
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) to establish a sanctions regime in relation to Burundi for the purposes of encouraging the Government of Burundi to: respect democratic principles and institutions and the rule of law; refrain from the repression of civil society; and comply with international human rights law and to respect human rights. The Regulations revoke and replace the existing sanctions regime established by the Burundi (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/1142) (“the 2019 Regulations”) to remove the purpose encouraging the Government of Burundi to participate in negotiations with its political opponents in good faith to bring about a peaceful solution to the political situation in Burundi, following the change of President in Burundi as a result of the elections in May 2020. The Regulations also remove a designation criterion associated with that purpose.

The Regulations confer a power on the Secretary of State to designate persons who are, or have been, involved in certain activities. Designated persons may be excluded from the United Kingdom and may be made subject to financial sanctions, including having their funds and economic resources frozen.

The Regulations provide for certain exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Treasury to issue licences in respect of activities that would otherwise be prohibited under the financial sanctions imposed by the Regulations, and for the Secretary of State to issue directions in relation to a person subject to immigration sanctions. Schedule 2 to these Regulations sets out the purposes for which the Treasury may issue such licences to particular persons.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

An Impact Assessment has not been produced for these Regulations, as the only substantive changes from the previous regime are to remove a purpose and associated designation criterion, and therefore no, or no significant, impact is foreseen on the private, voluntary or public sectors in the United Kingdom. An Impact Assessment was, however, produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf.