

2004 No. 1113

UNITED NATIONS

**The Liberia (United Nations Sanctions) (Channel Islands)
(Amendment) Order 2004**

<i>Made</i> - - - -	<i>14th April 2004</i>
<i>Laid before Parliament</i>	<i>15th April 2004</i>
<i>Coming into force</i> - -	<i>16th April 2004</i>

At the Court at Windsor Castle, the 14th day of April 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 12th March 2004, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to Liberia:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946^(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Liberia (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004 and shall come into force on 16th April 2004.

(2) This Order and the Liberia (United Nations Sanctions) (Channel Islands) Order 2004^(b) (hereinafter referred to as “the principal Order”) may be cited together as the Liberia (United Nations Sanctions) (Channel Islands) Order 2004.

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 8, below.

3. In article 1(4), for the words “Articles 3, 4 and 5” substitute “Articles 3, 4, 5 and 6A”.

^(a) 1946 c. 45.
^(b) S.I. 2004/306.

4.—(1) In article 2(1)—

- (a) after the definition of “commander”, insert the following definition—

““designated person” means Charles Taylor, Jewell Howard Taylor, Charles Taylor Jr. or any other person or entity designated by the Committee, established pursuant to resolution 1521 adopted by the Security Council of the United Nations on 22nd December 2003, for the purposes of resolution 1532 adopted by the Security Council on 12th March 2004;” ;

- (b) after the definition of “exportation”, insert the following definition—

““funds, other financial assets or economic resources” means financial assets and economic benefits of any kind, including (but not limited to) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); interest, dividends or other income on or value accruing from or generated by assets; credit, rights of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export financing;” ; and

- (c) after the definition of “police officer”, insert the following definition—

““relevant institution” means—

- (a) in the application of this Order to Guernsey, a financial services business within the meaning of section 49 of and the Schedule to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law 1999; and
- (b) in the application of this Order to Jersey, a financial services business within the meaning of Article 36(1) and the Second Schedule to the Proceeds of Crime (Jersey) Law 1999;”.

(2) Renumber article 2(2) as article 2(3).

5. After article 2(1) insert—

“(2) For the purposes of identifying a “designated person” referred to in paragraph (1) of this article, the licensing authority shall cause a notice containing the names and other particulars of such designated persons to be published in a newspaper published and circulating in Guernsey, or as the case may be Jersey as necessary from time to time.”.

6. After article 6, insert—

“FUNDS, FINANCIAL ASSETS OR ECONOMIC RESOURCES

Making funds, other financial assets or economic resources available to any designated person

6A. Any person who, except under the authority of a licence granted by the licensing authority under this article, makes any funds, other financial assets or economic resources available to or for the benefit of any designated person shall be guilty of an offence.

Freezing of funds, other financial assets or economic resources

6B.—(1) Where the licensing authority has reasonable grounds for suspecting that the person by, for or on behalf of whom any funds, other financial assets or economic resources are held is or may be a designated person, the licensing authority may by notice direct that those funds, other financial assets or economic resources are not to be made available to any person or entity except under the authority of a licence granted by the licensing authority under article 6A.

(2) A notice given under paragraph (1) shall specify either—

- (a) the period for which it is to have effect; or
- (b) that the direction is to have effect until it is revoked by notice under paragraph (3).

(3) The licensing authority may by notice revoke a notice given under paragraph (1) at any time.

(4) The expiry or revocation of a direction shall not affect the application of article 6A in respect of the funds, other financial assets or economic resources in question.

(5) A notice under paragraph (1) or (3) shall be given in writing to the person holding the funds, other financial assets or economic resources in question (“the recipient”), and shall require the recipient to send a copy of the notice without delay to the person whose funds, other financial assets or economic resources they are, or on whose behalf they are held (“the owner”).

(6) 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.

(7) Where a notice has been given under paragraph (1), any person by, for or on behalf of whom those funds, other financial assets or economic resources are held may apply to the Royal Court for the notice to be set aside; and on such application the court may set aside the direction.

(8) A person who makes an application under paragraph (7) shall give a copy of the application and any witness statement or affidavit in support to the licensing authority (and to any other person by, for or on behalf of whom those funds, other financial assets or economic resources are held), not later than seven days before the date fixed for the hearing of the application.

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

(10) A recipient who fails to comply with such a requirement as is mentioned in paragraph (5) is guilty of an offence.

Facilitation of activities prohibited under article 6A or 6B(9)

6C. 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 6A or 6B(9) is guilty of an offence.

Failure to disclose knowledge or suspicion of measures

6D.—(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 a designated person; or
 - (ii) has committed an offence under article 6A, 6B(9) or 8 (2); and
- (b) it does not disclose to the licensing authority the information or other matter on which the knowledge or suspicion is based as soon as is reasonably practicable after that information or other matter comes to its attention.

(2) Where a relevant institution discloses to the licensing authority—

- (a) its knowledge or suspicion that a person is a designated person or a person who has committed an offence under article 6A, 6B(9) or 8 (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.”

7. In article 16(1), the words “3, 4(3), 5 or 6(3)” substitute “3, 4(3), 5, 6(3), 6A, 6B(9) or 6C”.
8. In article 16(3), before the words “8(1)” insert “6B(10), 6D,”.

A.K.Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Liberia (United Nations Sanctions) (Channel Islands) Order 2004 (S.I. 2004/306) to give effect to resolution 1532, adopted by the Security Council of the United Nations on 12th March 2004, which imposed an asset freeze on former President Charles Taylor, his immediate family members, and persons and entities associated with him, as designated by the Committee established pursuant to resolution 1521 which was adopted by the Security Council on 22nd December 2003.

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