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STATUTORY INSTRUMENTS

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**2022 No. 1340**

**SANCTIONS**

**The Haiti (Sanctions) (Isle of Man) Order 2022**

*Made* - - - - *14th December 2022*

*Coming into force* - - *28th December 2022*

At the Court at Buckingham Palace, the 14th day of December 2022

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(1), 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) Order 2022 and comes into force on 28th December 2022.

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

**Commencement Information**

**I1** Art. 1 in force at 28.12.2022, see [art. 1\(1\)](#)

**Extension of the Haiti (Sanctions) Regulations 2022**

2. The Haiti (Sanctions) Regulations 2022(2) as amended from time to time extend to the Isle of Man with the modifications specified in the Schedule.

**Commencement Information**

**I2** Art. 2 in force at 28.12.2022, see [art. 1\(1\)](#)

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(1) [2018 c. 13](#). Amendments have been made by the Sentencing Act 2020 ([c. 17](#)) and the Economic Crime (Transparency and Enforcement) Act 2022 ([c. 10](#)).

(2) [S.I. 2022/1281](#).

### **Extension of the Sanctions and Anti-Money Laundering Act 2018**

**3.**—(1) Subject to the modifications set out in sub-paragraphs (a) and (c), the following provisions of the Sanctions and Anti-Money Laundering Act 2018 extend to the Isle of Man for the purposes of the Haiti (Sanctions) Regulations 2022 as modified and extended to the Isle of Man by this Order—

- (a) section 43 (guidance about regulations under section 1), except that, in its application to the Isle of Man—
  - (i) the reference in subsection (1) of that section to regulations under section 1 is to be read as a reference to the Haiti (Sanctions) Regulations 2022 as modified and extended to the Isle of Man by this Order, and
  - (ii) the reference in subsection (1) of that section to the appropriate Minister who made the regulations is to be read as a reference to the Treasury;
- (b) section 44 (protection for acts done for purposes of compliance);
- (c) section 53 (saving for prerogative powers), except that, in its application to the Isle of Man, the reference in subsection (1) of that section to the United Kingdom is to be read as a reference to the Isle of Man.

(2) In this article, “Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald)(3).

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#### **Commencement Information**

**I3** Art. 3 in force at 28.12.2022, see [art. 1\(1\)](#)

*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE

Article 2

### Modifications to be made in the extension of the Haiti (Sanctions) Regulations 2022 to the Isle of Man

1. In regulation 1 (citation and commencement)—
  - (a) in the heading, omit “and commencement”;
  - (b) omit paragraph (2).

#### Commencement Information

**I4** Sch. para. 1 in force at 28.12.2022, see [art. 1\(1\)](#)

2. In regulation 2 (interpretation)—
  - (a) the existing text becomes paragraph (1);
  - (b) in the renumbered paragraph (1)—
    - (i) for the definition of “CEMA” substitute—

““CEMA” means the Customs and Excise Management Act 1986 (of Tynwald)(**4**);”;
    - (ii) omit the definition of “the Commissioners”;
    - (iii) omit the definition of “United Kingdom person”;
    - (iv) in the appropriate place, insert—

““Department of Home Affairs” means the Department of Home Affairs of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald)(**5**);”;

““the Export Control Order 2008” means the Export Control Order 2008, as it has effect in the Isle of Man from time to time(**6**);”;

““international obligation” means an obligation of the United Kingdom and the Isle of Man created or arising by or under any international agreement;”;

““Island person” means a person who is—

      - (a) an individual ordinarily resident in the Isle of Man who is—
        - (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
        - (ii) a person who under the British Nationality Act 1981(**7**) is a British subject, or
        - (iii) a British protected person within the meaning of that Act, or
      - (b) a body incorporated or constituted under the law of the Isle of Man;”;

““local authority” has the meaning given in the Interpretation Act 2015 (of Tynwald)(**8**);”;

““standard scale” means the standard scale contained in section 55 of the Interpretation Act 2015 (of Tynwald);”;

(4) AT 34 of 1986.

(5) AT 13 of 1987.

(6) S.I. 2008/3231, applied in the Isle of Man by SD 104/09 (of Tynwald) (as amended).

