

SCHEDULE 2

Article 2

Modifications to be made in the extension of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 to each British overseas territory listed in Schedule 1

1. In regulation 1 (citation and commencement)—
 - (a) in the heading, omit “and commencement”;
 - (b) omit paragraph (2).
2. In regulation 2 (interpretation)—
 - (a) the existing text becomes paragraph (1);
 - (b) in that paragraph—
 - (i) in the appropriate places, insert the following definitions—
 - ““authorised officer” means, in relation to the Territory—
 - (a) a member of Her Majesty’s forces in the Territory,
 - (b) a police or customs officer of the Territory,
 - (c) a person authorised by the Governor for the purposes of exercising, whether generally or in a particular case, any power conferred by—
 - (i) regulation 23 (finance: powers to request information),
 - (ii) regulation 24 (finance: production of documents),
 - (iii) regulation 26 (disclosure of information), or
 - (iv) regulation 27A (search warrants), or
 - (d) any person acting under the authority of a person falling within any of paragraphs (a) to (c);”;
 - ““financial sanctions licence” means, in relation to the Territory, a licence issued by the Governor under regulation 19(1) or 19A(1);”;
 - ““the Governor” is to be read in accordance with regulation 4A;”;
 - ““Her Majesty’s forces” does not include a force of any country, other than the United Kingdom, that is a member of the Commonwealth;”;
 - ““Supreme Court of the Territory” means—
 - (a) in relation to Anguilla, Montserrat and the Virgin Islands, the High Court of the Eastern Caribbean Supreme Court;
 - (b) in relation to the Cayman Islands, the Grand Court of the Cayman Islands;
 - (c) in relation to the British Antarctic Territory, the British Indian Ocean Territory, the Falkland Islands, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands and the Turks and Caicos Islands, the Supreme Court of that territory;
 - (d) in relation to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, the Senior Judges’ Court of those Areas;”;
 - (ii) omit the definitions of—
 - (aa) “Treasury licence”, and
 - (bb) “United Kingdom person”;
- (c) after that paragraph insert—

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“(2) In the application of these Regulations to a particular British overseas territory, the expression “the Territory” means that territory.”

3. In regulation 3 (application of prohibitions and requirements)—

- (a) in paragraphs (1) and (4), for “United Kingdom person” substitute “Territory person”;
- (b) in paragraphs (1), (4) and (7), for “United Kingdom” substitute “Territory”;
- (c) in paragraphs (2) and (5), after “in the territorial sea” insert “of the Territory”;
- (d) in paragraphs (3) and (6), for “Treasury licence” substitute “financial sanctions licence”;
- (e) at the end, insert—

“(8) In this regulation—

“territorial sea of the Territory” means the territorial sea as defined in an enactment applicable in the Territory or, in the absence of such an enactment, the territorial sea adjacent to the Territory;

“Territory person” means, in relation to the Territory, a person who is—

- (a) an individual ordinarily resident in the Territory who is—
 - (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (ii) a person who under the British Nationality Act 1981(1) is a British subject, or
 - (iii) a British protected person within the meaning of that Act, or
- (b) a body incorporated or constituted under the law of any part of the Territory.”

4. In regulation 4 (purposes)—

- (a) in paragraph (1), for “The regulations contained in this instrument that are made under section 1 of the Act” substitute “These Regulations”;
- (b) in paragraph (2)(a), after “United Kingdom” insert “, the Territory,”.

5. At the end of Part 1 (General), insert—

“Functions of the Governor

4A.—(1) In these Regulations, “the Governor” means, in relation to the Territory, the person holding or acting in the office of Governor of the Territory, or, if there is no such office, the officer for the time being administering the Territory.

(2) The Governor may, to such extent and subject to such restrictions and conditions as the Governor thinks proper, delegate or authorise the delegation of any of the Governor’s powers under these Regulations to any person, or class or description of persons, and any references in these Regulations to the Governor are to be construed accordingly.

(3) In the exercise of any power conferred on the Governor by these Regulations, the Governor is to act in their discretion.”

6. In regulation 5 (power to designate persons)—

- (a) the existing text becomes paragraph (1);
- (b) in that paragraph, for “Treasury” substitute “Governor”;
- (c) after paragraph (1), insert—

(1) 1981 c.61. Part IV has been amended by the British Overseas Territories Act 2002 (c.8), section 1(1)(b); and the Nationality, Immigration and Asylum Act 2002 (c.41), Schedule 2, paragraph 1(i).

“(2) The Governor must consult the Secretary of State before making a designation under paragraph (1).”

7. In regulation 6 (designation criteria)—

(a) for paragraph (1), substitute—

“(1) The Governor may not designate a person under regulation 5 (power to designate persons) unless the Governor—

(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 (purposes), and

(ii) the likely significant effects of the designation on that person (as they appear to the Governor to be on the basis of the information that the Governor has).”;

(b) in paragraph (5), for the definition of “relevant territory” substitute—

““relevant territory” means the Territory.”

8. In regulation 8 (notification and publicity where designation power used)—

(a) in the heading, insert “Governor” before “designation power used”;

(b) for paragraph (1), substitute—

“(1) Paragraph (2) applies where the Governor—

(a) has made a designation under regulation 5 (power to designate persons), or

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

(c) in paragraph (2), for “Treasury” substitute “Governor”;

(d) in paragraph (4), for “the Treasury know, or have reasonable grounds to suspect, in relation to the designated person which have led the Treasury to make the designation” substitute “the Governor knows, or has reasonable grounds to suspect, in relation to the designated person which have led the Governor to make the designation”;

(e) in paragraph (5)—

(i) for “Treasury consider” substitute “Governor considers, with the consent of the Secretary of State,”;

(ii) in sub-paragraph (b), for “United Kingdom” substitute “Territory”;

(f) in paragraph (6)(b), for “Treasury consider” substitute “Governor considers”;

(g) in paragraph (7)—

(i) in sub-paragraph (a), for “Treasury” substitute “Governor”;

(ii) in sub-paragraph (b)—

(aa) for “Treasury consider” substitute “Governor considers, with the consent of the Secretary of State,”;

(bb) in paragraph (ii), for “United Kingdom” substitute “Territory”;

(h) in paragraph (9), for “Treasury” substitute “Governor”.

9. After regulation 8, insert—

“Requirement to publish a list of designated persons: Treasury designations

8A.—(1) Subject to paragraph (2), the Governor must—

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- (a) publish a list of designated persons, and
- (b) keep the list up to date.

(2) Where, in accordance with regulation 8 (notification and publicity where designation power used) (as it has effect in the United Kingdom) the Treasury is not required to publicise generally a designation, variation or revocation, the Governor must not include in the list under paragraph (1) any details of that designation, variation or revocation.

(3) The Governor may publish the list under paragraph (1) in any form the Governor considers appropriate, including by means of a website.

(4) For the purpose of this regulation, “designated person” means any person for the time being designated by the Treasury under regulation 5 (power to designate persons) (as it has effect in the United Kingdom).”

10. In regulation 9 (confidential information in certain cases where designation power used)—

- (a) in the heading, insert “Governor” before “designation power used”;
- (b) in paragraph (1)—
 - (i) for “Treasury”, in both places it occurs, substitute “Governor”;
 - (ii) for “inform” substitute “informs”;
- (c) in paragraph (4)—
 - (i) in sub-paragraph (a), for “Treasury” substitute “Governor”;
 - (ii) in sub-paragraph (c), after “any other enactment” insert “applicable in the Territory”;
- (d) in paragraph (7)—
 - (i) for “High Court (in Scotland, the Court of Session)” substitute “Supreme Court of the Territory”;
 - (ii) in sub-paragraph (b), for “Treasury” substitute “Governor”;
 - (iii) omit “(in Scotland, an interdict)”;
- (e) omit paragraph (8).

11. After regulation 9, insert—

“Confidential information in certain cases where Treasury designation power used

9A.—(1) A person (“P”) who—

- (a) is provided with information which the Treasury has specified is to be treated as confidential under regulation 9(1) (confidential information in certain cases where designation power used) (as it has effect in the United Kingdom), or
- (b) obtains such information,

must not, subject to paragraph (2), disclose it if P knows, or has reasonable cause to suspect, that the information is to be treated as confidential.

(2) The prohibition in paragraph (1) does not apply to any disclosure made by P with lawful authority.

(3) 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 Treasury,
- (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.

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

(5) A person who contravenes the prohibition in paragraph (1) commits an offence.

(6) The Supreme Court of the Territory may, on the application of—

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

(b) the Treasury,

grant an injunction to prevent a breach of the prohibition in paragraph (1).

(7) In paragraph (3)(c), “enactment” has the meaning given by section 54(6) of the Act.”

12. For regulation 10 (meaning of “designated person” in Part 3) substitute—

“10. In this Part, a “designated person” means—

(a) a person who is designated from time to time by the Treasury under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 11 to 15 (asset-freeze etc.) (as they have effect in the United Kingdom), or

(b) a person designated by the Governor under regulation 5 for the purposes of regulations 11 to 15.”

13. In regulation 17 (finance: exceptions from prohibitions)—

(a) omit paragraph (6);

(b) in paragraph (8), for the definition of “relevant institution” substitute—

““relevant institution”, in relation to the Territory, means a person domiciled in the Territory who would satisfy the threshold conditions for permission under Part 4A of the Financial Services and Markets Act 2000(2) if it had its registered office (or if it does not have one, its head office) in the United Kingdom.”

(c) omit paragraph (9).

14. For regulation 17A (finance: exception for authorised conduct in a relevant country) substitute—

“Finance: exceptions for authorised conduct outside the Territory

17A.—(1) Where a person’s conduct outside the Territory would, in the absence of this paragraph, contravene a prohibition in any of regulations 11 to 15 (asset-freeze etc.), the prohibition is not contravened if the conduct is authorised by a licence issued under regulation 19 (Treasury licences) (as it has effect in the United Kingdom).

(2) Where a person’s conduct in a relevant country would, in the absence of this paragraph, contravene a prohibition in any of regulations 11 to 15 (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

(a) under the law of the relevant country, and

(2) 2000 c.8. Part 4A was inserted by the Financial Services Act 2012 (c.21), section 11(2) and most recently amended by S.I. 2018/1149; it is prospectively amended by S.I. 2019/632.

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(b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

(3) In this regulation—

“relevant country” means—

- (a) any of the Channel Islands,
- (b) the Isle of Man, or
- (c) any British overseas territory other than the Territory.

(4) Nothing in this regulation affects the application of a prohibition in a case where it would be incompatible with a UN obligation for the prohibition not to apply.”

15. For regulation 18 (exception for acts done for purposes of national security or prevention of serious crime), substitute—

“18.—(1) Where an act would, in the absence of this paragraph, be prohibited by regulation 9(2), 9A(1) (confidentiality) or any prohibition in Part 3 (Finance), that prohibition does not apply to the act if the act is one which—

- (a) a responsible officer has determined would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) the Governor, with the consent of the Secretary of State, has determined would be in the interests of the prevention or detection of serious crime in the Territory.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of Part 5 (Information), that requirement does not apply if—

- (a) a responsible officer has determined that not doing the thing in question would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) the Governor, with the consent of the Secretary of State, has determined that not doing the thing in question would be in the interests of the prevention or detection of serious crime in the Territory.

(3) In this regulation, “responsible officer” means a person in the service of the Crown or holding office under the Crown in the United Kingdom, acting in the course of that person’s duty.

(4) Nothing in this regulation affects the application of a prohibition or requirement in a case where it would be incompatible with a UN obligation for the prohibition or requirement not to apply.”

16. For regulation 19 (Treasury licences), substitute—

“Financial sanctions licences: Treasury designations

19.—(1) The prohibitions in regulations 11 to 15 (asset-freeze etc.) do not apply to anything done under the authority of a licence issued by the Governor under this paragraph in relation to a person designated by the Treasury under regulation 5 (power to designate persons) (as it has effect in the United Kingdom).

(2) Where the Governor issues a financial sanctions licence under paragraph (1), the Governor may vary, revoke or suspend it at any time.

(3) The Governor must consult the Treasury before issuing, varying, revoking or suspending a financial sanctions licence under this regulation.

Financial sanctions licences: Governor designations

19A.—(1) The prohibitions in regulations 11 to 15 (asset-freeze etc.) do not apply to anything done under the authority of a licence issued by the Governor under this paragraph in relation to a person designated by the Governor under regulation 5 (power to designate persons).

(2) Where the Governor issues a financial sanctions licence under paragraph (1), the Governor may vary, revoke or suspend it at any time.

(3) The Governor must consult the Secretary of State before issuing, varying, revoking or suspending a financial sanctions licence under this regulation.

Financial sanctions licences: general provisions

19B.—(1) A financial sanctions licence—

- (a) must specify the acts authorised by it;
- (b) may be general or may authorise acts by a particular person or persons of a particular description;
- (c) may—
 - (i) contain conditions;
 - (ii) be of indefinite duration or a defined duration.

(2) Where the Governor issues, varies, revokes or suspends a financial sanctions licence which authorises acts by a particular person, the Governor must give written notice to that person of the issue, variation, revocation or suspension of the licence.

(3) Where the Governor issues, varies, revokes or suspends a financial sanctions licence which is general or which authorises acts by persons of a particular description, the Governor must take such steps as the Governor considers appropriate to publicise the issue, variation, revocation or suspension of the licence.”

17. In regulation 20 (finance: licensing offences), for “Treasury licence”, in both places it occurs, substitute “financial sanctions licence”.

18. In regulation 21 (finance: reporting obligations)—

- (a) for “Treasury”, in each place it occurs, substitute “Governor”;
- (b) for paragraph (5) substitute—

“(5) A relevant institution must inform the Governor without delay if that institution credits a frozen account in accordance with regulation 17(4) (finance: exceptions from prohibitions).”

19. For regulation 22 (“relevant firm”) substitute—

“**22.**—(1) The following are relevant firms for the purposes of regulation 21 (finance: reporting obligations)—

- (a) a relevant institution;
- (b) an undertaking that by way of business—

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- (i) operates a currency exchange office,
 - (ii) transmits money (or any representation of monetary value) by any means, or
 - (iii) cashes cheques that are made payable to customers;
 - (c) a firm or sole practitioner that provides to other persons, by way of business—
 - (i) accountancy services,
 - (ii) advice about tax affairs,
 - (iii) auditing services,
 - (iv) legal or notarial services, or
 - (v) trust or company services;
 - (d) a firm or sole practitioner that carries out, or whose employees carry out, estate agency work;
 - (e) the holder of a licence to operate a casino in the Territory;
 - (f) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—
 - (i) articles made from gold, silver, platinum or palladium, or
 - (ii) precious stones or pearls.
- (2) For the purposes of paragraph (1), the following definitions apply—
- “estate agency work”, in relation to the Territory, is to be read in accordance with section 1 of the Estate Agents Act 1979⁽³⁾, but as if references in that section to disposing of or acquiring an interest in land included (despite anything in section 2 of that Act) references to disposing of or acquiring an estate or interest in land outside the Territory where that estate or interest is capable of being owned or held as a separate interest;
- “firm” means any entity that, whether or not a legal person, is not an individual, and includes a body corporate and a partnership or other unincorporated body;
- “relevant institution” has the same meaning as it has in regulation 17;
- “trust or company services” means any of the following services—
- (a) forming companies or other legal persons;
 - (b) acting, or arranging for another person to act—
 - (i) as a director or secretary of a company,
 - (ii) as a partner of a partnership, or
 - (iii) in a similar capacity in relation to other legal persons;
 - (c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement;
 - (d) acting, or arranging for another person to act, as—
 - (i) a trustee of an express trust or similar legal arrangement, or
 - (ii) a nominee shareholder for a person.

(3) 1979 c. 38. Section 1 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), Schedule 1, paragraph 40; the Planning (Consequential Provisions) Act 1990 (c.11), Schedule 2, paragraph 42; the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), Schedule 2, paragraph 28; 1997 (c. 11), Schedule 2, paragraph 28; the Planning Act (Northern Ireland) 2011 (c.25), Schedule 6, paragraph 21; the Enterprise and Regulatory Reform Act 2013 (c.24), section 70; S.I. 1991/2684; S.I. 2000/121; and S.I. 2011/1283.

(3) For the purposes of regulation 21(1), information or another matter comes to a relevant firm “in the course of carrying on its business” if the information or other matter comes to the firm—

(a) in the case of a relevant firm within paragraph (1)(a), in the course of carrying on an activity in respect of which permission under Part 4A of the Financial Services and Markets Act 2000 would be required if it had its registered office (or if it does not have one, its head office) in the United Kingdom, and

(b) in the case of a relevant firm within any other provision of paragraph (1), in the course of carrying on an activity mentioned in that provision.”

20. In regulation 23 (finance: powers to request information)—

(a) in paragraph (1), for “The Treasury” substitute “An authorised officer”;

(b) in paragraph (2)—

(i) for “The Treasury”, in the first place it occurs, substitute “An authorised officer”;

(ii) for “the Treasury”, in the second place it occurs, substitute “the authorised officer”;

(c) in paragraph (4), for “the Treasury believe” substitute “the authorised officer believes”;

(d) in paragraph (5)—

(i) for “The Treasury” substitute “An authorised officer”;

(ii) for “Treasury licence” substitute “financial sanctions licence”;

(e) for paragraph (6) substitute—

“(6) An authorised officer may request a person to provide information within paragraph (7) if the authorised officer believes that the person may be able to provide the information.”;

(f) in paragraph (7)—

(i) for “the Treasury” substitute “the authorised officer”;

(ii) in sub-paragraph (b)(iii), for “Treasury licence” substitute “financial sanctions licence”;

(g) in paragraph (8), for “The Treasury” substitute “The authorised officer”;

(h) in paragraph (10), for “the Treasury”, in both places it occurs, substitute “the authorised officer”.

21. In regulation 24 (finance: production of documents)—

(a) in paragraph (2), for “the Treasury request that documents be produced, the Treasury” substitute “an authorised officer requests that documents be produced, the authorised officer”;

(b) for paragraph (3), substitute—

“(3) Where an authorised officer requests a designated person or a person acting under a financial sanctions licence to produce documents, that person must—

(a) take reasonable steps to obtain the documents (if they are not already in the person’s possession or control);

(b) keep the documents under the person’s possession or control (except for the purpose of providing them to the authorised officer or as the authorised officer may otherwise permit).”

22. In regulation 25 (finance: information offences), in paragraph (1)(d), for “the Treasury” substitute “an authorised officer”.

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23. In regulation 26 (disclosure of information)—
- (a) in paragraph (1), for “the Treasury” substitute “Governor or an authorised officer”;
 - (b) in paragraph (2)—
 - (i) after sub-paragraph (c) insert—

“(ca) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the Territory for an offence under any provisions of these Regulations;”;
 - (ii) in sub-paragraph (d)(i), after “Regulations” insert “(as they have effect in the United Kingdom)”;
 - (iii) in sub-paragraph (e), after “any British overseas territory” insert “other than the Territory”;
 - (iv) in sub-paragraph (g), for “United Kingdom” substitute “Territory”;
 - (c) in paragraph (3)—
 - (i) in sub-paragraph (f), for “United Kingdom” substitute “Territory”;
 - (ii) in sub-paragraph (j), for “Treasury consider” substitute “Governor considers”.
24. In regulation 27 (Part 5: supplementary)—
- (a) for paragraph (2) substitute—

“(2) But nothing in that regulation authorises a disclosure that would contravene the data protection legislation if that legislation were applicable to the Territory.”
 - (b) in paragraph (5), for “Treasury licence” substitute “financial sanctions licence”;
 - (c) after paragraph (5) insert—

“(5A) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this Part.”
 - (d) in paragraph (6), in the definition of “privileged information”, omit “(in Scotland, to confidentiality of communications)”.
25. In Part 6 (Enforcement), at the beginning insert—

“Search warrants

27A.—(1) A magistrate or justice of the peace may issue a search warrant if satisfied by information on oath that—

- (a) there is reasonable cause to suspect that a relevant offence under these Regulations has been, or is being, or is about to be, committed, and
- (b) evidence in relation to the offence is to be found on a ship, aircraft, vehicle or premises specified in the information.

(2) A search warrant issued under this regulation is a warrant empowering an authorised officer to enter and search the ship, aircraft, vehicle or premises specified in the information, at any time within one month from the date of the warrant.

(3) The powers conferred on an authorised officer by a search warrant under this regulation include powers to—

- (a) in the case of a power to enter a ship, aircraft or vehicle, stop that ship, aircraft or vehicle;
- (b) enter any land, where such entry appears to the authorised officer to be necessary in order to enter the ship, aircraft, vehicle or premises specified in the information;

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- (c) take such other persons and such equipment on to the ship, aircraft, vehicle or premises as appear to the authorised officer to be necessary;
 - (d) inspect and seize any thing found in the course of a search if the authorised officer has reasonable cause to suspect that—
 - (i) it is evidence in relation to a relevant offence under these Regulations, or
 - (ii) it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed;
 - (e) take copies of any document.
- (4) An authorised officer who enters a ship, aircraft, vehicle or premises under a search warrant issued under this regulation may—
- (a) search any person found on the ship, aircraft, vehicle or premises whom the officer has reasonable cause to suspect to be in possession of any thing which may be required as evidence for the purposes of proceedings in respect of a relevant offence under these Regulations, and
 - (b) seize any such thing found in such a search.
- (5) Any thing seized under paragraphs (3)(d) or (4)(b) may be retained for so long as is necessary in all the circumstances.
- (6) A search of a person under paragraph (4)(a) must be carried out by a person of the same sex.
- (7) An authorised officer may use reasonable force, if necessary, in the exercise of any power conferred by this regulation.
- (8) An authorised officer must, if requested to do so, produce evidence of their authority before exercising any power conferred by this regulation.
- (9) Nothing in this regulation affects any other provision of law conferring powers, imposing restrictions or enabling restrictions to be imposed in respect of ships, aircraft or vehicles.
- (10) For the purposes of this regulation—
- “aircraft” has the same meaning as it has in section 6(9) of the Act;
 - “information on oath” includes any other form of application for a search warrant applicable in the Territory;
 - “justice of the peace” includes other competent judicial authorities within the Territory responsible for issuing search warrants;
 - “relevant offence” means an offence which is punishable with a term of imprisonment of more than 6 months;
 - “ship” has the same meaning as it has in section 7(14) of the Act;
 - “vehicle” means a land transport vehicle.”

26. For regulation 28 (penalties for offences) substitute—

“**28.**—(1) Paragraphs (3) to (5) apply to—

- (a) Anguilla;
- (b) British Antarctic Territory;
- (c) British Indian Ocean Territory;
- (d) Cayman Islands;
- (e) Montserrat;

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- (f) Pitcairn, Henderson, Ducie and Oeno Islands;
- (g) Turks and Caicos Islands;
- (h) Virgin Islands.

