
STATUTORY INSTRUMENTS

2019 No. 600

The Republic of Belarus (Sanctions)
(EU Exit) Regulations 2019

PART 2 U.K.

Designation of persons

Power to designate persons U.K.

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 (Finance);^{F1}...
- [^{F2}(aa) regulation 16A (Director disqualification sanctions);]
- (b) regulation 17 (Immigration) [^{F3}; and]
- [^{F4}(c) regulation 27N (technical assistance in relation to aircraft and ships);
- [^{F5}(ca) regulation 27P (internet services);]
- (d) regulations 29A and 29CA (aircraft);
- (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.).]

[^{F6}(1A) The Secretary of State may provide that persons of a description specified by the Secretary of State are designated persons for the purposes of any of the following—

- (a) regulations 11 to 15 (finance);
- (b) regulation 17 (immigration);
- (c) regulation 27N (technical assistance relating to aircraft and ships);
- [regulation 27P (internet services);]
- ^{F7}(ca)
- (d) regulations 29A and 29CA (aircraft);
- (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.).]

(2) The Secretary of State may designate different persons for the purposes of [^{F8}different provisions mentioned in] paragraph (1) [^{F9}or (1A)].

[^{F10}(3) For the purposes of these Regulations, persons “designated under regulation 5” for the purpose of a particular regulation means—

- (a) persons who are designated by name under paragraph (1) for the purposes of that particular regulation, and
- (b) where the Secretary of State makes provision under paragraph (1A) that persons of a specified description are designated persons for the purposes of that particular regulation, persons of that description.]

Textual Amendments

- F1** Word in reg. 5(1)(a) omitted (14.10.2021 at noon) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **5(a)**
- F2** Reg. 5(1)(aa) inserted (16.5.2024) by The Sanctions (EU Exit) (Miscellaneous Amendments and Revocations) Regulations 2024 (S.I. 2024/643), regs. 1(2), **4(3)(b)**
- F3** Word in reg. 5(1)(b) substituted for full stop (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **5(b)**
- F4** Reg. 5(1)(c)-(e) substituted for reg. 5(1)(c) (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **6(a)**
- F5** Reg. 5(1)(ca) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **4(a)**
- F6** Reg. 5(1A) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **6(b)**
- F7** Reg. 5(1A)(ca) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **4(b)**
- F8** Words in reg. 5(2) substituted (31.12.2020 immediately after IP completion day) by The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 (S.I. 2020/590), regs. 1(2), **6(3)**; S.I. 2020/1514, **reg. 4**
- F9** Words in reg. 5(2) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **6(c)**
- F10** Reg. 5(3) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **6(d)**

Commencement Information

- I1** Reg. 5 not in force at made date, see reg. 1(2)
- I2** Reg. 5 in force at 22.3.2019 by S.I. 2019/627, **reg. 12(1)(d)**

Marginal Citations

- M1** “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

[^{F11}Conditions for the designation of persons by name **U.K.**

5A.—(1) The Secretary of State may choose whether to designate a person under regulation 5(1) (power to designate persons by name) in accordance with—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the standard procedure.

(3) The Secretary of State may not provide that a person is a designated person under regulation 5(1) except where condition A is met.

(4) Condition A is that the Minister has reasonable grounds to suspect that that person is an involved person.

(5) Paragraphs (6) to (8) apply where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the urgent procedure.

(6) The Secretary of State may designate a person mentioned in regulation 5(1) where condition A is not met, but conditions B and C are met.

(7) The person ceases to be a designated person at the end of the period of 56 days beginning with the day following the day on which the person became a designated person unless, within that period, the Secretary of State certifies that—

- (a) condition A is met, or
- (b) conditions B and C continue to be met.

(8) Where the Secretary of State makes a certification under paragraph (7)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in paragraph (7), unless within that period the Secretary of State certifies that condition A is met.

(9) Condition B is that relevant provision (whenever made) applies to, or in relation to, the person under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(10) Condition C is that the Secretary of State considers that it is in the public interest to make designations under the urgent procedure.

(11) For the purposes of Condition B, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(12) In this regulation, “involved person” has the meaning given in regulation 6(2) (meaning of involved person).

Textual Amendments

F11 [Regs. 5A, 5B](#) inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), 7

Conditions for the designation of persons by description **U.K.**

5B.—(1) The Secretary of State may choose whether persons mentioned in regulation 5(1A) (power to designate persons by description) are designated persons under—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the standard procedure.

(3) The Secretary of State may not provide that persons of a specified description are designated persons under regulation 5(1A) except where conditions A and C are met.

(4) Paragraphs (5) to (7) apply where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the urgent procedure.

(5) The Secretary of State may provide that persons of a specified description are designated persons where condition C is not met, but conditions A, D and E are met.

