

2011 No. 2479

CRIMINAL LAW

The Syria (Asset-Freezing) (Amendment) Regulations 2011

Made - - - - at 2.00 p.m. on 17th October 2011

Laid before Parliament at 5.00 p.m. on 17th October 2011

Coming into force - - at 6.00 p.m. on 17th October 2011

The Treasury are designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to restrictive measures against persons or bodies listed by an international organisation.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Treasury that it is expedient for any reference to Annex IIa to Council Regulation (EU) No. 442/2011 of 9 May 2011(c) concerning restrictive measures in view of the situation in Syria, to be construed as a reference to that Annex as amended from time to time.

The Treasury make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Syria (Asset-Freezing) (Amendment) Regulations 2011 and shall come into force at 6.00 p.m. on 17th October 2011.

Amendments to the Syria (Asset-Freezing) Regulations 2011

2. The Syria (Asset-Freezing) Regulations 2011(d) are amended as follows.

3. In regulation 2(1), in the definitions of “the Council Regulation” and “designated person”, after “Annex II” insert “or IIa”.

4. In regulation 3(3), for “regulation 9” substitute “regulations 8A and 9”.

5. After regulation 8, insert the following—

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- (a) European Communities (Designation) (No.3) Order 2010 (S.I. 2010/1834).
- (b) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by S.I. 2007/1388 and the European Union (Amendment) Act 2008, Schedule, Part 1.
- (c) OJ No. L 121, 10.5.2011, p.1, as amended by Council Regulation (EU) No. 878/2011 of 2 September 2011 (OJ No. L 228, 3.9.2011, p.1), Council Regulation (EU) No. 950/2011 of 23 September 2011 (OJ No. L 247, 24.9.2011, p.3) and Council Regulation (EU) No. 1011/2011 of 13 October 2011 (OJ No. L 269, 14.10.2011, p.18). Annex IIa was inserted by Article 2 of, and Annex I to, Council Regulation (EU) No. 1011/2011.
- (d) S.I. 2011/1244.

“Trade contract payments

8A.—(1) The prohibition in regulation 3 is not contravened by any person who deals with funds or economic resources belonging to, or owned, held or controlled by, a person (“A”) listed in Annex IIa to the Council Regulation provided that—

- (a) A received the funds or economic resources after the date on which A was listed;
 - (b) A uses the funds or economic resources to make a payment during the period of two months from the date on which A was listed;
 - (c) the payment is due under a trade contract; and
 - (d) the Treasury have determined that the payment will not directly or indirectly be received by a designated person.
- (2) In paragraph (1) “deals with” has the same meaning as in regulation 3(1).”

James Duddridge

Jeremy Wright

Two of the Lords Commissioners of
Her Majesty’s Treasury

At 2.00 p.m. on 17th October 2011

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Syria (Asset-Freezing) Regulations 2011 (S.I. 2011/1244) (“the principal Regulations”). The principal Regulations enforce provisions of Council Regulation (EU) No. 442/2011 of 9 May 2011 (OJ L 121, 10.5.2011, p.1) concerning restrictive measures in view of the situation in Syria (“the first Council Regulation”). The measures include the freezing of funds and economic resources of designated persons and prohibitions on funds and economic resources being made available to them or for their benefit.

Council Regulation (EU) No. 1011/2011 of 13 October 2011 (OJ No. L 269, 14.10.2011, p.18) amends the first Council Regulation by applying asset-freezing measures to an additional entity listed in Annex IIa to the first Council Regulation. A derogation permits, on a temporary basis, the use of funds received by a person listed in Annex IIa after the date of that person’s listing. The funds must be used for the purpose of making a payment due under a trade contract.

These Regulations amend the principal Regulations by including references to the list in Annex IIa and by making provision for a limited exception to the asset freeze reflecting the new derogation.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. Further information is available from the Asset Freezing Unit, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ and on the HM Treasury website (www.hm-treasury.gov.uk).