(7) 1981 c. 61. Part 4 has been amended by the British Overseas Territories Act 2002 (c. 8), section 1(1)(b); and the Nationality, Immigration and Asylum Act 2002 (c. 41), Schedule 2, paragraph 1(i).

(8) AT 11 of 2015.

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

““territorial sea of the Isle of Man” means the territorial sea adjacent to the Isle of Man;”;

““Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald);”;

““UN obligation” means an obligation that the United Kingdom has in relation to the Isle of Man by virtue of a UN Security Council Resolution;”;

(c) after paragraph (1) insert—

“(2) In these Regulations, all references to Manx legislation (within the meaning of section 9 of the Interpretation Act 2015 (of Tynwald)) are to be construed as references to that legislation as amended from time to time.”

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#### Commencement Information

**I5** Sch. para. 2 in force at 28.12.2022, see [art. 1\(1\)](#)

**3.** In regulation 3 (application of prohibitions and requirements outside the United Kingdom)—

- (a) in the heading, for “United Kingdom” substitute “Isle of Man”;
- (b) in paragraphs (1) and (4), for “A United Kingdom person” substitute “An Island person”;
- (c) in paragraphs (1), (4) and (7), for “United Kingdom” substitute “Isle of Man”;
- (d) in paragraphs (2) and (5), after “in the territorial sea” insert “of the Isle of Man”.

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#### Commencement Information

**I6** Sch. para. 3 in force at 28.12.2022, see [art. 1\(1\)](#)

**4.** In regulation 4 (purposes)—

- (a) in paragraph (1) omit “that are made under section 1 of the Act”;
- (b) in paragraph (2) [<sup>F1</sup>and (3)], after “United Kingdom” insert “and the Isle of Man”

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#### Textual Amendments

**F1** Words in [Sch. para. 4\(b\)](#) inserted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), [3](#)

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#### Commencement Information

**I7** Sch. para. 4 in force at 28.12.2022, see [art. 1\(1\)](#)

**5.** In regulation 14 (interpretation of expressions used in this Part)—

(a) for paragraph (1) substitute—

“(1) For the purposes of this Part—

- (a) “export” means export from the Isle of Man,
- (b) goods removed to the United Kingdom from the Isle of Man are not to be regarded as exported, and
- (c) goods transported out of the Isle of Man by aircraft or ship as stores within the meaning of CEMA (see section 184(1) and (4) of that Act) are to be regarded as exported.

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

(1A) Paragraph 36 of Schedule 1 to the Act (trade sanctions) applies for the purpose of interpreting expressions in this Part.”

(b) for paragraph (2) substitute—

“(2) In this Part, any reference to the Isle of Man includes a reference to the territorial sea of the Isle of Man.”

**Commencement Information**

**I8** Sch. para. 5 in force at 28.12.2022, see [art. 1\(1\)](#)

**F2** 6. ....

**Textual Amendments**

**F2** Sch. para. 6 omitted (28.12.2023) by virtue of [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 4

**F3** 7. ....

**Textual Amendments**

**F3** Sch. para. 7 omitted (28.12.2023) by virtue of [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 4

**8.** In regulation 25 (finance: exceptions from prohibitions)—

(a) omit paragraph (6);

(b) in paragraph (7), for the definition of “relevant institution” substitute—

““relevant institution” means—

- (a) a person who is licensed under the Financial Services Act 2008 (of Tynwald)(**9**) to carry on a regulated activity within the meaning of section 3 of that Act,
- (b) a person who is authorised or registered under the Insurance Act 2008 (of Tynwald)(**10**) or who holds a permit under that Act,
- (c) a person who is registered under the Moneylenders Act 1991 (of Tynwald)(**11**) to carry on the business of lending money, or
- (d) a person who is acting as a trustee or an administrator of a retirement benefits scheme within the meaning of the Retirement Benefits Schemes Act 2000 (of Tynwald)(**12**).”;

(c) omit paragraph (8).

**Commencement Information**

**I9** Sch. para. 8 in force at 28.12.2022, see [art. 1\(1\)](#)

(9) AT 8 of 2008.  
(10) AT 16 of 2008.  
(11) AT 6 of 1991.  
(12) AT 14 of 2000.

*Changes to legislation:* There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

9. For regulation 27 (exception for authorised conduct in a relevant country) substitute—

**“Exceptions for authorised conduct outside the Isle of Man**

27.—<sup>F4</sup>(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).]

