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STATUTORY INSTRUMENTS

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**2024 No. 644**

**SANCTIONS**

**The Sanctions (EU Exit) (Miscellaneous  
Amendments) Regulations 2024**

<i>Made</i>	- - - -	<i>14th May 2024</i>
<i>Laid before Parliament</i>		<i>15th May 2024</i>
<i>Coming into force</i>	- - -	<i>5th June 2024</i>

The Secretary of State<sup>(1)</sup>, considering that the condition in section 45(2) of the Sanctions and Anti-Money Laundering Act 2018<sup>(2)</sup> is met, makes the following Regulations in exercise of the powers conferred by sections 1<sup>(3)</sup>, 3A(1)<sup>(4)</sup>, 4, 5, 10(2), 15(2)(b)<sup>(5)</sup>, and (3A), 17<sup>(6)</sup> and 45 of the Sanctions and Anti-Money Laundering Act 2018.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2024.

(2) These Regulations come into force on 5th June 2024.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Amendment of the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019**

2.—(1) The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019<sup>(7)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

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- (1) The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) is conferred on an appropriate Minister. Section 1(9)(a) of the Act defines “appropriate Minister” as including the Secretary of State.
- (2) 2018 c. 13. Section 45 is amended by sections 57(4) and 62(3) of the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10).
- (3) Section 1 is amended by section 57(2) of the Economic Crime (Transparency and Enforcement) Act 2022 and section 35(2) of the Economic Crime and Corporate Transparency Act 2023 (c. 56) (“the 2023 Act”).
- (4) Section 3A was inserted by section 35(3) of the 2023 Act.
- (5) Section 15 is amended by section 35(5) of the 2023 Act.
- (6) Relevant amendments to section 17 (enforcement) are made by paragraph 443(1) of Schedule 24 to the Sentencing Act 2020 (c. 17) and section 214(3) of the 2023 Act.
- (7) S.I. 2019/411, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/500S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

““director disqualification licence” means a licence under regulation 89A;”.

(3) In regulation 5(1) (power to designate persons), after sub-paragraph (a) insert—

“(aa) regulation 33A (Director disqualification sanctions);”.

(4) After regulation 33 (interpretation of Part 4), insert—

## “PART 4A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**33A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

(a) section 11A of the Company Directors Disqualification Act 1986<sup>(8)</sup>, and

(b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(9)</sup>.”.

(5) After regulation 89 (Treasury directions), insert—

#### **“Director disqualification licences**

**89A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 33A (director disqualification sanctions) providing that the prohibitions in—

(a) section 11A(1) of the Company Directors Disqualification Act 1986, and

(b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 93(1) (licences: general provisions), after “Treasury licences,” insert director disqualification licences,”.

(7) After regulation 95 (Finance: licensing offences), insert—

#### **“Director disqualification: licensing offences**

**95A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

(a) provides information that is false in a material respect, or

(b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence, commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 108(1)(b)(i) (disclosure of information), after “4 (Finance),” insert “3A (Director disqualification sanctions),”.

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<sup>(8)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(9)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

(9) In regulation 110(3) (penalties for offences), in the opening words, after “9(6) (confidentiality),” insert “95A (director disqualification: licensing offences).”

(10) In regulation 115 (trade enforcement: application of CEMA)—

(a) after paragraph (3), insert—

“(3A) The Commissioners<sup>(10)</sup> may not investigate the suspected commission of a relevant offence<sup>(11)</sup> listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 43(4) (goods and technology for armed forces of the DPRK) insofar as it does not relate to the import or export of goods or the transfer of technology to or from the UK;
- (b) regulation 44(6) (armed forces goods and technology) insofar as it does not relate to the import or export of goods or the transfer of technology to or from the UK;
- (c) regulation 46(4) (supply and delivery of certain goods to the DPRK);
- (d) regulation 47(4) (sale etc. of certain goods) insofar as the offence does not relate to the import or export of goods;
- (e) regulation 49(4) (supply and delivery of certain goods from the DPRK);
- (f) regulation 50(5) and 50(6) (purchase etc. of certain goods and rights) insofar as the offence does not relate to the import or export of goods;
- (g) regulation 51(4) (bank notes and coinage) insofar as the offence does not relate to the import or export of goods;
- (h) regulation 52(5) (gold, precious metals or diamonds) insofar as the offence does not relate to the import or export of goods;
- (i) regulation 53(3) (technical assistance relating to gold, precious metals or diamonds) insofar as the offence does not relate to the import or export of goods;
- (j) regulation 54(5) (financial services and funds relating to gold, precious metals or diamonds) insofar as the offence does not relate to the import or export of goods;
- (k) regulation 55(4) and 55(5) (brokering services: non-UK activity relating to gold, precious metals or diamonds) insofar as the offence does not relate to the import or export of goods;
- (l) regulation 56(3) (mining, manufacturing and computer services);
- (m) regulation 57(4) (financial support for trade) insofar as the offence does not relate to the import or export of goods;
- (n) regulation 58(3) (leasing or chartering of ships and aircraft);
- (o) regulation 59(4) (crew services for ships and aircraft);
- (p) regulation 60(3) (ship classification services);
- (q) regulation 61(3) (bunkering or ship supply services).

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<sup>(10)</sup> For the meaning of “the Commissioners”, see regulation 2 of S.I. 2019/135.

<sup>(11)</sup> For the meaning of “relevant offence”, see regulation 38A(3) of S.I. 2019/135.

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 96(1), 96(2), 106(6) and 107(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 90 (trade licences), and
- (b) the prohibited activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 62(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”;

(b) after paragraph (6) insert—

“(7) Any term in this regulation that is defined in regulation 64 (interpretation of Part 6) bears the same meaning as in that regulation.”.

### **Amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019**

**3.—**(1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019<sup>(12)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 33A;”.

(3) In regulation 5(1) (power to designate persons)—

- (a) omit “and” following sub-paragraph (a);
- (b) after sub-paragraph (a), insert—

“(aa) regulation 17A (director disqualification sanctions).”.

(4) After regulation 17 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(13)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(14)</sup>.”.

(5) After regulation 33 (Treasury licences), insert—

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<sup>(12)</sup> S.I. 2019/433, amended by S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; S.I. 2022/819; S.I. 2022.1236; S.I. 2023/121; and S.I. 2023/149.

<sup>(13)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(14)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

**“Director disqualification licences**

**33A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”

(6) In regulation 35(1) (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 36 (finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**36A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”

(8) In regulation 47(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 49(3) (penalties for offences), after “9(6) (confidentiality),” insert “36A (director disqualification: licensing offences),”.

(10) After regulation 54(3) (trade enforcement: application of CEMA) insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 28(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 37(1) or (2), 45(6) and 46(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 34 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 29(2) (circumventing etc prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”

## **Amendment of the South Sudan (Sanctions) (EU Exit) Regulations 2019**

- 4.—(1) The South Sudan (Sanctions) (EU Exit) Regulations 2019<sup>(15)</sup> are amended as follows.
- (2) In regulation 2 (interpretation), in the appropriate place insert—
- ““director disqualification licence” means a licence under regulation 33A;”.
- (3) In regulation 5(1) (power to designate persons)—
- (a) omit “and” following sub-paragraph (a);
- (b) after sub-paragraph (a), insert—
- “(aa) regulation 17A (Director disqualification sanctions);”.
- (4) After regulation 17 (circumventing etc prohibitions), insert—

### **“PART 3A**

#### **Director disqualification sanctions**

##### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(16)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(17)</sup>.”.
- (5) After regulation 33 (Treasury licences), insert—

##### **“Director disqualification licences**

**33A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 35(1) (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

- (7) After regulation 36 (Finance: licensing offences), insert—

##### **“Director disqualification: licensing offences**

**36A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

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<sup>(15)</sup> S.I. 2019/438, amended by S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

<sup>(16)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

<sup>(17)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 47(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 49(3) (penalties for offences), after “9(6) (confidentiality),” insert “36A (director disqualification: licensing offences),”.

(10) After regulation 54(3) (trade enforcement: application of CEMA) insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 28(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 37(1) or (2), 45(6) and 46(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 34 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 29(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

### **Amendment of the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019**

5.—(1) The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019(18) are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 40A;”.

(3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—

“(aa) regulation 18A (director disqualification sanctions).”.

