

2023 No. 1376

SANCTIONS

The Iran (Sanctions) (Isle of Man) Order 2023

Made - - - - *13th December 2023*

Coming into force - - *14th December 2023*

At the Court at Buckingham Palace, the 13th day of December

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by section 63(3)(b) and (4) of the Sanctions and Anti-Money Laundering Act 2018(a), is pleased, by and with the advice of His Privy Council, to make the following Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Iran (Sanctions) (Isle of Man) Order 2023 and comes into force on 14th December 2023.

(2) This Order extends to the Isle of Man.

Extension of the Iran (Sanctions) Regulations 2023

2. The Iran (Sanctions) Regulations 2023(b) as amended from time to time extend to the Isle of Man with the modifications specified in the Schedule.

Extension of the Sanctions and Anti-Money Laundering Act 2018

3.—(1) Subject to the modifications set out in sub-paragraphs (a) and (c), the following provisions of the Sanctions and Anti-Money Laundering Act 2018 extend to the Isle of Man for the purposes of the Iran (Sanctions) Regulations 2023 as modified and extended to the Isle of Man by this Order—

(a) section 43 (guidance about regulations under section 1), except that, in its application to the Isle of Man—

(i) the reference in subsection (1) of that section to regulations under section 1 is to be read as a reference to the Iran (Sanctions) Regulations 2023 as modified and extended to the Isle of Man by this Order, and

(a) 2018 c. 13. Amendments have been made by the Sentencing Act 2020 (c. 17); the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10); and the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(b) S.I. 2023/1314.

- (ii) the reference in subsection (1) of that section to the appropriate Minister who made the regulations is to be read as a reference to the Treasury;
 - (b) section 44 (protection of acts done for purposes of compliance);
 - (c) section 53 (saving for prerogative powers), except that, in its application to the Isle of Man, the reference in subsection (1) of that section to the United Kingdom is to be read as a reference to the Isle of Man.
- (2) In this article, “Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald)(a).

Ceri King
Deputy Clerk of the Privy Council

SCHEDULE

Article 2

Modifications to be made in the extension of the Iran (Sanctions) Regulations 2023 to the Isle of Man

- 4.** In regulation 1 (citation, commencement and extent)—
- (a) in the heading, omit “, commencement and extent”;
 - (b) omit paragraphs (2) and (3).
- 5.** In regulation 2 (interpretation)—
- (a) renumber the existing paragraph as paragraph (1);
 - (b) in the renumbered paragraph (1)—
 - (i) for the definition of “CEMA” substitute—

““CEMA” means the Customs and Excise Management Act 1986 (of Tynwald)(b);”
 - (ii) omit the definition of “the Commissioners”;
 - (iii) in the definition of “the Dual-Use Regulation”, after “dual-use items” insert “, as it forms part of Manx law by virtue of section 7 of the European Union and Trade Act 2019 (of Tynwald)(c)”;
 - (iv) omit the definitions of “serious human rights violation or abuse” and “United Kingdom person”;
 - (v) in the appropriate place, insert—

““the Department of Home Affairs” means the Department of Home Affairs of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald)(d);”;

““the Export Control Order 2008” means the Export Control Order 2008, as it has effect in the Isle of Man from time to time(e);”;

““Island person” means a person who is—

 - (a) an individual ordinarily resident in the Isle of Man who is—
 - (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(a) At 11 of 2015.
 (b) At 34 of 1986.
 (c) AT 2 of 2019. Council Regulation (EC) No 428/2009 was prescribed for the purposes of section 7 of the European Union and Trade Act 2019 (of Tynwald) by SD 2019/0064.
 (d) AT 13 of 1987.
 (e) S.I. 2008/3231, applied in the Isle of Man by SD 104/09 (as amended).

- (ii) a person who under the British Nationality Act 1981^(a) is a British subject, or
- (iii) a British protected person within the meaning of that Act, or
- (b) a body incorporated or constituted under the law of the Isle of Man;”;
- ““territorial sea of the Isle of Man” means the territorial sea adjacent to the Isle of Man;”;
- ““Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald)^(b)”;
- (c) after paragraph (1) insert—
 - “(2) In these Regulations, all references to Manx legislation (within the meaning of section 9 of the Interpretation Act 2015 (of Tynwald)) are to be construed as references to that legislation as amended from time to time.”
- 6. In regulation 3 (application of prohibitions and requirements outside the United Kingdom)—
 - (a) in the heading, for “United Kingdom” substitute “Isle of Man”;
 - (b) in paragraphs (1) and (4), for “A United Kingdom person” substitute “An Island person”;
 - (c) in paragraphs (1), (4) and (7), for “United Kingdom” substitute “Isle of Man”; and
 - (d) in paragraphs (2) and (5), after “in the territorial sea” insert “of the Isle of Man”.
- 7. In regulation 4 (purposes), in paragraph (2), after “regulation 8(3)” insert “(as that regulation has effect in the United Kingdom)”.
- 8. Omit regulation 5 (power to designate persons) (including the heading).
- 9. Omit regulation 6 (conditions for the designation of persons by name) (including the heading).
- 10. Omit regulation 7 (conditions for the designation of persons by description) (including the heading).
- 11. Omit regulation 8 (designation criteria: meaning of “involved person”) (including the heading).
- 12. For regulation 10 (notification and publicity where power to designate by name is used) (including the heading), substitute—

“Requirement to publish a list of designated persons

- 10.—(1) Subject to paragraph (2), the Treasury must—
 - (a) publish a list of designated persons (whether by name or by description), and
 - (b) keep the list up to date.
- (2) Where, in accordance with regulation 10 (notification and publicity where power to designate by name is used) or regulation 12 (notification and publicity where power to designate by description is used) (as those regulations have effect in the United Kingdom) the Secretary of State is not required to publicise generally a designation, variation or revocation, the Treasury must not include in the list under paragraph (1) any details of that designation, variation or revocation.
- (3) The Treasury may publish the list under paragraph (1) in any form the Treasury considers appropriate, including by means of a website.
- (4) For the purpose of this regulation, “designated person” means any person for the time being designated by the Secretary of State under regulation 5 (as it has effect in the United Kingdom).”.

(a) 1981 c.61. Part 4 has been amended by the British Overseas Territories Act 2002 (c.8), section 1(1)(b); and the Nationality, Immigration and Asylum Act 2002 (c.41), Schedule 2, paragraph 1(1).

(b) AT 11 of 2015.

13. In regulation 11 (confidential information in certain cases where power to designate by name is used)—

- (a) in the heading, omit “where power to designate by name is used”;
- (b) omit paragraph (1);
- (c) in paragraph (2)(a), for “that is to be treated as confidential in accordance with paragraph (1)” substitute “which the Secretary of State has specified is to be treated as confidential under regulation 11(1) or 13(1) (as those regulations have effect in the United Kingdom)”;
- (d) in paragraph (4)(c), for “enactment” substitute “Manx legislation (within the meaning of section 9 of the Interpretation Act 2015 (of Tynwald))”;
- (e) in paragraph (7)—
 - (i) for “The High Court (in Scotland, the Court of Session)” substitute “The High Court of Justice of the Isle of Man”;
 - (ii) at the end of sub-paragraph (a), omit “or”;
 - (iii) after sub-paragraph (a) insert—

“(aa) the Treasury, or”;

and
- (f) omit paragraph (8).

14. Omit regulation 12 (notification and publicity where power to designate by description is used) (including the heading).

15. Omit regulation 13 (confidential information in certain cases where power to designate by description is used) (including the heading).

16. In regulation 14 (meaning of “designated person” in Part 3), for “under regulation 5 for the purposes of regulations 15 to 19” substitute “from time to time by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 15 to 19 (asset-freeze etc.) (as they have effect in the United Kingdom)”.

17. Omit Part 4 (director disqualification sanctions).

18. For regulation 22 (immigration) substitute—

“**22.** A person who is designated from time to time by the Secretary of State under regulation 5 (designation of persons) (as it has effect in the United Kingdom) for the purposes of regulation 22 (immigration) (as it has effect in the United Kingdom) is an excluded person for the purposes of section 8B of the Immigration Act 1971(a) (as it has effect in the Isle of Man).”.

19. In regulation 27 (interpretation of other expressions used in this Part)—

- (a) for paragraph (1) substitute—

“(1) For the purposes of this Part—

 - (a) “export” means export from the Isle of Man,
 - (b) goods removed to the United Kingdom from the Isle of Man are not to be regarded as exported, and
 - (c) goods transported out of the Isle of Man by aircraft or ship as stores within the meaning of CEMA (see section 184(1) and (4) of that Act) are to be regarded as exported.
- (1A) Paragraphs 31, 36 and 37 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.”;

(a) 1971 c.77. Section 8B was inserted by the Immigration and Asylum Act 1999 (c.33), section 8 and amended by the Immigration Act 2016 (c.19), section 76; and the Sanctions and Anti-Money Laundering Act 2018, section 59 and Schedule 3, Part 1. The Act was extended to the Isle of Man by S.I. 2008/680 (as amended).

