

EXPLANATORY MEMORANDUM TO
THE CÔTE D’IVOIRE (ASSET-FREEZING) (REVOCATION) REGULATIONS 2016
2016 No. 893

1. Introduction

1.1 This explanatory memorandum has been prepared by The Treasury and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations revoke the Ivory Coast (United Nations Sanctions) Order 2005 (S.I. 2005/253), the Ivory Coast (Asset-Freezing) Regulations 2011 (S.I. 2011/1086), and some consequent amending provisions, as the UN Security Council Resolution and the EU Regulation on which they are based have both been revoked.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 These Regulations revoke the Ivory Coast (United Nations Sanctions) Order 2005 (S.I. 2005/253) (“the 2005 Order”), the Ivory Coast (Asset-Freezing) Regulations 2011 (S.I. 2011/1086) (“the 2011 Regulations”), and some consequent amending provisions, which implemented UN Security Council Resolution 1572 of 15th November 2004 and Council Regulation (EC) No 560/2005 of 12th April 2005 (OJ No L 95, 14.4.2005, p 1).

4.2 The 2005 Order and the 2011 Regulations (as amended) imposed restrictive measures against certain persons and entities in view of the situation in the Côte d’Ivoire and criminal penalties for breach of said restrictive measures.

4.3 Resolution 1572 was revoked by Resolution 2283, adopted by the Security Council of the United Nations on 28th April 2016. Regulation 560/2005 was revoked by Council Regulation (EU) 2016/907 on 9th June 2016.

4.4 Explanatory Memorandums on the revoking Resolution and Regulation were submitted for Parliamentary scrutiny by the Foreign and Commonwealth Office on 28th June 2016. Clearance was granted by the House of Commons Select Committee on 6th July 2016 and by the House of Lords Select Committee on 5th July 2016.

5. Extent and Territorial Application

5.1 This instrument extends to all of the United Kingdom.

5.2 This instrument applies to all of the United Kingdom and, outside the United Kingdom, to any UK national body incorporated in the United Kingdom.

6. European Convention on Human Rights

6.1 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 These Regulations revoke the 2005 Order, the 2011 Regulations, and some consequent amending provisions, which impose restrictive measures against certain persons and entities in view of the situation in the Côte d'Ivoire and criminal penalties for breach of said restrictive measures.

7.2 In the light of changes in the situation in Côte d'Ivoire, these sanctions are no longer necessary. Accordingly, Security Council Resolution 1572 and Council Regulation (EC) No 560/2005, which contained these measures, have been revoked. These Regulations revoke the domestic measures accordingly.

Consolidation

7.3 Not applicable.

8. Consultation outcome

8.1 No consultation has been carried out in relation to these Regulations.

9. Guidance

9.1 Guidance on current and lifted asset freezing regimes is available on the Treasury's website. The Treasury's Office of Financial Sanctions Implementation operates a free subscription email service alerting subscribers to changes to the asset freezing regimes, and on other financial sanctions measures. A dedicated telephone line and email address are available to the financial sector and any other persons to submit queries on the asset freezing regime. Notices explaining the revocation of Resolution 1572 and Council Regulation (EC) No 560/2005 are available on the Treasury website and was emailed to subscribers on 10th June 2016.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the Treasury work with the financial sector on the requirements for complying with EU measures. The Treasury have provided detailed guidance to assist business in complying with these measures.

12. Monitoring & review

- 12.1 Since this instrument is revoking the 2005 Order, 2011 Regulations and amending provisions, it is not necessary in the circumstances to make provision for further periodic review as contemplated in ss. 28-32 of the Small Business Enterprise and Employment Act 2015.

13. Contact

- 13.1 The Office of Financial Sanctions Implementation at the Treasury (telephone: 020 7270 5454 or email: financialsanctions@hmtreasury.gsi.gov.uk) can answer any queries regarding these Regulations.