(2) Where a person’s conduct in a relevant country would, in the absence of this paragraph, contravene a prohibition in any of regulations 8 to 12 (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

- (a) under the law of the relevant country, and
- (b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

(3) In this regulation—

“relevant country” means—

- (a) any of the Channel Islands, or
- (b) any British overseas territory.

(4) Nothing in this regulation affects the application of a prohibition in a case where it would be incompatible with a UN obligation for the prohibition not to apply.”

**Textual Amendments**

**F4** Words in [Sch. para. 9](#) substituted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 5

**Commencement Information**

**I10** Sch. para. 9 in force at 28.12.2022, see [art. 1\(1\)](#)

10. For regulation 28 (exception for acts done for purposes of national security or prevention of serious crime), substitute—

“28.—(1) Where an act would, in the absence of this paragraph, be prohibited by any prohibition in Part 3 (Finance) or Part 4 (Trade), that prohibition does not apply to the act if the act is one which—

- (a) a UK responsible officer has determined would be in the interests of—
  - (i) national security, or
  - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) an Island responsible officer has determined would be in the interests of the prevention or detection of serious crime in the Isle of Man or elsewhere.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of Part 6 (Information and records) or Part 8 (Maritime enforcement), that requirement does not apply if—

- (a) a UK responsible officer has determined that not doing the thing in question would be in the interests of—

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

- (i) national security, or
  - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) an Island responsible officer has determined that not doing the thing in question would be in the interests of the prevention or detection of serious crime in the Isle of Man or elsewhere.
- (3) In this regulation—
- “Island responsible officer” means a person—
- (a) in the service of the Crown or holding office under the Crown in the Isle of Man,
  - (b) appointed by the Public Services Commission, or
  - (c) appointed as a constable by the Department of Home Affairs,
- acting in the course of that person’s duty;
- “Public Services Commission” means the Public Services Commission established by the Public Services Commission Act 2015 (of Tynwald)(**13**);
- “UK responsible officer” means a person in the service of the Crown or holding office under the Crown in the United Kingdom, acting in the course of that person’s duty.
- (4) Nothing in this regulation affects the application of a prohibition or requirement in a case where it would be incompatible with a UN obligation for the prohibition or requirement not to apply,”

**Commencement Information**

**I11** Sch. para. 10 in force at 28.12.2022, see [art. 1\(1\)](#)

**11.** In regulation 29 (Treasury licences)—

- (a) in paragraph (2), for “consider” substitute “considers”;
- (b) for paragraphs (4) to (6) substitute—

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

(5) 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.

(6) 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.”

**Commencement Information**

**I12** Sch. para. 11 in force at 28.12.2022, see [art. 1\(1\)](#)

<sup>[F5]</sup>**11A.** In regulation 29A (trade licences)—

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

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(13) AT 1 of 2015.

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

“(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.”]

#### Textual Amendments

**F5** Sch. para. 11A inserted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 6

**12.** In regulation 31 (finance: reporting obligations)—

(a) for paragraph (5) substitute—

“(5) A relevant institution must inform the Treasury without delay if that institution credits a frozen account in accordance with regulation 25(4) (finance: exceptions from prohibitions).”

(b) in paragraph (7), for the definition of “relevant firm” substitute—

““relevant firm” means—

(a) a business in the regulated sector within the meaning of Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald)<sup>(14)</sup> (see in particular paragraph 2 of that Schedule);

(b) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(i) articles made from gold, silver, platinum or palladium, or

(ii) precious stones or pearls.”

(c) at the end, insert—

“(8) For the purposes of paragraph (a) of the definition of “relevant firm” in paragraph (7), the definition of “estate agent” in Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald) is to be read as if references to the sale or proposed sale of land in section 15 of the Estate Agents Act 1975 (of Tynwald)<sup>(15)</sup> included references to the sale or proposed sale of land outside the Isle of Man.”

#### Commencement Information

**I13** Sch. para. 12 in force at 28.12.2022, see [art. 1\(1\)](#)

**13.** Omit regulation 32 (“relevant firm”) (including the heading).

#### Commencement Information

**I14** Sch. para. 13 in force at 28.12.2022, see [art. 1\(1\)](#)

<sup>(14)</sup> AT 13 of 2008. Schedule 4 was substituted by SD 2019/0204 (of Tynwald).