(2) Paragraphs (6) to (8) apply to—

- (a) Falkland Islands;
- (b) St Helena, Ascension and Tristan da Cunha;
- (c) South Georgia and the South Sandwich Islands;
- (d) the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.

(3) A person who commits an offence under any provision of Part 3 (Finance) or regulation 20 (finance: licensing offences) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years, or a fine, or both.

(4) A person who commits an offence under regulation 9(6) or 9A(5) (confidentiality) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

(5) A person who commits an offence under regulation 21(6) or 25 (information offences in connection with Part 3) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both.

(6) A person who commits an offence under any provision of Part 3 (Finance) or regulation 20 (finance: licensing offences) is liable on conviction to imprisonment for a term not exceeding 7 years, or a fine, or both.

(7) A person who commits an offence under regulation 9(6) or 9A(5) (confidentiality) is liable on conviction to imprisonment for a term not exceeding 2 years, or a fine, or both.

(8) A person who commits an offence under regulation 21(6) or 25 (information offences in connection with Part 3) is liable on conviction to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both.

(9) Where a fine in this regulation is expressed to be a sum in sterling or its equivalent in the currency of the Territory, the Governor may issue guidance specifying how to calculate the amount in the currency of the Territory which is to be considered equivalent to that sum in sterling.”

27. For regulation 30 (jurisdiction to try offences) substitute—

“30. Wherever an offence under these Regulations is committed (whether in the Territory or outside the Territory)—

- (a) proceedings for the offence may be taken at any place in the Territory, and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.”

28. After regulation 30 (jurisdiction to try offences), insert—

“Consent to prosecutions

30A.—(1) Proceedings for an offence under these Regulations must not be instituted in the Territory except with the consent of the principal public officer of the Territory responsible for criminal prosecutions.

(2) Nothing in paragraph (1) prevents—

- (a) the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of an offence under these Regulations, or
- (b) the remand in custody or on bail of any person charged with such an offence.”

29. For regulation 31 (procedure for offences by unincorporated bodies) substitute—

“31. Any provision in an enactment which applies in the Territory in relation to criminal proceedings brought against a body corporate applies also for the purposes of proceedings in the Territory for an offence under these Regulations brought against an unincorporated body.”

30. In regulation 32 (time limit for proceedings for summary offences), omit paragraph (4).

31. Omit regulation 33 (application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005(4)) (including the heading).

32. In regulation 34 (notices)—

- (a) in paragraph (1), for “regulation 19 (treasury licences)”, substitute “regulation 19B (financial sanctions licences: general provisions)”;
- (b) for “United Kingdom”, in each place it occurs, substitute “Territory”.

33. Omit regulation 34A (amendment of the Charities Act 2011(5)) (including the heading).

34. Omit regulation 34B (amendment of the Sanctions and Anti-Money Laundering Act 2018) (including the heading).

35. Omit regulation 34C (amendment of the Electronic Money Regulations 2011(6)) (including the heading).

36. Omit regulation 34D (amendment of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017(7)) (including the heading).

