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STATUTORY INSTRUMENTS

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**2019 No. 600**

**The Republic of Belarus (Sanctions)  
(EU Exit) Regulations 2019**

**PART 6**

Exceptions and licences

**Finance: exceptions from prohibitions**

**30.**—(1) The prohibition in regulation 11 (asset-freeze in relation to designated persons) is not contravened by an independent person (“P”) transferring to another person a legal or equitable interest in funds or economic resources where, immediately before the transfer, the interest—

- (a) is held by P, and
- (b) is not held jointly with the designated person.

(2) In paragraph (1) “independent person” means a person who—

- (a) is not the designated person, and
- (b) is not owned or controlled directly or indirectly (within the meaning of regulation 7) by the designated person.

(3) The prohibitions in regulations 11 to 13 (asset-freeze in relation to, and making funds available to, or for the benefit of, designated persons) are not contravened by a relevant institution crediting a frozen account with interest or other earnings due on the account.

(4) The prohibitions in regulations 12 and 13 (making funds available to, or for the benefit of, designated persons) are not contravened by a relevant institution crediting a frozen account where it receives funds transferred to that institution for crediting to that account.

(5) The prohibitions in regulations 12 and 13 are not contravened by the transfer of funds to a relevant institution for crediting to an account held or controlled (directly or indirectly) by a designated person, where those funds are transferred in discharge (or partial discharge) of an obligation which arose before the date on which the person became a designated person.

(6) The prohibitions in regulations 11 to 13 are not contravened in relation to a designated person (“P”) by a transfer of funds from account A to account B, where—

- (a) account A is with a relevant institution which carries on an excluded activity within the meaning of section 142D of the Financial Services and Markets Act 2000 <sup>M1</sup>,
- (b) account B is with a ring-fenced body within the meaning of section 142A of the Financial Services and Markets Act 2000 <sup>M2</sup>, and
- (c) accounts A and B are held or controlled (directly or indirectly) by P.

[<sup>F1</sup>(6A) The prohibitions in regulations 11 to 15 are not contravened by—

- (a) the purchase in Belarus of petroleum products—
  - (i) by an individual, on a retail basis, for that individual’s personal use, or

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- (ii) solely for the purposes of the performance of any humanitarian assistance activity in Belarus;
- (b) the provision of any financial service or the making available of any funds in pursuance of or in connection with a purchase specified in sub-paragraph (a).]
- (7) In this regulation—
- “designated person” has the same meaning as it has in Part 3 (Finance);
- “frozen account” means an account with a relevant institution which is held or controlled (directly or indirectly) by a designated person;
- “relevant institution” means a person that has permission under Part 4A of the Financial Services and Markets Act 2000<sup>M3</sup> (permission to carry on regulated activity).
- (8) The definition of “relevant institution” in paragraph (7) is to be read with section 22 of the Financial Services and Markets Act 2000<sup>M4</sup>, any relevant order under that section<sup>M5</sup> and Schedule 2 to that Act<sup>M6</sup>.

#### Textual Amendments

- F1** [Reg. 30\(6A\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **22**

#### Commencement Information

- I1** Reg. 30 not in force at made date, see reg. 1(2)
- I2** Reg. 30 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M1** [2000 c.8](#). Section 142D was inserted by the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#), **section 4(1)**.
- M2** Section 142A was inserted by the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#), **section 4(1)**.
- M3** Part 4A was inserted by the [Financial Services Act 2012 \(c.21\)](#), **section 11(2)** and amended by [S.I. 2018/135](#).
- M4** Section 22 was amended by the [Financial Guidance and Claims Act 2018 \(c.10\)](#), **section 27(4)**; the [Financial Services Act 2012](#), section 7(1); and [S.I. 2018/135](#).
- M5** [S.I. 2001/544](#) as most recently amended by [S.I. 2018/1288](#) and prospectively amended by [S.I. 2018/1403](#).
- M6** Schedule 2 was amended by the [Regulation of Financial Services \(Land Transactions\) Act 2005 \(c.24\)](#), **section 1**; the [Dormant Bank and Building Society Accounts Act 2008 \(c.31\)](#), **section 15** and Schedule 2, paragraph 1; the [Financial Services Act 2012](#), sections 7(2) to (5) and 8; and [S.I. 2013/1881](#); and it is prospectively amended by [S.I. 2018/135](#).

### [<sup>F2</sup>Exception for authorised conduct in a relevant country

**30A.**—(1) Where a person's conduct in a relevant country would, in the absence of this regulation, contravene a prohibition in any of regulations 11 to 15 (asset-freeze etc.) [<sup>F3</sup>, 15B (loans and credit arrangements) or 15C (insurance and reinsurance services), or Chapters 2, 2A, 2B or 2C] of Part 5 (Trade) (“the relevant prohibition”), the relevant prohibition is not contravened if the conduct is authorised by a licence or other authorisation which is issued—

- (a) under the law of the relevant country, and
- (b) for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

(2) In this regulation—  
“relevant country” means—

- (a) any of the Channel Islands,
- (b) the Isle of Man, or
- (c) any British overseas territory.]

