIS and its strategic partners, operating solely under the latest African Union Strategic Concept of Operations, and in cooperation and coordination with ATMIS;”;

(e) replace sub-paragraph (f) with —

“(f) arms and related matériel intended solely for the support of, or use by any of the following:

- (i) any training and support activity of the European Union;
- (ii) Türkiye;
- (iii) the United Kingdom of Great Britain and Northern Ireland;
- (iv) the United States of America;
- (v) any other United Nations member state forces —
 - (A) that operate within the Somalia Transition Plan; or
 - (B) that have a status of forces agreement or a memorandum of understanding with the Federal Government of Somalia to serve

the purposes of resolution 2662 (2022), provided that they inform the committee established under resolutions 751 (1992) and 1907 (2009) about the conclusion of the status of forces agreement or memorandum of understanding, as the case may be;”;

(f) delete sub-paragraph (g);

(g) replace sub-paragraph (i) with —

“(i) non-lethal military equipment that is —

(i) delivered by a United Nations member State, or an international, regional or subregional organisation; and

(ii) intended solely for humanitarian or protective use.”; and

(h) delete sub-paragraph (j).

(2) In the Regulation of Imports and Exports Regulations, in the Seventh Schedule, in Part 2 —

(a) before the definition of “arms and related matériel”, insert —

““advance notification item” means any of the following items, which are listed in Annex B of resolution 2622 (2022):

(a) any type of weapon with a calibre up to 14.7 mm and associated ammunition;

(b) any RPG-7 or recoilless rifle and associated ammunition;

(c) any weapon sight with a night vision capability generation 2 or lower;

(d) any rotor wing or helicopter specifically designed or modified for military use;

(e) any body armour or protective garment in the form of hard body armour plates providing ballistic protection equal to or greater than level III (NIJ 0101.6 July 2008) or national equivalents;

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- (f) any ground vehicle specifically designed or modified for military use;
 - (g) any communication equipment specifically designed or modified for military use;”;

(b) after the definition of “HS Code”, insert —

““no-objection item” means any of the following items, which are listed in Annex A of resolution 2662 (2022):

- (a) any surface to air missile, including Man-Portable Air-Defence Systems (MANPADS);
- (b) any weapon with a calibre greater than 14.7 mm and component specially designed for such a weapon, and associated ammunition, but not including any shoulder fired anti-tank rocket launcher such as a rocket-propelled grenade (RPG), light anti-tank weapon (LAW), rifle grenade, or grenade launcher;
- (c) any mortar with a calibre greater than 82 mm and associated ammunition;
- (d) any anti-tank guided weapon, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for such a weapon or ammunition;
- (e) any charge or devices specifically designed or modified for military use;
- (f) any mine or related matériel;
- (g) any weapon sight with a night vision capability greater than generation 2;
- (h) any fixed wing, swivel wing, tilt rotor or tilt wing aircraft specifically designed or modified for military use;
- (i) any vessel (including any ship, surface effect vehicle, vessel of small waterplane area or hydrofoil) specifically designed or modified for military use, or the hull or part of the hull of such a vessel;
- (j) any amphibious vehicle specifically designed or modified for military use;

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- (k) any unmanned combat aerial vehicle, being an unmanned fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, but not including any primary trainer aircraft unless so designed, equipped or modified;”;
- (c) in the definition of “resolution”, replace the full-stop at the end with a semi-colon; and
- (d) after the definition of “resolution”, insert —

““working day” means a day other than a Saturday, a Sunday or an official holiday of the United Nations at Headquarters.”.

[G.N. Nos. S 591/99; S 27/2000; S 607/2000; S 197/2001; S 79/2003; S 170/2003; S 319/2003; S 502/2003; S 633/2003; S 161/2004; S 209/2004; S 566/2004; S 718/2004; S 259/2005; S 496/2005; S 26/2006; S 526/2006; S 697/2006; S 706/2006; S 54/2007; S 266/2007; S 119/2009; S 77/2010; S 614/2010; S 406/2011; S 519/2012; S 189/2013; S 370/2013; S 538/2015; S 425/2017; S 645/2017; S 692/2018; S 82/2019; S 223/2020; S 970/2020; S 553/2021; S 183/2022; S 607/2022; S 113/2023]

Made on 10 May 2023.

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Ministry of Trade and Industry,
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[MTI 066/01-2-016PT01; AG/LEGIS/SL/272A/2020/2 Vol. 2]

(To be presented to Parliament under section 3(4) of the Regulation of Imports and Exports Act 1995).