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## STATUTORY INSTRUMENTS

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### 2019 No. 466

#### The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019

#### PART 10

##### Supplementary and final provision

##### Notices

**54.**—(1) This regulation applies in relation to a notice required by regulation 29 (Treasury licences) to be given to a person.

(2) The notice may be given to an individual—

- (a) by delivering it to the individual,
- (b) by sending it to the individual by post addressed to the individual at his or her usual or last-known place of residence or business, or
- (c) by leaving it for the individual at that place.

(3) The notice may be given to a person other than an individual—

- (a) by sending it by post to the proper officer of the body at its principal office, or
- (b) by addressing it to the proper officer of the body and leaving it at that office.

(4) The notice may be given to the person by other means, including by electronic means, with the person's consent.

(5) In this regulation, the reference in paragraph (3) to a “principal office”—

- (a) in relation to a registered company, is to be read as a reference to the company's registered office;
- (b) in relation to a body incorporated or constituted under the law of a country other than the United Kingdom, includes a reference to the body's principal office in the United Kingdom (if any);

(6) In this regulation—

“proper officer”—

- (a) in relation to a body other than a partnership, means the secretary or other executive officer charged with the conduct of the body's general affairs; and
- (b) in relation to a partnership, means a partner or a person who has the control or management of the partnership business;

“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom.

#### Commencement Information

- I1** Reg. 54 not in force at made date, see reg. 1(2)  
**I2** Reg. 54 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Trade: overlapping offences

**55.** A person is not to be taken to commit an offence under the Export Control Order 2008 if the person would, in the absence of this regulation, commit an offence under both—

- (a) article 34 of that Order, and
- (b) any provision of Part 4 (trade).

#### Commencement Information

- I3** Reg. 55 not in force at made date, see reg. 1(2)  
**I4** Reg. 55 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Revocation of the ISIL (Da'esh) and Al-Qaida Council Regulation

**56.** Council Regulation ([EC](#)) No 881/2002 of 27 May 2002 imposing certain specific measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations is revoked.

#### Commencement Information

- I5** Reg. 56 not in force at made date, see reg. 1(2)  
**I6** Reg. 56 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Amendment to the ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011

**57.—**(1) The ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011<sup>M1</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) in paragraph (1)—
    - (i) omit the words from “the 2002 Council Regulation” to “time to time;” the first time they appear;
    - (ii) in the definition of “designated person”, omit “Annex I to the 2002 Council Regulation or”;
  - (b) in paragraph (3), omit the words from “Where the 2002 Council Regulation applies” to “Where the 2016 Council Regulation applies,”.
- (3) In regulation 8 (credits to a frozen account)—
  - (a) omit paragraph (1);
  - (b) in paragraph (3) omit “1(b) or”.

#### Commencement Information

- I7** Reg. 57 not in force at made date, see reg. 1(2)  
**I8** Reg. 57 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M1** [S.I. 2011/2742](#) as amended by [S.I. 2018/1149](#); [S.I. 2018/682](#); [S.I. 2017/754](#); [S.I. 2017/560](#); [S.I. 2016/937](#); [S.I. 2013/472](#); and the [Wales Act 2014 \(c.29\)](#). The amendments do not apply to those persons designated by the EU under EU Regulation 1686 of 20 September 2016 which is the EU's autonomous ISIL (Da'esh) and Al-Qaida regime.

### Amendment to the Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011

**58.**—(1) The Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011<sup>M2</sup> are amended as follows.

(2) In regulation 3 (interpretation) omit the words from “the Al-Qaida Regulation” to “time to time;” the first time they appear.

(3) Omit regulation 4.

(4) In regulation 7(1) (penalties) omit “4 or”.

(5) In regulation 9(2) and (3)(a) (review)—

(a) omit “the Al-Qaida Regulation and”;

(b) for “them” substitute “ it ”;

(c) for “those regulations” substitute “ that Regulation ”.

#### Commencement Information

- I9** Reg. 58 not in force at made date, see reg. 1(2)  
**I10** Reg. 58 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M2** [S.I. 2011/2649](#), to which there are amendments not relevant to these Regulations.

### [<sup>F1</sup> Amendment of the Charities Act 2011

**58A.**—(1) The Charities Act 2011 is amended as set out in paragraph (2).

(2) In section 178(1), in Case J, before paragraph (b) insert—

“(aa) regulations 8 to 12 of the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466),”.

