
STATUTORY INSTRUMENTS

2020 No. 753

The Sudan (Sanctions) (EU Exit) Regulations 2020

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Sudan (Sanctions) (EU Exit) Regulations 2020.
(2) These Regulations come into force in accordance with regulations made by the Secretary of State 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;
“the Committee” means the Committee of the Security Council established in accordance with paragraph 3(a) of resolution 1591;
“conduct” includes acts and omissions;
“Council Regulation (EC) No 131/2004” means Council Regulation (EC) No 131/2004 of 26 January 2004 concerning certain restrictive measures in respect of Sudan⁽²⁾;
“Council Regulation (EC) No 1184/2005” means Council Regulation (EC) No 1184/2005 of 18 July 2005 imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan⁽³⁾;
“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 EU Sudan Regulation” means Council Regulation (EU) No 747/2014 of 10 July 2014, concerning restrictive measures in view of the situation in Sudan, and repealing Regulations (EC) No 131/2004 and (EC) No 1184/2005⁽⁴⁾, as it has effect in EU law;

(1) 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.
(2) OJ No. L 21, 28.1.2004, p.1 as repealed by the EU Sudan Regulation.
(3) OJ No. L 193, 23.7.2005, p.9 as repealed by the EU Sudan Regulation.
(4) OJ No. L 203, 11.7.2014, p.1.

“humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in Sudan for the benefit of the civilian population there;

“resolution 1556” means resolution 1556 (2004) adopted by the Security Council on 30 July 2004;

“resolution 1591” means resolution 1591 (2005) adopted by the Security Council on 29 March 2005;

“resolution 2035” means resolution 2035 (2012) adopted by the Security Council on 17 February 2012;

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4(2)(g);

“trade licence” means a licence under regulation 35;

“Treasury licence” means a licence under regulation 34(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 by conduct in the territorial sea.

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

- (a) regulation 9(2) (confidential information),
- (b) Part 3 (Finance),
- (c) Part 5 (Trade), or
- (d) 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.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
- (b) the additional purposes mentioned in paragraph (2).

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of Sudan,

- (b) encouraging the resolution of the armed conflicts in Sudan and the stabilisation of Sudan, including by way of—
 - (i) comprehensive and inclusive peace negotiations and agreements, and
 - (ii) transition to civilian-led government and democracy, with particular reference to the Constitutional Document⁽⁵⁾,
- (c) promoting respect for democracy, the rule of law and good governance in Sudan,
- (d) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms whose activities contribute to the peace, stability and security of Sudan, including—
 - (i) the United Nations Integrated Transition Assistance Mission in Sudan⁽⁶⁾,
 - (ii) the United Nations-African Union Hybrid Operation in Darfur⁽⁷⁾,
 - (iii) the United Nations Interim Security Force for Abyei⁽⁸⁾,
- (e) promoting respect for humanitarian assistance activity in Sudan,
- (f) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Sudan, and
- (g) promoting respect for, and accountability in relation to violations or abuses of human rights in Sudan, including, in particular, respect for—
 - (i) the right to life of persons in Sudan;
 - (ii) the right of persons in Sudan not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Sudan;
 - (iv) the right to liberty and security of persons in Sudan, including freedom from arbitrary arrest, detention or enforced disappearance;
 - (v) the right to a fair trial of persons charged with criminal offences in Sudan;
 - (vi) the rights of journalists, human rights defenders, civil society activists and other persons in Sudan to freedom of expression and peaceful assembly;
 - (vii) the enjoyment of rights and freedoms in Sudan without discrimination, including 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,

otherwise than by compliance with the relevant UN obligations.

- (3) In this regulation, “the relevant UN obligations” means—

(5) The Constitutional Document (also referred to as the Constitutional Charter for the 2019 Transitional Period) was signed by representatives of the Transitional Military Council and the Forces for Freedom and Change in Khartoum on 17th August 2019. The UN Security Council “welcom[ed] the signing of the Constitutional Document on 17 August 2019...” in the preamble to resolution 2524 (2020) adopted by the Security Council on 3 June 2020.

(6) The United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS) was established pursuant to resolution 2524 (2020) adopted by the Security Council on 3 June 2020.

(7) The United Nations-African Union Hybrid Operation in Darfur (UNAMID) was established pursuant to resolution 1769 (2007) adopted by the Security Council on 31 July 2007 and most recently extended by resolution 2525 (2020) adopted by the Security Council on 3 June 2020.

(8) The United Nations Interim Security Force for Abyei (UNISFA) was established pursuant to resolution 1990 (2011) adopted by the Security Council on 27 June 2011. The mandate was expanded by resolution 2024 (2011) adopted by the Security Council on 14 December 2011 to include monitoring along the entire border between North and South Sudan and most recently extended by resolution 2519 (2020) adopted by the Security Council on 14 May 2020.

- (a) the obligations that the United Kingdom has by virtue of paragraph 3(e) of resolution 1591 (asset-freeze) to take the measures required by that provision in respect of persons⁽⁹⁾ for the time being named for the purposes of that provision by the Security Council or the Committee;
 - (b) the obligations that the United Kingdom has by virtue of paragraph 3(e) of resolution 1591 (asset-freeze) in respect of persons—
 - (i) acting on behalf of or at the direction of, or
 - (ii) owned or controlled by,the persons for the time being named by the Security Council or the Committee for the purposes of that paragraph;
 - (c) the obligations that the United Kingdom has by virtue of paragraphs 7 and 8 of resolution 1556 (arms embargo)⁽¹⁰⁾.
- (4) Any reference to the obligation that the United Kingdom has by virtue of paragraph 3(e) of resolution 1591 is to that provision read with—
- (a) paragraph 3(c) of resolution 1591; and
 - (b) paragraph 3 of resolution 2035.
- (5) Any reference to the obligation that the United Kingdom has by virtue of paragraphs 7 and 8 of resolution 1556 is to that provision read with—
- (a) paragraph 7 of resolution 1591; and
 - (b) paragraphs 2 and 4 of resolution 2035.

(9) “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

(10) The arms embargo measures provided for in paragraphs 7 and 8 of resolution 1556 (2004) have been modified and updated by paragraph 7 of resolution 1591 (2005), paragraph 9 of resolution 1945 (2010) adopted by the Security Council on 14th October 2010, and paragraphs 2 and 4 of resolution 2035 (2012).