

2021 No. 1257

SANCTIONS

**The Republic of Belarus (Sanctions) (EU Exit) (Isle of Man)
Order 2021**

Made - - - - *10th November 2021*

Coming into force - - *11th November 2021*

At the Court at Windsor Castle, the 10th day of November 2021

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 63(3)(b) and (4) of the Sanctions and Anti-Money Laundering Act 2018(a), is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021 and comes into force on 11th November 2021.

(2) This Order extends to the Isle of Man.

Extension of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019

2. The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019(b) as amended from time to time extend to the Isle of Man with the modifications specified in the Schedule.

Extension of the Sanctions and Anti-Money Laundering Act 2018

3.—(1) Subject to the modifications set out in sub-paragraphs (a) and (c), the following provisions of the Sanctions and Anti-Money Laundering Act 2018 extend to the Isle of Man for the purposes of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 as modified and extended to the Isle of Man by this Order—

(a) section 43 (guidance about regulations under section 1), except that, in its application to the Isle of Man—

(i) the reference in subsection (1) of that section to regulations under section 1 is to be read as a reference to the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 as modified and extended to the Isle of Man by this Order, and

(a) 2018 c. 13.

(b) S.I. 2019/600, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2021/1146; and by the Sentencing Act 2020 (c. 17).

- (ii) the reference in subsection (1) of that section to the appropriate Minister who made the regulations is to be read as a reference to the Treasury;
 - (b) section 44 (protection for acts done for purposes of compliance);
 - (c) section 53 (saving for prerogative powers), except that, in its application to the Isle of Man, the reference in subsection (1) of that section to the United Kingdom is to be read as a reference to the Isle of Man.
- (2) In this article, “Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald)(a).

Ceri King
Deputy Clerk of the Privy Council

SCHEDULE

Article 2

Modifications to be made in the extension of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 to the Isle of Man

1. In regulation 1 (citation and commencement)—
 - (a) in the heading, omit “and commencement”;
 - (b) omit paragraph (2).
2. In regulation 2 (interpretation)—
 - (a) in paragraph (1)—
 - (i) omit the definition of “the Amendment Regulations 2021”;
 - (ii) for the definition of “CEMA” substitute—

““CEMA” means the Customs and Excise Management Act 1986 (of Tynwald)(b);”;
 - (iii) omit the definition of “the Commissioners”;
 - (iv) in the definition of “the Dual-Use Regulation”, after “dual-use items” insert “, as it forms part of Manx law by virtue of section 7 of the European Union and Trade Act 2019 (of Tynwald)(c)”;
 - (v) in the definition of “the EU Belarus Regulation”, for “as it has effect in EU law”, substitute “as it had effect in the Isle of Man immediately before IP completion day”;
 - (vi) omit the definitions of “serious human rights violation or abuse” and “United Kingdom person”;
 - (vii) in the appropriate place, insert—

““Department of Home Affairs” means the Department of Home Affairs of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald)(d);”;

““the Export Control Order 2008” means the Export Control Order 2008, as it has effect in the Isle of Man from time to time(e);”;

““Island person” means a person who is—

 - (a) an individual ordinarily resident in the Isle of Man who is—

(a) AT 11 of 2015.

(b) AT 34 of 1986.

(c) AT 2 of 2019. Council Regulation (EC) No 428/2009 was prescribed for the purposes of section 7 of the European Union and Trade Act 2019 (of Tynwald) by SD 2019/0064 (of Tynwald).

(d) AT 13 of 1987.

(e) S.I. 2008/3231, applied in the Isle of Man by SD 104/09 (of Tynwald) (as amended).

- (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (ii) a person who under the British Nationality Act 1981(a) is a British subject, or
 - (iii) a British protected person within the meaning of that Act, or
- (b) a body incorporated or constituted under the law of the Isle of Man;”;
- ““territorial sea of the Isle of Man” means the territorial sea adjacent to the Isle of Man;”;
- ““Treasury” has the meaning given in the Interpretation Act 2015 (of Tynwald);”;
- (b) after paragraph (2) insert—
- “(3) In these Regulations, all references to Manx legislation (within the meaning of section 9 of the Interpretation Act 2015 (of Tynwald)) are to be construed as references to that legislation as amended from time to time.”

