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STATUTORY INSTRUMENTS

2023 No. 121

SANCTIONS

The Sanctions (Humanitarian Exception) (Amendment) Regulations 2023

| | | |
|-------------------------------|---------|--------------------------|
| <i>Made</i> | - - - - | <i>6th February 2023</i> |
| <i>Laid before Parliament</i> | | <i>8th February 2023</i> |
| <i>Coming into force</i> | - - | <i>9th February 2023</i> |

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, 15(2)(a), 45 and 54(1)(b) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Sanctions (Humanitarian Exception) (Amendment) Regulations 2023.

(2) These Regulations come into force on 9th February 2023.

Amendment of the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019

2.—(1) The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019⁽³⁾ are amended as follows.

(2) After regulation 81 (asset freeze etc.: exceptions from prohibitions) insert—

“Finance: humanitarian exception

81A.—(1) The prohibitions in regulations 13 to 17 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

(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. 2019/411, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; and S.I. 2022/819.

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 13 to 17;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

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

3.—(1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019(4) are amended as follows.

(2) After regulation 31 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

31ZA.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
 - (b) international organisations,
 - (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
 - (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
 - (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
 - (f) any other persons authorised by the Committee for the purposes of resolution 2664.
- (3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.
- (4) For the purposes of this regulation—
- “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;
- “resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the South Sudan (Sanctions) (EU Exit) Regulations 2019

- 4.—(1) The South Sudan (Sanctions) (EU Exit) Regulations 2019(5) are amended as follows.
- (2) After regulation 31 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

31ZA.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,

(5) [S.I. 2019/438](#), amended by [S.I. 2020/591](#); [S.I. 2020/950](#); [S.I. 2022/500](#); and [S.I. 2022/819](#).

- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
 - (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
 - (f) any other persons authorised by the Committee for the purposes of resolution 2664.
- (3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.
- (4) For the purposes of this regulation—
- “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;
- “resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019

5.—(1) The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019⁽⁶⁾ are amended as follows.

(2) After regulation 37 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

37ZA.—(1) The prohibitions in regulations 12 to 17 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

⁽⁶⁾ S.I. 2019/461, amended by S.I. 2019/843; S.I. 2020/591; S.I. 2020/950; S.I. 2022/500; and S.I. 2022/819.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 17;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019

6.—(1) The ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019(7) are amended as follows.

(2) After regulation 27 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

27ZA.—(1) The prohibitions in regulations 8 to 12 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 8 to 12;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Central African Republic (Sanctions) (EU Exit) Regulations 2020

7.—(1) The Central African Republic (Sanctions) (EU Exit) Regulations 2020⁽⁸⁾ are amended as follows.

(2) After regulation 31 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

31ZA.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

⁽⁸⁾ S.I. 2020/616, amended by S.I. 2020/950; S.I. 2022/500; and S.I. 2022/819.

Amendment of the Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020

8.—(1) The Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020⁽⁹⁾ are amended as follows.

(2) After regulation 14 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

14ZA.—(1) The prohibitions in regulations 8 to 12 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 8 to 12;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Somalia (Sanctions) (EU Exit) Regulations 2020

9.—(1) The Somalia (Sanctions) (EU Exit) Regulations 2020⁽¹⁰⁾ are amended as follows.

(2) For regulation 44 (finance: humanitarian exception) substitute—

⁽⁹⁾ S.I. 2020/617, amended by S.I. 2020/950; S.I. 2022/500; and S.I. 2022/819.

⁽¹⁰⁾ S.I. 2020/642, amended by S.I. 2020/950; S.I. 2021/823; S.I. 2022/500; and S.I. 2022/819.

“44.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Mali (Sanctions) (EU Exit) Regulations 2020

10.—(1) The Mali (Sanctions) (EU Exit) Regulations 2020⁽¹¹⁾ are amended as follows.

(2) After regulation 19 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

19A.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

⁽¹¹⁾ S.I. 2020/705, amended by S.I. 2020/1397; S.I. 2022/500; and S.I. 2022/819.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Iraq (Sanctions) (EU Exit) Regulations 2020

11.—(1) The Iraq (Sanctions) (EU Exit) Regulations 2020(12) are amended as follows.

