
STATUTORY INSTRUMENTS

2022 No. 1236

SANCTIONS

**The Democratic Republic of the Congo (Sanctions)
(EU Exit) (Amendment) Regulations 2022**

Made - - - - *28th November 2022*
Laid before Parliament *30th November 2022*
Coming into force - - *23rd December 2022*

The Secretary of State⁽¹⁾, considering that the condition in section 45(2) of the Sanctions and Anti-Money Laundering Act 2018⁽²⁾ is met, makes the following Regulations in exercise of the powers conferred by sections 1 and 45 of that Act:

Citation and commencement

1.—(1) These Regulations may be cited as the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2022.

(2) These Regulations come into force on 23rd December 2022.

Amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019

2.—(1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) omit the definitions of “resolution 1857” and “resolution 1952”;

(b) at the appropriate place insert—

““resolution 2641” means resolution 2641 (2022) adopted by the Security Council on 30 June 2022;”;

(c) at the appropriate place insert—

(1) The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) is conferred on an “appropriate Minister”. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.
(2) 2018 c. 13. Sections 1 and 45 are amended by the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10), sections 57 and 62.
(3) S.I. 2019/433 as amended by section 410 of, and paragraph 446 of Schedule 24 to, the Sentencing Act 2020 (c. 17); S.I. 2020/591; S.I. 2020/950; S.I. 2021/1041; S.I. 2022/819; and S.I. 2022/500.

““improvised explosive devices” means devices fabricated or intended to be placed in an improvised manner incorporating destructive, lethal, noxious, “pyrotechnic” or incendiary chemicals designed to destroy, disfigure or harass; they may incorporate military stores, but are normally devised from non-military components;”.

(3) In regulation 4(4) (purposes)—

- (a) omit paragraphs (a) to (e);
- (b) after paragraph (g), omit “and”;
- (c) in paragraph (h), for “.” substitute “; and”;
- (d) after paragraph (h), insert—

“(i) paragraph 3 of resolution 2641.” .

(4) In regulation 6(2)(a) (designation criteria), after sub-paragraph (ii), insert—

“(iii) the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices;”.

28th November 2022

Andrew Mitchell
Minister of State
Foreign, Commonwealth and Development
Office

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) (“the Sanctions Act”).

The Regulations make amendments to the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433) (“the Democratic Republic of the Congo Regulations”) which were made under section 1 of the Sanctions Act.

The Regulations amend the Democratic Republic of the Congo Regulations to insert into regulation 4(4) a reference to paragraph 3 of United Nations Security Council Resolution 2641 (2022), adopted on 30 June 2022 (“Resolution 2641”). That paragraph decides that the financial and travel sanctions in paragraphs 9 and 11 of United Nations Security Council Resolution 1807 (2008), adopted on 31 March 2008 (“Resolution 1807”), shall also apply to individuals and entities designated by the relevant UN Sanctions Committee for involvement in the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices. The amendments made by these Regulations enable implementation of the UK’s UN obligations in respect of financial sanctions. They also amend the designation criteria in regulation 6(2) to allow the Secretary of State to designate persons by name under that same criterion. Further, the Regulations remove reference to UN resolutions which have been superseded.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.