

**EXPLANATORY MEMORANDUM TO**  
**THE ZIMBABWE (FINANCIAL SANCTIONS) REGULATIONS 2009**

**2009 No. 847**

1. This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The Zimbabwe (Financial Sanctions) Regulations 2009 ("the Zimbabwe Regulations") provide for prohibitions, criminal sanctions and enforcement mechanisms in relation to financial restrictions set out in Council Regulation (EC) No. 314/2004 of 19 February 2004 concerning restrictive measures in respect of Zimbabwe ("the EC Regulation"). There are also provisions relating to information gathering and information sharing in order to ensure compliance with the Zimbabwe Regulations.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 The Zimbabwe Regulations update the existing UK legislation following a series of European Commission Regulations making additions to the list of persons subject to the EC Regulation, the latest of which was published in the Official Journal of the European Union on 27<sup>th</sup> January 2009.

4.2 These Regulations take advantage of paragraph 1A of Schedule 2 to the European Communities Act 1972 (inserted by section 28 of the Legislative and Regulatory Reform Act 2006) so as to provide for an ambulatory reference to the EC Regulation – i.e. the Zimbabwe Regulations apply in respect of the EC Regulation as amended from time to time. This means that changes to the EC list will take effect without the need of further updating domestic legislation.

**5. Territorial Extent and Application**

5.1 This instrument applies to the United Kingdom and, outside the United Kingdom, to British citizens and those with a UK connection.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The Zimbabwe Regulations is an updating instrument. In particular, certain of the persons who are newly subject to financial restrictions as a result of amendments made to the EC Regulation are based, or have assets located, in the United Kingdom. As the EC Regulation is directly applicable in the United Kingdom these persons are immediately subject to the financial restrictions. The Zimbabwe Regulations are required to enable criminal penalties to apply to any breaches of the restrictions in relation to these new persons.

- *Consolidation*

7.2 It is not expected that there will be any consolidation of this instrument.

## **8. Consultation outcome**

8.1 There has been no consultation on this instrument.

## **9. Guidance**

9.1 General guidance with regard to financial sanctions and the relevant legislation is available on Her Majesty's Treasury website ([www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)). In addition, the Treasury releases financial sanctions notifications every time there is a substantive change to the sanctions. As Zimbabwe Regulations provide principally for enforcement of existing European sanctions and have no substantive effect on the actual sanctions further guidance will not be issued, other than to issue a notice and make the Regulations available via the website when they come into force.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is expected to be minimal.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment is attached to this memorandum.

## **11. Regulating small business**

11.1 The legislation applies to small business.

11.2 The basis for the final decision on what action to take to assist small business was not subject to consultation.

**12. Monitoring & review**

12.1 The instrument will be monitored and reviewed at any point when the EC Regulation is amended.

**13. Contact**

The Asset Freezing Unit at Her Majesty's Treasury, Tel: 0207 270 5454 or email: [assetfreezingunit@hm-treasury.gsi.gov.uk](mailto:assetfreezingunit@hm-treasury.gsi.gov.uk) can answer any queries regarding the instrument.