
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) to amend the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855) (“the 2019 Regulations”). The Regulations add new trade sanctions to Part 5 (Trade) of the 2019 Regulations.

New regulation 54A of the 2019 Regulations (inserted by regulation 5 of these Regulations) requires providers of social media services, internet access services (i.e. internet service providers) and application stores to take reasonable steps to prevent their users in the United Kingdom from encountering or accessing online content generated by designated persons. Regulation 5 of the 2019 Regulations (amended by regulation 4 of these Regulation) confers on the Secretary of State the power to designate a person for the purposes of new regulation 54A. Failure to comply with a requirement imposed under new regulation 54A is a criminal offence.

New regulation 77A of the 2019 regulations (inserted by regulation 7 of these Regulations) confers on OFCOM the power to request a person to provide information for the purpose of monitoring compliance with or detecting evasion of new regulation 54A.

New regulation 88A of the 2019 regulations (inserted by regulation 11 of these Regulations) confers on OFCOM the power to impose civil monetary penalties, of up to £1,000,000, in relation to a failure to comply with a requirement imposed under new regulation 54A or a failure to comply with any request for information or documents. New regulation 88B sets out the procedure for imposing such a penalty.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for business, but the costs will be relatively insignificant and the impact is estimated to be below £5 million per year.

An impact assessment was, however, produced for the primary legislation and can be found at:

<https://www.gov.uk/government/publications/sanctions-and-anti-money-laundering-bill-impactassessment>.