3. In regulation 3 (application of prohibitions and requirements outside the United Kingdom)—
- (a) in the heading, for “United Kingdom” substitute “Isle of Man”;
 - (b) in paragraphs (1) and (4), for “A United Kingdom person” substitute “An Island person”;
 - (c) in paragraphs (1), (4) and (7), for “United Kingdom” substitute “Isle of Man”;
 - (d) in paragraphs (2) and (5), after “in the territorial sea” insert “of the Isle of Man”;
 - (e) in paragraph (5), for “(direction by air traffic control to operator or pilot of Belarusian aircraft)” substitute “(direction by an air traffic control unit to operator or pilot of Belarusian aircraft)”.
4. Omit regulation 5 (power to designate persons) (including the heading).
5. Omit regulation 6 (designation criteria) (including the heading).
6. For regulation 8 (notification and publicity where designation power used), substitute—

“Requirement to publish a list of designated persons

8.—(1) Subject to paragraph (2), the Treasury must—

- (a) publish a list of designated persons, and
- (b) keep the list up to date.

(2) Where, in accordance with regulation 8 (notification and publicity where designation power used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a designation, variation or revocation, the Treasury must not include in the list under paragraph (1) any details of that designation, variation or revocation.

(3) The Treasury may publish the list under paragraph (1) in any form the Treasury considers appropriate, including by means of a website.

(4) For the purpose of this regulation, “designated person” means any person for the time being designated by the Secretary of State under regulation 5 (as it has effect in the United Kingdom).”

7. In regulation 9 (confidential information in certain cases where designation power used)—
- (a) in the heading, omit “where designation power used”;
 - (b) omit paragraph (1);
 - (c) in paragraph (2)(a), for “that is to be treated as confidential in accordance with paragraph (1)” substitute “which the Secretary of State has specified is to be treated as confidential under regulation 9(1) (as it has effect in the United Kingdom)”;

(a) 1981 c. 61. Part 4 has been amended by the British Overseas Territories Act 2002 (c. 8), section 1(1)(b); and the Nationality, Immigration and Asylum Act 2002 (c. 41), Schedule 2, paragraph 1(i).

- (d) in paragraph (4)(c), for “enactment” substitute “Manx legislation (within the meaning of section 9 of the Interpretation Act 2015 (of Tynwald))”;
- (e) for paragraph (7), substitute—
 - “(7) The High Court of Justice of the Isle of Man may, on the application of—
 - (a) the person who is the subject of the information,
 - (b) the Treasury, or
 - (c) the Secretary of State,
 grant an injunction to prevent a breach of the prohibition in paragraph (2).”
- (f) omit paragraph (8).

8. In regulation 10 (meaning of “designated person” in Part 3), for “under regulation 5 for the purposes of regulations 11 to 15” substitute “from time to time by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 11 to 15 (asset-freeze etc.) (as they have effect in the United Kingdom)”.

9. In regulations 15A (dealing with transferable securities or money-market instruments), 15B (loans and credit arrangements) and 15C (insurance and reinsurance services), for “the Amendment Regulations 2021 come into force”, in each place it occurs, substitute “the Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021 comes into force”.

10. In regulation 15D (interpretation of terms relating to other financial restrictions)—

- (a) for the definition of “credit or financial institution” substitute—
 - ““credit or financial institution” means a person, other than an individual, which is domiciled in Belarus which, if they were acting in the Isle of Man, would be—
 - (a) carrying on a regulated activity within the meaning of the Financial Services Act 2008 (of Tynwald)(a);
 - (b) carrying on insurance business, acting as an insurance intermediary or acting as an insurance manager within the meaning of the Insurance Act 2008 (of Tynwald)(b);
 - (c) acting as a trustee or an administrator of a retirement benefits scheme within the meaning of the Retirement Benefits Schemes Act 2000 (of Tynwald)(c);
 - (d) carrying on the business of lending money within the meaning of the Moneylenders Act 1991 (of Tynwald)(d);”;
- (b) for the definition of “non-UK country” substitute—
 - ““non-IOM country” means a country that is not the Isle of Man;”;
- (c) in the definition of “relevant person” for “non-UK country” substitute “non-IOM country”.

11. For regulation 17 (immigration) substitute—

“**17.** A person who is designated from time to time by the Secretary of State under regulation 5 (designation of persons) (as it has effect in the United Kingdom) for the purposes of regulation 17 (immigration) (as it has effect in the United Kingdom) is an excluded person for the purposes of section 8B of the Immigration Act 1971(e) (as it has effect in the Isle of Man).”

(a) AT 8 of 2008.

(b) AT 16 of 2008.

(c) AT 14 of 2000.

(d) AT 6 of 1991.

(e) 1971 c. 77. Section 8B was inserted by the Immigration and Asylum Act 1999 (c. 33), section 8 and amended by the Immigration Act 2016 (c. 19), section 76; and the Sanctions and Anti-Money Laundering Act 2018, section 59 and Schedule 3, Part 1. The Act was extended to the Isle of Man by S.I. 2008/680 (as amended).

12. In regulation 19A (definition of “interception and monitoring services”), in the definitions of “wireless telegraphy” and “wireless telegraphy apparatus” in paragraph (7), after “Wireless Telegraphy Act 2006” insert “(as it has effect in the Isle of Man)(a)”.

13. In regulation 20 (interpretation of other expressions used in this Part)—

(a) for paragraph (1) substitute—

“(1) For the purposes of this Part—

- (a) “export” means export from the Isle of Man,
- (b) goods removed to the United Kingdom from the Isle of Man are not to be regarded as exported, and
- (c) goods transported out of the Isle of Man by aircraft or ship as stores within the meaning of CEMA (see section 184(1) and (4) of that Act) are to be regarded as exported.

(1A) For the purposes of this Part—

- (a) “import” means import into the Isle of Man, and
- (b) goods removed to the Isle of Man from the United Kingdom are not to be regarded as imported.

(1B) Paragraph 36 of Schedule 1 to the Act (trade sanctions) applies for the purpose of interpreting expressions in this Part.”

(b) for paragraph (2) substitute—

“(2) In this Part, any reference to the Isle of Man includes a reference to the territorial sea of the Isle of Man.”

14. In regulation 27 (brokering services: non-UK activity relating to restricted goods and restricted technology)—

- (a) in the heading, for “non-UK” substitute “non-IOM”;
- (b) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-IOM country”;
- (c) for paragraph (4) substitute—

“(4) In this regulation—

“non-IOM country” means a country that is not the Isle of Man;

“third country” means—

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the Isle of Man, the United Kingdom or Belarus, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the Isle of Man or Belarus.”

15. In regulation 27H (brokering services: non-UK activity relating to dual-use goods and dual-use technology)—

- (a) in the heading, for “non-UK” substitute “non-IOM”;
- (b) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-IOM country”;
- (c) for paragraph (4) substitute—

“(4) In this regulation—

“non-IOM country” means a country that is not the Isle of Man;

“third country” means—

(a) The Wireless Telegraphy Act 2006 was extended to the Isle of Man by S.I. 2007/278.

- (a) for the purposes of paragraph (1)(a) and (b), a country that is not the Isle of Man, the United Kingdom or Belarus, and
- (b) for the purposes of any other provision of paragraph (1), a country that is not the Isle of Man or Belarus.”

16. In regulation 29A (movement of aircraft)—

- (a) in paragraph (1)—
 - (i) for “CAA” substitute “Department for Enterprise”;
 - (ii) for “250”, in both places it occurs, substitute “139”;
 - (iii) for “252”, in both places it occurs, substitute “141”;
- (b) in paragraph (2)—
 - (i) for “Air traffic control” substitute “An air traffic control unit”;
 - (ii) for “United Kingdom”, in both places it occurs, substitute “Isle of Man”; and
- (c) in paragraph (3), for “air traffic control” substitute “an air traffic control unit”.

17. In regulation 29C (directions under regulation 29A: supplementary)—

- (a) in paragraph (1)—
 - (i) for “255” substitute “145”;
 - (ii) for “255(4)” substitute “145(3)”;
- (b) in paragraph (2), for “250” substitute “139”; and
- (c) omit paragraphs (3) and (4).

