
STATUTORY INSTRUMENTS

2019 No. 136

The Burma (Sanctions) (EU Exit) Regulations 2019

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Burma (Sanctions) (EU Exit) Regulations 2019.
- (2) These Regulations come into force in accordance with regulations made under section 56 of the Act.

Interpretation

2. In these Regulations—

- “the Act” means the Sanctions and Anti-Money Laundering Act 2018;
- “arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);
- “Burma” means the territory of the Republic of the Union of Myanmar;
- “the Burma security forces” means the Tatmadaw and the Myanmar Police Force, including the Border Guard Police, and any person acting on their behalf or under their command or control;
- “CEMA” means the Customs and Excise Management Act 1979⁽¹⁾;
- “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;
- “conduct” includes acts and omissions;
- “document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;
- “the Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;
- “the EU Burma Regulation” means Council Regulation (EU) No 401/2013 of 2 May 2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No 194/2008⁽²⁾, as it has effect in EU law;
- “the Government of Burma” includes its public bodies, corporations or agencies, or any person acting on its behalf or at its direction;

(1) 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

(2) OJ L 121 3.5.2013, p. 1.

“humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in Burma for the benefit of the civilian population there;

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4;

“the Tatmadaw” means the Myanmar Armed Forces;

“trade licence” means a licence under regulation 36;

“Treasury licence” means a licence under regulation 35(1);

“United Kingdom person” has the same meaning as in section 21 of the Act.

Application of prohibitions and requirements outside the United Kingdom

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) In paragraphs (1) and (2) a “relevant prohibition” means any prohibition imposed—

(a) by regulation 9(2) (confidential information),

(b) by Part 3 (Finance),

(c) by Part 5 (Trade), or

(d) by a condition of a Treasury licence or a trade licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.

(6) In paragraphs (4) and (5) a “relevant requirement” means any requirement imposed—

(a) by or under Part 7 (Information and records), or by reason of a request made under a power conferred by that Part, or

(b) by a condition of a Treasury licence or a trade licence.

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

Purposes

4. The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Burma security forces to comply with international human rights law and to respect human rights, including in particular, to—

(a) respect the right to life of persons in Burma, particularly in relation to the Rohingya;

(b) respect the right of persons in Burma not to be subjected to forced deportation or forcible transfer from Burma, particularly in relation to the Rohingya;

(c) respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Burma;

(d) respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Burma;

(e) afford persons in Burma charged with criminal offences the right to a fair trial;

- (f) afford journalists, human rights defenders and other persons in Burma the right to freedom of expression and peaceful assembly;
- (g) secure the human rights of persons in Burma without discrimination, in particular in relation to discrimination on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.