

2017 No. 560

CRIMINAL LAW

**The European Union Financial Sanctions (Enhanced Penalties)
Regulations 2017**

<i>Made</i>	- - - -	<i>10th April 2017</i>
<i>Laid before Parliament</i>		<i>11th April 2017</i>
<i>Coming into force</i>	- -	<i>2nd May 2017</i>

The Treasury are designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to restrictive measures against persons or bodies listed by an international organisation.

The Treasury, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 144(5) of the Policing and Crime Act 2017(b), make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the European Union Financial Sanctions (Enhanced Penalties) Regulations 2017 and come into force on 2nd May 2017.

Zimbabwe (Financial Sanctions) Regulations 2009

2.—(1) Regulation 13 (penalties) of the Zimbabwe (Financial Sanctions) Regulations 2009(c) is amended as follows.

- (2) In paragraph (1), omit “or paragraph 4(b) or (d) of the Schedule”.
- (3) In paragraph (1)(a), for “two” substitute “seven”.
- (4) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (5) In paragraph (2), omit “(a) or (c)”.
- (6) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), Schedule 1, Part 1. Paragraph 1(1)(d) of Schedule 2 to the 1972 Act is modified by section 144 of the Policing and Crime Act 2017 (c.3), in relation to the exercise of the powers conferred by section 2(2) of the 1972 Act, for the purposes of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation, as defined by section 143 of the 2017 Act.

(b) 2017 c.3.

(c) S.I. 2009/847; amended by S.I. 2013/472 and 2014/383.

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003(a) comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Somalia (Asset-Freezing) Regulations 2010

3.—(1) Regulation 15 (penalties) of the Somalia (Asset-Freezing) Regulations 2010(b) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Egypt (Asset-Freezing) Regulations 2011

4.—(1) Regulation 14 (penalties) of the Egypt (Asset-Freezing) Regulations 2011(c) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Tunisia (Asset-Freezing) Regulations 2011

5.—(1) Regulation 14 (penalties) of the Tunisia (Asset-Freezing) Regulations 2011(d) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

(a) 2003 c.44; subsections (4) and (6) of section 154 were amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), section 62(3), Sch 13, paras 153 and 154; section 154(8) was added by the same Act, section 62(3), Sch 13, paras 153 and 154.

(b) S.I. 2010/2956; amended by S.I. 2013/472 and 2013/534.

(c) S.I. 2011/887; amended by S.I. 2013/472 and 2013/534.

(d) S.I. 2011/888; amended by S.I. 2013/472 and 2013/534.

Iran (Asset-Freezing) Regulations 2011

6.—(1) Regulation 14 (penalties) of the Iran (Asset-Freezing) Regulations 2011(a) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Afghanistan (Asset-Freezing) Regulations 2011

7.—(1) Regulation 14 (penalties) of the Afghanistan (Asset-Freezing) Regulations 2011(b) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

ISIL (Da’esh) and Al-Qaida (Asset-Freezing) Regulations 2011

8.—(1) Regulation 14 (penalties) of the ISIL (Da’esh) and Al-Qaida (Asset-Freezing) Regulations 2011(c) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Syria (European Union Financial Sanctions) Regulations 2012

9.—(1) Regulation 18 (penalties) of the Syria (European Union Financial Sanctions) Regulations 2012(d) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(a) S.I. 2011/1129; amended by S.I. 2013/472 and 2013/534.
(b) S.I. 2011/1893; amended by S.I. 2013/472 and 2013/534.
(c) S.I. 2011/2742; amended by S.I. 2013/472 and amended and re-named by S.I. 2016/937.
(d) S.I. 2012/129; amended by S.I. 2012/2524, 2013/472, 2013/534, 2013/877 and 2013/1876.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Guinea-Bissau (Asset-Freezing) Regulations 2012

10.—(1) Regulation 13 (penalties) of the Guinea-Bissau (Asset-Freezing) Regulations 2012(a) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Iraq (Asset-Freezing) Regulations 2012

11.—(1) Regulation 13 (penalties) of the Iraq (Asset-Freezing) Regulations 2012(b) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Republic of Guinea (Asset-Freezing) Regulations 2012

12.—(1) Regulation 13 (penalties) of the Republic of Guinea (Asset-Freezing) Regulations 2012(c) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

(a) S.I. 2012/1301; amended by S.I. 2013/472 and 2013/534.

(b) S.I. 2012/1489; amended by S.I. 2013/472 and 2013/534.

(c) S.I. 2012/1508; amended by S.I. 2013/472 and 2013/534.

Democratic Republic of the Congo (Asset-Freezing) Regulations 2012

13.—(1) Regulation 13 (penalties) of the Democratic Republic of the Congo (Asset-Freezing) Regulations 2012(a) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Eritrea (Asset-Freezing) Regulations 2012

14.—(1) Regulation 13 (penalties) of the Eritrea (Asset-Freezing) Regulations 2012(b) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Lebanon and Syria (Asset-Freezing) Regulations 2012

15.—(1) Regulation 13 (penalties) of the Lebanon and Syria (Asset-Freezing) Regulations 2012(c) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Belarus (Asset-Freezing) Regulations 2013

16.—(1) Regulation 13 (penalties) of the Belarus (Asset-Freezing) Regulations 2013(d) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(a) S.I. 2012/1511; amended by S.I. 2013/472, 2013/534 and 2016/1208.