18. In regulation 29D(3) (offences) for “(direction by air traffic control to operator or pilot of Belarusian aircraft)” substitute “(direction by an air traffic control unit to operator or pilot of Belarusian aircraft)”.

19. In regulation 29E (interpretation of Part 5A)—

- (a) in paragraph (1)—
 - (i) omit the definition of “air traffic control”;
 - (ii) before the definition of “the ANO” insert—
 - ““air traffic control unit” has the meaning given in regulation 167 of the ANO;
 - “airport” has the meaning given in section 12(1) of the Airports and Civil Aviation Act 1987 (of Tynwald)(a);”;
 - (iii) in the definition of “the ANO” for “Air Navigation Order 2016” substitute “Air Navigation (Isle of Man) Order 2015(b)”;
 - (iv) after the definition of “Belarusian aircraft” insert—
 - ““Department for Enterprise” means the Department for Enterprise of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald)(c);”;
 - and
- (b) in paragraph (3), after “(aircraft sanctions)” insert “, with the exception of the definition of “airport”,”.

20. In regulation 30 (finance: exceptions from prohibitions)—

- (a) omit paragraph (6);
- (b) in paragraph (7), for the definition of “relevant institution” substitute—

(a) AT 10 of 1987.

(b) S.I. 2015/870; amended by S.I. 2020/1280. There are other amending instruments but none is relevant.

(c) AT 13 of 1987. The Department for Economic Development was renamed the Department for Enterprise in 2017 under SD 2017/0325 (of Tynwald).

““relevant institution” means—

- (a) a person who is licensed under the Financial Services Act 2008 (of Tynwald) to carry on a regulated activity within the meaning of section 3 of that Act,
- (b) a person who is authorised or registered under the Insurance Act 2008 (of Tynwald) or who holds a permit under that Act,
- (c) a person who is registered under the Moneylenders Act 1991 (of Tynwald) to carry on the business of lending money, or
- (d) a person who is acting as a trustee or an administrator of a retirement benefits scheme within the meaning of the Retirement Benefits Schemes Act 2000 (of Tynwald).”;

(c) omit paragraph (8).

21. For regulation 30A (exception for authorised conduct in a relevant country) substitute—

“Exceptions for authorised conduct outside the Isle of Man

30A.—(1) Where a person’s conduct outside the Isle of Man would, in the absence of this paragraph, contravene a prohibition in any of regulations 11 to 15 (asset-freeze etc.), 15B (loans and credit arrangements) or 15C (insurance and reinsurance services), or Chapters 2, 2A, 2B or 2C of Part 5 (Trade), the prohibition is not contravened if the conduct is authorised by a licence issued under regulation 32 (Treasury licences) (as it has effect in the United Kingdom) or regulation 33 (trade licences) (as it has effect in the United Kingdom).

(2) Where a person’s conduct in a relevant country would, in the absence of this paragraph, contravene a prohibition in any of regulations 11 to 15, 15B or 15C, or Chapters 2, 2A, 2B or 2C of Part 5 (“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.

(3) In this regulation—

“relevant country” means—

- (a) any of the Channel Islands, or
- (b) any British overseas territory.”

22. For regulation 31 (exception for acts done for purposes of national security or prevention of serious crime), substitute—

“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), 5 (Trade) or 5A (Aircraft), that prohibition does not apply to the act if the act is one which—

- (a) a UK responsible officer has determined would be in the interests of—
 - (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
- (b) an Island responsible officer has determined would be in the interests of the prevention or detection of serious crime in the Isle of Man 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 Part 5A (Aircraft), Part 7 (Information and records) or Part 9 (Maritime enforcement), that requirement does not apply if—

- (a) a UK responsible officer has determined that not doing the thing in question would be in the interests of—

- (i) national security, or
 - (ii) the prevention or detection of serious crime in the United Kingdom or elsewhere, or
 - (b) an Island responsible officer has determined that not doing the thing in question would be in the interests of the prevention or detection of serious crime in the Isle of Man or elsewhere.
- (3) In this regulation—
- “Island responsible officer” means a person—
- (a) in the service of the Crown or holding office under the Crown in the Isle of Man,
 - (b) appointed by the Public Services Commission, or
 - (c) appointed as a constable by the Department of Home Affairs,
- acting in the course of that person’s duty;
- “Public Services Commission” means the Public Services Commission established by the Public Services Commission Act 2015 (of Tynwald)(a);
- “UK responsible officer” means a person in the service of the Crown or holding office under the Crown in the United Kingdom, acting in the course of that person’s duty.”

23. In regulation 31A (exceptions relating to loans and credit arrangements)—

- (a) in paragraphs (1) and (2), for “Amendment Regulations 2021 come into force”, in both places it occurs, substitute “Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021 comes into force”;
- (b) in paragraph (3)—
 - (i) for “United Kingdom”, in each place it occurs, substitute “Isle of Man”;
 - (ii) in subparagraph (c), for “non-UK country”, in both places it occurs, substitute “non-IOM country”;
 - (iii) for the definition of “non-UK country” substitute—

““non-IOM country” means a country that is not the Isle of Man;”;
- (c) after paragraph (3), insert—

“(4) In this regulation, “export” and “import” have the same meaning as in Part 5 (Trade).”

24. In regulation 31B (exceptions relating to insurance and reinsurance services), in paragraph (1)(a), for “United Kingdom” substitute “Isle of Man”.

25. In regulation 31C (trade: exceptions from prohibitions), after paragraph (4) insert—

“(5) In this regulation “import” has the meaning given in Part 5 (Trade).”

26. In regulation 32 (Treasury licences), for “consider”, in each place it occurs, substitute “considers”.

27. In regulation 33 (trade licences), for “Secretary of State” substitute “Treasury”.

28. In regulation 34 (licences: general provisions), for paragraphs (5) to (7) substitute—

“(5) The Treasury may vary, revoke or suspend a licence at any time.

(6) Where the Treasury issues, varies, revokes or suspends a licence which authorises acts by a particular person, the Treasury must give written notice to that person of the issue, variation, revocation or suspension of the licence.

(7) Where the Treasury issues, varies, revokes or suspends a licence which is general or which authorises acts by persons of a particular description, the Treasury must take such

(a) AT 1 of 2015.

steps as the Treasury considers appropriate to publicise the issue, variation, revocation or suspension of the licence.”

29. For regulation 37 (section 8B(1) to (3) of Immigration Act 1971: directions) substitute—

“**37.**—(1) Any direction of the Secretary of State under regulation 37 (as it has effect in the United Kingdom) that section 8B(1) and (2) of the Immigration Act 1971 (as it has effect in the United Kingdom), or section 8B(3) of that Act (as it has effect in the United Kingdom), have effect subject to specified exceptions in relation to any person whose name is specified or who is of a specified description, has the corresponding effect in the Isle of Man and references to section 8B(1), (2) or (3) of the Immigration Act 1971 shall be construed as references to those subsections as they have effect in the Isle of Man.

(2) In this regulation, “specified” means specified in the direction.”

30. In regulation 38 (finance: reporting obligations)—

(a) for paragraph (5) substitute—

“(5) A relevant institution must inform the Treasury without delay if that institution credits a frozen account in accordance with regulation 30(4) (finance: exceptions from prohibitions).”

(b) in paragraph (7), for the definition of “relevant firm” substitute—

““relevant firm” means—

(a) a business in the regulated sector within the meaning of Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald)(a) (see in particular paragraph 2 of that Schedule);

(b) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(i) articles made from gold, silver, platinum or palladium, or

(ii) precious stones or pearls.”

(c) at the end, insert—

“(8) For the purposes of paragraph (a) of the definition of “relevant firm” in paragraph (7), the definition of “estate agent” in Schedule 4 to the Proceeds of Crime Act 2008 (of Tynwald) is to be read as if references to the sale or proposed sale of land in section 15 of the Estate Agents Act 1975 (of Tynwald)(b) included references to the sale or proposed sale of land outside the Isle of Man.”

31. Omit regulation 39 (“relevant firm”) (including the heading).

32. In regulation 40 (finance: powers to request information), in paragraphs (4) and (6), in both places it occurs, for “believe” substitute “believes”.

33. In regulation 41 (finance: production of documents), in paragraphs (2) and (3), in both places it occurs, for “the Treasury request” substitute “the Treasury requests”.

34. In regulation 42 (finance: information offences), in paragraph (1)(d), for “their” substitute “its”.

35. In regulation 43(1) (trade: application of information powers in CEMA), for “Section 77A of CEMA” substitute “Section 78A of CEMA(c)”.

36. In regulation 44 (general trade licences: records), for “Secretary of State” substitute “Treasury”.

(a) AT 13 of 2008. Schedule 4 was substituted by SD 2019/0204 (of Tynwald).

(b) AT 6 of 1975.

(c) Section 78A was inserted by GC 261/87 (of Tynwald).

37. In regulation 45 (general trade licences: inspection of records), for “Secretary of State or the Commissioners” substitute “Treasury”.

38. In regulation 46 (disclosure of information)—

- (a) in paragraph (1), for “Secretary of State, the Treasury or the Commissioners” substitute “Treasury”;
- (b) in paragraph (2)—
 - (i) after sub-paragraph (c) insert—

“(ca) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the Isle of Man for an offence under any provision of these Regulations;”;
 - (ii) in sub-paragraph (d)—
 - (aa) in paragraph (i), after “Regulations” insert “(as they have effect in the United Kingdom)”;
 - (bb) for paragraph (ii) substitute—

“(ii) for an offence under the Customs and Excise Management Act 1979(a) in connection with a prohibition mentioned in regulation 21(1), regulation 27B(1) or (2), or regulation 27I(1) or (2) (import and export of goods) (as they have effect in the United Kingdom), or”;
 - (iii) in sub-paragraph (e), omit “, the Isle of Man”;
 - (iv) in sub-paragraph (g), for “United Kingdom” substitute “Isle of Man”;
- (c) in paragraph (3)—
 - (i) in sub-paragraph (f), for “United Kingdom” substitute “Isle of Man”;
 - (ii) in sub-paragraph (j), for “Secretary of State, the Treasury or the Commissioners (as the case may be) considers” substitute “Treasury considers”.

39. In regulation 47 (Part 7: supplementary)—

- (a) for paragraph (2) substitute—

“(2) But nothing in that regulation authorises a disclosure—

 - (a) that contravenes the data protection legislation, or
 - (b) of intercepted material that is not otherwise permitted under the safeguards arrangements relating to a warrant issued under the Interception of Communications Act 1988 (of Tynwald)(b).”
- (b) in paragraph (3), for “counsel or solicitor” substitute “advocate or lawyer”;
- (c) in paragraph (6)—
 - (i) for the definition of “the data protection legislation” substitute—

““the data protection legislation” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018 (of Tynwald)(c);”;
 - (ii) in the definition of “privileged information”, omit “(in Scotland, to confidentiality of communications)”.

40. For regulation 48 (penalties for offences) substitute—

“**48.**—(1) A person guilty of an offence under any provision of Part 3 (Finance), regulation 29D(1), (2) or (3) (aircraft: offences) or regulation 35 (finance: licensing offences) is liable—

(a) 1979 c. 2.

(b) AT 18 of 1988.

(c) SD 2018/0145 (of Tynwald).

- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on information, to custody for a term not exceeding 7 years or to a fine, or to both.
- (2) A person guilty of an offence under any provision of Part 5 (Trade) is liable—
- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on information, to custody for a term not exceeding 10 years or to a fine, or to both.
- (3) A person guilty of an offence under regulation 9(6) (confidentiality), 36, 44(6) or 45(5) (offences in connection with trade licences) is liable—
- (a) on summary conviction, to custody for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both.
- (4) A person guilty of an offence under regulation 29D(4) (confidentiality), 38(6) or 42 (information offences in connection with Part 3) is liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.
- (5) In this regulation, “the standard scale” means the standard scale contained in section 55 of the Interpretation Act 2015 (of Tynwald).”

41. In regulation 49(4) (liability of officers of bodies corporate etc.), for “Section 171(4)” substitute “Section 179(3)”.

42. For regulation 50 (jurisdiction to try offences), substitute—

- “**50.** Where an offence under these Regulations is committed outside the Isle of Man—
- (a) proceedings for the offence may be taken in the Isle of Man, and
 - (b) the offence may for all incidental purposes be treated as having been committed in the Isle of Man.”