Changes to legislation: There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

(6) The persons of the specified description cease to be designated persons at the end of the period of 56 days beginning with the day following the day on which the persons became designated persons unless, within that period, the Secretary of State certifies that—

- (a) conditions A and C are met, or
- (b) conditions A, D and E continue to be met.

(7) Where the Secretary of State makes a certification under paragraph (6)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in paragraph (6), unless within that period the Secretary of State certifies that conditions A and C are met.

(8) Condition A is that the description of persons specified is such that a reasonable person would know whether that person fell within it.

(9) Condition C is that the Secretary of State has reasonable grounds to suspect—

- (a) Fin a case where the specified description is members of a particular organisation, that the organisation is an involved person, or
- (b) in the case of any other specified description, that any person falling within that description would necessarily be an involved person.

(10) Condition D is that the description of persons specified is of persons (or some persons) to which, or in relation to which, relevant provision (whenever made) applies under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(11) Condition E is that the Secretary of State considers that it is in the public interest to provide that persons of a specified description are designated persons under the urgent procedure.

(12) For the purposes of Condition D, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(13) In this regulation—

“involved person” has the meaning given in regulation 6(2) (meaning of “involved person”);
 “organisation” includes any body, association or combination of persons.]

Textual Amendments

F11 Regs. 5A, 5B inserted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), 7

Designation [F12 criteria: meaning of “involved person” U.K.]

6.—^{F13}(1)

(2) [^{F14}For the purposes of regulations 5A(4) (condition relating to the designation of persons by name) and 5B(9) (condition relating to designation of persons by description)] an “involved person” means a person who—

- (a) is or has been involved in—

- (i) conduct enabling or facilitating—
 - (aa) the disappearance of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski or Dzmitry Zavadski, or
 - (bb) the failure to investigate properly or institute criminal proceedings against the persons responsible for those disappearances,
 - (ii) the commission of a serious human rights violation or abuse in Belarus,
 - (iii) the repression of civil society or democratic opposition in Belarus, ^{F15}...
 - (iv) other actions, policies or activities which undermine democracy or the rule of law in Belarus,
 - [^{F16}(v) conduct destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including by supporting or facilitating Russia’s actions in respect of Ukraine, in particular by—
 - (aa) providing logistical support to the Russian army, or
 - (bb) spreading disinformation about Russia’s invasion of Ukraine,
 - (vi) other actions undermining or threatening peace, security or stability in Europe, or
 - (vii) obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business 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 an activity set out in [^{F17}paragraphs (2)(a) (i) to (vi)] above 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, providing support for, or promoting, any such activity;
 - (b) providing financial services, or making available funds or economic resources, that could contribute to any such activity;
 - (c) being involved in the supply to Belarus of [^{F18}goods or technology mentioned in regulation 23(1A) (making available goods and technology to a person connected with, or for use in, Belarus)] or of material related to such goods or technology, or in providing financial services relating to such supply;
 - (d) being involved in the supply to Belarus of goods or technology which could contribute to any such activity, or in providing financial services relating to such supply;
 - [^{F19}(da) providing support for or obtaining an economic benefit from the Government of Belarus;]
 - (e) being involved in assisting the contravention or circumvention of any relevant provision.
- [^{F20}(3A) For the purposes of this regulation, being “involved in obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity” means—
- (a) carrying on business as a Government of Belarus-affiliated entity,
 - (b) carrying on business of economic significance to the Government of Belarus,
 - (c) carrying on business in a sector of strategic significance to the Government of Belarus,
- ^{F21}...

(d) owning or controlling directly or indirectly (within the meaning of regulation 7), or working as a manager, director (whether executive or non-executive), trustee, or equivalent, of—

(i) a Government of Belarus-affiliated entity, or

(ii) a person, other than an individual, which falls within sub-paragraph (b) or (c) [^{F22};

[holding the right, directly or indirectly, to nominate at least one director (whether executive or non-executive), trustee or equivalent of—

(i) a Government of Belarus-affiliated entity, or

(ii) a person, other than an individual, which falls within sub-paragraph (b) or (c).]]

[^{F24}(3B) For the purposes of this regulation, a person is involved in “conduct destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine” or “obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity” if they work for, or are affiliated to, the Government of Belarus, as—

(a) an aide or adviser to the President of Belarus;

(b) a head or deputy head of any public body, service or committee subordinate to the President of Belarus or the Council of Ministers of the Republic of Belarus, including the Administration of the President of the Republic of Belarus;

(c) a member of the Security Council of Belarus;

(d) a Prime Minister, First Deputy Prime Minister or Deputy Prime Minister of Belarus;

(e) a Minister or Deputy Minister of any Ministry of Belarus;

(f) a Chairperson or member of the Board of Directors of the National Bank of the Republic of Belarus;

(g) a head or deputy head of the Minsk City Executive Committee or any Regional Executive Committee;

(h) a head or deputy head of any other public body, committee or agency of the Government of Belarus;

(i) a member of the armed forces or law-enforcement organs of Belarus holding a rank of Lieutenant-Colonel, or equivalent, or higher;

(j) a member of the Belarussian security and intelligence services of the rank of Lieutenant-Colonel, or equivalent, or higher; or

(k) a director or manager, or equivalent position or higher, of a Government of Belarus-affiliated entity.

