
STATUTORY INSTRUMENTS

2021 No. 496

The Myanmar (Sanctions) Regulations 2021

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Myanmar (Sanctions) Regulations 2021.
- (2) The following provisions come into force at 2.00 p.m. on 29th April 2021—
 - (a) this regulation;
 - (b) regulation 2 (interpretation);
 - (c) regulation 4 (purposes);
 - (d) regulation 5 (power to designate persons);
 - (e) regulation 6 (designation criteria);
 - (f) regulation 7 (meaning of “owned or controlled directly or indirectly”);
 - (g) regulation 8 (notification and publicity where designation power used);
 - (h) Schedule 1 (rules for interpretation of regulation 7(2)).
- (3) All other provisions come into force at 5.00 p.m. on 29th April 2021.

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 paragraph 12 of 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;
 - “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;

⁽¹⁾ 1979 c. 2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

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

“the Myanmar security forces” means the Tatmadaw and the Myanmar Police Force, including the Border Guard Force, and any person acting on their behalf or under their command or control;

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4;

“the Tatmadaw” means the Myanmar Armed Forces;

“trade licence” means a licence under regulation 45;

“Treasury licence” means a licence under regulation 44(1);

“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. The purposes of the regulations contained in this instrument are to—

- (a) promote the peace, stability and security of Myanmar;
- (b) promote respect for democracy, the rule of law and good governance in Myanmar, including in particular promoting the successful completion of Myanmar’s transition to a democratic country;
- (c) discourage actions, policies or activities which repress the civilian population in Myanmar;
- (d) promote compliance with international human rights law and respect for human rights in Myanmar, including in particular, respect for—
 - (i) the right to life of persons in Myanmar;

- (ii) the right of persons in Myanmar not to be held in slavery or required to perform forced or compulsory labour;
- (iii) the right of persons in Myanmar, including in particular the Rohingya, not to be subjected to forced deportation or forcible transfer from Myanmar;
- (iv) the right of persons not to be subject to torture or cruel, inhuman or degrading treatment or punishment in Myanmar, including in the context of—
 - (aa) violence against persons on the basis of their political opinion, religious belief or ethnicity,
 - (bb) rape and other forms of sexual and gender-based violence, or
 - (cc) recruitment or use of, or violence against, children;
- (v) the right to liberty and security of persons in Myanmar, including freedom from arbitrary arrest, detention or enforced disappearance;
- (vi) the right to a fair trial of persons charged with criminal offences in Myanmar;
- (vii) the rights of journalists, human rights defenders, civil society activists, religious leaders, politicians and all other persons in Myanmar to freedom of expression, peaceful assembly and association with others;
- (viii) the enjoyment of rights and freedoms in Myanmar 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.