- F1** Regs. 58A, 58B inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Consequential Provisions\) \(Amendment\) Regulations 2020 \(S.I. 2020/1289\)](#), regs. 1(2), [2\(2\)](#); [S.I. 2020/1514](#), reg. 21

## Amendment of the Sanctions and Anti-Money Laundering Act 2018

**58B.**—(1) The Sanctions and Anti-Money Laundering Act 2018 is amended as set out in paragraph (2).

(2) In section 49(3), in the definition of “terrorist financing”, after paragraph (b) insert—

“(ba) any of regulations 8 to 13 of the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466),”.]

**F1** Regs. 58A, 58B inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Consequential Provisions\) \(Amendment\) Regulations 2020 \(S.I. 2020/1289\)](#), regs. 1(2), **2(2)**; [S.I. 2020/1514](#), reg. 21

## Transitional provision: Treasury licences

**59.**—(1) Paragraphs (2) to (4) apply to a licence which—

- (a) was granted, or deemed to be granted, by the Treasury under regulation 9<sup>M3</sup> of the 2011 Regulations in respect of a person named on the ISIL (Da'esh) and Al-Qaida Sanctions List, and
- (b) was in effect immediately before the relevant date, and
- (c) authorises conduct which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited under Part 3 (finance),

and such a licence is referred to in this regulation as “an existing financial sanctions licence”.

(2) An existing financial sanctions licence [<sup>F2</sup>which authorises an act which would otherwise be prohibited] has effect on and after the relevant date as if it had been issued by the Treasury under regulation 29(1) (Treasury licences).

(3) Any reference in an existing financial sanctions licence to the 2011 Regulations or the 2010 Regulations is to be treated on and after the relevant date as a reference to these Regulations.

(4) Any reference in an existing financial sanctions licence to a prohibition in—

- (a) the 2011 Regulations,
- (b) the 2010 Regulations, or
- (c) the EU ISIL (Da'esh) and Al-Qaida Regulation,

is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3.

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the 2011 Regulations was made before the relevant date,
- (b) the application is for the authorisation of conduct which would (on or after the relevant date) be prohibited under Part 3, and
- (c) a decision to grant or refuse the application has not been made before that date.

(6) The application is to be treated on or after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 29 (Treasury licences).

(7) In this regulation—

“the EU ISIL (Da'esh) and Al-Qaida Regulation” means Council Regulation [\(EC\) No 881/2002](#) of 27 May 2002<sup>M4</sup> (restrictive measures against ISIL (Da'esh) and Al-Qaida) as it has effect in EU law;

“the 2010 Regulations” means the Al-Qaida and Taliban (Asset-Freezing) Regulations 2010<sup>M5</sup>;

“the 2011 Regulations” means the ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011;

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

**F2** Words in reg. 59(2) inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), [regs. 1\(2\), 6\(4\)](#); [S.I. 2020/1514](#), [reg. 5](#)

#### Commencement Information

- I11** Reg. 59 not in force at made date, see reg. 1(2)
- I12** Reg. 59 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

- M3** Regulation 20 of [S.I. 2011/2742](#) provides that licences granted under regulation 7 of [S.I. 2010/1197](#) have effect as if they were granted under regulation 9 of [S.I. 2011/2742](#).
- M4** OJ L 139 29.5.2002, p.1.
- M5** [S.I. 2010/1197](#). [S.I. 2010/1197](#) was revoked by [S.I. 2011/2742](#).

### Transitional provisions: prior obligations

**60.**—(1) Where—

- (a) a person was named on the ISIL (Da'esh) and Al-Qaida Sanctions List, and
- (b) the person is a designated person immediately before the relevant date,

any reference in regulation 27(5) (finance: exceptions from prohibitions) to the date on which a person became a designated person is a reference to the date on which the person was named on the ISIL (Da'esh) and Al-Qaida Sanctions List.

(2) In this regulation—

“designated person” has the same meaning as it has in Part 3 (Finance);

“the relevant date” means—

- (a) where regulations under section 56 of the Act provide that Part 3 comes into force at a specified time on a day, that time on that day;
- (b) otherwise, the date on which Part 3 comes into force.

#### Commencement Information

- I13** Reg. 60 not in force at made date, see reg. 1(2)
- I14** Reg. 60 in force at 31.12.2020 on IP completion day by [S.I. 2019/627](#), [reg. 9\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019, PART 10.