
STATUTORY INSTRUMENTS

2019 No. 604

The Zimbabwe (Sanctions) (EU Exit) Regulations 2019

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Zimbabwe (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);

“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 Zimbabwe Regulation” means Council Regulation (EC) No 314/2004 of 19 February 2004, concerning restrictive measures in respect of Zimbabwe⁽²⁾, as it has effect in EU law;

“the Government of Zimbabwe” includes its public bodies, corporations or agencies, or any person acting on its behalf or at its direction;

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

“trade licence” means a licence under regulation 34;

“Treasury licence” means a licence under regulation 33(1);

⁽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 055 24.2.2004, p1.

“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 this regulation 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 this regulation 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 Government of Zimbabwe to—

- (a) respect democratic principles and institutions and the rule of law in Zimbabwe;
- (b) refrain from actions, policies or activities which repress civil society in Zimbabwe;
- (c) comply with international human rights law and to respect human rights, including in particular, to—
 - (i) respect the right to life of persons in Zimbabwe;
 - (ii) respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Zimbabwe, including inhuman and degrading conditions in prisons;
 - (iii) afford journalists, human rights defenders and other persons in Zimbabwe the right to freedom of expression and peaceful assembly;
 - (iv) respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Zimbabwe;
 - (v) afford persons in Zimbabwe charged with criminal offences the right to a fair trial;
 - (vi) respect property rights in Zimbabwe;
 - (vii) secure the human rights of persons in Zimbabwe 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.