(b) for paragraph (2) substitute—

“(2) In this Part, any reference to the Isle of Man includes a reference to the territorial sea of the Isle of Man.”.

20. In regulation 34 (brokering services: non-UK activity relating to restricted goods and restricted technology)—

(a) in the heading, for “non-UK” substitute “non-IOM”;

(b) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-IOM country”; and

(c) for paragraph (4) substitute—

“(4) In this regulation—

“non-IOM country” means a country that is not the Isle of Man;

“third country” means—

(a) for the purposes of paragraph (1)(a) and (b) a country that is not the Isle of Man, the United Kingdom or Iran, and

(b) for the purposes of any other provision of paragraph (1), a country that is not the Isle of Man or Iran.”.

21. In regulation 43 (brokering services: non-UK activity relating to restricted unmanned aerial vehicle goods and restricted unmanned aerial vehicle technology)—

(a) in the heading for “non-UK” substitute “non-IOM”;

(b) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-IOM country”; and

(c) for paragraph (4) substitute—

“(4) In this regulation—

“non-IOM country” means a country that is not the Isle of Man;

“third country” means—

(a) for the purposes of paragraph (1)(a) and (b), a country that is not the Isle of Man, the United Kingdom or Iran, and

(b) for the purposes of any other provision of paragraph (1), a country that is not the Isle of Man or Iran.”.

22. In regulation 46 (prohibition on port entry) —

(a) in paragraphs (1) and (2), for “United Kingdom”, substitute “Isle of Man”; and

(b) in paragraph (6), after “regulation 5” insert “(as it has effect in the United Kingdom)”.

23. In regulation 47 (directions prohibiting port entry) in paragraphs (3) and (7) for “United Kingdom”, substitute “Isle of Man”.

24. In regulation 48 (movement of ships), in paragraph (6), after “regulation 5” insert “(as it has effect in the United Kingdom)”.

25. In regulation 49 (detention of ships) —

(a) in paragraph (4), for “United Kingdom” substitute “Isle of Man”;

(b) omit paragraph (8);

(c) in paragraph (10), after “regulation 5” insert “(as it has effect in the United Kingdom)”;

(d) after paragraph (10) insert—

“(11) Where a ship is to be detained, a maritime enforcement officer may detain the ship.

(12) If a ship which is subject to a detention direction proceeds to sea on the direction of its master before it is released by the Secretary of State, then master of the ship shall be guilty of an offence.

(13) If the master of a ship fails to comply with a detention direction given under paragraph (1) or (2) to which his ship is subject to then the master of the ship shall be guilty of an offence.

(14) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under paragraph (12) or (13) shall, if party or privy to the offence, be guilty of an offence.

(15) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.

(16) In this regulation, “maritime enforcement officer” has the same meaning as regulation 89(1).”

26. In regulation 50 (registration of ships in the United Kingdom) —

- (a) in the heading, for “United Kingdom”, substitute “Isle of Man”;
- (b) in paragraph (3)(a), for “British” substitute “Manx”; and
- (c) in paragraph (3)(b), after “regulation 5” insert “(as it has effect in the United Kingdom)”.

27. Omit regulation 51 (specification of ships).

28. For regulation 52 (notification and publicity where specification power used) (including the heading) substitute —

“Requirement to publish a list of specified ships

52.—(1) Subject to paragraph (2), the Treasury must—

- (a) publish a list of specified ships, and
- (b) keep the list up to date.

(2) Where, in accordance with regulation 52 (notification and publicity where specification power used) (as that regulation has effect in the United Kingdom) the Secretary of State is not required to publicise generally a designation or revocation, the Treasury must not include in the list under paragraph (1) any details of that designation or revocation.

(3) The Treasury may publish the list under paragraph (1) in any form the Treasury considers appropriate, including by means of a website.

(4) For the purpose of this regulation, “specified ship” means any ship for the time being specified by the Secretary of State under regulation 51 (as it has effect in the United Kingdom).”

