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STATUTORY INSTRUMENTS

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**2018 No. 1090**

**CRIMINAL LAW**

**The Chemical Weapons (Asset-Freezing) and  
Miscellaneous Amendments Regulations 2018**

<i>Made</i>	- - - -	<i>16th October 2018</i>
<i>Laid before Parliament</i>		<i>17th October 2018</i>
<i>Coming into force</i>	- -	<i>7th November 2018</i>

The Treasury are designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> 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 I to Council Regulation (EU) 2018/1542 of 15th October 2018 concerning restrictive measures against the proliferation and use of chemical weapons <sup>M3</sup> to be construed as a reference to that Annex as amended from time to time.

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

**Marginal Citations**

**M1** [S.I. 2010/1834](#).

**M2** 1972 c.68. Section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)\(a\)](#) and the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [section 3\(3\)](#) and Schedule, Part 1. Paragraph 1(1)(d) of Schedule 2 to the 1972 Act is modified by section 144 of the [Policing and Crime Act 2017 \(c.3\)](#), in relation to the exercise of the powers conferred by section 2(2) of the 1972 Act, for the purposes of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation, as defined by section 143 of the 2017 Act. Paragraph 1A of Schedule 2 to the 1972 Act was inserted by the [Legislative and Regulatory Reform Act 2006](#), section 28 and amended by [S.I. 2007/1388](#) and the [European Union \(Amendment\) Act 2008](#), Schedule, Part 1.

**M3** OJ L 259, 16.10.2018, p.12.

## PART 1

### General

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Chemical Weapons (Asset-Freezing) and Miscellaneous Amendments Regulations 2018 and come into force on 7th November 2018.

(2) An offence under these Regulations may be committed by conduct wholly or partly outside the United Kingdom by—

- (a) a UK national, or
- (b) a body incorporated or constituted under the law of any part of the United Kingdom.

(3) In paragraph (2)—

“conduct” includes acts and omissions;

“UK national” means—

- (a) a British citizen,
- (b) a British overseas territories citizen who acquired their citizenship from a connection with Gibraltar, or
- (c) a British subject under Part 4 of the British Nationality Act 1981 <sup>M4</sup> (British subjects) with the right of abode in the United Kingdom.

#### Marginal Citations

**M4** 1981 c.61. Part 4 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [section 1\(1\)\(b\)](#) and the [Nationality, Immigration and Asylum Act 2002 \(c.41\)](#), [sections 15](#) and 161, Schedule 2, paragraph 1(i) and Schedule 9.

#### Interpretation

<sup>F1</sup>2. ....

**F1** [Reg. 2](#) omitted (31.12.2020) by virtue of [The Chemical Weapons \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/618\)](#), [regs. 1\(2\)](#), [39\(2\)](#); [S.I. 2019/627](#), [reg. 14\(2\)2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

## <sup>F2</sup>PART 2

### Funds and economic resources

**F2** [Pts. 2-4](#) omitted (31.12.2020) by virtue of [The Chemical Weapons \(Sanctions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/618\)](#), [regs. 1\(2\)](#), [39\(3\)](#); [S.I. 2019/627](#), [reg. 14\(2\)2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Freezing of funds and economic resources

3. ....

**Making funds available to a designated person**

4. ....

**Making funds available for the benefit of a designated person**

5. ....

**Making economic resources available to a designated person**

6. ....

**Making economic resources available for the benefit of a designated person**

7. ....

**Credits to a frozen account**

8. ....

**Licences**

9. ....

**<sup>F2</sup>PART 3**

**Offences**

**Contravention and circumvention of prohibitions**

10. ....

**Officers of a body corporate etc**

11. ....

**Penalties**

12. ....

**Proceedings**

13. ....

**Consent to prosecution**

14. ....

**F2** **PART 4**

Miscellaneous

**Information provisions**

15. ....

**Notices**

16. ....

**The Crown**

17. ....

**PART 5**

Amendments

**Amendment to subordinate legislation**

18. In the European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017 <sup>M5</sup>, omit regulation 17(4).

**Marginal Citations**

**M5** [S.I. 2017/754](#).

**Amendment to the Ukraine (European Union Financial Sanctions) Regulations 2014**

19. In paragraph 1(3)(b) of the Schedule (information provisions) to the Ukraine (European Union Financial Sanctions) Regulations 2014 <sup>M6</sup>, after “institution” insert “ or relevant business or profession ”.

**Marginal Citations**

**M6** [S.I. 2014/507](#); amended by [S.I. 2017/560](#) and [S.I. 2017/754](#).

*Rebecca Harris*  
*Mike Freer*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

F3 SCHEDULE

Regulation 15

.....

<p><b>F3</b> Sch. omitted (31.12.2020) by virtue of The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/618), regs. 1(2), <b>39(3)</b>; S.I. 2019/627, reg. 14(2)2020 c. 1, Sch. 5 para. 1(1)</p>
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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision relating to the enforcement of Council Regulation (EU) 2018/1542 of 15th October 2018 concerning restrictive measures against the proliferation and use of chemical weapons (OJ L 259, 16.10.2018, p.12) (“the Council Regulation”).

The measures include the freezing of funds and economic resources of any persons and entities listed in Annex I to the Council Regulation and ensuring that funds and economic resources are not made available to them or for their benefit.

Regulation 2 defines designated person as any person named in Annex I to the Council Regulation (as amended from time to time).

Regulations 3 to 7 provide prohibitions against dealing with the funds or economic resources of a designated person, making funds or economic resources available, directly or indirectly, to a designated person and making funds or economic resources available for the benefit of a designated person.

Regulation 8 provides an exception to the prohibitions in regulations 4 and 5 in the circumstances set out in the Council Regulation, where a frozen account is credited for a permitted reason.

Regulation 9 provides a licensing procedure to enable funds and economic resources to be exempted from the prohibitions where this is permitted in the circumstances set out in the Council Regulation.

Regulation 10 creates offences where the prohibitions in regulations 3 to 7 are contravened.

Regulations 11 to 14 contain provisions about officers of a body corporate, penalties and proceedings.

The Schedule makes provision for information gathering and information disclosure and creates offences for failure to comply with a request for information.

Regulations 18 and 19 correct a minor error made in the European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017 (S.I. 2017/754) which amended the Schedule to the Ukraine (European Union Financial Sanctions) Regulations 2014 (S.I. 2014/507). An impact assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

Further information is available at H.M. Treasury, 1 Horse Guards Road, London SW1A 2HQ and on H.M. Treasury website ([www.gov.uk/government/organisations/hm-treasury](http://www.gov.uk/government/organisations/hm-treasury)), or by contacting [Sanctions.Legislation@HMTreasury.gsi.gov.uk](mailto:Sanctions.Legislation@HMTreasury.gsi.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Chemical Weapons (Asset-Freezing) and Miscellaneous Amendments Regulations 2018.