
STATUTORY INSTRUMENTS

2001 No. 396

The Afghanistan (United Nations Sanctions) Order 2001

FUNDS

Making funds available to Usama bin Laden and associates

7. Any person who, except under the authority of a licence granted by the Treasury under this article, makes any funds available to or for the benefit of Usama bin Laden or any person connected with Usama bin Laden is guilty of an offence.

Assets of the Taliban

8.—(1) Any person who, except under the authority of a licence granted by the Treasury under this article, makes any funds to which this article applies available to or for the benefit of the Taliban shall be guilty of an offence under this Order.

(2) This article applies to any funds owned or controlled directly or indirectly by the Taliban, or by an undertaking owned or controlled by the Taliban, as designated by the Sanctions Committee.

Freezing of funds on suspicion

9.—(1) Where the Treasury has reasonable grounds for suspecting that any funds held by any person are or may be—

- (a) funds of Usama bin Laden or any person connected with Usama bin Laden,
- (b) held on behalf of Usama bin Laden or any such person, or
- (c) funds to which article 8(1) applies,

the Treasury may by notice direct that those funds are not to be made available to Usama bin Laden or to a person connected with Usama bin Laden, or to the Taliban or a person connected with the Taliban, as the case may be, except under the authority of a licence granted by the Treasury under article 7 or 8.

(2) A notice given under paragraph (1) shall specify the period for which it is to have effect, which shall be not longer than 5 working days.

(3) In paragraph (2), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁾ in any part of the United Kingdom.

(4) The Treasury may by notice revoke a direction under paragraph (1) at any time.

(5) The expiry or revocation of a direction shall not affect the application of article 7 or 8 (as the case may be) in respect of the funds in question.

(6) A notice under paragraph (1) or (4) shall be given in writing to the person holding the funds in question (“the recipient”), and shall require the recipient to send a copy of the notice without delay to the person whose funds they are, or on whose behalf they are held (“the owner”).

(7) A recipient shall be treated as complying with that requirement if, without delay, he sends a copy of the notice to the owner at his last-known address or, if he does not have an address for the owner, he makes arrangements for a copy of the notice to be supplied to the owner at the first available opportunity.

(8) Any person who contravenes a direction under paragraph (1) is guilty of an offence under this Order.

(9) A recipient who fails to comply with such a requirement as is mentioned in paragraph (6) is guilty of an offence under this Order.

Facilitation of activities prohibited under article 7, 8 or 9(8)

10. Any person who knowingly and intentionally engages in any activities the object or effect of which is to enable or facilitate the commission (by that person or another) of an offence under article 7, 8 or 9(8) is guilty of an offence.

Failure to disclose knowledge or suspicion of sanctions offences

11.—(1) A relevant institution is guilty of an offence if—

- (a) it knows or suspects that a person who is, or has been at any time since the coming into force of this Order, a customer of the institution, or is a person with whom the institution has had dealings in the course of its business since that time—
 - (i) is Usama bin Laden or a person connected with Usama bin Laden; or
 - (ii) is a person connected with the Taliban; or
 - (iii) has committed an offence under article 7, 8, 9(8) or 17(2); and
- (b) it does not disclose to the Treasury the information or other matter on which the knowledge or suspicion is based as soon as is reasonably practicable after that information or other matters comes to its attention.

(2) Where a relevant institution discloses to the Treasury—

- (a) its knowledge or suspicion that a person is Usama bin Laden or a person connected with Usama bin Laden or a person connected with the Taliban or a person who has committed an offence under article 7, 8, 9(8) or 17(2), or
- (b) any information or other matter on which that knowledge or suspicion is based,

the disclosure shall not be treated as a breach of any restriction imposed by statute or otherwise.