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**2000 No. 1472**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, NORTHERN IRELAND  
CRIMINAL LAW, SCOTLAND**

**The Burma (Freezing of Funds) Regulations 2000**

*Made* - - - - - *5th June 2000*

*Laid before Parliament* *6th June 2000*

*Coming into force* - - *7th June 2000*

Whereas the Treasury are a government department designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to (i) measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States, and (ii) measures relating to the movement of capital and to payments, between Member States and between Member States and countries which are not Member States;

Now, therefore, the Treasury, in exercise of the powers conferred on them by that section, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Burma (Freezing of Funds) Regulations 2000, and shall come into force on 7th June 2000.

(2) In these Regulations—

- (a) “body corporate” includes a Scottish partnership and, in relation to such a partnership, any reference to a director of a body corporate is a reference to a partner; and
- (b) “the EC Regulation” means Council Regulation (EC) No. 1081/2000 of 22nd May 2000<sup>(c)</sup> prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country.

**Breaches of the EC Regulation**

2. Any person who commits a breach of:

- (a) Article 2 of the EC Regulation; or
- (b) Article 5 of the EC Regulation so far as it relates to Article 2,

shall be guilty of an offence.

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<sup>(a)</sup> S.I. 1994/757.

<sup>(b)</sup> 1972 c. 68.

<sup>(c)</sup> O.J. L122, 24.5.2000, p.29

**Information**

3. The Schedule to these Regulations shall have effect in order to facilitate the obtaining, by or on behalf of the Treasury or the Bank of England, of information for the purpose of ensuring compliance with the EC Regulation.

**Penalties and proceedings**

4.—(1) Any person guilty of an offence under regulation 2 above or under paragraph 2(b) or (c) of the Schedule to these Regulations shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum, or both.

(2) Any person guilty of an offence under paragraph 2(a) of the Schedule to these Regulations shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(3) Where any body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Proceedings against any person for an offence under these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(5) No proceedings for an offence under these Regulations, other than a summary offence, shall be instituted in England, Wales or Northern Ireland except by or with the consent of the Secretary of State, the Treasury or the Attorney General or, as the case may be, the Attorney General for Northern Ireland:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

*Bob Ainsworth*

*Jim Dowd*

Two of the Lords Commissioners  
of Her Majesty's Treasury

5th June 2000

## SCHEDULE INFORMATION

Regulation 3

1.—(1) The Treasury or the Bank of England (or any person authorised by the Treasury or the Bank of England for that purpose either generally or in a particular case) (“the requesting authority”) may request any person in or resident in the United Kingdom to furnish to the requesting authority any information in his possession or control, or to produce to the requesting authority any document in his possession or control, which the requesting authority may require for the purpose of ensuring compliance with the EC Regulation; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in sub-paragraph (1) shall require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted of an offence under this Schedule of failing to furnish any information or produce any document, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

2. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule;
- (b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule; or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence.

3. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule shall be disclosed except:

- (a) with the consent of the person by whom the information was furnished or the document was produced: provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to possession of that document in his own right; or
- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom; or
- (c) on the authority of the Treasury, to the Commission of the Communities or to any of the competent authorities listed in Annex III to the EC Regulation, for the purpose of assisting the Commission or that competent authority to ensure compliance with the EC Regulation; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under these Regulations.

**EXPLANATORY NOTE**

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

These Regulations provide that breaches of certain provisions of Council Regulation (EC) No. 1081/2000 of 22nd May 2000 (“the EC Regulation”) are to be criminal offences. The provisions in question are:

- Article 2, which provides for the freezing of funds of certain persons related to important government functions in Burma, and prohibits the making of funds available to or for the benefit of those persons;
- Article 5, which prohibits the knowing and intentional participation in activities the object or effect of which is to circumvent the provisions of the EC Regulation.

These Regulations make provision for information to be requested by or on behalf of the Treasury or the Bank of England for the purposes of ensuring compliance with the EC Regulation. Failure to provide such information, the provision of false information or the suppression of information is made a criminal offence.

Provision is made with respect to penalties and proceedings for offences under the Regulations.

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