

2020 No. 591

EXITING THE EUROPEAN UNION

SANCTIONS

**The Sanctions (EU Exit) (Miscellaneous Amendments)
Regulations 2020**

Made - - - - *11th June 2020*

Laid before Parliament *15th June 2020*

Coming into force in accordance with regulation 1(2)

The Secretary of State^(a), in exercise of the powers conferred by sections 1, 45 and 54(2) of the Sanctions and Anti-Money Laundering Act 2018^(b), considers that the requirements of section 45(2) of the Act are satisfied and, having decided upon consideration of the matters set out in section 56(1) of the Act that it is appropriate to do so, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020.

(2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Sanctions and Anti-Money Laundering Act 2018.

PART 1

Amendments of sanctions regulations

Amendment of the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019

2.—(1) The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019^(c) are amended as follows.

(2) In regulation 3(3)(d), for “66(5)” substitute “66(6)”.

(3) In regulation 36—

(a) in paragraph (5)(b), for “Harmonized Commodity Description and Coding System” substitute “Goods Classification Table”;

(a) The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c.13) is conferred on an appropriate Minister. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.

(b) 2018 c.13.

(c) S.I. 2019/411, amended by S.I. 2019/843.

- (b) for paragraph (6) substitute—
- “(6) For the purposes of the definition of “arms and related materiel” in paragraph (5)—
- “the Goods Classification Table” means the table so named in Annex I in Part Three of the Tariff of the United Kingdom;
- “the Tariff of the United Kingdom” means the document containing the legal classification and import rate for products being imported into the United Kingdom, entitled “The Tariff of the United Kingdom”, as revised or re-issued from time to time(a), including by any document published under regulations made under section 8(1) of the Taxation (Cross-border Trade) Act 2018(b) replacing the same in whole or in part.”.
- (4) In regulation 38(1)(d), for “originates” substitute “originate”.
- (5) In regulation 56(4), for “exit day” substitute “IP completion day(c)”.
- (6) In regulation 59(4)(d), for “paragraph (1)(b)” substitute “paragraph (1)(d)”.
- (7) In the heading of regulation 61, for “Ship” substitute “Bunkering or ship”.
- (8) In regulation 64(1)—
- (a) in the definition of “Regulation 2017/1509”, for “exit day” substitute “IP completion day”;
- (b) omit the definition of “technology”.
- (9) In regulation 71—
- (a) in paragraph (1), after “access to a port” insert “in the United Kingdom”;
- (b) in paragraph (2), for “any port” substitute “a port in the United Kingdom”.
- (10) In regulation 83—
- (a) in paragraph (2)(c), for “of a licence” substitute “or a licence”;
- (b) in paragraph (4), for “regulations” substitute “regulation”.
- (11) In regulation 119(2)—
- (a) in sub-paragraph (a), omit the words “, except for the prohibitions in regulation 50(3) (acquisition or transfer of fishing rights)”;
- (b) in sub-paragraph (b), at the end insert “, except for the prohibitions in regulation 50(3) (acquisition or transfer of fishing rights)”.
- (12) In Schedule 2—
- (a) for paragraph 1(c) substitute—
- “(c) a reference to a “CAS No” followed by a numerical sequence is a reference to the CAS Registry Numbers (CAS numbers) assigned to chemicals by the Chemical Abstracts Service, a division of the American Chemical Society. In some instances chemicals are listed by name and CAS number. The list applies to chemicals of the same structural formula (including hydrates) regardless of name or CAS number. CAS numbers are shown to assist in identifying a particular chemical or mixture, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers;”;
- (b) in paragraph 17, for “Chemical Abstract Number (CAS): [CAS 298-07-7]” substitute “(CAS No 298-07-07)”;

(a) The Tariff of the United Kingdom, Version 1.0 is available electronically from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837199/Tariff_Reference_Document_8th_October.pdf. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London, SW1A 2BQ.

(b) 2018 c. 22.

(c) Schedule 1 to the Interpretation Act 1978 (c. 30) provides that “IP completion day” has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (c. 1) (see section 39(1) to (5) of that Act).

- (c) in paragraph 18, for “CAS: [7782-41-4]” substitute “(CAS No 7782-41-4)”;
 - (d) in paragraph 30, for “[CAS No 126-73-8]” substitute “(CAS No 126-73-8)”;
 - (e) in paragraph 73—
 - (i) at the end of sub-paragraph (d), for “.” substitute “,”;
 - (ii) omit sub-paragraph (e);
 - (iii) at the end of the paragraph insert “but excluding single mode oscillators.”;
 - (f) in paragraph 78—
 - (i) in sub-paragraph (1)—
 - (aa) omit “),”;
 - (bb) at the end, for “; and” substitute “.”
 - (ii) for sub-paragraph (2) substitute—

“(2) Specially designed components for the engines specified in sub-paragraph (1).”
 - (g) in paragraph 81, for “exit day” substitute “IP completion day”.
- (13) In Schedule 3, in paragraphs 1(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”.

Amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019

3.—(1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In regulation 3—
 - (a) in paragraph (3), for “In paragraphs (1) and (2)” substitute “In this regulation”;
 - (b) in paragraph (6), for “In paragraphs (4) and (5)” substitute “In this regulation”.
- (3) In regulation 5(2), for “the provisions mentioned in each of the sub-paragraphs of” substitute “different provisions mentioned in”.
- (4) In regulation 58(2), after sub-paragraph (d)—
 - (a) for “.” substitute “,”; and
 - (b) insert—
 - “(e) a prohibition imposed by a condition of a trade licence in relation to a prohibition mentioned in any of sub-paragraphs (a) to (d).”
- (5) In regulation 63(2), for “regulation 58(2)(a) to (d)” substitute “regulation 58(2)(a) to (e)”.
- (6) In regulation 69(2), after “existing financial sanctions licence” insert “which authorises an act which would otherwise be prohibited”.
- (7) In regulation 70(3), after sub-paragraph (a)—
 - (a) omit “and”, and
 - (b) insert—
 - “(aa) is not an existing trade licence, and”.
- (8) In regulation 72(1), for “paragraph (2)” substitute “paragraph (3)”.
- (9) In Schedule 2—
 - (a) in paragraph (1), in the definition of “frozen funds or economic resources”, for “regulation 11” substitute “regulation 12”;
 - (b) in paragraphs 2(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”;

(a) S.I. 2019/433.

- (c) omit paragraph 7;
- (d) after paragraph 10 insert—

“Diplomatic missions

11. To enable anything to be done in order that the functions of a diplomatic mission or consular post in the Democratic Republic of the Congo or of an international organisation enjoying immunities in accordance with international law may be carried out.”

Amendment of the South Sudan (Sanctions) (EU Exit) Regulations 2019

- 4.**—(1) The South Sudan (Sanctions) (EU Exit) Regulations 2019(a) are amended as follows.
- (2) In regulation 3(3), for “In paragraphs (1) and (2)” substitute “In this regulation”.
 - (3) In regulation 5(2), for “the provisions mentioned in each of the sub-paragraphs of” substitute “different provisions mentioned in”.
 - (4) In regulation 7(4), after “and” omit “;”.
 - (5) In regulation 45, for “regulation 33” substitute “regulation 34”.
 - (6) In regulation 58(2), after sub-paragraph (d)—
 - (a) for “.” substitute “;”, and
 - (b) insert—
 - “(e) a prohibition imposed by a condition of a trade licence in relation to a prohibition mentioned in any of sub-paragraphs (a) to (d).”
 - (7) In regulation 63(2), for “regulation 58(2)(a) to (d)” substitute “regulation 58(2)(a) to (e)”.
 - (8) In regulation 69(2), after “existing financial sanctions licence” insert “which authorises an act which would otherwise be prohibited”.
 - (9) In regulation 70(3), after sub-paragraph (a)—
 - (a) omit “and”, and
 - (b) insert—
 - “(aa) is not an existing trade licence, and”.
 - (10) In Schedule 2, in paragraphs 2(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”.

Amendment of the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019

- 5.**—(1) The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019(b) are amended as follows.
- (2) In regulation 3(3), for “In paragraphs (1) and (2)” substitute “In this regulation”.
 - (3) In regulation 7(4), after “and” omit “;”.
 - (4) In regulation 28—
 - (a) in paragraph (4)(b), for “Harmonized Commodity Description and Coding System” substitute “Goods Classification Table”;
 - (b) for paragraph (5) substitute—
 - “(5) For the purposes of the definition of “arms and related materiel” in paragraph (4)—
 - “the Goods Classification Table” means the table so named in Annex I in Part Three of the Tariff of the United Kingdom;
 - “the Tariff of the United Kingdom” means the document containing the legal classification and import rate for products being imported into the United Kingdom,

(a) S.I. 2019/438.