#### Textual Amendments

- F2** Reg. 30A inserted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 4\) Regulations 2020 \(S.I. 2020/951\)](#), regs. 1(2), **6(2)**; S.I. 2020/1514, **reg. 18**
- F3** Words in [reg. 30A\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **23**

#### Exception for acts done for purposes of national security or prevention of serious crime

**31.**—(1) Where an act would, in the absence of this paragraph, be prohibited by the prohibition in regulation 9(2) (confidentiality) or any prohibition in Part 3 (Finance) [<sup>F4</sup>, 5 (Trade) or 5A (Aircraft)], that prohibition does not apply to the act if the act is one which a responsible officer has determined would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(2) Where, in the absence of this paragraph, a thing would be required to be done under or by virtue of a provision of [<sup>F5</sup>Part 5A (Aircraft),] Part 7 (Information and records) or Part 9 (Maritime enforcement), that requirement does not apply if a responsible officer has determined that not doing the thing in question would be in the interests of—

- (a) national security, or
- (b) the prevention or detection of serious crime in the United Kingdom or elsewhere.

(3) In this regulation “responsible officer” means a person in the service of the Crown or holding office under the Crown, acting in the course of that person's duty.

#### Textual Amendments

- F4** Words in [reg. 31\(1\)](#) substituted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **24(a)**
- F5** Words in [reg. 31\(2\)](#) inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **24(b)**

#### Commencement Information

- I3** Reg. 31 not in force at made date, see reg. 1(2)
- I4** Reg. 31 in force at 31.12.2020 by [S.I. 2019/627](#), **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### [<sup>F6</sup>Exceptions relating to loans and credit arrangements

**31A.**—(1) The prohibitions in regulation 15B (loans and credit arrangements) are not contravened by the grant of—

- (a) a relevant loan that has a specific and documented objective of making funds available for non-restricted trade;

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- (b) a relevant loan consisting of a drawdown or disbursement made under an arrangement entered into before the date on which the Amendment Regulations 2021 come into force, where the conditions in paragraph (2) are met.
- (2) The conditions referred to in paragraph 1(b) are that—
- (a) all the terms and conditions of such drawdowns or disbursements—
- (i) were agreed before the date on which the Amendment Regulations 2021 come into force;
- (ii) have not been modified on or after that date; and
- (b) a contractual maturity date has been fixed for the repayment in full of all funds made available and for the cancellation of all the rights and obligations under the arrangement.
- (3) In this regulation—
- “non-restricted trade” means trade falling within any of the following descriptions, except to the extent that such trade is prohibited under these Regulations—
- (a) the export of goods from the United Kingdom;
- (b) the import of goods to the United Kingdom;
- (c) services, other than financial services, which are provided—
- (i) from a place in the United Kingdom to a place in a non-UK country, or
- (ii) from a place in a non-UK country to a place in the United Kingdom;
- “non-UK country” means a country that is not the United Kingdom;
- “relevant loan” has the meaning given to it in regulation 15B.

#### Textual Amendments

**F6** Regs. 31A-31C inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **25**

#### Exceptions relating to insurance and reinsurance services

**31B.**—(1) The prohibition in regulation 15C (insurance and reinsurance services) is not contravened by—

- (a) the provision of compulsory or third party insurance to an individual who is a national of Belarus, or to a body incorporated or constituted under the law of Belarus which is, located in the United Kingdom;
- (b) the provision of insurance for a diplomatic mission or consular post of Belarus in the United Kingdom.

(2) The prohibition in regulation 15C, insofar as it prohibits the provision of insurance or reinsurance services to persons falling within paragraph (2)(d) of that regulation, is not contravened by the provision of insurance or reinsurance services to an individual falling within that paragraph, provided that the insurance or reinsurance is for that individual’s personal use.

#### Textual Amendments

**F6** Regs. 31A-31C inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **25**

### Trade: exceptions from prohibitions

**31C.**—(1) The prohibitions in regulation 27J(1) (acquisition of potash and petroleum products) are not contravened by the purchase in Belarus of petroleum products—

- (a) by an individual on a retail basis, for that individual’s personal use, or
- (b) solely for the purposes of the performance of any humanitarian assistance activity in Belarus.

(2) The prohibitions in regulations 27I and 27K (import and supply and delivery of potash and petroleum products) are not contravened by the import or supply or delivery of petroleum products which have been purchased as described in paragraph (1).

(3) The prohibitions in regulations 27L and 27M (technical assistance, financial services, funds and brokering services in relation to petroleum products) are not contravened by the provision of—

- (a) any technical assistance relating to a purchase specified in paragraph (1);
- (b) any financial service or funds in pursuance of or in connection with an arrangement whose object or effect is a purchase specified in paragraph (1);
- (c) any brokering service in relation to any arrangement whose object or effect is a purchase specified in paragraph (1).

(4) The prohibition in regulation 27N (technical assistance relating to aircraft) is not contravened by the provision of any technical assistance where a failure to provide that assistance would endanger the lives of persons on board an aircraft or the safety of an aircraft in flight.]

#### Textual Amendments

**F6** Regs. 31A-31C inserted (14.10.2021 at noon) by [The Republic of Belarus \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1146\)](#), regs. 1(2), **25**

### Treasury licences

**32.**—(1) The prohibitions in regulations 11 to 15 (asset-freeze etc) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

[<sup>F7</sup>(1A) The prohibitions in regulation 15B (loans and credit) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

(1B) The prohibition in regulation 15C (insurance and reinsurance services) does not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.]

(2) The Treasury may issue a licence [<sup>F8</sup>under paragraph (1)] which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in [<sup>F9</sup>Part 1 of] Schedule 3.

[<sup>F10</sup>(3) The Treasury may issue a licence under paragraph (1A) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 2 of Schedule 3.

(4) The Treasury may issue a licence under paragraph (1B) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 3 of Schedule 3.]

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#### Textual Amendments

- F7** Reg. 32(1A)(1B) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **26(a)**
- F8** Words in reg. 32(2) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **26(b)(i)**
- F9** Words in reg. 32(2) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **26(b)(ii)**
- F10** Reg. 32(3)(4) inserted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **26(c)**

#### Commencement Information

- I5** Reg. 32 not in force at made date, see reg. 1(2)
- I6** Reg. 32 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Trade licences

**33.** The prohibitions in [F11 Chapters 2 to 2C] of Part 5 (Trade) do not apply to anything done under the authority of a licence issued by the Secretary of State under this regulation.

#### Textual Amendments

- F11** Words in reg. 33 substituted (14.10.2021 at noon) by The Republic of Belarus (Sanctions) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1146), regs. 1(2), **27**

#### Commencement Information

- I7** Reg. 33 not in force at made date, see reg. 1(2)
- I8** Reg. 33 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Licences: general provisions

- 34.**—(1) This regulation applies in relation to Treasury licences and trade licences.
- (2) A licence must specify the acts authorised by it.
- (3) A licence may be general or may authorise acts by a particular person or persons of a particular description.
- (4) A licence may —
- contain conditions;
  - be of indefinite duration or a defined duration.
- (5) A person who issues a licence may vary, revoke or suspend it at any time.
- (6) A person who issues, varies, revokes or suspends a licence which authorises acts by a particular person must give written notice to that person of the issue, variation, revocation or suspension of the licence.
- (7) A person who issues, varies, revokes or suspends a general licence or a licence which authorises acts by persons of a particular description must take such steps as that person considers appropriate to publicise the issue, variation, revocation or suspension of the licence.

**Commencement Information**

- I9** Reg. 34 not in force at made date, see reg. 1(2)  
**I10** Reg. 34 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Finance: licensing offences**

- 35.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—
- (a) provides information that is false in a material respect, or
  - (b) provides or produces a document that is not what it purports to be,
- for the purpose of obtaining a Treasury licence (whether for P or anyone else).
- (2) A person who purports to act under the authority of a Treasury licence but who fails to comply with any condition of the licence commits an offence.

**Commencement Information**

- I11** Reg. 35 not in force at made date, see reg. 1(2)  
**I12** Reg. 35 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Trade: licensing offences**

- 36.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—
- (a) provides information that is false in a material respect, or
  - (b) provides or produces a document that is not what it purports to be,
- for the purpose of obtaining a trade licence (whether for P or anyone else).
- (2) A person who purports to act under the authority of a trade licence but who fails to comply with any condition of the licence commits an offence.
- (3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.

**Commencement Information**

- I13** Reg. 36 not in force at made date, see reg. 1(2)  
**I14** Reg. 36 in force at 31.12.2020 by [S.I. 2019/627](#), [reg. 12\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Section 8B(1) to (3) of Immigration Act 1971: directions**

- 37.**—(1) The Secretary of State may direct that, in relation to any person within regulation 17 whose name is specified, or who is of a specified description, section 8B(1) and (2) of the Immigration Act 1971, or section 8B(3) of that Act, have effect subject to specified exceptions.
- (2) A direction may contain conditions.
- (3) A direction must be of a defined duration (and that duration may be expressed in any way, including, for example, being expressed in a way such that the direction ceases to have effect on, or within a specified period after, the occurrence of a specified event).
- (4) The Secretary of State may vary, revoke or suspend a direction at any time.

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(5) On the issue, variation, revocation or suspension of a direction, the Secretary of State may take such steps as the Secretary of State considers appropriate to publicise the issue, variation, revocation or suspension of the direction.

(6) In this regulation “specified” means specified in a direction.

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**Commencement Information**

**I15** Reg. 37 not in force at made date, see reg. 1(2)

**I16** Reg. 37 in force at 31.12.2020 by S.I. 2019/627, **reg. 12(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**



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