(3C) In paragraph (2)(d), being “associated with” a person includes—

(a) obtaining a financial benefit or other material benefit from that person;

(b) being an immediate family member of that person.]

[^{F25}(4) In this regulation—

“Belarusian authority” has the meaning given in regulation 15D;

“Government of Belarus-affiliated entity” means a person, other than an individual—

(a) which is owned or controlled directly or indirectly (within the meaning of regulation 7) by the President of Belarus or a Belarusian authority,

(b) in which the President of Belarus or a Belarusian authority holds directly or indirectly a minority interest,

(c) which receives, or has received, financing, directly or indirectly, from the President of Belarus or a Belarusian authority, or

- (d) which otherwise obtains a financial benefit or other material benefit from the President of Belarus or a Belarusian authority;

[^{F26cc}“immediate family member” means—

- (a) a wife or husband;
- (b) a civil partner;
- (c) a parent or step-parent;
- (d) a child or step-child;
- (e) a sibling or step-sibling;
- (f) a niece or nephew;
- (g) an aunt or uncle;
- (h) a grandparent;
- (i) a grandchild;]

“minority interest” means any shareholding, voting right or right to appoint or remove members of the board of directors which does not meet the condition set out in regulation 7(2);

“relevant provision” means—

- (a) any provision of Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);
- (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 Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);

“sector of strategic significance to the Government of Belarus” means—

- (a) the Belarusian chemicals sector;
- (b) the Belarusian construction sector;
- (c) the Belarusian defence sector;
- (d) the Belarusian electronics sector;
- (e) the Belarusian energy sector;
- (f) the Belarusian extractives sector;
- (g) the Belarusian forestry sector;
- (h) the Belarusian financial services sector;
- (i) the Belarusian information, communications and digital technologies sector;
- (j) the Belarusian mechanical engineering sector;
- (k) the Belarusian metallurgy sector;
- (l) the Belarusian transport sector.]

(5) Nothing in any paragraph of sub-paragraph (2)(a) is to be taken to limit the meaning of any of the other paragraphs of that sub-paragraph.

(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.

^{F27}(7)

Textual Amendments

F12 Words in reg. 6 heading substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **8(a)**

- F13** Reg. 6(1) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(b)**
- F14** Words in reg. 6(2) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(c)(i)**
- F15** Word in reg. 6(2)(a)(iii) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(c)(ii)(aa)**
- F16** Reg. 6(2)(a)(v)-(vii) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(c)(ii)(bb)**
- F17** Words in reg. 6(3) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(d)(i)**
- F18** Words in reg. 6(3)(c) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(d)(ii)**
- F19** Reg. 6(3)(da) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **6(a)**
- F20** Reg. 6(3A) inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(e)**
- F21** Word in reg. 6(3A)(c) omitted (9.6.2023) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **5(a)(i)**
- F22** Reg. 6(3A)(d)(ii): semicolon substituted for full stop (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **5(a)(ii)**
- F23** Reg. 6(3A)(e) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **5(a)(iii)**
- F24** Reg. 6(3B)(3C) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **5(b)**
- F25** Reg. 6(4) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(f)**
- F26** Words in reg. 6(4) inserted (9.6.2023) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/616), regs. 1(2), **5(c)**
- F27** Reg. 6(7) omitted (5.7.2022) by virtue of The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **8(g)**

Commencement Information

- I3** Reg. 6 not in force at made date, see reg. 1(2)
- I4** Reg. 6 in force at 22.3.2019 by S.I. 2019/627, **reg. 12(1)(e)**

Meaning of “owned or controlled directly or indirectly” **U.K.**

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—
- holds directly or indirectly more than 50% of the shares in C,
 - holds directly or indirectly more than 50% of the voting rights in C, or
 - holds the right directly or indirectly to appoint or remove a majority of the board of directors of C.
- (3) Schedule 1 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 ^{F28}... whether directly or indirectly, to achieve the result that affairs of C are conducted in accordance with P's wishes.

