

STATUTORY INSTRUMENTS

2019 No. 573

The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019

PART 2

Designation of persons

Power to designate persons

5.—(1) The Secretary of State may designate persons ^{M1} by name, for the purposes of any of the following—

- (a) regulations 11 to 15 (asset freeze etc.);
- (b) regulation 17 (immigration);
- (c) regulations 19 to 26 (trade).

(2) The Secretary of State may designate different persons for the purposes of different provisions mentioned in paragraph (1).

Commencement Information

- I1** Reg. 5 not in force at made date, see [reg. 1\(2\)](#)
- I2** [Reg. 5](#) in force at 25.3.2019 by [S.I. 2019/627](#), [reg. 11\(1\)\(d\)](#)

Marginal Citations

- M1** [Section 9\(5\)](#) of the Act defines person as including (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

Criteria for designating a person

6.—(1) The Secretary of State may not designate a person under regulation 5 unless the Secretary of State—

- (a) has reasonable grounds to suspect that that person is an involved person, and
- (b) considers that the designation of that person is appropriate, having regard to—
 - (i) the purposes stated in regulation 4, and
 - (ii) the likely significant effects of the designation on that person (as they appear to the Secretary of State to be on the basis of the information that the Secretary of State has).

(2) In this regulation an “involved person” means a person who—

- (a) is or has been involved in terrorist activity,

- (b) is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person who is or has been so involved,
- (c) is acting on behalf of or at the direction of a person who is or has been so involved, or
- (d) is a member of, or associated with, a person who is or has been so involved.

(3) Any reference in this regulation to being involved in terrorist activity includes being so involved in whatever way and wherever any actions constituting the involvement take place, and in particular includes—

- (a) being responsible for, engaging in, or providing support for, the commission, preparation or instigation of acts of terrorism,
- (b) providing financial services, or making available funds or economic resources, for the purposes of terrorism,
- (c) facilitating, promoting or encouraging terrorism,
- (d) providing or receiving training for the purposes of terrorism,
- (e) travelling or attempting to travel from or into the relevant territory for the purposes of terrorism,
- (f) carrying out recruitment activities for a person who is involved in terrorism,
- (g) being involved in the sale, supply or transfer of arms or material related to arms to a person who is involved in terrorism,
- (h) engaging in trade of whatever description with a person who is involved in terrorism;
- (i) being responsible for, engaging in, being complicit in, providing support for, or promoting, the abduction, enslavement, forced marriage or rape of, or sexual violence against, persons outside the relevant territory on behalf of, or in the name of, a person who is involved in terrorism;
- (j) supporting or assisting any person who is known or believed by the person concerned to be involved in any activity as mentioned in paragraphs (a) to (i); or
- (k) [^{F1}being involved] in assisting the contravention or circumvention of any relevant provision.

(4) In this regulation “recruitment activities” means—

- (a) soliciting another person to—
 - (i) become a member of a person, other than an individual, involved in terrorism, or
 - (ii) participate in any act by, in conjunction with, in the name of, on behalf of or in support of a person involved in terrorism;
- (b) soliciting or otherwise procuring funds for the purpose of financing the travel of a person solicited as mentioned in sub-paragraph (a);
- (c) organising, providing support for or otherwise facilitating the travel of a person solicited as mentioned in sub-paragraph (a).

(5) In this regulation—

being “associated with” a person includes pledging allegiance in whatever way to that person; “promoting or encouraging” terrorism includes a reference to a person who promotes or encourages terrorism within the meaning of section 3 of the Terrorism Act 2000 ^{M2};

“relevant provision” means—

- (a) any provision of Part 3 (finance) or Part 5 (trade);
- (b) any provision of the law of a country other than the United Kingdom made for purposes corresponding to a purpose of any provision of Part 3 or Part 5;

“relevant territory” means the United Kingdom and the territory of the Member States of the European Union.

(6) Nothing in any sub-paragraph of paragraph (3) is to be taken to limit the meaning of any of the other sub-paragraphs of that paragraph.

F1 Words in [reg. 6\(3\)\(k\)](#) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/819\)](#), regs. 1(2), 7(2)

Commencement Information

I3 Reg. 6 not in force at made date, see [reg. 1\(2\)](#)

I4 [Reg. 6](#) in force at 25.3.2019 by [S.I. 2019/627](#), [reg. 11\(1\)\(e\)](#)

Marginal Citations

M2 [2000 c. 11](#). Section 3 was amended by section 21 of the [Terrorism Act 2006 \(c. 11\)](#).

Meaning of “owned or controlled directly or indirectly”

7.—(1) A person who is not an individual (“C”) is “owned or controlled directly or indirectly” by another person (“P”) if either of the following two conditions is met (or both are met).

(2) The first condition is that P—

- (a) holds directly or indirectly more than 50% of the shares in C,
- (b) holds directly or indirectly more than 50% of the voting rights in C, or
- (c) holds the right directly or indirectly to appoint or remove a majority of the board of directors of C.