29. In regulation 54 (interpretation of Part 7) —

- (a) for paragraph (5) substitute —

“(5) For the purposes of this Part—

“beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“Manx ship” means a ship which—

- (a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald), or
- (b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;

“the Registrar” means the Department for Enterprise of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald);

“registration means the registration in the register operated by the Registrar;

“specified ship” means a ship specified by the Secretary of State from time to time under regulation 51 (specification of ships) (as it has effect in the United Kingdom);

“the relevant regulations of the Part” means regulations 46, 48, 49 and 50.”

30. In regulation 55 (finance: exceptions from prohibitions)—

(a) omit paragraph (6);

(b) in paragraph (7), for the definition of “relevant institution” substitute—

““relevant institution” means—

(a) a person who is licensed under the Financial Services Act 2008 (of Tynwald)(a) to carry on a regulated activity within the meaning of section 3 of that Act,

(b) a person who is authorised or registered under the Insurance Act 2008 (of Tynwald)(b) or who holds a permit under that Act,

(c) a person who is registered under the Moneylenders Act 1991 (of Tynwald)(c) to carry on the business of lending money, or

(d) a person who is acting as a trustee or an administrator of a retirement benefits scheme within the meaning of the Retirement Benefits Schemes Act 2000 (of Tynwald)(d).”;

(c) omit paragraph (8).

31. In regulation 56(1) (trade: exception for emergencies in certain cases) for “Secretary of State” substitute “Treasury”.

32. For regulation 58 (exception for authorised conduct in a relevant country) (including the heading) substitute—

“Exceptions for authorised conduct outside the Isle of Man

58.—(1) Where a person’s conduct outside the Isle of Man would, in the absence of this paragraph, contravene a prohibition in any of regulations 15 to 19 (asset-freeze etc.) or Chapter 2, 3, or 4 of Part 6 (Trade), the prohibition is not contravened if the conduct is authorised by a licence issued under regulation 60 (Treasury licences) (as it has effect in the United Kingdom) or regulation 62 (trade licences) (as it has effect in the United Kingdom).

(2) Where a person’s conduct in a relevant country would, in the absence of this paragraph, contravene a prohibition in any of regulations 15 to 19 (asset-freeze etc.) or Chapters 2, 3 or 4 of Part 6 (Trade) (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

(a) under the law of the relevant country, and

(b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

(3) In this regulation—

“relevant country” means—

(a) any of the Channel Islands, or

(b) any British overseas territory.”

33. For regulation 59 (exception for acts done for purposes of national security or prevention of serious crime), substitute—

(a) AT 8 of 2008.
(b) AT 16 of 2008.
(c) AT 6 of 1991.
(d) AT 14 of 2000.

“59.—(1) Where an act would, in the absence of this paragraph, be prohibited by the prohibition in regulation 11(2) or 13(2) (confidentiality) or any prohibition in Part 3 (Finance), Part 6 (Trade) or under virtue of Part 7 (Ships), that prohibition does not apply to the act if the act is one which—

- (a) a UK responsible officer has determined would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) an Island responsible officer has determined would be in the interest of the prevention or detection of serious crime in the Isle of Man or elsewhere.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of Part 9 (Information and records) or Part 11 (Maritime enforcement), that requirement does not apply if—

- (a) a UK responsible officer has determined that not doing the thing in question would be in the interests of—
 - (i) national security,
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) an Island responsible officer has determined that not doing the thing in question would be in the interests of the prevention or detection of serious crime in the Isle of Man or elsewhere.

(3) In this regulation—

“Island responsible officer” means a person—

- (a) in the service of the Crown or holding office under the Crown in the Isle of Man,
- (b) appointed by the Public Services Commission, or
- (c) appointed as a constable by the Department of Home Affairs,

acting in the course of that person’s duty;

“Public Services Commission” means the Public Services Commission established by the Public Services Commission Act 2015 (of Tynwald)(a);

“UK responsible officer” means a person in the service of the Crown or holding office under the Crown in the United Kingdom, acting in the course of that person’s duty.”

34. In regulation 60 (Treasury licences), for “consider”, substitute “considers”.

35. Omit regulation 61 (director disqualification licences).

36. In regulation 62 (trade licences), for “Secretary of State”, substitute “Treasury”.

37. In regulation 63 (licences: general provisions), for paragraphs (5) to (7) substitute—

“(5) The Treasury may vary, revoke or suspend a licence at any time.

(6) Where the Treasury issues, varies, revokes or suspends a licence which authorises acts by a particular person, the Treasury must give written notice to that person of the issue, variation, revocation or suspension of the licence.

(7) Where the Treasury issues, varies, revokes or suspends a licence which is general or which authorises acts by persons of a particular description, the Treasury must take such steps as the Treasury considers appropriate to publicise the issue, variation, revocation or suspension of the licence.”.

38. Omit regulation 65 (director disqualification: licensing offences).

(a) AT 1 of 2015.

39. For regulation 67 (section 8B(1) to (3) of Immigration Act 1971: directions) substitute—

“**67.**—(1) Any direction of the Secretary of State under regulation 22 (as it has effect in the United Kingdom) that section 8B(1) and (2) of the Immigration Act 1971 (as it has effect in the United Kingdom), or section 8B(3) of that Act (as it has effect in the United Kingdom), have effect subject to specified exceptions in relation to any person whose name is specified, or who is of a specified description, has the corresponding effect in the Isle of Man and references to section 8B(1), (2) or (3) of the Immigration Act 1971 shall be construed as references to those subsections as they have effect in the Isle of Man^(a).”

(2) In this regulation, “specified” means specified in the direction.”.

40. In regulation 68 (finance: reporting obligations)—

(a) for paragraph (5) substitute—

“(5) A relevant institution must inform the Treasury without delay if that institution credits a frozen account in accordance with regulation 55(4) (finance: exceptions from prohibitions).”

(b) in paragraph (7), for the definition of “relevant firm” substitute—

““relevant firm” means—

(a) a business in the regulated sector within the meaning of Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald)^(b) (see in particular paragraph 2 of that Schedule);

(b) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(i) articles made from gold, silver, platinum or palladium, or

(ii) precious stones or pearls.”; and

(c) at the end, insert—

“(8) For the purposes of paragraph (a) of the definition of “relevant firm” in paragraph (7), the definition of “estate agent” in Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald) is to be read as if references to the sale or proposed sale of land in section 15 of the Estate Agents Act 1975 (of Tynwald)^(c) included references to the sale or proposed sale of land outside the Isle of Man.”.

41. Omit regulation 69 (“relevant firm”) (including the heading).

42. In regulation 70 (finance: powers to request information), in paragraphs (4) and (6), in each place it occurs, for “believe” substitute “believes”.

43. In regulation 71 (finance: production of documents), in paragraphs (2) and (3), in each place it occurs, for “the Treasury request” substitute “the Treasury requests”.

44. In regulation 72 (finance: information offences), in paragraph (1)(d), for “their” substitute “its”.

45. In regulation 73(1) (trade: application of information powers in CEMA) for “Section 77A” substitute “Section 78A”.

46. In regulation 74(4) (general trade licences: records), for “Secretary of State” substitute “Treasury”.

47. In regulation 75(1) (general trade licences: inspection of records), for “Secretary of State or the Commissioners” substitute “Treasury”.

48. In regulation 76 (disclosure of information)—

(a) The Immigration Act 1971 (c.77) was extended to the Isle of Man by S.I. 2008/680 (as amended).

(b) AT 13 of 2008. Schedule 4 was substituted by SD 2019/0204 (of Tynwald).

(c) AT 6 of 1975.

- (a) in paragraph (1), for “Secretary of State, the Treasury or the Commissioners” substitute “Treasury”;
- (b) in paragraph (2)—
 - (i) after sub-paragraph (c), insert—
 - “(ca) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the Isle of Man for an offence under any provision of these Regulations;”;
 - (ii) in sub-paragraph (d)—
 - (aa) in paragraph (i), after “Regulations” insert “(as they have effect in the United Kingdom)”;
 - (bb) for paragraph (ii) substitute—
 - “(ii) for an offence under the Customs and Excise Management Act 1979 in connection with a prohibition mentioned in regulation 28(1) and 37(1) (export of restricted goods) (as they have effect in the United Kingdom), or”;
 - (iii) in sub-paragraph (e), omit “, the Isle of Man.”;
 - (iv) in sub-paragraph (g), for “United Kingdom” substitute “Isle of Man”; and
- (c) in paragraph (3)—
 - (i) in sub-paragraph (f), for “United Kingdom” substitute “Isle of Man”;
 - (ii) in sub-paragraph (j), for “Secretary of State, the Treasury or the Commissioners (as the case may be) considers” substitute “Treasury considers”.

49. In regulation 77 (Finance: disclosure to the Treasury), for paragraph (2) substitute—

- “(2) In this regulation—
 - “relevant public authority” means—
 - (a) any person holding or acting in any office under or in the service of the Isle of Man Government;
 - (b) any local authority;
 - (c) any police officer;
 - (d) the Isle of Man Financial Services Authority or any other regulatory body in the Isle of Man; or
 - (e) any other person exercising functions of a public nature.”

50. In regulation 78 (Part 9: supplementary)—

- (a) for paragraph (2) substitute—
 - “(2) But nothing in that regulation authorises a disclosure—
 - (a) that contravenes the data protection legislation, or
 - (b) of intercepted material that is not otherwise permitted under the safeguards arrangements relating to a warrant issued under the Interception of Communications Act 1988 (of Tynwald)(a).”
- (b) in paragraph (3), for “counsel or solicitor” substitute “advocate or lawyer”; and
- (c) in paragraph (6)—
 - (i) for the definition of “the data protection legislation” substitute—
 - ““the data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018 (of Tynwald)(b);”;

(a) AT 18 of 1988.

(b) SD 2018/0145 (of Tynwald).

- (ii) in the definition of “privileged information”, omit “(in Scotland, to confidentiality of communications)”.

51. For regulation 79 (penalties for offences) substitute—

“**79.**—(1) A person guilty of an offence under any provision of Part 3 (Finance), regulation 46(4) (prohibition on port entry), 47(4) (directions prohibiting port entry), 48(3) (movement of ships), or 64 (finance: licensing offences) is liable—

- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
- (b) on conviction on information, to custody for a term not exceeding 7 years or to a fine, or to both.

(2) A person guilty of an offence under any provision of Part 6 (Trade) is liable—

- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
- (b) on conviction on information, to custody for a term not exceeding 10 years or to a fine, or to both.

(3) A person guilty of an offence under regulation 11(6) or 13(6) (confidentiality), 66 (trade: licensing offences), 74(6) (general trade licences: records) or 75(5) (general trade licences: inspection of records) is liable—

- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
- (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both.

(4) A person guilty of an offence regulation 47(6) (directions prohibiting port entry: confidentiality), 48(5) (movement of ships: confidentiality), 68(6) or 72 (information offences in connection with Part 3) is liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

(5) In this regulation, “the standard scale” means the standard scale contained in section 55 of the Interpretation Act 2015 (of Tynwald).”.

52. In regulation 80(4) (liability of officers of bodies corporate etc.), for “Section 171(4)” substitute “Section 179(3)”.

53. For regulation 81 (jurisdiction to try offences), substitute—

“**81.** Where an offence under these Regulations is committed outside the Isle of Man—

- (a) proceedings for the offence may be taken in the Isle of Man, and
- (b) the offence may for all incidental purposes be treated as having been committed in the Isle of Man.”.

54. In regulation 82 (procedure for offences by unincorporated bodies)—

- (a) in paragraph (2), for “England and Wales or Northern Ireland” substitute “the Isle of Man”; and

- (b) for paragraph (3)(b) substitute—

“(b) section 32 of the Summary Jurisdiction Act 1989 (of Tynwald)(a) applies as it applies in relation to a body corporate.”.

55. In regulation 83 (time limit for proceedings for summary offences)—

- (a) in paragraphs (1) and (3), for “prosecutor” and “prosecutor’s”, in each place that they occur, substitute “Attorney General” and “Attorney General’s”;

(a) AT 15 of 1989.

(b) omit paragraph (4); and

(c) at the end, insert—

“(5) In this regulation, “Attorney General” has the meaning given in the Interpretation Act 2015 (of Tynwald).”.

56. In regulation 84 (trade enforcement: application of CEMA)—

(a) in paragraph (1), for “Commissioners investigate or propose” substitute “Treasury investigates or proposes”;

(b) in paragraph (2), for “section 1(1)” substitute “section 184(1)”;

(c) omit paragraphs (4) to (6);

(d) in paragraph (7), for “Section 138” substitute “Section 145”;

(e) in paragraph (8)—

(i) in sub-paragraph (b), for “section 145(6)” substitute “section 152(5)”;

(ii) in sub-paragraph (c), for “section 151” substitute “section 158”;

(iii) in sub-paragraph (d), for “section 154(2)” substitute “section 161(2)”;

(f) in paragraph (9), for “sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155” substitute “sections 152, 153, 154(5), 155, 157, 158, 159, 161 and 162”.

57. In regulation 85 (trade offences in CEMA: modification of penalty)—

(a) in paragraph (1), for “section 68(2)” substitute “section 69(2)”;

(b) in paragraph (2), for “section 68(3)(b)” substitute “section 69(3)(b)”;

(c) in paragraph (3), for “section 170(2)” substitute “section 178(2)”;

(d) in paragraph (4), for “section 170(3)(b)” substitute “section 178(3)(b)”.

58. Omit regulation 86 (application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005(a))(including the heading).

59. Omit regulation 87 (monetary penalties) (including the heading).

60. In regulation 88(1)(a) (exercise of maritime enforcement powers), for “British ship” substitute “Manx ship”.

61. In regulation 89(1) (maritime enforcement officers), after sub-paragraph (h) insert—

“(i) an officer within the meaning given in section 184(1) of CEMA;

(j) a constable appointed by the Department of Home Affairs.”

62. In regulation 90(2)(c) (power to stop, board, search etc.), for “United Kingdom” substitute “Isle of Man”.

63. In regulation 92 (restrictions on exercise of maritime enforcement powers)—

(a) in paragraphs (1) and (2), for “British ship”, in both places it occurs, substitute “Manx ship”; and

(b) in paragraph (3), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”.

64. In regulation 93 (Interpretation of Part 11)—

(a) in paragraph (1), for “Subject to paragraph (2)” substitute “Subject to paragraphs (3) to (5)”;

(a) Chapter 1 of Part 2 has been amended by the Terrorism Act 2006 (c/11), section 33(3) and (4); the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33), sections 26(2) and 30(2) and Schedules 3 and 5; the Bribery Act 2010 (c.23), section 17(2) and Schedule 1; the Criminal Justice and Licensing (Scotland) Act 2010 (asp. 13), section 203 and Schedule 7, paragraph 77; the Crime and Courts Act 2013 (c.22), section 15 and Schedule 8, paragraphs 157 and 159; the Criminal Finances Act 2017 (c.22), section 51(1); the Sanctions and Anti-Money Laundering Act 2018, section 59(4) and Schedule 3, paragraph 4; and S.I. 2014/834.

(b) omit paragraph (2); and

(c) at the end insert—

“(3) In this Part—

“Manx ship” means a ship which—

(a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald)(a), or

(b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;

“prohibited goods” means goods which have been or are being dealt with in contravention of a relevant prohibition;

“relevant goods” means goods in relation to which relevant non-IOM conduct is occurring or has occurred;

“relevant non-IOM conduct” means conduct outside the Isle of Man by a person other than an Island person that would constitute a contravention of a relevant prohibition if the conduct had been—

(a) in the Isle of Man, or

(b) by an Island person;

“relevant prohibition” means any prohibition specified in regulation 88(2)(a) to (c)(exercise of maritime enforcement powers).

(4) For the purposes of the definition of “Manx ship” in paragraph (3), a person has an “Isle of Man connection” if the person is—

(a) an Island person, or

(b) an individual who is not an Island person, and who is habitually resident in the Isle of Man.

(5) In the definition of “relevant non-IOM conduct” in paragraph (3), the reference to conduct that would constitute a contravention of a relevant prohibition if the conduct had been in the Isle of Man or by an Island person includes a reference to a case where—

(a) arrangements relating to goods have been entered into that have not been fully implemented, and

(b) if those arrangements were to be fully implemented (and if the conduct had been in the Isle of Man or by an Island person) the goods would be dealt with in contravention of that prohibition.”.

65. In regulation 94 (notices)—

(a) in paragraph (5)(b), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”; and

(b) in paragraph (6), in the definition of “registered company”, for “in force in the United Kingdom” substitute “in operation in the Isle of Man”.

66. Omit regulation 96 (revocation of the Iran (Sanctions) (Human Rights) (EU Exit) Regulations) (including the heading).

67. In regulation 97 (savings)—

(a) in paragraph (1) after “2019 Regulations” insert “(as it has effect in the United Kingdom)”; and

(b) in paragraphs (2) and (3), for “these Regulations”, in both places it occurs, substitute “the Iran (Sanctions) Regulations 2023”;

(c) in paragraph (3), after “come into force” insert “(as they have effect in the Isle of Man)”.

(a) AT 15 of 1991.

68. In regulation 98 (transitional provision: Treasury licences)—

(a) After paragraph (6) insert—

“(7) In this regulation, “the 2019 Regulations” means the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019, as they had effect in the Isle of Man(a).”

69. In regulation 99 (transitional provision: trade licences), in paragraphs (1) and (2) for “Secretary of State”, in each place it occurs, substitute “Treasury”.