<sup>(15)</sup> AT 6 of 1975.



14. In regulation 33 (finance: powers to request information), in paragraphs (4) and (6), in both places it occurs, for “believe” substitute “believes”.

**Commencement Information**

I15 Sch. para. 14 in force at 28.12.2022, see [art. 1\(1\)](#)

15. In regulation 34 (finance: production of documents), in paragraphs (2) and (3), for “the Treasury request” substitute “the Treasury requests”.

**Commencement Information**

I16 Sch. para. 15 in force at 28.12.2022, see [art. 1\(1\)](#)

16. In regulation 35 (finance: information offences), in paragraph (1)(d), for “their” substitute “its”.

**Commencement Information**

I17 Sch. para. 16 in force at 28.12.2022, see [art. 1\(1\)](#)

17. In regulation 36(1) (trade: application of information powers in CEMA)—  
(a) for “Section 77A of CEMA” substitute “Section 78A of CEMA(16)”;  
(b) in sub-paragraph (a), after “Taxation (Cross-border Trade) Act 2018” insert “, as it has effect in the Island(17)”.

**Commencement Information**

I18 Sch. para. 17 in force at 28.12.2022, see [art. 1\(1\)](#)

[<sup>F6</sup>17A. In regulation 36A(4) (general trade licences: records), for “Secretary of State” substitute “Treasury”.

**Textual Amendments**

F6 Sch. paras. 17A, 17B inserted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 7

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

**Textual Amendments**

F6 Sch. paras. 17A, 17B inserted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), 7

18. In regulation 37 (disclosure of information)—

(16) Section 78A was inserted by GC 261/87 (of Tynwald).

(17) The Taxation (Cross-border Trade) Act 2018 applies to the Isle of Man by SD 2019/0080.

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

- (a) in paragraph (1), for “Secretary of State, the Treasury or the Commissioners” substitute “Treasury”;
- (b) in paragraph (2)—
  - (i) after sub-paragraph (c) insert—
    - “(ca) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the Isle of Man for an offence under any provision of these Regulations;”;
  - (ii) in sub-paragraph (d)—
    - (aa) in paragraph (i), after “Regulations” insert “(as they have effect in the United Kingdom)”;
    - (bb) for paragraph (ii) substitute—
      - “(ii) for an offence under the Customs and Excise Management Act 1979(18) in connection with the prohibition mentioned in regulation 15(1), (export of [<sup>F7</sup>small arms, light weapons and ammunition]) (as they have effect in the United Kingdom), or”;
  - (iii) in sub-paragraph (e), omit “, the Isle of Man”;
  - (iv) in sub-paragraph (g), for “United Kingdom” substitute “Isle of Man”;
- (c) in paragraph (3)—
  - (i) in sub-paragraph (f), for “United Kingdom” substitute “Isle of Man”;
  - (ii) in sub-paragraph (j), for “Secretary of State, the Treasury or the Commissioners (as the case may be) consider” substitute “Treasury considers”.

#### Textual Amendments

**F7** Words in *Sch. para. 18(b)(ii)(bb)* substituted (28.12.2023) by *The Haiti (Sanctions) (Isle of Man) (Amendment) Order 2023 (S.I. 2023/1379)*, arts. 1(1), 8

#### Commencement Information

**I19** *Sch. para. 18* in force at 28.12.2022, see **art. 1(1)**

- 19.** In regulation 38 (Finance: disclosure to the Treasury), for paragraph (2) substitute—
- “(2) In this regulation—
    - “relevant public authority” means—
      - (a) any person holding or acting in any office under or in the service of the Isle of Man Government;
      - (b) any local authority;
      - (c) any police officer;
      - (d) the Isle of Man Financial Services Authority or any other regulatory body in the Isle of Man; or
      - (e) any other person exercising functions of a public nature.”

**Commencement Information**

**I20** Sch. para. 19 in force at 28.12.2022, see [art. 1\(1\)](#)

**20.** In regulation 39 (Part 6: supplementary)—

(a) for paragraph (2) substitute—

“(2) But nothing in those regulations authorises a disclosure—

(a) that contravenes the data protection legislation, or

(b) of intercepted material that is not otherwise permitted under the safeguards arrangements relating to a warrant issued under the Interception of Communications Act 1988 (of Tynwald)(**19**).”