(3) The Schedule to these Regulations contains provision applying for the purpose of interpreting paragraph (2).

(4) The second condition is that it is reasonable, having regard to all the circumstances, to expect that P would (if P chose to) be able, in most cases or in significant respects, by whatever means and ^{F2}... whether directly or indirectly, to achieve the result that affairs of C are conducted in accordance with P's wishes.

F2 Reg. 7(4): comma omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), regs. 1(2), 7(2); [S.I. 2020/1514](#), [reg. 5](#)

Commencement Information

I5 Reg. 7 not in force at made date, see [reg. 1\(2\)](#)

I6 Reg. 7 in force at 25.3.2019 by [S.I. 2019/627](#), [reg. 11\(1\)\(f\)](#)

Notification and publicity where designation power used

8.—(1) Paragraph (2) applies where the Secretary of State—

- (a) has made a designation under regulation 5, or
- (b) has by virtue of section 22 of the Act varied or revoked a designation made under that regulation.

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform the designated person of the designation, variation or revocation, and

(b) must take steps to publicise the designation, variation or revocation.

(3) The information given under paragraph (2)(a) where a designation is made must include a statement of reasons.

(4) In this regulation a “statement of reasons”, in relation to a designation, means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to the designated person which have led the Secretary of State to make the designation.

(5) Matters that would otherwise be required by paragraph (4) to be included in a statement of reasons may be excluded from it where the Secretary of State considers that they should be excluded—

- (a) in the interests of national security or international relations,
- (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (c) in the interests of justice.

(6) The steps taken under paragraph (2)(b) must—

- (a) unless one or more of the restricted publicity conditions is met, be steps to publicise generally—
 - (i) the designation, variation or revocation, and
 - (ii) in the case of a designation, the statement of reasons;
- (b) if one or more of those conditions is met, be steps to inform only such persons as the Secretary of State considers appropriate of the designation, variation or revocation and (in the case of a designation) of the contents of the statement of reasons.

(7) The “restricted publicity conditions” are as follows—

- (a) the designation is of a person believed by the Secretary of State to be an individual under the age of 18;
- (b) the Secretary of State considers that disclosure of the designation, variation or revocation should be restricted—
 - (i) in the interests of national security or international relations,
 - (ii) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
 - (iii) in the interests of justice.

(8) Paragraph (9) applies if—

- (a) when a designation is made, one or more of the restricted publicity conditions is met, but
- (b) at any time when the designation has effect, it becomes the case that none of the restricted publicity conditions is met.

(9) The Secretary of State must—

- (a) take such steps as are reasonably practicable to inform the designated person that none of the restricted publicity conditions is now met, and
- (b) take steps to publicise generally the designation and the statement of reasons relating to it.

Commencement Information

I7 Reg. 8 not in force at made date, see [reg. 1\(2\)](#)

I8 [Reg. 8](#) in force at 25.3.2019 by [S.I. 2019/627](#), [reg. 11\(1\)\(g\)](#)

Confidential information in certain cases where designation power used

9.—(1) Where the Secretary of State in accordance with regulation 8(6)(b) informs only certain persons of a designation, variation or revocation and (in the case of a designation) of the contents of the statement of reasons, the Secretary of State may specify that any of that information is to be treated as confidential.

(2) A person (“P”) who—

(a) is provided with information that is to be treated as confidential in accordance with paragraph (1), or

(b) obtains such information,

must not, subject to paragraph (3), disclose it if P knows, or has reasonable cause to suspect, that the information is to be treated as confidential.

(3) The prohibition in paragraph (2) does not apply to any disclosure made by P with lawful authority.

(4) For this purpose information is disclosed with lawful authority only if and to the extent that—

(a) the disclosure is by, or is authorised by, the Secretary of State,

(b) the disclosure is by or with the consent of the person who is or was the subject of the designation,

(c) the disclosure is necessary to give effect to a requirement imposed under or by virtue of these Regulations or any other enactment, or

(d) the disclosure is required, under rules of court, tribunal rules or a court or tribunal order, for the purposes of legal proceedings of any description.

(5) This regulation does not prevent the disclosure of information that is already, or has previously been, available to the public from other sources.

(6) A person who contravenes the prohibition in paragraph (2) commits an offence.

(7) The High Court (in Scotland, the Court of Session) may, on the application of—

(a) the person who is the subject of the information, or

(b) the Secretary of State,

grant an injunction (in Scotland, an interdict) to prevent a breach of the prohibition in paragraph (2).

(8) In paragraph (4)(c), “enactment” has the meaning given by section 54(6) of the Act.

Commencement Information

I9 Reg. 9 not in force at made date, see [reg. 1\(2\)](#)

I10 [Reg. 9](#) in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 11\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019, PART 2.