Textual Amendments

- F28** Reg. 7(4): comma omitted (31.12.2020 immediately after IP completion day) by virtue of [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), [6\(4\)](#); S.I. 2020/1514, [reg. 4](#)

Commencement Information

- I5** Reg. 7 not in force at made date, see [reg. 1\(2\)](#)
I6 Reg. 7 in force at 22.3.2019 by [S.I. 2019/627](#), [reg. 12\(1\)\(f\)](#)

Notification and publicity where ^{F29}power to designate by name] used **U.K.**

- 8.—(1) Paragraph (2) applies where the Secretary of State—
- (a) has made a designation under ^{F30}regulation 5(1)], or
 - (b) has by virtue of section 22 of the Act varied or revoked a designation made under ^{F31}that paragraph of 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.
- ^{F32}(3) The information given under paragraph (2)(a)—
- (a) where the Secretary of State designates a person under the standard procedure, must include a statement of reasons;
 - (b) where the Secretary of State designates a person under the urgent procedure, must include a statement—
 - (i) that the designation is made under the urgent procedure,
 - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition B is met in relation to the person, and
 - (iii) setting out why the Secretary of State considers that condition C is met.
- (3A) Where the Secretary of State designates a person under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (7) of regulation 5A (conditions for the designation of persons by name), or if the Secretary of State has made a certification under paragraph (7)(b) of that regulation, the period mentioned in paragraph (8) of that regulation, but otherwise without delay—
- (a) in a case where the person ceases to be a designated person, take such steps as are reasonably practicable to inform the person that they have ceased to be a designated person, or
 - (b) in any other case, take such steps as are reasonably practicable to give the person a statement of reasons.]
- ^{F33}(4) In this regulation, a “statement of reasons” means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to the person—
- (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make designation, and

- (b) in the case of a designation under the urgent procedure, as a result of which the person does not cease to be a designated person at the end of the period mentioned in regulation 5A(7) or (8) (as the case may be).]
- (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.

Textual Amendments

- F29** Words in [reg. 8 heading](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(a)**
- F30** Words in [reg. 8\(1\)\(a\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(b)(i)**
- F31** Words in [reg. 8\(1\)\(b\)](#) substituted (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(b)(ii)**
- F32** [Reg. 8\(3\)\(3A\)](#) substituted for [reg. 8\(3\)](#) (5.7.2022) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022 \(S.I. 2022/748\)](#), regs. 1(2), **9(c)**

F33 Reg. 8(4) substituted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **9(d)**

Commencement Information

I7 Reg. 8 not in force at made date, see reg. 1(2)
I8 Reg. 8 in force at 22.3.2019 by S.I. 2019/627, reg. **12(1)(g)**

Confidential information in certain cases where designation power used **U.K.**

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) otherwise 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. **12(2)**; 2020 c. 1, Sch. 5 para. **1(1)**

[^{F34}Notification and publicity where power to designate by description is used **U.K.**

9A.—(1) Paragraph (2) applies where the Secretary of State—

- (a) has provided that persons of a specified description are designated persons under regulation 5(1A) (power to designate persons by description), or
 - (b) has by virtue of section 22 of the Act varied or revoked a designation made under that paragraph of that regulation.
- (2) The Secretary of State—
- (a) must without delay take such steps as are reasonably practicable to inform persons of the specified description 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)—
- (a) where the Secretary of State provides that persons of a specified description are designated persons under the standard procedure, must include a statement of reasons, or
 - (b) where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, must include a statement—
 - (i) that the provision is made under the urgent procedure,
 - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition D is met in relation to persons of the specified description, and
 - (iii) setting out why the Secretary of State considers that condition E is met.
- (4) Where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (6) of regulation 5B (conditions for the designation of persons by description), or if the Secretary of State has made a certification under paragraph (6)(b) of that regulation, the period mentioned in paragraph (7) of that regulation, but otherwise without delay—
- (a) in a case where the persons cease to be designated persons, take such steps as are reasonably practicable to inform persons of the specified description that they have ceased to be designated persons, or
 - (b) in any other case, take such steps as are reasonably practicable to give each person of the specified description a statement of reasons.
- (5) In this regulation, a “statement of reasons”, in relation to a provision designating persons of a specified description, means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to persons of the specified description—
- (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make the provision designating persons of that description, and
 - (b) in the case of a designation under the urgent procedure, as a result of which the persons do not cease to be designated persons at the end of the period mentioned in regulation 5B(6) or (7) (as the case may be).
- (6) Matters that would otherwise be required by paragraph (5) 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.
- (7) The steps taken under paragraph (2)(b) must be steps to publicise generally—
- (a) the designation, variation or revocation, and

- (b) in the case of—
- (i) a designation under the standard procedure, the statement of reasons relating to it, or
 - (ii) a designation under the urgent procedure, the contents of the statement required under paragraph (3)(b) relating to it.]

Textual Amendments

F34 Reg. 9A inserted (5.7.2022) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748), regs. 1(2), **10**

Changes to legislation:

There are currently no known outstanding effects for the The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, PART 2.