
STATUTORY INSTRUMENTS

2020 No. 642

The Somalia (Sanctions) (EU Exit) Regulations 2020

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Somalia (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 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 United Nations Security Council established in accordance with paragraph 11 of resolution 751⁽²⁾;
- “conduct” includes acts and omissions;
- “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 Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items;
- “the EU Somalia Regulation 1” means Council Regulation (EU) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia⁽³⁾ as it has effect in EU law;
- “the EU Somalia Regulation 2” means Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia⁽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) Established by paragraph 11 of resolution 751 and renamed the “Committee pursuant to resolution 751 (1992) concerning Somalia” by paragraph 9 of resolution 2444 adopted by the Security Council on 14 November 2018.

(3) OJ No. L 024, 29.1.2003, p2; amended by Council Regulation (EU) 2020/169 (OJ No. L36, 7.2.2020, p1) which inserted a new Article 3c to prohibit certain activities in connection with improvised explosive devices components.

(4) OJ No. L 105, 27.4.2010, p. 1.

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

“resolution 733” means resolution 733 (1992) adopted by the Security Council on 23 January 1992;

“resolution 751” means resolution 751 (1992) adopted by the Security Council on 24 April 1992;

“resolution 1425” means resolution 1425 (2002) adopted by the Security Council on 22 July 2002;

“resolution 1844” means resolution 1844 (2008) adopted by the Security Council on 20 November 2008;

“resolution 2002” means resolution 2002 (2011) adopted by the Security Council on 29 July 2011;

“resolution 2036” means resolution 2036 (2012) adopted by the Security Council on 22 February 2012;

“resolution 2060” means resolution 2060 (2012) adopted by the Security Council on 25 July 2012;

“resolution 2093” means resolution 2093 (2013) adopted by the Security Council on 6 March 2013;

“resolution 2102” means resolution 2102 (2013) adopted by the Security Council on 2 May 2013;

“resolution 2444” means resolution 2444 (2018) adopted by the Security Council on 14 November 2018;

“resolution 2498” means resolution 2498 (2019) adopted by the Security Council on 15 November 2019;

“trade licence” means a licence under regulation 48;

“Treasury licence” means a licence under regulation 47;

“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 Somalia;

(b) supporting the Federal Government of Somalia to promote peace, stability, security and the rule of law, including, in particular, supporting its efforts to reconstruct the country, to counter the threats posed by terrorism and from illegal armed groups, and to tackle the flow of illegal arms;

(c) promoting the effective delivery of the mandates of the regional and international monitoring, peace-support and protection and training missions and mechanisms in Somalia including—

(i) the African Union Mission in Somalia(5) and the Civilian Casualty Tracking, Analysis and Response Cell(6),

(ii) the United Nations Assistance Mission in Somalia(7),

(iii) the United Nations Support Office in Somalia(8),

(iv) the European Union Training Mission in Somalia(9), and

(v) the Panel of Experts on Somalia(10);

(d) promoting respect for humanitarian assistance activities in Somalia;

(e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Somalia;

(f) promoting respect for human rights in Somalia, including, in particular, respect for—

(i) the right to life of persons in Somalia;

(5) Establishment of the African Union Mission in Somalia (AMISOM) was authorised by paragraph 3 of resolution 1725 adopted by the Security Council on 6 December 2006 and its mandate was set out in paragraph 9 of resolution 1772 adopted by the Security Council on 20 August 2007. Its mandate was most recently renewed by paragraph 7 of resolution 2472 adopted by the Security Council on 31 May 2019.

(6) The Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) was established by AMISOM pursuant to a commitment referenced in paragraph 17 of resolution 2036 adopted by the Security Council on 22 February 2012.

(7) The United Nations Assistance Mission in Somalia (UNSOM) was established by paragraph 1 of resolution 2102 adopted by the Security Council on 2 May 2013 and its mandate was updated in subsequent resolutions. Its current mandate was extended to 30 June 2020 by paragraph 1 of resolution 2516 adopted by the Security Council on 30 March 2020.

(8) The United Nations Support Office in Somalia (UNSOS) was established by paragraph 1 of resolution 2245 adopted by the Security Council on 9 November 2015 and the scope of the support provided by UNSOS was most recently amended in resolution 2472 adopted by the Security Council on 31 May 2019.

(9) The European Union Training Mission in Somalia (EUTM Somalia) was established by Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somalia security forces. The mandate of the mission was extended until 31 December 2020 by Article 1 of Council Decision (CFSP) 2018/1787.

(10) The Panel of Experts on Somalia was established by paragraph 11 of resolution 2444 adopted by the Security Council on 14 November 2018. Its mandate was extended to 15 December 2020 by paragraph 29 of resolution 2498 adopted by the Security Council on 15 November 2019.

- (ii) the right of persons in Somalia not to be held in slavery or required to perform forced or compulsory labour;
- (iii) the right of persons not to be subjected to cruel, inhuman or degrading treatment or punishment in Somalia;
- (iv) the right to liberty and security of persons in Somalia, including freedom from arbitrary arrest, unlawful detention or enforced disappearance;
- (v) the right to a fair trial of persons charged with criminal offences in Somalia;
- (vi) the right of journalists, human rights defenders, civil society activists and other persons in Somalia to freedom of expression and peaceful assembly;
- (vii) the enjoyment of rights and freedoms in Somalia 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 the obligations that the United Kingdom has by virtue of—

- (a) paragraph 5 of resolution 733 (arms embargo);
- (b) paragraph 3 of resolution 1844 (asset-freeze etc.) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
- (c) the obligations that the United Kingdom has by virtue of paragraph 3 of resolution 1844 (asset-freeze etc.) 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 paragraph 3 of resolution 1844;
- (d) paragraph 7 of resolution 1844 (targeted arms embargo) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
- (e) paragraph 22 of resolution 2036 (charcoal ban); and
- (f) paragraph 26 of resolution 2498 (IED components ban).

(4) In paragraph (3)(a), the reference to paragraph 5 of resolution 733 is to that provision as read with—

- (a) paragraphs 1 and 2 of resolution 1425, and
- (b) paragraph 6 of resolution 2498.

(5) In paragraphs (3)(b) to (d), any reference to persons named by the Security Council or Committee for the purposes of a provision mentioned therein includes persons so named by virtue of—

- (a) paragraph 8 of resolution 1844;
- (b) paragraphs 1, 2 and 3 of resolution 2002;
- (c) paragraph 23 of resolution 2036;
- (d) paragraph 1, 2 and 3 of resolution 2060;
- (e) paragraph 43 of resolution 2093; and
- (f) paragraph 50 of resolution 2444.