(b) in paragraph (3), for “counsel or solicitor” substitute “advocate or lawyer”;

(c) in paragraph (6)—

(i) for the definition of “the data protection legislation” substitute—

““the data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018 (of Tynwald)(**20**);”;

(ii) in the definition of “privileged information”, omit “(in Scotland, to confidentiality of communications)”.

**Commencement Information**

**I21** Sch. para. 20 in force at 28.12.2022, see [art. 1\(1\)](#)

**21.** For regulation 40 (penalties for offences) substitute—

“**40.**—(1) A person guilty of an offence under any provision of Part 3 (Finance) or regulation 30 (finance: licensing offences) 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 7 years or to a fine, or to both.

(2) A person guilty of an offence under any provision of Part 4 (Trade) 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 10 years or to a fine, or to both.

[<sup>F8</sup>(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.]

(19) AT 18 of 1988.

(20) SD 2018/0145 (of Tynwald).

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

(3) A person guilty of an offence under regulation 31(6) or 35 (information offences in connection with Part 3) is liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.”

#### Textual Amendments

**F8** Words in [Sch. para. 21](#) inserted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), [arts. 1\(1\), 9](#)

#### Commencement Information

**I22** Sch. para. 21 in force at 28.12.2022, see [art. 1\(1\)](#)

**22.** In regulation 41(4) (liability of officers of bodies corporate etc.), for “Section 171(4)” substitute “Section 179(3)”.

#### Commencement Information

**I23** Sch. para. 22 in force at 28.12.2022, see [art. 1\(1\)](#)

**23.** For regulation 42 (jurisdiction to try offences), substitute—

- “**42.** Where an offence under these Regulations is committed outside the Isle of Man—
- (a) proceedings for the offence may be taken in the Isle of Man, and
  - (b) the offence may for all incidental purposes be treated as having been committed in the Isle of Man.”

#### Commencement Information

**I24** Sch. para. 23 in force at 28.12.2022, see [art. 1\(1\)](#)

**24.** In regulation 43 (procedure for offences by unincorporated bodies)—

- (a) in paragraph (2), for “England and Wales or Northern Ireland” substitute “the Isle of Man”;
- (b) for paragraph (3)(b) substitute—
  - “(b) section 32 of the Summary Jurisdiction Act 1989 (of Tynwald)(**21**) applies as it applies in relation to a body corporate.”

#### Commencement Information

**I25** Sch. para. 24 in force at 28.12.2022, see [art. 1\(1\)](#)

**25.** In regulation 44 (time limit for proceedings for summary offences)—

- (a) in paragraphs (1) and (3), for “prosecutor” and “prosecutor’s”, in each place that they occur, substitute “Attorney General” and “Attorney General’s”;
- (b) omit paragraph (4);
- (c) at the end, insert—
  - “(5) In this regulation, “Attorney General” has the meaning given in the Interpretation Act 2015 (of Tynwald).”

(21) AT 15 of 1989.

**Commencement Information**

**I26** Sch. para. 25 in force at 28.12.2022, see [art. 1\(1\)](#)

- 26.** In regulation 45 (trade enforcement: application of CEMA)—
- (a) in paragraph (1), for “Commissioners investigate or propose” substitute “Treasury investigates or proposes”;
  - (b) in paragraph (2), for “section 1(1) of CEMA” substitute “section 184(1) of CEMA(22)”;
  - (c) in paragraph (4)—
    - (i) for “Section 138 of CEMA” substitute “Section 145 of CEMA(23)”;
    - (ii) for “customs and excise Acts” in the first place it occurs substitute “customs and excise Acts(24)”;
  - (d) in paragraph (5)—
    - (i) in sub-paragraph (b), for “section 145(6)” substitute “section 152(5)(25)”;
    - (ii) in sub-paragraph (c), for “section 151” substitute “section 158”;
    - (iii) in sub-paragraph (d), for “section 154(2)” substitute “section 161(2)”;
  - (e) in paragraph (6), for “sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155” substitute “sections 152, 153, 154(5)(26), 155, 157, 158, 159, 161 and 162”.

**Commencement Information**

**I27** Sch. para. 26 in force at 28.12.2022, see [art. 1\(1\)](#)

- 27.** In regulation 46 (trade offences in CEMA: modification of penalty)—
- (a) in paragraph (1), for “section 68(2) of CEMA” substitute “section 69(2) of CEMA(27)”;
  - (b) in paragraph (2), for “section 68(3)(b) of CEMA” substitute “section 69(3)(b) of CEMA(28)”;
  - (c) in paragraph (3), for “section 170(2) of CEMA” substitute “section 178(2) of CEMA(29)”;
  - (d) in paragraph (4), for “section 170(3)(b) of CEMA” substitute “section 178(3)(b) of CEMA(30)”.

**Commencement Information**

**I28** Sch. para. 27 in force at 28.12.2022, see [art. 1\(1\)](#)

- 28.** Omit regulation 47 (application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005) (including the heading).

(22) The definition of “assigned matter” was amended by the Customs and Excise etc. (Amendment) Act 2001 (of Tynwald).

(23) Section 145 was amended by GC 271/88 (of Tynwald) and the Police Powers and Procedures Act 1998 (of Tynwald).

(24) “The customs and excise Acts” is defined in section 184 of CEMA.

(25) Section 152(5) was amended by the Police Powers and Procedures Act 1998 (of Tynwald).

(26) Section 154 was amended by GC 334/89 (of Tynwald).

(27) Section 69(2) was amended by the Police Powers and Procedures Act 1998 (of Tynwald).

(28) Section 69(3) was amended by GC 271/88 (of Tynwald), SD 834/09 (of Tynwald) and SD 2014/0364 (of Tynwald).

(29) Section 178(2) was amended by the Police Powers and Procedures Act 1998 (of Tynwald) and SD 2014/0364 (of Tynwald).

(30) Section 178(3) was amended by GC 271/88 (of Tynwald), SD 834/09 (of Tynwald) and SD 2014/0364 (of Tynwald).

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

**Commencement Information**

**I29** Sch. para. 28 in force at 28.12.2022, see [art. 1\(1\)](#)

**29.** Omit regulation 48 (monetary penalties) (including the heading).

**Commencement Information**

**I30** Sch. para. 29 in force at 28.12.2022, see [art. 1\(1\)](#)

**30.** In regulation 49(1)(a) (exercise of maritime enforcement powers), for “British ship” substitute “Manx ship”.

**Commencement Information**

**I31** Sch. para. 30 in force at 28.12.2022, see [art. 1\(1\)](#)

**31.** In regulation 50(1) (maritime enforcement officers), after sub-paragraph (h) insert—  
“(i) an officer within the meaning given in section 184(1) of CEMA;  
(j) a constable appointed by the Department of Home Affairs.”

**Commencement Information**

**I32** Sch. para. 31 in force at 28.12.2022, see [art. 1\(1\)](#)

**32.** In regulation 51(2)(c) (power to stop, board, search etc.), for “United Kingdom” substitute “Isle of Man”.

**Commencement Information**

**I33** Sch. para. 32 in force at 28.12.2022, see [art. 1\(1\)](#)

**33.** In regulation 53 (restrictions on exercise of maritime enforcement powers)—  
(a) in paragraphs (1) and (2), for “British ship” substitute “Manx ship”;  
(b) in paragraph (3), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”.

**Commencement Information**

**I34** Sch. para. 33 in force at 28.12.2022, see [art. 1\(1\)](#)

**34.** In regulation 54 (interpretation of Part 8)—  
(a) in paragraph (1), for “Subject to paragraph (2)” substitute “Subject to paragraphs (3) to (5)”;  
(b) omit paragraph (2);  
(c) at the end insert—  
“(3) In this Part—  
“Manx ship” means a ship which—

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

(a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald)(**31**), or

(b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;

“prohibited goods” means goods which have been or are being dealt with in contravention of a relevant prohibition;

“relevant goods” means goods in relation to which relevant non-IOM conduct is occurring or has occurred;

“relevant non-IOM conduct” means conduct outside the Isle of Man by a person other than an Island person that would constitute a contravention of a relevant prohibition if the conduct had been—

(a) in the Isle of Man, or

(b) by an Island person;

“relevant prohibition” means any prohibition specified in regulation 49(2)[<sup>F9</sup>(a) to (c)] (exercise of maritime enforcement powers).

