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STATUTORY INSTRUMENTS

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**2020 No. 707**

**The Iraq (Sanctions) (EU Exit) Regulations 2020**

**PART 1**

**General**

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Iraq (Sanctions) (EU Exit) Regulations 2020.
- (2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Act.

**Interpretation**

2. In these Regulations—

- “the Act” means the Sanctions and Anti-Money Laundering Act 2018;
- “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<sup>(1)</sup>;
- “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 1 of resolution 1518;
- “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 Iraq Regulation” means Council Regulation (EC) No 1210/2003 of 7 July 2003, concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96<sup>(2)</sup>, as it has effect in EU law;
- “resolution 661” means resolution 661 (1990) adopted by the Security Council on 6 August 1990;
- “resolution 1483” means resolution 1483 (2003) adopted by the Security Council on 22 May 2003;
- “resolution 1518” means resolution 1518 (2003) adopted by the Security Council on 24 November 2003;
- “resolution 1956” means resolution 1956 (2010) adopted by the Security Council on 15 December 2010;

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(1) 1979 c.2. Amendments have been made to this Act and are cited, where relevant, in respect of the applicable regulations.

(2) OJ No. L 169, 8.7.2003, p.6.

“trade licence” means a licence under regulation 36;

“Treasury licence” means a licence under regulation 35(1);

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

### **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) In this regulation, a “relevant prohibition” means any prohibition imposed by—

- (a) Part 3 (Finance),
- (b) Part 4 (Trade), or
- (c) 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 6 (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.

### **Purpose**

4.—(1) The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the relevant UN obligations.

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

- (a) the obligation that the United Kingdom has by virtue of paragraph 23(a) of resolution 1483 (partial asset-freeze)<sup>(3)</sup> to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
- (b) the obligation that the United Kingdom has by virtue of paragraph 23(b) of resolution 1483 (asset-freeze) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;
- (c) the obligations that the United Kingdom has by virtue of paragraph 23(b) of resolution 1483 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 23(b) of resolution 1483;

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(3) The obligations in paragraph 23(a) and (b) of resolution 1483 include obligations relating to transfers of certain funds, assets and economic resources to the Development Fund for Iraq. The Development Fund for Iraq was terminated pursuant to paragraph 5 of resolution 1956 and successor arrangements have been put in place.

- (d) the obligations that the United Kingdom has by virtue of paragraph 3 of resolution 661 (arms embargo);
- (e) the obligations that the United Kingdom has by virtue of paragraph 7 of resolution 1483 (Iraqi cultural property).