(4) After regulation 18 (circumventing etc prohibitions), insert—

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(18) S.I. 2019/461, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

## “PART 3A

### Director disqualification sanctions

#### Director disqualification sanctions

**18A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(19)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(20)</sup>.”.

(5) After regulation 40 (Treasury licences), insert—

#### “Director disqualification licences

**40A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 18A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 42 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 43 (Finance: licensing offences), insert—

#### “Director disqualification: licensing offences

**43A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 54(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 56(3) (penalties for offences), in the opening words, after “9(6) (confidentiality),” insert “43A (director disqualification: licensing offences),”.

(10) After regulation 61(3) (trade enforcement: application of CEMA) insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

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<sup>(19)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(20)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.



- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 22(3) (supply and delivery of restricted goods from a third country to Iran) insofar as the offence does not relate to military goods, missile-list goods, nuclear-list goods, other restricted goods, graphite and relevant metals;
- (b) regulation 23(3) (making available restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, to military goods and military technology, missile-list goods and missile-list technology, nuclear-list goods and nuclear-list technology, other restricted goods and other restricted technology, and graphite and relevant metals;
- (c) regulation 25(3) (technical assistance relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, to military goods and military technology, missile-list goods and missile-list technology, nuclear-list goods and nuclear list technology, other restricted goods and restricted technology, or graphite and relevant metals;
- (d) regulation 26(5) (financial services and funds relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, to military goods and military technology, missile-list goods and missile-list technology, nuclear-list goods and nuclear-list technology, other restricted goods and restricted technology, or graphite and relevant metals;
- (e) regulation 27(3) (brokering services: non-UK activity relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, to military goods and military technology, missile-list goods and missile list technology, nuclear-list goods and nuclear-list technology, other restricted goods and restricted technology, or graphite and relevant metals.”.

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 44(1) or (2), 52(6) and 53(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 41 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 35(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

(11) After paragraph (6) insert—

“(7) Any term in this regulation that is defined in regulation 34 (interpretation of Part 5: Trade) bears the same meaning as in that regulation.”.

### **Amendment of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019**

6.—(1) The ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019<sup>(21)</sup> are amended as follows.

(2) After regulation 44(3) (trade enforcement: application of CEMA) insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B) or (3C), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 22(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 23(2) (circumventing etc prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

### **Amendment of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019**

7.—(1) The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019<sup>(22)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 31A;”.

(3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—

“(aa) regulation 16A (director disqualification sanctions).”

(4) After regulation 16 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**16A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(23)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(24)</sup>.”.

(5) After regulation 31 (Treasury licences), insert—

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(21) S.I. 2019/466, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/819; S.I. 2022/500; S.I. 2023/121; and S.I. 2023/149.

(22) S.I. 2019/573, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; S.I. 2022/819; and S.I. 2023/149.

(23) 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(24) S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

**“Director disqualification licences**

**31A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 16A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”

- (6) After regulation 32 (Finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**32A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”

- (7) In regulation 40(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions).”

- (8) In regulation 42(3) (penalties for offences), after “9(6) (confidentiality)” insert “or 32A (director disqualification: licensing offences).”

- (9) In regulation 47(3) (trade enforcement: application of CEMA), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraphs (3B) or (3C) unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 26(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 27(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”

- (10) In regulation 57 (notices), after “regulation 31 (Treasury licences)” insert “or regulation 31A (director disqualification licences).”

**Amendment of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019**

**8.—**(1) The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019(25) are amended as follows.

- (2) In regulation 2 (interpretation), in the appropriate place insert—  
 ““director disqualification licence” means a licence under regulation 19A;”.
- (3) In regulation 5 (power to designate persons)—
- (a) the existing text becomes paragraph (1);
  - (b) in that paragraph, for “the purposes of regulations 11 to 15 (asset-freeze etc.)” substitute—  
 “the purposes of any of the following—
    - (a) regulations 11 to 15 (asset-freeze etc.);
    - (b) regulation 16A (director disqualification sanctions);
    - (c) regulation 16B (immigration).”;  - (c) after that paragraph insert—  
 “(2) The Treasury may designate different persons for the purposes of different provisions mentioned in paragraph (1).”.
- (4) After regulation 16 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**16A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(26)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(27)</sup>.”

- (5) After new regulation 16A (director disqualification sanctions), insert—

## “PART 3B

### Immigration

#### **Immigration**

**16B.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is an excluded person for the purposes of section 8B of the Immigration Act 1971<sup>(28)</sup>.”.

- (6) After regulation 19 (Treasury licences), insert—

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<sup>(26)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).  
<sup>(27)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.  
<sup>(28)</sup> 1971 c. 77. Section 8B was inserted by section 8 of the Immigration and Asylum Act 1999 (c. 33); and amended by section 76 of the Immigration Act 2016 (c. 19), and Schedule 3, Part 1 of the Sanctions and Anti-Money Laundering Act 2018.

**“Director disqualification licences**

**19A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 16A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”

(7) After regulation 20 (finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**20A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”

(8) After new regulation 20A (finance: licensing offences), insert—

**“Section 8B(1) to (3) of Immigration Act 1971: directions**

**20B.—**(1) The Secretary of State<sup>(29)</sup> may direct that, in relation to any person within regulation 16B whose name is specified, or who is of a specified description, section 8B(1) and (2) of the Immigration Act 1971, or section 8B(3) of that Act, have effect subject to specified exceptions.

(2) A direction under this regulation—

- (a) may contain conditions;
- (b) must be of a defined duration (and that duration may be expressed in any way, including, for example, being expressed in a way such that the direction ceases to have effect on, or within a specified period after, the occurrence of a specified event).

(3) The Secretary of State may vary, revoke or suspend a direction under this regulation at any time.

(4) On the issue, variation, revocation or suspension of a direction under this regulation, the Secretary of State may take such steps as the Secretary of State considers appropriate to publicise the issue, variation, revocation or suspensions of the direction.

(5) In this regulation “specified” means specified in a direction under this regulation.”

(9) In regulation 26(1)(b)(i) (disclosure of information), for “or Part 3 (Finance)” substitute “, Part 3 (Finance) or Part 3A (Director disqualification sanctions)”.

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<sup>(29)</sup> By virtue of section 15(4)(b) of the Sanctions and Anti-Money Laundering Act 2018, the power to make directions for exceptions where regulations provide for designated persons to be excluded persons for the purposes of section 8B of the Immigration Act 1971 is conferred on an “appropriate Minister”. Section 1(9)(a) of the Sanctions and Anti-Money Laundering Act 2018 defines an “appropriate Minister” as including the Secretary of State.

(10) In regulation 28(2) (penalties for offences), after “9(6) (confidentiality)” insert “or 20A (director disqualification: licensing offences)”.

(11) In regulation 34 (notices), after “regulation 34 (Treasury licences)” insert “or regulation 19A (director disqualification licences)”.

### **Amendment of the Central African Republic (Sanctions) (EU Exit) Regulations 2020**

**9.**—(1) The Central African Republic (Sanctions) (EU Exit) Regulations 2020<sup>(30)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 33A;”.

(3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—

“(aa) regulation 17A (director disqualification sanctions).”

(4) After regulation 17 (circumventing etc. prohibitions), insert—

## **“PART 3A**

### **Director disqualification sanctions**

#### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

(a) section 11A of the Company Directors Disqualification Act 1986<sup>(31)</sup>, and

(b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(32)</sup>.”

(5) After regulation 33 (Treasury licences), insert—

#### **“Director disqualification licences**

**33A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

(a) section 11A(1) of the Company Directors Disqualification Act 1986, and

(b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 35 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 36 (finance: licensing offences), insert—

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<sup>(30)</sup> S.I. 2020/616, amended by S.I. 2020/950; S.I. 2022/500; S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

<sup>(31)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(32)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

**“Director disqualification: licensing offences**

**36A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 47(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 49(3) (penalties for offences), after “9(6) (confidentiality),” insert “36A (director disqualification: licensing offences),”.

(10) In regulation 54(3) (trade enforcement: application of CEMA), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraphs (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 28(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 37(1) or (2), 45(6) and 46(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 34 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 29(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

**Amendment of the Somalia (Sanctions) (EU Exit) Regulations 2020**

**10.—**(1) The Somalia (Sanctions) (EU Exit) Regulations 2020(**33**) are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 47A;”.

(3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—

“(aa) regulation 17A (director disqualification sanctions);”.

(4) After regulation 17 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### Director disqualification sanctions

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(34)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(35)</sup>.”.

(5) After regulation 47 (Treasury licences), insert—

#### “Director disqualification licences

**47A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 49 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 50 (Finance: licensing offences), insert—

#### “Director disqualification: licensing offences

**50A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 61(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 63(3) (penalties for offences), after “9(6) (confidentiality),” insert “50A (director disqualification: licensing offences),”.

(10) In regulation 68 (trade enforcement: application of CEMA), after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

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<sup>(34)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(35)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.



- (a) a referral to the Commissioners by the Secretary of State, or
  - (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).
- (3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—
- (a) regulation 35(3) (enabling or facilitating the conduct of armed hostilities: designated persons);
  - (b) regulation 36(3) (enabling or facilitating the conduct of armed hostilities);
  - (c) regulation 38(3) (purchase etc. of charcoal) insofar as the offence does not relate to the import or export of goods;
  - (d) regulation 39(4) (transport of charcoal);
  - (e) regulation 40(3) (prohibitions relating to the associated provision of financial services and funds) insofar as the offence does not relate to the import or export of goods.
- (3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 51(1) and (2), 59(6) and 60(5) insofar as—
- (a) the suspected offence relates to a licence issued under regulation 48 (trade licences), and
  - (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).
- (3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 41(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

### **Amendment of the Mali (Sanctions) (EU Exit) Regulations 2020**

- 11.**—(1) The Mali (Sanctions) (EU Exit) Regulations 2020<sup>(36)</sup> are amended as follows.
- (2) In regulation 2 (interpretation), in the appropriate place insert—  
““director disqualification licence” means a licence under regulation 22A;”.
  - (3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—  
“(aa) regulation 17A (director disqualification sanctions);”.
  - (4) After regulation 17 (circumventing etc. prohibitions), insert—

## **“PART 3A**

### **Director disqualification sanctions**

#### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(37)</sup>, and

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<sup>(36)</sup> S.I. 2020/705, amended by S.I. 2020/1397; S.I. 2022/500; S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

<sup>(37)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

(b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(38)</sup>.”.

(5) After regulation 22 (Treasury licences), insert—

**“Director disqualification licences**

**22A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) After regulation 23 (Finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**23A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(7) In regulation 30(1)(b)(i) (disclosure of information), for “or Part 3 (Finance)” substitute “, Part 3 (Finance) or Part 3A (Director disqualification sanctions)”.

(8) In regulation 32(2) (penalties for offences), after “9(6) (confidentiality)” insert “or 23A (director disqualification: licensing offences)”.

(9) In regulation 38 (notices), after “regulation 22 (Treasury licences)” insert “or regulation 22A (director disqualification licences)”.

**Amendment of the Iraq (Sanctions) (EU Exit) Regulations 2020**

**12.—**(1) The Iraq (Sanctions) (EU Exit) Regulations 2020<sup>(39)</sup> are amended as follows.

(2) In regulation 55 (trade enforcement: application of CEMA), after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

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<sup>(38)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

<sup>(39)</sup> S.I. 2020/707, amended by S.I. 2022/500; S.I. 2022/819; S.I. 2023/121 and S.I. 2023/149.

- (a) regulation 23(3) (supply and delivery of illegally removed Iraqi cultural property);
  - (b) regulation 24(3) (making available and acquisition of illegally removed Iraqi cultural property) insofar as the offence does not relate to the import or export of goods;
  - (c) regulation 25(3) (financial services and funds relating to illegally removed Iraqi cultural property) insofar as the offence does not relate to the import or export of goods;
  - (d) regulation 26(3) (brokering services: non-UK activity relating to illegally removed Iraqi cultural property) insofar as the offence does not relate to the import or export of goods;
  - (e) regulation 27(3) (holding or controlling illegally removed Iraqi cultural property) insofar as the offence does not relate to the import or export of goods.
- (3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 39(1), 39(2), 46(6) and 47(5) (trade licensing and information offences) insofar as—
- (a) the suspected offence relates to a licence issued under regulation 36 (trade licences), and
  - (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).
- (3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 28(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

