

## **Alert** | Export Controls & Economic Sanctions



**August 2023**

### **UK Government General Licence Reduces Breadth of Recent Sanctions-Related Legal Advisory Services Ban**

On 11 August 2023, the UK Department for Business and Trade issued a General Licence authorising the provision of legal advice in relation to sanctions imposed by any jurisdiction. As discussed in our [June 2023 GT Alert](#), the UK Government banned the provision of legal advisory services to non-UK persons in relation to certain financial or trade activity which would be prohibited under the UK Russian sanctions regime if the activity were done by a UK person or were taking place in the United Kingdom.

The Government's announcement comes after the legal community and the Law Society raised concerns that the ban prevented UK lawyers from providing advice on whether a client's proposed activity is prohibited by sanctions from other jurisdictions if the activity is prevented by UK sanctions.

The General Licence authorises the provision of legal advisory services to any person:

1. As to whether an act or proposed act complies with or could trigger punitive measures in relation to restrictive measures, including sanctions and export and import controls on or concerning Russia or the non-government-controlled Ukrainian territory, imposed by any jurisdiction; and/or
2. In relation to, in compliance with, or addressing the risk of punitive measures in relation to (i) restrictive measures, including sanctions and export and import controls on or concerning Russia or the non-government-controlled Ukrainian territory, imposed by any jurisdiction; (ii) any laws of Russia that have as their object or effect the frustration of any laws specified at (i) including

sanctions and export and import controls or other restrictive measures imposed by Russia; (iii) or any criminal law imposed by any jurisdiction; and /or

3. In relation to the discharge of or compliance with UK statutory or regulatory obligations.

Notably, the General License retains the provisions of Regulation 76 of the Russia (Sanctions) (EU Exit) Regulations 2019 requiring the maintenance of a record or register containing a description of each act done under the authority of the licence, including a description of the act and the service to which the act relates. Within 30 days of using the General Licence, the person providing the legal advice must provide details to the Secretary of State, via the [SPIRE online system](#), of the name and address at which those records are kept.

### Takeaways

It remains prohibited for a UK person or a person within the UK to provide legal advisory services to non-UK persons in relation to certain financial or trade activity which would, if the activity were done by a UK person or were taking place in the UK, be in breach of the UK Russian sanctions regime. However, provided the conditions in the General Licence are met, including the maintenance of records, it is not prohibited to provide advice on whether or not a particular activity complies with the sanctions regime of any jurisdiction. Thus, the General Licence allows access to legal advice in relation to sanctions compliance, furthering the UK Government's aims.

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