(2) After regulation 30 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

30A.—(1) The prohibitions in regulations 8 to 13 (partial asset-freeze and asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,

- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
 - (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
 - (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
 - (f) any other persons authorised by the Committee for the purposes of resolution 2664.
- (3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.
- (4) For the purposes of this regulation—
- “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 8 to 13;
 - “resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Sudan (Sanctions) (EU Exit) Regulations 2020

- 12.**—(1) The Sudan (Sanctions) (EU Exit) Regulations 2020(**13**) are amended as follows.
- (2) After regulation 31 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

- 31A.**—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—
- (a) to ensure the timely delivery of humanitarian assistance, or
 - (b) to support other activities that support basic human needs,
- where Conditions A and B are met.
- (2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—
- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
 - (b) international organisations,
 - (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
 - (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,

- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
 - (f) any other persons authorised by the Committee for the purposes of resolution 2664.
- (3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.
- (4) For the purposes of this regulation—
- “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;
- “resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020

- 13.**—(1) The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020⁽¹⁴⁾ are amended as follows.
- (2) After regulation 30 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

30A.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

⁽¹⁴⁾ S.I. 2020/1278, amended by S.I. 2022/500; and S.I. 2022/819.

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Libya (Sanctions) (EU Exit) Regulations 2020

14.—(1) The Libya (Sanctions) (EU Exit) Regulations 2020(15) are amended as follows.

(2) After regulation 43 (finance: exceptions from prohibitions) insert—

“Finance: humanitarian exception

43A.—(1) The prohibitions in regulations 12 to 16 (asset-freeze etc.) and 18 to 20 (partial asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 12 to 16 or 18 to 20;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Amendment of the Haiti (Sanctions) Regulations 2022

15.—(1) The Haiti (Sanctions) Regulations 2022(16) are amended as follows.

(2) In regulation 22 (enabling or facilitating the conduct of armed hostilities), in sub-paragraph (3) (a), after “technical assistance,” insert “armed personnel,”.

(3) For regulation 26 (finance: humanitarian exception) substitute—

“**26.**—(1) The prohibitions in regulations 8 to 12 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

- (a) to ensure the timely delivery of humanitarian assistance, or
- (b) to support other activities that support basic human needs,

where Conditions A and B are met.

(2) Condition A is that the humanitarian assistance or other activities mentioned in paragraph (1) are carried out by—

- (a) the United Nations, including its—
 - (i) programmes and funds,
 - (ii) other entities and bodies, and
 - (iii) specialised agencies and related organisations,
- (b) international organisations,
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations,
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs,
- (e) any grantee, subsidiary, or implementing partner of any organisation falling within sub-paragraphs (a) to (d) while and to the extent that they are acting in those capacities,
- (f) any other persons authorised by the Committee for the purposes of resolution 2664.

(3) Condition B is that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(4) For the purposes of this regulation—

“relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 8 to 12;

“resolution 2664” means resolution 2664 (2022) adopted by the Security Council on 9th December 2022.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6th February 2023

Leo Docherty
Parliamentary Under-Secretary of State
Foreign, Commonwealth and Development
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Sanctions (Humanitarian Exception) (Amendment) Regulations 2023 (“the Regulations”) are made under the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”).

The Regulations amend a number of sanctions regulations which have been made under section 1 of the Sanctions Act, namely:

- the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/411);
- the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433);
- the South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438);
- the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (S.I. 2019/461);
- the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466);
- the Central African Republic (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/616);
- the Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (S.I. 2020/617);
- the Somalia (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/642);
- the Mali (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/705);
- the Iraq (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/707);
- the Sudan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/753);
- the Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1278);
- the Libya (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/1665); and
- the Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281).

In implementation of the humanitarian exception established for UN sanctions regimes by United Nations Security Council Resolution 2664 (2022) adopted by the Security Council on 9th December 2022, the Regulations insert a humanitarian exception to the provisions implementing the asset-freeze in the listed sanctions regulations (and in the case of the Somalia (Sanctions) (EU Exit) Regulations 2020 and Haiti (Sanctions) Regulations 2022, replace the existing humanitarian exception). The exception provides that the prohibitions implementing the asset-freeze in the sanctions regimes mentioned above shall not apply in relation to activities carried out by a number of actors including the United Nations, its specialised agencies, or by international and non-governmental organisations supporting UN humanitarian work which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.