(b) S.I. 2012/1515; amended by S.I. 2013/472 and 2013/534.

(c) S.I. 2012/1517; amended by S.I. 2013/472 and 2013/534.

(d) S.I. 2013/164; amended by S.I. 2013/472, 2013/534 and 2016/504.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Ukraine (European Union Financial Sanctions) Regulations 2014

17.—(1) Regulation 12 (penalties) of the Ukraine (European Union Financial Sanctions) Regulations 2014(a) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Central African Republic (European Union Financial Sanctions) Regulations 2014

18.—(1) Regulation 12 (penalties) of the Central African Republic (European Union Financial Sanctions) Regulations 2014(b) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Ukraine (European Union Financial Sanctions) (No. 2) Regulations 2014

19.—(1) Regulation 12 (penalties) of the Ukraine (European Union Financial Sanctions) (No. 2) Regulations 2014(c) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

(a) S.I. 2014/507.
(b) S.I. 2014/587.
(c) S.I. 2014/693.

Sudan (European Union Financial Sanctions) Regulations 2014

20.—(1) Regulation 12 (penalties) of the Sudan (European Union Financial Sanctions) Regulations 2014^(a) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Ukraine (European Union Financial Sanctions) (No. 3) Regulations 2014

21.—(1) Regulation 6 (penalties) of the Ukraine (European Union Financial Sanctions) (No. 3) Regulations 2014^(b) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Yemen (European Union Financial Sanctions) Regulations 2014

22.—(1) Regulation 12 (penalties) of the Yemen (European Union Financial Sanctions) Regulations 2014^(c) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015

23.—(1) Regulation 12 (penalties) of the South Sudan (European Union Financial Sanctions) (No. 2) Regulations 2015^(d) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(a) S.I. 2014/1826.
(b) S.I. 2014/2054; amended by S.I. 2014/2445 and 2014/3230.
(c) S.I. 2014/3349.
(d) S.I. 2015/1361.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Burundi (European Union Financial Sanctions) Regulations 2015

24.—(1) Regulation 12 (penalties) of the Burundi (European Union Financial Sanctions) Regulations 2015(a) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b) and (2), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Iran (European Union Financial Sanctions) Regulations 2016

25.—(1) Regulation 13 (penalties) of the Iran (European Union Financial Sanctions) Regulations 2016(b) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b)(i) and (2)(a), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

Libya (European Union Financial Sanctions) Regulations 2016

26.—(1) Regulation 12 (penalties) of the Libya (European Union Financial Sanctions) Regulations 2016(c) is amended as follows.

(2) In paragraph (1)(a), for “two” substitute “seven”.

(3) In paragraphs (1)(b)(i) and (2)(a), for “three months” substitute “the relevant maximum”.

(4) After paragraph (2) insert—

“(3) For the purposes of this regulation, “the relevant maximum” is—

- (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
- (b) in Scotland, twelve months;
- (c) in Northern Ireland, six months.”.

(a) S.I. 2015/1740.

(b) S.I. 2016/36.

(c) S.I. 2016/45.

Democratic People’s Republic of Korea (European Union Financial Sanctions) Regulations 2017

27.—(1) Regulation 26 (penalties) of the Democratic People’s Republic of Korea (European Union Financial Sanctions) Regulations 2017(a) is amended as follows.

- (2) In paragraph (1)(a), for “two” substitute “seven”.
- (3) In paragraphs (1)(b)(i) and (2)(a), for “three months” substitute “the relevant maximum”.
- (4) After paragraph (2) insert—
 - “(3) For the purposes of this regulation, “the relevant maximum” is—
 - (a) in England and Wales, twelve months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, six months);
 - (b) in Scotland, twelve months;
 - (c) in Northern Ireland, six months.”.

Guto Bebb
Robert Syms

10th April 2017

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 144 of the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”) modifies the application of the European Communities Act 1972 (c.68) (“the 1972 Act”) to enable higher maximum terms of imprisonment for offences relating to EU financial sanctions regimes, to bring these into line with breaches of the UK and EU terrorist asset freezing regimes. Subsections (4) and (5) of section 144 also enable the power in section 2(2) of the 1972 Act to be used to extend the maximum criminal penalties for breaches of EU financial sanctions regimes in respect of criminal offences that have already been created.

In exercise of these new powers available under the 1972 Act, as modified by the 2017 Act, these Regulations increase the maximum terms of imprisonment on summary conviction and conviction on indictment in the UK in relation to existing offences. They do so by amending various pieces of secondary legislation which make provision relating to the enforcement in the UK of different EU financial sanctions regimes. Regulation 2 also makes amendments to the enforcement regime in relation to Zimbabwe so that a person guilty of an offence under paragraph 4(b) or (d) of the Schedule to the Zimbabwe (Financial Sanctions) Regulations 2009 (S.I. 2009/847) is liable only on summary conviction, to bring this into line with other regimes in the United Kingdom. An impact assessment has not been prepared for this instrument because no significant impact on the private or voluntary sector is foreseen.

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(a) S.I. 2017/218; amended by S.I. 2017/556.

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