

STATUTORY INSTRUMENTS

2019 No. 438

The South Sudan (Sanctions) (EU Exit) Regulations 2019

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the South Sudan (Sanctions) (EU Exit) Regulations 2019.

(2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Act.

Commencement Information

- I1** Reg. 1 not in force at made date, see **reg. 1(2)**
I2 **Reg. 1** in force at 25.3.2019 by **S.I. 2019/627**, **reg. 6(1)(a)**

Interpretation

2. In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

“ARCSS” means the Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 17 August 2015 ^{M1};

“arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);

“CEMA” means the Customs and Excise Management Act 1979 ^{M2};

“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

“the Committee” means the Committee of the Security Council established in accordance with paragraph 16 of resolution 2206;

“conduct” includes acts and omissions;

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;

“the EU South Sudan Regulation” means Council Regulation (EU) No 2015/735 of 7 May 2015, concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No 748/2014 ^{M3}, as it has effect in EU law;

“resolution 2206” means resolution 2206 (2015) adopted by the Security Council on 3 March 2015;

Status: Point in time view as at 31/12/2020.

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“resolution 2290” means resolution 2290 (2016) adopted by the Security Council on 31 May 2016;

“resolution 2428” means resolution 2428 (2018) adopted by the Security Council on 13 July 2018;

“R-ARCSS” means the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 12 September 2018^{M4};

“serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4(2)(f);

“trade licence” means a licence under regulation 34;

“Treasury licence” means a licence under regulation 33(1);

“United Kingdom person” has the same meaning as in section 21 of the Act.

Commencement Information

I3 Reg. 2 not in force at made date, see **reg. 1(2)**

I4 Reg. 2 in force at 25.3.2019 by S.I. 2019/627, **reg. 6(1)(b)**

Marginal Citations

M1 A copy of the text of the Agreement on the Resolution of the Conflict in the Republic of South Sudan is available online at <https://peacemaker.un.org/node/2676>.

M2 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

M3 OJ L 117 8.5.2015, p.13.

M4 A copy of the text of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan is available online at <https://www.jmecsouthsudan.com/index.php/arcss-2015/igad-hlrf-agreement>.

Application of prohibitions and requirements outside the United Kingdom

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) ^[F1]In this regulation] a “relevant prohibition” means any prohibition imposed by—

- (a) regulation 9(2) (confidential information),
- (b) Part 3 (Finance),
- (c) Part 5 (Trade), or
- (d) a condition of a Treasury licence or a trade licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.

(6) In this regulation, a “relevant requirement” means any requirement imposed—

- (a) by or under Part 7 (Information and records), or by reason of a request made under a power conferred by that Part, or
- (b) by a condition of a Treasury licence or a trade licence.

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

Textual Amendments

F1 Words in [reg. 3\(3\)](#) substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/591\)](#), [regs. 1\(2\), 4\(2\)](#); [S.I. 2020/1514](#), [reg. 5](#)

Commencement Information

I5 Reg. 3 not in force at made date, see [reg. 1\(2\)](#)

I6 Reg. 3 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 6\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Purposes

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
- (b) the additional purposes mentioned in paragraph (2).

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of South Sudan,
- (b) encouraging the resolution of the political crisis and armed conflicts in South Sudan, including the implementation of the ARCSS and R-ARCSS,
- (c) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in South Sudan, including—
 - (i) the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism ^{M5},
 - (ii) the Revitalised Joint Monitoring and Evaluation Commission ^{M6}, and
 - (iii) the United Nations Mission in South Sudan ^{M7},
- (d) promoting respect for humanitarian assistance activities in South Sudan,
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in South Sudan, and
- (f) promoting respect for human rights in South Sudan, including, in particular, respect for—
 - (i) the right to life of persons in South Sudan;
 - (ii) the right of persons in South Sudan not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in South Sudan, including in the context of—
 - (aa) violence against persons on the basis of their ethnicity,
 - (bb) rape and other forms of sexual and gender-based violence, or
 - (cc) recruitment or use of children as soldiers;
 - (iv) the right to liberty and security of persons in South Sudan, including freedom from arbitrary arrest, detention or enforced disappearance,
 - (v) the right to a fair trial of persons charged with criminal offences in South Sudan;

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- (vi) the rights of journalists, human rights defenders, civil society activists and other persons in South Sudan to freedom of expression and peaceful assembly;
- (vii) the enjoyment of rights and freedoms in South Sudan without discrimination, including on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status,

otherwise than by compliance with the relevant UN obligations.

(3) In this regulation, “the relevant UN obligations” means—

- (a) the obligations that the United Kingdom has by virtue of paragraph 12 of resolution 2206 (asset-freeze) ^{M8} to take the measures required by that provision in respect of persons ^{M9} for the time being named for the purposes of that provision by the Security Council or the Committee;
- (b) the obligations that the United Kingdom has by virtue of paragraph 12 of resolution 2206 (asset-freeze) in respect of persons—
 - (i) acting on behalf of or at the direction of, or
 - (ii) owned or controlled by,
 the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 12 of resolution 2206;
- (c) the obligations that the United Kingdom has by virtue of paragraph 4 of resolution 2428 (arms embargo).

(4) In this regulation, any reference to the obligations that the United Kingdom has by virtue of paragraph 12 of resolution 2206 (asset-freeze) is to that provision read with—

- (a) paragraphs 6 to 8 of resolution 2206;
- (b) paragraphs 8 to 10 of resolution 2290;
- (c) paragraphs 13 to 17 of resolution 2428.

Commencement Information

- I7** Reg. 4 not in force at made date, see [reg. 1\(2\)](#)
- I8** [Reg. 4](#) in force at 25.3.2019 by [S.I. 2019/627](#), [reg. 6\(1\)\(c\)](#)

Marginal Citations

- M5** The Ceasefire Transitional Security Arrangements Monitoring Mechanism (CTSAMM) was established under Chapter II (Permanent ceasefire and transitional security arrangements) of the Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 17 August 2015; it was restructured and reconstituted as the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) under Chapter II of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 12 September 2018.
- M6** The Joint Monitoring and Evaluation Commission (JMEC) was established under Chapter VII (Joint Monitoring and Evaluation Commission) of the Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 17 August 2015, and reconstituted as the Revitalised Joint Monitoring and Evaluation Commission (RJMEC) under Chapter VII of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan done at Addis Ababa on 12 September 2018.
- M7** The United Nations Mission in South Sudan (UNMISS) was established under paragraph 1 of resolution 1996 (2011) adopted by the Security Council on 8 July 2011; its mandate was most recently

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extended by paragraph 5 of resolution 2406 (2018) adopted by the Security Council on 15 March 2018.

M8 The asset-freezing measures provided for in paragraph 12 of resolution 2206 have been renewed by paragraph 1 of resolution 2271 (2016) adopted by the Security Council on 2 March 2016, paragraph 1 of resolution 2280 (2016) adopted by the Security Council on 7 April 2016, paragraph 7 of resolution 2290 (2016) adopted by the Security Council on 31 May 2016, paragraph 1 of resolution 2353 (2017) adopted by the Security Council on 24 May 2017, paragraph 1 of resolution 2418 (2018) adopted by the Security Council on 31 May 2018 and paragraph 12 of resolution 2428 adopted by the Security Council on 13 July 2018.

M9 “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

Status:

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