

2009 No. 1912

FINANCIAL SERVICES

The Terrorism (United Nations Measures) Order (Consequential Amendments) Regulations 2009

<i>Made</i> - - - -	<i>16th July 2009</i>
<i>Laid before Parliament</i>	<i>17th July 2009</i>
<i>Coming into force</i> - -	<i>10th August 2009</i>

The Treasury are a government department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the prevention of money laundering and terrorist financing and in relation to payment services and measures relating to payment systems.

The Treasury, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Terrorism (United Nations Measures) Order (Consequential Amendments) Regulations 2009 and come into force on 10th August 2009.

Amendment to the Money Laundering Regulations 2007

2. In the definition of “terrorist financing” in regulation 2(1) of the Money Laundering Regulations 2007(c)—

- (a) delete “or” at the end of sub-paragraph (c);
- (b) at the end of sub-paragraph (d) insert—

“or

- (e) article 10, 11, 12, 13, 14 or 16 of the Terrorism (United Nations Measures) Order 2009(d);”.

(a) The European Communities (Designation) (No.2) Order 1992 (S.I. 1992/1711), the European Communities (Designation) (No.3) Order 1998 (S.I. 1998/2793) and the European Communities (Designation) (No. 2) Order 2008 (S.I. 2008/1792).

(b) 1972 c. 68; section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51). By virtue of the amendment of section 1(2) made by section 1 of the European Economic Area Act 1993 (c.51) regulations may be made under section 2(2) to implement obligations of the United Kingdom created by or arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073, OJ No L 1, 3.11.1994, p. 3) and the Protocol adjusting that Agreement signed at Brussels on 17th March 1993 (Cm 2183, OJ No L 1, 3.1.1994, p.572). Council Directive 2007/64/EC was extended to the EEA by Decision No. 114/2008 of the EEA Joint Committee of 7th November 2008, OJ No. L 339, 18.12.2008, p.103.

(c) S.I.2007/2157, to which there are amendments not relevant to these Regulations.

(d) S.I. 2009/1747.

Amendment to the Transfer of Funds (Information on the Payer) Regulations 2007

3. In the definition of “terrorist financing” in regulation 2(1) of the Transfer of Funds (Information on the Payer) Regulations 2007(a)—

- (a) delete “or” at the end of sub-paragraph (c);
- (b) at the end of sub-paragraph (d) insert—

“or

- (e) article 10, 11, 12, 13, 14 or 16 of the Terrorism (United Nations Measures) Order 2009;”.

Amendment to the Payment Services Regulations 2009

4. In regulation 13(4) of the Payment Services Regulations 2009(b) after sub-paragraph (d) insert—

- “(da) an offence under article 10, 11, 12, 13, 14 or 16 of the Terrorism (United Nations Measures) Order 2009;”.

Frank Roy

Tony Cunningham

16th July 2009

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments consequent to the coming into force of the Terrorism (United Nations Measures) Order 2009 (S.I. 2009/1747) (“the 2009 Order”) by adding references to that Order in three Regulations.

The Money Laundering Regulations 2007 (S.I. 2007/2157) implement in part Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (O.J. L 309, 25.11.2005, p.15). The Transfer of Funds (Information on the Payer) Regulations 2007 (S.I. 2007/3298) make provision for the enforcement of the obligations set out in EC Regulation 1781/2006/EC on information on the payer accompanying transfers of funds (O.J. L 345, 8.12.2006, p.1). The Payment Services Regulations 2009 (S.I. 2009/209) implement Directive 2007/64/EC on payment systems in the internal market (O.J. L 319, 5.12.2007, p.1).

In each case reference is made to offences under the Terrorism (United Nations Measures) Order 2006 (S.I. 2006/2657). These Regulations add references to the equivalent offences under the 2009 Order.

A regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Asset Freezing Unit, 1 Horse Guards Road, London SW1A 2HQ and is also available on the Treasury’s website (www.hm-treasury.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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(a) S.I.2007/3298, to which there are amendments not relevant to these Regulations.
(b) S.I. 2009/209.

STATUTORY INSTRUMENTS

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Amendments) Regulations 2009

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