
STATUTORY INSTRUMENTS

2020 No. 733

The Yemen (Sanctions) (EU Exit) Regulations 2020

PART 1

General

Citation and commencement

- 1.—(1) These Regulations may be cited as the Yemen (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(1);
“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 19 of resolution 2140;
“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 Yemen Regulation” means Council Regulation (EU) No 1352/2014 of 18 December 2014, concerning restrictive measures in view of the situation in Yemen(2), as it has effect in EU law;
“final report of the comprehensive National Dialogue Conference” means the final Outcomes Document of the comprehensive National Dialogue Conference held between 18 March 2013 and 25 January 2014(3);

(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 365, 19.12.2014, p.60.

(3) A copy of the English translation of the Outcomes Document is available online at: <https://www.peaceagreements.org/masterdocument/1400>.

“Gulf Cooperation Council Initiative” means the Agreement on achieving a political settlement of the crisis in Yemen reached following the initiative proposed by the Gulf Cooperation Council on 21 April 2011(4);

“humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in Yemen for the benefit of the civilian population there;

“Implementation Mechanism Agreement” means the Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council, signed in Riyadh on 23 November 2011(5);

“resolution 2140” means resolution 2140 (2014) adopted by the Security Council on 26 February 2014;

“resolution 2216” means resolution 2216 (2015) adopted by the Security Council on 14 April 2015;

“resolution 2511” means resolution 2511 (2020) adopted by the Security Council on 25 February 2020;

“trade licence” means a licence under regulation 34;

“Treasury licence” means a licence under regulation 33(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) regulation 9(2) (confidential information),
- (b) Part 3 (Finance),
- (c) Part 5 (Trade), or
- (d) 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 7 (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.

(4) A copy of the English translation of the Agreement is available online at: https://osesgy.unmissions.org/sites/default/files/gcc_initiative_yemen_english.pdf.

(5) A copy of the English translation of the Agreement is available online at: https://osesgy.unmissions.org/sites/default/files/5-yemen_mechanism_english_official_v2_0.pdf.

Purpose

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
- (b) the additional purposes mentioned in paragraph (2).

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of Yemen,
- (b) promoting the political transition and peaceful resolution of armed conflicts in Yemen, including, in particular—
 - (i) the completion of the political transition as outlined in the Gulf Cooperation Council Initiative and the Implementation Mechanism Agreement, and
 - (ii) the implementation of the final report of the comprehensive National Dialogue Conference,
- (c) promoting respect for humanitarian assistance activities in Yemen,
- (d) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Yemen,
- (e) promoting respect for human rights in Yemen, including, in particular, respect for—
 - (i) the right to life of persons in Yemen;
 - (ii) the right of persons in Yemen not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to cruel, inhuman or degrading treatment or punishment in Yemen;
 - (iv) the right to liberty and security of persons in Yemen, including freedom from arbitrary arrest, unlawful detention or enforced disappearance;
 - (v) the right to a fair trial of persons charged with criminal offences in Yemen;
 - (vi) the enjoyment of rights and freedoms in Yemen without discrimination, including on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status,

otherwise than by compliance with the relevant UN obligations.

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

- (a) the obligation that the United Kingdom has by virtue of paragraph 11 of resolution 2140 (asset-freeze etc.)⁽⁶⁾ 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 obligations that the United Kingdom has by virtue of paragraph 11 of resolution 2140 (asset-freeze etc.) in respect of persons—
 - (i) acting on behalf of or at the direction of, or
 - (ii) owned or controlled by,

⁽⁶⁾ The asset-freezing measures provided for in paragraph 11 of resolution 2140 have been renewed by paragraph 2 of resolution 2204 (2015) adopted by the Security Council on 24 February 2015, paragraph 2 of resolution 2266 (2016) adopted by the Security Council on 24 February 2016, paragraph 2 of resolution 2342 (2017) adopted by the Security Council on 23 February 2017, paragraph 2 of resolution 2402 (2018) adopted by the Security Council on 26 February 2018, paragraph 2 of resolution 2456 (2019) adopted by the Security Council on 26 February 2019, and paragraph 2 of resolution 2511 (2020) adopted by the Security Council on 25 February 2020.

the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 11 of resolution 2140;

- (c) the obligations that the United Kingdom has by virtue of paragraph 14 of resolution 2216 (arms embargo etc.) to take the measures required by that provision in respect of—
 - (i) persons for the time being named by the Security Council or the Committee for the purposes of paragraph 14 of resolution 2216;
 - (ii) persons acting in Yemen on behalf of or at the direction of a person mentioned in paragraph (i).

(4) In paragraphs (3)(a) to (c), any reference to persons named by the Security Council or Committee for the purposes of a provision mentioned therein includes persons so named by virtue of—

- (a) paragraphs 17 and 18 of resolution 2140;
- (b) paragraph 19 of resolution 2216;
- (c) paragraph 6 of resolution 2511.