

2023 No. 1379

SANCTIONS

The Haiti (Sanctions) (Isle of Man) (Amendment) Order 2023

Made - - - - *13th December 2023*

Coming into force - - *28th December 2023*

At the Court at Buckingham Palace, the 13th day of December 2023

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by section 63(3)(b) and (4) of the Sanctions and Anti-Money Laundering Act 2018(a), is pleased, by and with the advice of His Privy Council, to make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Haiti (Sanctions) (Isle of Man) (Amendment) Order 2023 and comes into force on 28th December 2023.

(2) This Order extends to the Isle of Man.

Amendment of the Haiti (Sanctions) (Isle of Man) Order 2022

2. The Schedule (modifications to be made in the extension of the Haiti (Sanctions) Regulations 2022(b) to the Isle of Man) to the Haiti (Sanctions) (Isle of Man) Order 2022(c), is amended as follows.

3. In paragraph 4(b), after “paragraph (2)” insert “and (3)”.

4. Omit paragraphs 6 and 7.

5. In paragraph 9, in the substituted regulation 27 (exceptions for authorised conduct outside the Isle of Man) for sub-paragraph (1) substitute—

“(1) Where a person's conduct outside the Isle of Man would, in the absence of this paragraph, contravene a prohibition in any of regulations 8 to 12 (asset-freeze etc.) or Part 4 (Trade), the prohibition is not contravened if the conduct is authorised by a licence issued under regulation 29 (Treasury licences) (as it has effect in the United Kingdom) or regulation 29A (trade licences) (as is has effect in the United Kingdom).”

6. After paragraph 11 insert—

(a) 2018 c. 13. Amendments have been made by the Sentencing Act 2020 (c. 17); the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10); and the Economic Crime and Corporate Transparency Act 2023 (c. 56).
(b) S.I. 2022/1281, as amended by S.I. 2023/121; and S.I. 2023/1320.
(c) S.I. 2022/1340.

“11A. In regulation 29A (trade licences)—

- (a) in paragraph (1), for “Secretary of State”, substitute “Treasury”;
- (b) for paragraphs (5) to (7) substitute—

“(5) The Treasury may vary, revoke or suspend a licence at any time.

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

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

7. After paragraph 17 insert—

“17A. In regulation 36A(4) (general trade licences: records), for “Secretary of State” substitute “Treasury”.

17B. In regulation 36B(1) (general trade licences: inspection of records), for “Secretary of State or the Commissioners” substitute “Treasury”.”

8. In paragraph 18, in paragraph (b)(ii)(bb), in the substituted text, for “military goods” substitute “small arms, light weapons and ammunition”.

9. In paragraph 21, in the substituted text, after paragraph (2) insert—

“(2A) A person guilty of an offence under regulation 30A, 36A(6) or 36B(5) (offences in connection with trade licences) is liable—

- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
- (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both.”

10. In paragraph 34(c), in the inserted paragraph (3), in the definition of “relevant prohibition” for “(a) to (d)” substitute “(a) to (c)”.

Ceri King
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Haiti (Sanctions) (Isle of Man) Order 2022 (S.I. 2022/1340) in consequence of amendments made to the Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281) by the Haiti (Sanctions) (Amendment) Regulations 2023 (S.I. 2023/1320). Those amendments are made further to the changes made to the UN arms embargo by paragraph 14 of resolution 2699 (2023) adopted by the Security Council on 2nd October 2023, and by paragraph 6 of resolution 2700 (2023) adopted by the Security Council on 19th October 2023.

An impact assessment has not been prepared for this instrument because the territorial extent of the instrument and the modified Regulations is the Isle of Man; no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.

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