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## EXPLANATORY NOTE

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

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c.13) to establish a sanctions regime in relation to Burma for the purpose of encouraging the Government of Burma to comply with international human rights law and to respect human rights. Following the UK's withdrawal from the European Union, these Regulations replace the EU sanctions regime in relation to persons responsible for committing serious human rights violations in Burma, implemented via an EU Council Decision and Regulation.

The Regulations confer a power on the Secretary of State to designate members of the Burma security forces who are, or have been, involved in the commission of serious human rights violations or abuses in Burma or who have otherwise obstructed humanitarian assistance activities or an independent human rights investigation in Burma. Designated persons may be excluded from the United Kingdom and may be made subject to financial sanctions, including having their funds and/or economic resources frozen. These Regulations also impose trade restrictions on prescribed military goods, prescribed dual-use goods (i.e. those that can be used for both a military and civil purpose), specified goods and technology which may be used to repress the civilian population of Burma (as specified in Schedule 2 to these Regulations) and on specified goods and technology which may be used for interception and monitoring services in Burma (as specified in Schedule 3 to these Regulations). Further trade sanctions that are imposed by these Regulations are to prohibit the provision of interception and monitoring services to, or for the benefit of, the Government of Burma and the provision of technical assistance or financial services relating to military activities in Burma.

The Regulations provide for certain exceptions to this sanctions regime, in particular in relation to financial sanctions (for example to allow for frozen accounts to be credited with interest or other earnings) and also acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Secretary of State and the Treasury to issue licences in respect of activities that would otherwise be prohibited under the financial and trade sanctions imposed. Schedule 4 to these Regulations sets out the purposes pursuant to which the Treasury will issue such licences.

The Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in these Regulations and prescribe the mode of trial and penalties that apply to such offences. The 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. The Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime.

Council Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No 194/2008 is revoked by these Regulations. The Burma (European Union Financial Sanctions) Regulations 2018 and the Export Control (Burma Sanctions) (No 2) Order 2018 are also revoked by these Regulations.