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STATUTORY INSTRUMENTS

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**2024 No. 644**

**The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2024**

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

- 10.**—(1) The Somalia (Sanctions) (EU Exit) Regulations 2020(1) are amended as follows.
- (2) In regulation 2 (interpretation), in the appropriate place insert—
- ““director disqualification licence” means a licence under regulation 47A;”.
- (3) In regulation 5(1) (power to designate persons), after sub-paragraph (a), insert—
- “(aa) regulation 17A (director disqualification sanctions);”.
- (4) After regulation 17 (circumventing etc. prohibitions), insert—

**“PART 3A**

**Director disqualification sanctions**

**Director disqualification sanctions**

**17A.** A person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation is a person subject to director disqualification sanctions for the purposes of—

- (a) section 11A of the Company Directors Disqualification Act 1986(2), and
- (b) Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002(3).”.
- (5) After regulation 47 (Treasury licences), insert—

**“Director disqualification licences**

**47A.** The Secretary of State may issue a licence in relation to any person who is designated under regulation 5 for the purposes of regulation 17A (director disqualification sanctions) providing that the prohibitions in—

- (a) section 11A(1) of the Company Directors Disqualification Act 1986, and
- (b) Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002,

do not apply to anything done under the authority of that licence.”.

- (6) In regulation 49 (licences: general provisions), after “Treasury licences” insert “, director disqualification licences”.

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(1) [S.I. 2020/642](#), amended by [S.I. 2020/950](#); [S.I. 2021/823](#); [S.I. 2022/500](#); [S.I. 2022/819](#); [S.I. 2023/121](#); and [S.I. 2023/149](#).

(2) 1986 c. 46. Section 11A was inserted by section 36 of the Economic Crime and Corporate Transparency 2023 (c. 56).

(3) [S.I. 2002/3150 \(N.I. 4\)](#). Article 15A was inserted by section 38 of the Economic Crime and Corporate Transparency Act 2023.

(7) After regulation 50 (Finance: licensing offences), insert—

**“Director disqualification: licensing offences**

**50A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining a director disqualification licence (whether for P or anyone else).

(2) A person who purports to act under the authority of a director disqualification licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

(8) In regulation 61(1)(b)(i) (disclosure of information), after “Part 3 (Finance),” insert “Part 3A (Director disqualification sanctions),”.

(9) In regulation 63(3) (penalties for offences), after “9(6) (confidentiality),” insert “50A (director disqualification: licensing offences),”.

(10) In regulation 68 (trade enforcement: application of CEMA), after paragraph (3), insert—

“(3A) The Commissioners may not investigate the suspected commission of a relevant offence listed in paragraph (3B), (3C) or (3D), unless the suspected offence has been the subject of—

- (a) a referral to the Commissioners by the Secretary of State, or
- (b) a decision by the Commissioners to treat the suspected offence as if it had been referred to them under sub-paragraph (a).

(3B) Paragraph (3A) applies to the suspected commission of an offence under any of the following provisions—

- (a) regulation 35(3) (enabling or facilitating the conduct of armed hostilities: designated persons);
- (b) regulation 36(3) (enabling or facilitating the conduct of armed hostilities);
- (c) regulation 38(3) (purchase etc. of charcoal) insofar as the offence does not relate to the import or export of goods;
- (d) regulation 39(4) (transport of charcoal);
- (e) regulation 40(3) (prohibitions relating to the associated provision of financial services and funds) insofar as the offence does not relate to the import or export of goods.

(3C) Paragraph (3A) also applies to the suspected commission of a relevant offence under any of regulations 51(1) and (2), 59(6) and 60(5) insofar as—

- (a) the suspected offence relates to a licence issued under regulation 48 (trade licences), and
- (b) the activity authorised by that licence would, if no licence had been issued, amount to an offence specified in paragraph (3B).

(3D) Paragraph (3A) also applies to the suspected commission of a relevant offence under regulation 41(2) (circumventing etc. prohibitions), insofar as the prohibited activity to which the suspected offence relates is the circumvention of, or enabling or facilitation of a contravention of, a prohibition in relation to an offence specified in paragraph (3B).”.

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

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