43. In regulation 51 (procedure for offences by unincorporated bodies)—

- (a) in paragraph (2), for “England and Wales or Northern Ireland” substitute “the Isle of Man”;
- (b) for paragraph (3)(b) substitute—
 - “(b) section 32 of the Summary Jurisdiction Act 1989 (of Tynwald)(a) applies as it applies in relation to a body corporate.”

44. In regulation 52 (time limit for proceedings for summary offences)—

- (a) in paragraphs (1) and (3), for “prosecutor” and “prosecutor’s”, in each place that they occur, substitute “Attorney General” and “Attorney General’s”;
- (b) omit paragraph (4);
- (c) at the end, insert—
 - “(5) In this regulation, “Attorney General” has the meaning given in the Interpretation Act 2015 (of Tynwald).”

45. In regulation 53 (trade enforcement: application of CEMA)—

- (a) in paragraph (1), for “Commissioners investigate or propose” substitute “Treasury investigates or proposes”;

(a) AT 15 of 1989.

- (b) in paragraph (2), for “section 1(1) of CEMA” substitute “section 184(1) of CEMA(a)”;
- (c) in paragraph (4)—
 - (i) for “Section 138 of CEMA” substitute “Section 145 of CEMA(b)”;
 - (ii) for “customs and excise Acts” substitute “customs and excise Acts(c)”;
- (d) in paragraph (5)—
 - (i) in sub-paragraph (b), for “section 145(6)” substitute “section 152(5)(d)”;
 - (ii) in sub-paragraph (c), for “section 151” substitute “section 158”;
 - (iii) in sub-paragraph (d), for “section 154(2)” substitute “section 161(2)”;
- (e) in paragraph (6), for “sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155” substitute “sections 152, 153, 154(5)(e), 155, 157, 158, 159, 161 and 162”.

46. In regulation 54 (trade offences in CEMA: modification of penalty)—

- (a) in paragraph (1), for “section 68(2) of CEMA” substitute “section 69(2) of CEMA(f)”;
- (b) in paragraph (2), for “section 68(3)(b) of CEMA” substitute “section 69(3)(b) of CEMA(g)”;
- (c) in paragraph (3), for “section 170(2) of CEMA” substitute “section 178(2) of CEMA(h)”;
- (d) in paragraph (4), for “section 170(3)(b) of CEMA” substitute “section 178(3)(b) of CEMA(i)”;
- (e) in paragraph (5), for “section 50(2) or (3) of CEMA” substitute “section 47(2) or (3) of CEMA(j)”;
- (f) in paragraph (6), for “section 50(4)(b) of CEMA” substitute “section 47(4)(b) of CEMA(k)”.

47. Omit regulation 55 (application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005) (including the heading).

48. Omit regulation 56 (monetary penalties) (including the heading).

49. In regulation 57(1)(a) (exercise of maritime enforcement powers), for “British ship” substitute “Manx ship”.

50. In regulation 58(1) (maritime enforcement officers), after sub-paragraph (h) insert—

- “(i) an officer within the meaning given in section 184(1) of CEMA;
- (j) a constable appointed by the Department of Home Affairs.”

51. In regulation 59(2)(c) (power to stop, board, search etc.), for “United Kingdom” substitute “Isle of Man”.

52. In regulation 61 (restrictions on exercise of maritime enforcement powers)—

- (a) in paragraphs (1) and (2), for “British ship” substitute “Manx ship”;
- (b) in paragraph (3), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”.

