
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 for the purposes of implementing the United Kingdom's international obligations under UN Security Council Resolution 1636 (2005), adopted in response to the terrorist bombing in Beirut, Lebanon on 14 February 2005 that killed former Lebanese Prime Minister Rafiq Hariri and others (the "2005 bombing"). Following the United Kingdom's withdrawal from the European Union, the Regulations replace the European Union sanctions regime in relation to Resolution 1636 (2005), implemented via an EU Council Decision and Regulation.

The Regulations provide that those individuals for the time being named by the UN Security Council Committee established by paragraph 3(b) of Resolution 1636 (2005) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the 2005 bombing are designated for the purposes of these Regulations. Designated persons are subject to financial sanctions, including having their funds and/or economic resources frozen. Persons designated by the UN are "excluded persons" under section 8B of the Immigration Act 1971, meaning generally that they must be refused leave to enter the United Kingdom and leave to remain in the United Kingdom, and any leave that has been granted is invalid.

The Regulations provide for certain 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 Treasury to issue licences in respect of activities that would otherwise be prohibited under the financial sanctions imposed. Schedule 2 to these Regulations sets out the purposes for which the Treasury may issue such licences.

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 prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

Council Regulation (EC) No 305/2006 of 21 February 2006 imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri is revoked by these Regulations. The Lebanon and Syria (Asset-Freezing) Regulations 2012 are also revoked. An amendment is also made by these Regulations to the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017.

An Impact Assessment has not been produced for these Regulations, as they are intended to ensure the existing sanctions framework remains 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 framework. An Impact Assessment was, 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.