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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c.13) to establish a sanctions regime in relation to Libya. The Regulations are made for the purposes of complying with obligations the United Kingdom has by virtue of United Nations Security Council resolutions relating to Libya, and for the purposes of promoting respect for human rights in Libya, promoting the peace, stability and security of Libya, promoting the successful completion of Libya's political transition, and preventing migrant smuggling and human trafficking in relation to Libya.

Following the UK's withdrawal from the European Union these Regulations will replace the EU sanctions regime in relation to Libya. That EU regime is currently implemented via an EU Council Decision and Regulation.

These Regulations provide that persons who are listed by the UN are designated persons in the UK. The Regulations also confer a power on the Secretary of State to designate further persons who are, or have been, involved in certain specified activities in Libya. Designated persons may be excluded from the United Kingdom and/or may be made subject to financial sanctions, including having their funds or economic resources frozen. There are also specific financial sanctions giving effect to a partial asset-freeze imposed by the United Nations in respect of two entities named in Annex II of resolution 1973 adopted by the UN Security Council on 17 March 2011. These Regulations also impose trade restrictions in relation to military goods, items which could be used to repress the civilian population of Libya (as specified in Schedule 2 to the Regulations) and on certain goods which could be used for human trafficking or the smuggling of migrants (as specified in Schedule 3 to the Regulations). The Regulations also impose restrictions in relation to certain aircraft and ships, and certain activities which enable or facilitate the conduct of armed hostilities in Libya.

The Regulations provide for exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Secretary of State and the Treasury to issue licences in respect of activities that would otherwise be prohibited under certain sanctions. Schedule 4 to these Regulations sets out the purposes pursuant to which the Treasury may issue licences in certain cases in respect of the financial sanctions measures.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences. The Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

These Regulations revoke Council Regulation (EU) 2016/44 (concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011). These Regulations also revoke the Libya (European Union Financial Sanctions) Regulations 2016, the Libya (Financial Sanctions) Order 2011 and the Export Control (Libya Sanctions) Order 2016.

An Impact Assessment has not been produced for these Regulations, as they are intended to ensure existing sanctions remain in place following the United Kingdom's withdrawal from the European Union. These Regulations are intended to deliver substantially the same policy effects as the existing European Union sanctions. An Impact Assessment was,

**Status:** This is the original version (as it was originally made).

however, produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/653271/Sanctions\\_and\\_Anti-Money\\_Laundering\\_Bill\\_Impact\\_Assessment\\_18102017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf).