
STATUTORY INSTRUMENTS

2022 No. 748

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) Regulations 2022

PART 3

Financial restrictions

Dealing with transferable securities or money-market instruments

11. In regulation 15A (dealing with transferable securities or money-market instruments)—

(a) for paragraph (2)(c), substitute—

“(c) is issued—

(i) after the date on which the Amendment Regulations 2021 come into force,
and

(ii) before the Amendment Regulations 2022 come into force.”;

(b) after paragraph (2) insert—

“(2A) A person (“P”) must not, directly or indirectly, deal with a transferable security or money-market instrument falling within paragraphs (2B) or (2C) if P knows, or has reasonable cause to suspect, that P is dealing with such a transferable security or money-market instrument.

(2B) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force by a relevant person.

(2C) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force by—

(a) a person connected with Belarus, which is not—

(i) a relevant person,

(ii) a person, other than an individual, which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus, or

(iii) a person which on the date on which the Amendment Regulations 2022 come into force is a branch or subsidiary, wherever located, of a person mentioned in paragraph (ii);

(b) a person, other than an individual, which is majority owned by a person falling within sub-paragraph (a).”;

(c) for paragraph (3) substitute—

“(3) Paragraphs (1) and (2A) are subject to Part 6 (Exceptions and licences).”;

(d) in paragraph (4), for “paragraph (1)” substitute “paragraph (1) or (2A)”.

Loans and credit arrangements

12. In regulation 15B (loans and credit arrangements), for paragraph (5) substitute—

“(5) In this regulation—

“category A loan” means a loan or credit which—

- (a) has a maturity exceeding 90 days,
- (b) is made or granted to a relevant person, and
- (c) is first made or granted—
 - (aa) after the date on which the Amendment Regulations 2021 come into force, and
 - (bb) before the Amendment Regulations 2022 come into force;

“category B loan” means a loan or credit which—

- (a) is made or granted to a relevant person,
- (b) is first made or granted after the Amendment Regulations 2022 come into force;

“category C loan” means a loan or credit which—

- (a) has a maturity exceeding 30 days,
- (b) is made or granted—
 - (i) to a person, other than an individual, which is connected with Belarus and which is not—
 - (aa) a person which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus,
 - (bb) a person which is majority owned by a person falling within paragraph (aa), or
 - (ii) to a person, other than an individual, which is majority owned by a person within sub-paragraph (i),
- (c) is first made or granted after the Amendment Regulations 2022 come into force, and
- (d) is not a category B loan;

“relevant loan” means a category A loan, a category B loan or a category C loan.”.

Foreign exchange reserve and asset management

13. After regulation 15C (insurance and reinsurance services), insert—

“Provision of financial services relating to foreign exchange reserve and asset management

15CA.—(1) A person (“P”) must not provide financial services to a person mentioned in paragraph (2) where—

- (a) the financial services are for the purpose of foreign exchange reserve and asset management; and
- (b) P knows, or has reasonable cause to suspect, that the financial services are provided to such a person.

(2) The persons mentioned in this paragraph are—

- (a) the National Bank of Belarus,

- (b) the Ministry of Finance of Belarus,
 - (c) a person owned or controlled directly or indirectly (within the meaning of regulation 7) by a person mentioned in sub-paragraphs (a) or (b), or
 - (d) a person acting on behalf of or at the direction of a person mentioned in sub-paragraphs (a) or (b).
- (3) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (4) A person who contravenes the prohibition in paragraph (1) commits an offence.”.

Interpretation of terms in relation to other financial restrictions

14. In regulation 15D (interpretation of terms relating to other financial restrictions)—

(a) in paragraph (1), insert the following definitions in the appropriate places—

““branch” means, in relation to a credit or financial institution, a place of business which forms a legally dependent part of that institution and which carries out all or some of the transactions inherent in the business of that institution;”

““foreign exchange reserve and asset management” means activities relating to the reserves or assets of the persons mentioned in paragraph (2) of regulation 15CA, such reserves or assets to include the following—

- (a) money market instruments (including cheques, bills and certificates of deposit),
- (b) foreign exchange,
- (c) derivative products (including futures and options),
- (d) exchange rate and interest rate instruments (including products such as swaps and forward rate agreements),
- (e) transferable securities,
- (f) other negotiable instruments and financial assets (including bullion),
- (g) special drawing rights;”

““subsidiary” has the meaning given by section 1159 of the Companies Act 2006(1);”;

(b) after paragraph (5), insert—

“(6) In this Chapter, the definition of “credit or financial institution” is to be read with section 22 of the Financial Services and Markets Act 2000(2), any relevant order under that section(3) and Schedule 2 to that Act(4).”.

Circumventing etc. prohibitions

15. In regulation 16(1)(a) (circumventing etc prohibitions), for “Chapters” substitute “Chapter”.

(1) 2006 c. 46.

(2) Section 22 was amended by the Financial Guidance and Claims Act 2018 (c. 10), section 27(4); the Financial Services Act 2012, section 7(1); S.I. 2017/500; and S.I. 2018/135.

(3) S.I. 2001/544, as amended, most recently by S.I. 2021/90; and S.I. 2021/494.

(4) Schedule 2 was amended by the Regulation of Financial Services (Land Transactions) Act 2005 (c. 24), section 1; the Dormant Bank and Building Society Accounts Act 2008 (c. 31), section 15 and Schedule 2, paragraph 1; the Financial Services Act 2012, sections 7(2) to (5) and 8; the Financial Guidance and Claims Act 2018 (c. 10), section 27; S.I. 2013/1881; S.I. S.I. 2018/135; and S.I. 2019/63.