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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 to give effect to the United Kingdom's international obligations resulting from UN Security Council Resolution 2368 (2017) ("the Resolution") adopted by the Security Council on 20 July 2017 (and previous resolutions). The Resolution imposes a sanctions regime in respect of ISIL (Da'esh) and Al-Qaida, and associated individuals, groups, undertakings and entities ("the UN sanctions regime"). The UN sanctions regime was in force in the United Kingdom through an EU Council Decision and Regulation (and implementing domestic law). These Regulations implement the UN sanctions regime by replacing the effect of the EU Council Decision and Regulation which implement the UN regime in the EU.

The Regulations provide that those people designated by the UN as being associated with ISIL (Da'esh) & Al-Qaida, either by Resolution or the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, are designated for the purposes of these Regulations. Designated persons are subject to financial sanctions, which include having their funds and/or economic resources frozen. Designated persons are also subject to trade restrictions on military goods and military technology and associated services. Designated persons are also subject to a travel ban under section 8B of the Immigration Act 1971 as persons designated by the UN for the purposes of a travel ban. The Regulations also provide for an asset freeze in relation to Usama bin Laden, which may be unfrozen on application to the Treasury, as required by the Resolution.

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 for acts done for the purpose of national security or the prevention of serious crime. The Regulations also confer powers on the Treasury to issue licences in respect of the financial and trade sanctions imposed. Schedule 2 of these Regulations sets out the purposes pursuant to which the Treasury will issue such licences.

These 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 this sanctions regime.

Council Regulation (EC) No 881/2002 of 27 May 2002 concerning restrictive measures against persons associated with ISIL (Da'esh) and Al-Qaida is revoked by these Regulations. The ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011 and the Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011 are amended with the effect that they no longer apply to any person designated under these Regulations.

An impact assessment has not been produced for these Regulations, as they are intended to ensure existing sanctions remain in place following the United Kingdom's withdrawal from the European Union. These Regulations are intended to deliver substantially the same policy effects as the existing European Union sanctions. An Impact Assessment was however produced for the Sanctions and Anti-Money Laundering Act 2018 and can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/653271/Sanctions\\_and\\_Anti-Money\\_Laundering\\_Bill\\_Impact\\_Assessment\\_18102017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653271/Sanctions_and_Anti-Money_Laundering_Bill_Impact_Assessment_18102017.pdf).

**Status:**

Point in time view as at 25/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019.