(4) For the purposes of the definition of “Manx ship” in paragraph (3), a person has an “Isle of Man connection” if the person is—

(a) an Island person, or

(b) an individual who is not an Island person, and who is habitually resident in the Isle of Man.

(5) In the definition of “relevant non-IOM conduct” in paragraph (3), the reference to conduct that would constitute a contravention of a relevant prohibition if the conduct had been in the Isle of Man or by an Island person includes a reference to a case where—

(a) arrangements relating to goods have been entered into that have not been fully implemented, and

(b) if those arrangements were to be fully implemented (and if the conduct had been in the Isle of Man or by an Island person) the goods would be dealt with in contravention of that prohibition.”

#### Textual Amendments

**F9** Words in [Sch. para. 34\(c\)](#) substituted (28.12.2023) by [The Haiti \(Sanctions\) \(Isle of Man\) \(Amendment\) Order 2023 \(S.I. 2023/1379\)](#), arts. 1(1), **10**

#### Commencement Information

**I35** Sch. para. 34 in force at 28.12.2022, see [art. 1\(1\)](#)

**35.** In regulation 55 (notices)—

(a) in paragraph (5)(b), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”;

(b) in paragraph (6), in the definition of “registered company”, for “in force in the United Kingdom” substitute “in operation in the Isle of Man”.

(31) AT 15 of 1991.

**Changes to legislation:** There are currently no known outstanding effects for the *The Haiti (Sanctions) (Isle of Man) Order 2022*. (See end of Document for details)

**Commencement Information**

**I36** Sch. para. 35 in force at 28.12.2022, see [art. 1\(1\)](#)

**36.** In Schedule 2 (Treasury licences: purposes) in paragraph 6(b)(ii) (pre-existing judicial decisions etc.), for “United Kingdom” substitute “Isle of Man”.

**Commencement Information**

**I37** Sch. para. 36 in force at 28.12.2022, see [art. 1\(1\)](#)

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order extends to the Isle of Man with modifications the Haiti (Sanctions) Regulations 2022 (“the Haiti Regulations”) ([S.I. 2002/1281](#)) as amended from time to time.

Section 63(3)(b) of the Sanctions and Anti-Money Laundering Act 2018 ([c. 13](#)) (“the Sanctions Act”) provides that His Majesty may by Order in Council provide for any provision of Part 1 of that Act, or any regulations under Part 1 of that Act, to extend with or without modifications to the Isle of Man. Section 63(4) provides that this includes the power to extend any regulations as amended from time to time.

The Haiti Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime in relation to Haiti to give effect to the United Kingdom’s international obligations resulting from United Nations Security Council Resolution 2653 (2022) imposing a sanctions regime in view of the situation in Haiti.

The Haiti Regulations, as modified and extended to the Isle of Man by this Order (“the modified Regulations”), provide that those persons designated by the UN as responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, security or stability of Haiti are designated for the purposes of these Regulations. Designated persons are subject to various sanctions measures set out in subsequent Parts of the modified Regulations.

Designated persons be made subject to financial sanctions, including having their funds or economic resources frozen.

The modified Regulations impose trade restrictions on military goods and technology and associated services. The modified Regulations provide for certain exceptions to this sanctions regime (for example to allow for frozen accounts to be credited with interest or other earnings and to allow acts done for the purpose of national security or the prevention of serious crime). The Treasury of the Isle of Man may issue a licence in respect of activities that would otherwise be prohibited under the modified Regulations. The modified Regulations also require the Treasury to publish an up-to-date list of designated persons.

The modified Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime. The modified Regulations



**Changes to legislation:** There are currently no known outstanding effects for the The Haiti (Sanctions) (Isle of Man) Order 2022. (See end of Document for details)

make it a criminal offence to contravene, or circumvent, any of the prohibitions in the modified Regulations and prescribe the penalties that apply to such offences.

The modified Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions.

This Order also extends to the Isle of Man for the purposes of the modified Regulations specific provisions of Part 1 of the Sanctions Act, namely provisions relating to guidance about prohibitions and requirements, protection for acts done for purposes of compliance and saving for prerogative powers.

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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Haiti (Sanctions) (Isle of Man) Order 2022.