(b) S.I. 2019/461, amended by S.I. 2019/843.

entitled “The Tariff of the United Kingdom”, as revised or re-issued from time to time^(a), including by any document published under regulations made under section 8(1) of the Taxation (Cross-border Trade) Act 2018^(b) replacing the same in whole or in part.”.

(5) In regulation 34(1)—

- (a) in the definition of “graphite and relevant metals”, for “exit day” substitute “IP completion day”;
- (b) in the definition of “other restricted goods”, for “exit day” substitute “IP completion day”;
- (c) in the definition of “other restricted technology”, for “exit day” substitute “IP completion day”;
- (d) omit the definition of “technology”.

(6) In regulation 75(2), after “existing financial sanctions licence” insert “which authorises an act which would otherwise be prohibited”.

(7) In regulation 76—

(a) before paragraph (1) insert—

“(A1) Paragraph (B1) applies in relation to each licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act—
 - (i) which would otherwise be prohibited by any provision of the Export Control Order 2008 except article 20 of that Order (embargoed destinations), or which requires an authorisation under or pursuant to the Dual-Use Regulation, and
 - (ii) which would (on or after the relevant date, and in the absence of paragraph (B1)) be prohibited by Part 5 (Trade),

and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(B1) A licence is deemed to have been issued by the Secretary of State at the beginning of the relevant date under regulation 41 (trade licences)—

- (a) disapplying every provision of Part 5 which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.”;

(b) for paragraph (1) substitute—

“(1) Paragraphs (2) to (4) apply to a licence or authorisation granted by the Secretary of State which—

- (a) was in effect immediately before the relevant date,
- (b) is not an existing trade licence, and
- (c) authorises an act—
 - (i) which would otherwise be prohibited by either—
 - (aa) the EU Iran Regulation, or
 - (bb) the Iran (United Nations Sanctions) Order 2009^(c), and

(a) The Tariff of the United Kingdom, Version 1.0 is available electronically from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/837199/Tariff_Reference_Document_8th_October.pdf. A hard copy is available for inspection free of charge at the offices of HMRC at 100 Parliament Street, London, SW1A 2BQ.

(b) 2018 c. 22.

(c) S.I. 2009/886, amended by S.I. 2010/2978, 2011/2985, 2016/378, 1119.

(ii) which would (on and after the relevant date, and in the absence of paragraphs (2) to (4)) be prohibited by Part 5 (Trade),
and such a licence or authorisation is referred to in this regulation as “an existing trade sanctions licence”.”

(c) in paragraph (3), after “the Export Control (Iran Sanctions) Order 2016” insert “, the Iran (United Nations Sanctions) Order 2009”.

(8) In Schedule 2, in paragraphs 1(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”.

Amendment of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019

6.—(1) The ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 3(3), for “In paragraphs (1) and (2)” substitute “In this regulation”.

(3) In regulation 14(1), for ““technology” and “transfer” have the meanings given by paragraph 37 of Schedule 1 to the Act” substitute—

““transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.”

(4) In regulation 59(2), after “existing financial sanctions licence” insert “which authorises an act which would otherwise be prohibited”.

(5) In Schedule 2, in paragraphs 2(2)(b)(ii) and (iii), for “payments”, in both places it occurs, substitute “payment”.

Amendment of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019

7.—(1) The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In regulation 7(4), after “and” omit “,”.

(3) In regulation 18(1), for ““technology” and “transfer” have the meanings given by paragraph 37 of Schedule 1 to the Act” substitute—

““transfer” has the meaning given by paragraph 37 of Schedule 1 to the Act.”

PART 2

Revocations and other amendments

Revocations

8. The following instruments are revoked—

- (a) the Iran (United Nations Sanctions) Order 2009(c);
- (b) the North Korea (United Nations Sanctions) (Amendment) Order 2009(d);
- (c) the Iran (United Nations Sanctions) (Amendment) Order 2010(e);
- (d) the Iran (United Nations Sanctions) (Amendment) Order 2011(f);
- (e) the Iran (United Nations Sanctions) (Amendment) Order 2016(g);

(a) S.I. 2019/466, amended by S.I. 2019/843.

(b) S.I. 2019/573, amended by S.I. 2019/843.

(c) S.I. 2009/886, amended by S.I. 2010/2978, 2011/2985, 2016/378, 1119.

(d) S.I. 2009/3213.

(e) S.I. 2010/2978.

(f) S.I. 2011/2985.

(g) S.I. 2016/378.

- (f) the Al-Qaida (Asset-Freezing) (Amendment) Regulations 2016**(a)**;
- (g) the North Korea and Iran (United Nations Sanctions) (Amendment) Order 2016**(b)**;
- (h) the Democratic Republic of the Congo (Asset-Freezing) (Amendment) Regulations 2016**(c)**;
- (i) the North Korea (United Nations Sanctions) (Amendment) Order 2017**(d)**;
- (j) the Democratic People’s Republic of Korea (European Union Financial Sanctions) (Amendment) Regulations 2017**(e)**;
- (k) the Democratic People’s Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 2) Regulations 2017**(f)**;
- (l) the Democratic People’s Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 3) Regulations 2017**(g)**;
- (m) the Democratic People’s Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 4) Regulations 2017**(h)**;
- (n) the Democratic People’s Republic of Korea (European Union Financial Sanctions) (Amendment) (No. 5) Regulations 2017**(i)**;
- (o) the North Korea (United Nations Sanctions) (Amendment) (No. 2) Order 2017**(j)**;
- (p) the North Korea (United Nations Sanctions) (Amendment) (No. 3) Order 2017**(k)**;
- (q) the North Korea (United Nations Sanctions) (Amendment) Order 2018**(l)**;
- (r) the North Korea (United Nations Sanctions) (Amendment) (No. 2) Order 2018**(m)**.

Amendment consequential on Part 2 of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019

9. In the Schedule to the United Nations and European Union Financial Sanctions (Linking) Regulations 2017**(n)**, omit the following row from the table—

“United Nations Security Council Resolution 2253 (2015)	Council Regulation (EC) No. 881/2002 of 27th May 2002 imposing certain restrictive measures directed against certain persons and entities associated with the ISIL (Da’esh) and Al-Qaida organisations.”
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Amendments consequential on the revocation of the ISIL (Da’esh) and Al-Qaida (Asset-Freezing) Regulations 2011

10.—(1) In regulation 13(8) of the Electronic Money Regulations 2011**(o)**, after paragraph (d) insert—

- (a) S.I. 2016/937.
- (b) S.I. 2016/1119.
- (c) S.I. 2016/1208.
- (d) S.I. 2017/319.
- (e) S.I. 2017/556.
- (f) S.I. 2017/883.
- (g) S.I. 2017/928.
- (h) S.I. 2017/986.
- (i) S.I. 2017/999.
- (j) S.I. 2017/1110.
- (k) S.I. 2017/1278.
- (l) S.I. 2018/523.
- (m) S.I. 2018/1060.
- (n) S.I. 2017/478, to which there are amendments not relevant to these Regulations.
- (o) S.I. 2011/99, amended by S.I. 2011/2742, 2016/937; there are other amending instruments but none is relevant.

“(da) an offence under Part 3, 5, 6 or 7 of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019(a) or Part 3, 6 or 7 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019(b);”.

(2) In regulation 3(1) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017(c), in the definition of “terrorist financing”, for paragraph (c) substitute—

“(c) regulations 8 to 13, 25 or 26 of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019(d) or regulations 11 to 16 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019(e);”.

(3) In regulation 14(5) of the Payment Services Regulations 2017, after paragraph (d) insert—

“(da) an offence under regulations 8 to 13, 25 or 26 of the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019(f) or regulations 11 to 16 of the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019(g);”.

Ahmad

Minister of State

Foreign and Commonwealth Office

11th June 2020

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) (“the Sanctions Act”).

Part 1 makes corrections and amendments to a number of sanctions regulations which have been made under section 1 of the Sanctions Act, namely the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/411), the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433), the South Sudan (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/438), the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (S.I. 2019/461), the ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/466) and the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/573).

Part 2 makes revocations and amendments which are consequential on the provisions in those sanctions regulations, in particular the revocation of the asset-freezing and export control legislation which has been superseded by those sanctions regulations.

An impact assessment has not been produced for these Regulations, as the instrument is intended to ensure existing sanctions remain in place following the United Kingdom’s withdrawal from the European Union. 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.

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- (a) S.I. 2019/466, amended by S.I. 2019/843.
 - (b) S.I. 2019/573, amended by S.I. 2019/843.
 - (c) S.I. 2017/692, to which there are amendments not relevant to these Regulations.
 - (d) S.I. 2019/466, amended by S.I. 2019/843.
 - (e) S.I. 2019/573, amended by S.I. 2019/843.
 - (f) S.I. 2019/466, amended by S.I. 2019/843.
 - (g) S.I. 2019/573, amended by S.I. 2019/843.

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£6.90

UK202006121006 06/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/591>

ISBN 978-0-34-820854-2



9 780348 208542