
STATUTORY INSTRUMENTS

2019 No. 792

The Syria (Sanctions) (EU Exit) Regulations 2019

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Syria (Sanctions) (EU Exit) Regulations 2019.

(2) The following provisions come into force on the day after the day on which the Regulations are laid before Parliament—

- (a) this regulation;
- (b) regulation 2 (interpretation);
- (c) regulation 4 (purposes);
- (d) regulation 5 (power to designate persons)
- (e) regulation 6 (designation criteria);
- (f) regulation 7 (interpretation of regulation 6);
- (g) regulation 8 (notification and publicity where designation power used);
- (h) Schedule 1 (rules for interpretation of regulation 7(2)).

(3) All other provisions come into force on exit day⁽¹⁾.

Interpretation

2. In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

“aircraft licence” means a licence under regulation 63;

“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);

“brokering service” means any service to secure, or otherwise in relation to, an arrangement, including but not limited to—

- (a) the selection or introduction of persons as parties or potential parties to the arrangement,
- (b) the negotiation of the arrangement,
- (c) the facilitation of anything that enables the arrangement to be entered into, and
- (d) the provision of any assistance that in any way promotes or facilitates the arrangement;

(1) Schedule 1 to the Interpretation Act 1978 (c. 30) provides that “exit day” has the same meaning as in the European Union (Withdrawal) Act 2018 (c. 16) (see section 20(1) to (5) of that Act).

- “CEMA” means the Customs and Excise Management Act 1979(2);
- “chemical weapons” has the same meaning as it has in article 2 of the Chemical Weapons Convention;
- “the Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13th January 1993(3);
- “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;
- “conduct” includes acts and omissions;
- “consular post” has the same meaning as it has in the Vienna Convention on Consular Relations done at Vienna on 24 April 1963(4), and any reference to the functions of a consular post is to be read in accordance with that Convention;
- “diplomatic mission” and any reference to the functions of a diplomatic mission is to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961(5);
- “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 Syria Regulation” means Council Regulation (EU) No 36/2012 of 18 January 2012, concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011(6), as it has effect in EU law immediately before exit day;
- “humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in Syria for the benefit of the civilian population there;
- “the Syrian regime” means the regime in Syria on or after 9 May 2011 led by Bashar Al-Assad and includes its public bodies, corporations or agencies, or any person(7) acting on its behalf or at its direction;
- “trade licence” means a licence under regulation 62;
- “Treasury licence” means a licence under regulation 61(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 or a prohibition imposed by a condition of an aircraft licence, by conduct in the territorial sea.

(3) In this regulation a “relevant prohibition” means any prohibition imposed by—

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

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

(3) Cmnd 3727.

(4) United Nations Treaty Series, vol. 596, p. 261.

(5) United Nations Treaty Series, vol. 500, p. 95.

(6) OJ L 016 19.1.2012, p. 1.

(7) Person is defined by section 9(5) of the Act to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

- (b) Part 3 (Finance),
- (c) Part 5 (Trade),
- (d) regulation 52(6) (non-disclosure), or
- (e) 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 or a requirement imposed by a condition of an aircraft licence, by conduct in the territorial sea.

(6) In this regulation, a “relevant requirement” means any requirement imposed—

- (a) by Chapter 2 of Part 3 (Investment, financial services and financial markets),
- (b) by or under regulation 57(5) (notification requirements in respect of exceptions relating to petroleum products) or Part 8 (Information and records), or by reason of a request made under a power conferred by Part 8, or
- (c) 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 Syrian regime to—

- (a) refrain from actions, policies or activities which repress the civilian population in Syria, and
- (b) participate in negotiations in good faith to reach a negotiated political settlement to bring about a peaceful solution to the conflict in Syria.