### **Amendment of the Sudan (Sanctions) (EU Exit) Regulations 2020**

- 13.**—(1) The Sudan (Sanctions) (EU Exit) Regulations 2020<sup>(40)</sup> are amended as follows.
- (2) In regulation 2 (interpretation), in the appropriate place insert—  
““director disqualification licence” means a licence under regulation 34A;”.
  - (3) In regulation 5(1) (power to designate persons)—
    - (a) omit “and” following sub-paragraph (a),
    - (b) after sub-paragraph (a), insert—  
“(aa) regulation 17A (director disqualification sanctions);”.
  - (4) After regulation 17 (circumventing etc. prohibitions), insert—

## **“PART 3A**

### **Director disqualification sanctions**

#### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

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<sup>(40)</sup> S.I. 2020/753, amended by S.I. 2022/500; S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(41)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(42)</sup>.”.

(5) After regulation 34 (Treasury licences), insert—

**“Director Disqualification licences**

**34A.**—(1) The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

(6) In regulation 36 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 37 (Finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**37A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 48(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 50(3) (penalties for offences), after “9(6) (confidentiality),” insert “37A (director disqualification: licensing offences),”.

(10) In regulation 55 (trade enforcement: application of CEMA), after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 28(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 38(1) and (2), 46(6) and 47(5) (trade licensing and information offences) insofar as—

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<sup>(41)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(42)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

- (a) the suspected offence relates to a licence issued under regulation 35 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 29(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

#### **Amendment of the Afghanistan (Sanctions) (EU Exit) Regulations 2020**

14.—(1) The Afghanistan (Sanctions) (EU Exit) Regulations 2020(43) are amended as follows.

(2) After regulation 44(3) (trade enforcement: application of CEMA) insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraphs (3B) or (3C) unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 22(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 23(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

#### **Amendment of the Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020**

15.—(1) The Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020(44) are amended as follows.

(2) In regulation 24 (trade enforcement: application of CEMA), after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraphs (3B) or (3C), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 8(3) (supply and delivery of illegally removed Syrian cultural property);
- (b) regulation 9(3) (making available and acquisition of illegally removed Syrian cultural property) insofar as the offence does not relate to the import or export of goods;

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(43) S.I. 2020/948, amended by S.I. 2020/1397, S.I. 2022/819, S.I. 2022/500 and S.I. 2023/149.

(44) S.I. 2020/1233.

- (c) regulation 10(3) (financial services and funds relating to illegally removed Syrian cultural property) insofar as the offence does not relate to the import or export of goods;
- (d) regulation 11(3) (brokering services: non-UK activity relating to illegally removed Syrian cultural property) insofar as the offence does not relate to the import or export of goods;
- (e) regulation 12(3) (holding or controlling illegally removed Syrian cultural property) insofar as the offence does not relate to the import or export of goods.

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 13(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

### **Amendment of the Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020**

- 16.**—(1) The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020<sup>(45)</sup> are amended as follows.
- (2) In regulation 2 (interpretation), in the appropriate place insert—
    - ““director disqualification licence” means a licence under regulation 33A;”.
  - (3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—
    - “(aa) regulation 17A (director disqualification sanctions);”.
  - (4) After regulation 17 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(46)</sup>, and
  - (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(47)</sup>.”.
- (5) After regulation 33 (Treasury licences), insert—

#### **“Director disqualification licences**

**33A.**—(1) The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

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<sup>(45)</sup> S.I. 2020/1278, amended by S.I. 2022/819; S.I. 2023/121; and S.I. 2023/149.

<sup>(46)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(47)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

do not apply to anything done under the authority of that licence.”.

(6) In regulation 35 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

(7) After regulation 36 (Finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**36A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 47(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions)”.

(9) In regulation 49(3) (penalties for offences), after “9(6) (confidentiality),” insert “36A (director disqualification: licensing offences),”.

(10) After regulation 54(3) (trade enforcement: application of CEMA), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under regulation 27(3) (enabling or facilitating the conduct of armed hostilities).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 37(1) or (2), 45(6) and 46(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 34 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 28(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

**Amendment of the Libya (Sanctions) (EU Exit) Regulations 2020**

**17.**—(1) The Libya (Sanctions) (EU Exit) Regulations 2020(48) are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place insert—

““director disqualification licence” means a licence under regulation 48A;”.

- (3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—  
“(aa) regulation 21A (director disqualification sanctions);”.
- (4) After regulation 21 (circumventing etc. prohibitions), insert—

## “PART 3A

### Director disqualification sanctions

#### **Director disqualification sanctions**

**21A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986<sup>(49)</sup>, and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002<sup>(50)</sup>.”.

- (5) After regulation 48 (Treasury licences), insert—

#### **“Director disqualification licences**

**48A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 21A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

- (6) In regulation 51 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

- (7) After regulation 52 (Finance: licensing offences), insert—

#### **“Director disqualification: licensing offences**

**52A.—**(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

- (8) In regulation 64(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

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<sup>(49)</sup> 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

<sup>(50)</sup> S.I. 2002/3150 (N.I. 4). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.



(9) In regulation 66(3) (penalties for offences), after “9(6) (confidentiality),” insert “52A (director disqualification: licensing offences),”.

(10) In regulation 71 (trade enforcement: application of CEMA)—

(a) after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraphs (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 25(3) (supply and delivery of certain goods) insofar as the offence does not relate to internal repression goods or military goods;
- (b) regulation 26(3) (making available or acquiring certain goods and technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, or does not relate to internal repression goods or internal repression technology, military goods or military technology;
- (c) regulation 28(3) (technical assistance relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, or does not relate to internal repression goods and internal repression technology, military goods and military technology;
- (d) regulation 29(5) (financial services and funds relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, or does not relate to internal repression goods and internal repression technology, military goods and military technology;
- (e) regulation 30(3) (brokering services: non-UK activity relating to restricted goods and restricted technology) insofar as the offence does not relate to the import or export of goods or the transfer of technology to or from the UK, or does not relate to internal repression goods and internal repression technology, military goods and military technology;
- (f) regulation 31(3) (enabling or facilitating the conduct of armed hostilities);
- (g) regulation 35(3) (transporting etc. Libyan oil in relation to UN designated ships) insofar as the offence does not relate to the import or export of goods;
- (h) regulation 37(3) (bunkering or ship supply services).

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 53(1), 53(2), 62(6) and 63(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 49 (trade licences), and
- (b) the prohibited activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 33(2) (circumventing etc. prohibitions) or regulation 39(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected

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offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”;

(b) after paragraph (6) insert—

“(7) Any term in this regulation that is defined in Chapter 3 of Part 5 (Trade) bears the same meaning as in that Chapter of that Part.”.

14th May 2024

*Andrew Mitchell*  
Minister of State  
Foreign, Commonwealth and Development  
Office

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## EXPLANATORY NOTE

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

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”).

These Regulations make amendments to number of sanctions regulations, which have been made under section 1 of the Sanctions Act.

These Regulations amend the following sanctions regulations to introduce a new power to designate persons for the purpose of disqualifying those persons from being a director of a company or directly or indirectly taking part in or being concerned in the promotion, formation or management of a company; namely—

- the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/411),
- the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433),
- the South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438),
- the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (S.I. 2019/461),
- the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/573),
- the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/577),
- the Central African Republic (Sanctions) (EU Exit) Regulations (S.I. 2020/616),
- the Somalia (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/642),
- the Mali (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/705),
- the Sudan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/753),
- the Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1278), and
- the Libya (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/1665).

The Regulations also amend the following sanctions regulations to make amendment to the provisions relating to the enforcement of trade sanctions, in particular as regards the application of enforcement provisions of the Customs and Excise Management Act 1979 (c. 2)—

- the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019,
- the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019,
- the South Sudan (Sanctions) (EU Exit) Regulations 2019,
- the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466),
- the Central African Republic (Sanctions) (EU Exit) Regulations 2020,
- the Iraq (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/707),
- the Sudan (Sanctions) (EU Exit) Regulations 2020,
- the Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020 (S.I. 2020/1233), and
- the Libya (Sanctions) (EU Exit) Regulations 2020.

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They also amend the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 to introduce immigration sanctions to that regime.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment was, however, produced for the Sanctions Act and can be found at—

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/653271/Sanctions\\_and\\_Anti-Money\\_Laundering\\_Bill\\_Impact\\_Assessment\\_18102017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf)