
STATUTORY INSTRUMENTS

2021 No. 1146

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) (No. 2) Regulations 2021

PART 3

Finance

Transferable securities etc.

8. After regulation 15 (making economic resources available for benefit of designated persons), insert—

“CHAPTER 2

Other financial restrictions

Dealing with transferable securities or money-market instruments

15A.—(1) A person (“P”) must not directly or indirectly deal with a transferable security or money-market instrument falling within paragraph (2) if P knows, or has reasonable cause to suspect, that P is dealing with such a transferable security or money-market instrument.

(2) A transferable security or money-market instrument falls within this paragraph if it—

- (a) has a maturity exceeding 90 days,
- (b) is issued by a relevant person, and
- (c) is issued after the date on which the Amendment Regulations 2021 come into force.

(3) Paragraph (1) is subject to regulation 31 (exception for acts done for purposes of national security or prevention of serious crime).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence.

(5) For the purposes of this regulation, a reference to “dealing with” a transferable security or money-market instrument includes a reference to purchasing or selling the security or instrument, providing investment services relating to the security or instrument, or assisting in the issuance of the security or instrument.

(6) In this regulation—

“investment services” means—

- (a) the reception and transmission of orders in relation to one or more financial instruments,
- (b) the execution of orders on behalf of clients,
- (c) dealing on own account,
- (d) portfolio management,

- (e) the provision of investment advice,
- (f) the underwriting of financial instruments or placing of financial instruments on a firm commitment basis,
- (g) the placing of financial instruments without a firm commitment basis, or
- (h) any service in relation to the admission to trading on a regulated market or trading on a multilateral trading facility;

“money-market instrument” means an instrument of a kind normally dealt in on the money market, such as treasury bills, certificates of deposit and commercial papers, excluding instruments of payment;

“transferable security” means a security, negotiable on the capital market, of any of the following kinds, but excluding instruments of payment—

- (a) shares in companies and other securities equivalent to shares in companies, partnerships or other entities, and depositary receipts in respect of shares;
- (b) bonds or other forms of securitised debt, including depositary receipts in respect of such securities;
- (c) any other securities giving the right to purchase or sell any security of a kind mentioned in paragraph (a) or (b).

Loans and credit arrangements

15B.—(1) A person (“P”) must not directly or indirectly grant a relevant loan if P knows, or has reasonable cause to suspect, that P is granting a relevant loan.

(2) A person must not directly or indirectly enter into any arrangement to grant a relevant loan if the person knows, or has reasonable cause to suspect, that the arrangement relates to a relevant loan.

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) In this regulation, “relevant loan” means a loan or credit—

- (a) with a maturity exceeding 90 days,
- (b) made or granted to a relevant person, and
- (c) which is first made or granted at any time after the date on which the Amendment Regulations 2021 come into force.

Insurance and reinsurance services

15C.—(1) A person (“P”) must not provide insurance or reinsurance services to a person falling within paragraph (2) if P knows, or has reasonable cause to suspect, that P is providing such services to such a person.

(2) The following persons fall within this paragraph—

- (a) Belarus;
- (b) a Belarusian authority;
- (c) a person, other than an individual, which is wholly owned by Belarus or a Belarusian authority;
- (d) a person acting on behalf of or at the direction of a person within sub-paragraphs (a) to (c).

(3) Paragraph (1) is subject to Part 6 (Exceptions and licences).

- (4) A person who contravenes the prohibition in paragraph (1) commits an offence.
- (5) Nothing in this regulation prohibits compliance with an insurance or reinsurance agreement concluded before the date on which the Amendment Regulations 2021 come into force.
- (6) For the purposes of this regulation—
 - (a) “insurance and reinsurance services” include the provision of services relating to the extension or renewal of an insurance or reinsurance agreement, except where there is an obligation, which arose before the date on which the Amendment Regulations 2021 come into force, of the insurer or re-insurer to accept the extension or renewal;
 - (b) paragraph (2)(d) does not include any person who is acting under a direction which is given in relation to a ship or aircraft for the purposes of docking, loading or unloading the ship or aircraft or for any purpose in connection with the safe transit of the ship or aircraft through Belarus or the airspace above it.

Interpretation of terms relating to other financial restrictions

15D.—(1) In this Chapter—

“Belarusian authority” means—

- (a) public bodies and agencies subordinate to the President of Belarus, including the Administration of the President of Belarus and the Committee of State Control;
- (b) the Council of Ministers of Belarus and each of its members;
- (c) any Ministry of the Government of Belarus;
- (d) any public body, agency or state concern subordinate to the Council of Ministers of Belarus;
- (e) any State Committee of Belarus;
- (f) the National Bank of Belarus; and
- (g) any local government body of Belarus, including the Councils of Deputies and Executive Committees;

“credit or financial institution” means—

- (a) a person, other than an individual, which would satisfy the threshold conditions for permission under Part 4A of the Financial Services and Markets Act 2000⁽¹⁾ if it had its registered office (or if it does not have one, its head office) in the United Kingdom; or
- (b) an undertaking which by way of business—
 - (i) operates a currency exchange office,
 - (ii) transmits money (or any representation of monetary value) by any means, or
 - (iii) cashes cheques that are made payable to customers;

“non-UK country” means a country that is not the United Kingdom;

“relevant person” means—

- (a) Belarus;
- (b) a Belarusian authority;

(1) 2000 c. 8. Part 4A was inserted by the Financial Services Act 2012 (c. 21), section 11(2) and most recently amended by the Financial Services Act 2021 (c. 22), section 28 and Schedule 11, paragraphs 2 and 3.

- (c) a person, other than an individual, which is not a person within sub-paragraphs (d), (e) or (f) and which is wholly owned by Belarus or a Belarusian authority;
- (d) a credit or financial institution which is majority owned by Belarus or a Belarusian authority;
- (e) a person, other than an individual, which is—
 - (i) incorporated or constituted under the law of a non-UK country, and
 - (ii) majority owned by a person within sub-paragraph (d);
- (f) a person acting on behalf of or at the direction of a person within sub-paragraph (d) or sub-paragraph (e).

(2) The definition of “Belarusian authority” in paragraph (1) does not apply to any individual in their private capacity, and in that definition none of paragraphs (a) to (g) is to be taken to limit the meaning of any other of those paragraphs.

(3) For the purposes of this Chapter, a person (“C”) is “majority owned” by another person (“P”) if P—

- (a) holds directly or indirectly more than 50% of the shares in C, or
- (b) holds directly or indirectly more than 50% of the voting rights in C.

(4) For the purposes of this Chapter, a person (“C”) is “wholly owned” by another person (“P”) if P—

- (a) holds directly or indirectly 100% of the shares in C, or
- (b) holds directly or indirectly 100% of the voting rights in C.

(5) Schedule 1 applies for the purpose of interpreting paragraphs (3) and (4).

CHAPTER 3

Further Provision”.