37. Omit regulation 34E (amendment of the Payment Services Regulations 2017(8)) (including the heading).

38. For regulation 35 (transitional provision: Treasury licences) substitute—

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- (4) [2005 c.15](#). Chapter 1 of Part 2 has been amended by the Terrorism Act [2006 \(c.11\)](#), section 33(2) to (4); the Northern Ireland (Miscellaneous Provisions) Act [2006 \(c.33\)](#), sections 26(2) and 30(2) and Schedules 3 and 5; the Bribery Act [2010 \(c.23\)](#), section 17(2) and Schedule 1; the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp.13\)](#), section 203 and Schedule 7, paragraph 77; the Crime and Courts Act [2013 \(c.22\)](#), section 15 and Schedule 8, paragraphs 157 and 159; the Criminal Finances Act [2017 \(c.22\)](#), section 51(1); the Sanctions and Anti-Money Laundering Act 2018, section 59(4) and Schedule 3, paragraph 4; [S.I. 2006/1629](#); and [S.I. 2014/834](#).
 - (5) [2011 c.25](#). In section 178(1), Case J was inserted by the Charities (Protection and Social Investment) Act [2016 \(c.4\)](#), section 9(5); and is prospectively amended by [S.I. 2019/466](#); [S.I. 2019/573](#); and [S.I. 2019/577](#).
 - (6) [S.I. 2011/99](#). Regulation 13(8) is prospectively amended by [S.I. 2019/577](#) and [S.I. 2020/951](#). There are other amendments which are not relevant.
 - (7) [S.I. 2017/692](#). Regulation 3(1) is prospectively amended by [S.I. 2019/577](#) and [S.I. 2020/591](#). There are other amendments which are not relevant.
 - (8) [S.I. 2017/752](#). Regulation 14(5) is prospectively amended by [S.I. 2019/577](#) and [S.I. 2020/591](#).

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“Transitional provision: financial sanctions licences

35.—(1) Paragraphs (2) to (4) apply to a licence (whether general or granted to a category of persons or to a particular person) which—

- (a) was granted by the Governor under section 17 of the modified TAFE authorising conduct in relation to a person (“P”) which would be prohibited under the modified TAFE,
- (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 has effect on and after the relevant date as if it had been issued by the Governor under regulation 19(1) (financial sanctions licences: Treasury designations) or regulation 19A(1) (financial sanctions licences: Governor designations) (as the case may be).

(3) Any reference in an existing financial sanctions licence to the modified TAFE 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 the Terrorist Asset-Freezing etc. Act 2010⁽⁹⁾ or the modified TAFE is to be treated on and after the relevant date as a reference to the corresponding prohibition in Part 3 (Finance).

(5) Paragraph (6) applies where—

- (a) an application for a licence, or for the variation of a licence, under the modified TAFE 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 as an application for a licence, or for the variation of a licence (as the case may be), under regulation 19 or 19A (as the case may be).

(7) In this regulation—

“the 2011 Order” means the Terrorist Asset-Freezing etc. Act 2010 (Overseas Territories) Order 2011⁽¹⁰⁾;

“the modified TAFE” means the Terrorist Asset-Freezing etc. Act 2010, as modified and extended to the Territory by the 2011 Order;

“the relevant date” means the date on which P becomes a designated person within the meaning of regulation 10 (meaning of “designated person” in Part 3).”

39. For regulation 36 (transitional provisions: prior obligations), substitute—

“Transitional provision: prior obligations for Treasury designations

36.—(1) Where a person (“P”) was designated by the Treasury for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010 immediately before the date on which P becomes a Territory designated person, the reference in regulation 17(5) (finance: exceptions from prohibitions) to the date on which a person became a designated person is a reference to the date on which P was designated by the Treasury for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010.

⁽⁹⁾ 2010 c.38.

⁽¹⁰⁾ S.I. 2011/750, amended by S.I. 2017/157.

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(2) In this regulation, “Territory designated person” means a designated person within the meaning given by regulation 10(a) (meaning of “designated person” in Part 3).

Transitional provision: prior obligations for Governor designations

36A.—(1) Where a person (“P”) was designated by the Governor for the purposes of Part 1 of the modified TAFE immediately before the date on which P is designated by the Governor under regulation 5 (designation of persons) for the purposes of regulations 11 to 15 (asset-freeze etc.), the reference in regulation 17(5) (finance: exceptions from prohibitions) to the date on which a person became a designated person is a reference to the date on which P was designated by the Governor for the purposes of Part 1 of the modified TAFE.

(2) In this regulation, “the 2011 Order” and “the modified TAFE” have the meaning they are given in regulation 35 (transitional provision: financial sanctions licences).”