
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 Belarus for the purposes of encouraging the Government of Belarus: to respect democratic principles and institutions, the separation of powers and the rule of law; to refrain from the repression of civil society in Belarus; to properly investigate and institute criminal proceedings against those responsible for the disappearance of four persons named in the Regulations; and to comply with international human rights law and to respect human rights. Following the UK's withdrawal from the European Union, these Regulations also replace the EU sanctions regime in relation to Belarus, implemented via an EU Council Decision and Regulation.

The Regulations confer a power on the Secretary of State to designate persons who are, or have been, involved in: conduct enabling or facilitating the disappearance of the four persons named in the Regulations, or the failure to investigate properly and institute criminal proceedings against the persons responsible for those disappearances; the commission of a serious human rights violation or abuse in Belarus; the repression of civil society or democratic opposition in Belarus; or other actions, policies or activities which undermine democracy or the rule of law in Belarus. 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 certain goods and technology, namely military goods and military technology and other goods and technology which may be used to repress the civilian population of Belarus (as specified in Schedule 2 of these Regulations).

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 3 of these Regulations sets out the purposes pursuant to which the Treasury may issue such licences in respect of financial sanctions.

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 (EC) No 765/2006 concerning restrictive measures in respect of Belarus is revoked by these Regulations, as are the Belarus (Asset-Freezing) Regulations 2013 and the Export Control (Belarus) and (Syria Amendment) Order 2011.

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.