70. In regulation 100 (transitional provision: prior obligations)—

(a) in paragraphs (1) and (2), in both places, after “2019 Regulations” insert “(as it has effect in the United Kingdom)”; and

(b) in paragraph (5), in the definition of “the EU Iran (Human Rights) Regulation” for “as it has effect in EU law” substitute “ as it had effect in the Isle of Man(b)”.

71. For regulation 101 (interpretation of Part 12) substitute—

“**101.** In this part—

“the 2019 Regulations” means the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (as they had effect in the Isle of Man)(c);

“the relevant date” means the date the Iran (Sanctions) (Isle of Man) Order 2023 comes into force.”

72. In Schedule 5 (Treasury licences: purposes) in paragraph 6(b)(ii) (pre-existing judicial decisions etc.), for “United Kingdom” substitute “Isle of Man”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man with modifications the Iran (Sanctions) Regulations 2023 (S.I. 2023/1314) (“the Iran Regulations”) as amended from time to time.

Section 63(3)(b) of the Sanctions and Anti-Money Laundering Act 2018 (c.13) (“the Sanctions Act”) provides that His Majesty may by Order in Council provide for any provision of Part 1 of that Act, or any regulations under Part 1 of that Act, to extend with or without modifications to the Isle of Man. Section 63(4) provides that this includes the power to extend any regulations as amended from time to time.

The Iran Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime in relation to Iran for the purpose of encouraging the Government of Iran to comply with international human rights law and to respect human rights and to deter Iran from conducting hostile activity against the United Kingdom and other countries.

The Iran Regulations, as modified and extended to the Isle of Man by this Order (“the modified Regulations”), provide that a person designated by the Secretary of State for being, or having been, involved in certain activities, is a designated person for the purposes of the modified Regulations. Designated persons may be excluded from the Isle of Man and may be made subject to financial sanctions, including having their funds or economic resources frozen

The modified Regulations impose trade restrictions on specified goods and technology which may be used to repress the civilian population of Iran (as specified in Schedule 2) and on specified goods and technology (as specified in Schedule 3) which may be used for interception and

(a) S.I. 2019/600, as applied to the Isle of Man by SD 2020/0479.

(b) Council Regulation (EU) No 359/2011 of 12 April 2011 was applied to the Isle of Man by virtue of section 2(1) of the European Communities (Isle of Man) Act 1973 (of Tynwald) (AT 14 of 1973) and by SD 0478/12.

(c) S.I. 2019/600, as applied to the Isle of Man by SD 2020/0479.

monitoring services in Iran. A further trade sanction that is imposed by these Regulations is to prohibit the provision of interception and monitoring services to, or for the benefit of, the Government of Iran. Part 6 also imposes trade restrictions on specified goods and technology which may be used by Iran to build and improve their unmanned aerial vehicle systems (as specified in Schedule 4).

The modified Regulations also prohibit ships owned, controlled, chartered or operated by a designated person, or where they are a specified ship, from entering ports in the Isle of Man. There is a notification and publicity requirement where the specification power is used. The Regulations provide the Secretary of State with a power to control the movement of ships owned, controlled, chartered or operated by a designated person, or specified ships, by requiring them to leave or enter specified ports, proceed to a specified place or remain where they are. The modified Regulations also confer powers to detain ships owned, controlled, chartered or operated by a designated person, or specified ships, at ports or anchorages. The registration of ships on the Manx Ship Register is prohibited where they are owned, controlled, chartered or operated by a designated person, or where they are a specified ship.

The modified Regulations provide for certain exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Treasury of the Isle of Man may issue licences in respect of activities that would otherwise be prohibited under the financial and trade sanctions imposed. Schedule 5 sets out the purposes pursuant to which the Treasury will issue such licences.

The modified Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime. The modified Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in the modified Regulations and prescribe the penalties that apply to such offences.

The modified Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions.

This Order also extends to the Isle of Man for the purposes of the modified Regulations specific provisions of Part 1 of the Sanctions Act, namely provisions relating to guidance about prohibitions and requirements, protection for acts done for purposes of compliance and saving for prerogative powers.

An impact assessment has not been prepared for this instrument because the territorial extent of the instrument and the modified Regulations is the Isle of Man; no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.

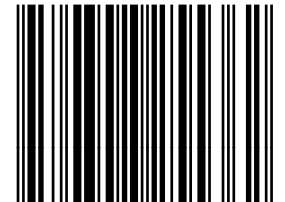
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