53. In regulation 62 (interpretation of Part 9)—

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- (a) The definition of “assigned matter” was amended by the Customs and Excise etc. (Amendment) Act 2001 (of Tynwald).
 - (b) Section 145 was amended by GC 271/88 (of Tynwald) and the Police Powers and Procedures Act 1998 (of Tynwald).
 - (c) “The customs and excise Acts” is defined in section 184 of CEMA.
 - (d) Section 152(5) was amended by the Police Powers and Procedures Act 1998 (of Tynwald).
 - (e) Section 154 was amended by GC 334/89 (of Tynwald).
 - (f) Section 69(2) was amended by the Police Powers and Procedures Act 1998 (of Tynwald).
 - (g) Section 69(3) was amended by GC 271/88 (of Tynwald), SD 834/09 (of Tynwald) and SD 2014/0364 (of Tynwald).
 - (h) Section 178(2) was amended by the Police Powers and Procedures Act 1998 (of Tynwald) and SD 2014/0364 (of Tynwald).
 - (i) Section 178(3) was amended by GC 271/88 (of Tynwald), SD 834/09 (of Tynwald) and SD 2014/0364 (of Tynwald).
 - (j) Section 47(2) and (3) have been amended by the Police Powers and Procedures Act 1998 (of Tynwald) and SD 2019/0081 (of Tynwald).
 - (k) Section 47(4) was amended by GC 271/88 (of Tynwald), SD 834/09 (of Tynwald) and SD 2014/0364 (of Tynwald).

- (a) in paragraph (1), for “Subject to paragraph (2)” substitute “Subject to paragraphs (3) to (5)”;
- (b) omit paragraph (2);
- (c) at the end insert—

“(3) In this Part—

“Manx ship” means a ship which—

- (a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald)(a), or
- (b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;

“prohibited goods” means goods which have been or are being dealt with in contravention of a relevant prohibition;

“relevant goods” means goods in relation to which relevant non-IOM conduct is occurring or has occurred;

“relevant non-IOM conduct” means conduct outside the Isle of Man by a person other than an Island person that would constitute a contravention of a relevant prohibition if the conduct had been—

- (a) in the Isle of Man, or
- (b) by an Island person;

“relevant prohibition” means any prohibition specified in regulation 57(2)(a) to (e)(exercise of maritime enforcement powers).

(4) For the purposes of the definition of “Manx ship” in paragraph (3), a person has an “Isle of Man connection” if the person is—

- (a) an Island person, or
- (b) an individual who is not an Island person, and who is habitually resident in the Isle of Man.

(5) In the definition of “relevant non-IOM conduct” in paragraph (3), the reference to conduct that would constitute a contravention of a relevant prohibition if the conduct had been in the Isle of Man or by an Island person includes a reference to a case where—

- (a) arrangements relating to goods have been entered into that have not been fully implemented, and
- (b) if those arrangements were to be fully implemented (and if the conduct had been in the Isle of Man or by an Island person) the goods would be dealt with in contravention of that prohibition.”

54. In regulation 63 (notices)—

- (a) in paragraph (5)(b), for “United Kingdom”, in both places it occurs, substitute “Isle of Man”;
- (b) in paragraph (6), in the definition of “registered company”, for “in force in the United Kingdom” substitute “in operation in the Isle of Man”.

55. Omit regulation 66 (revocation of the Belarus Council Regulation) (including the heading).

56. Omit regulation 67 (other revocations and amendments).

57. In regulation 68 (transitional provision: Treasury licences)—

- (a) in paragraph (1)(a) for “regulation 9 of the 2013 Regulations” substitute “regulation 32 of the 2019 Regulations”;

(a) AT 15 of 1991.

- (b) in paragraphs (3), (4) and (5), for “2013 Regulations”, in each place it occurs, substitute “2019 Regulations”; and
- (c) for paragraph (7) substitute—
 - “(7) In this regulation—
 - “the 2019 Regulations” means the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, as applied to the Isle of Man by the Republic of Belarus Sanctions (Application) Regulations 2020(a);
 - “the relevant date” means the date the Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021 comes into force.”

58. For regulation 69 (transitional provision: trade licences), substitute—

- “**69.**—(1) Paragraph (2) applies to a licence or authorisation which—
 - (a) was issued by the Treasury under regulation 33 of the 2019 Regulations,
 - (b) was in effect immediately before the relevant date, and
 - (c) authorises an act which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 5 (Trade),

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

(2) An existing trade sanctions licence which authorises an act which would otherwise be prohibited has an effect on and after the relevant date as if it had been issued by the Treasury under regulation 33 (trade licences).

- (3) Any reference in an existing trade sanctions licence to—
 - (a) a provision of the 2019 Regulations, or
 - (b) a provision in any other enactment which was treated as a reference to the corresponding provision of the 2019 Regulations,

is to be treated on and after the relevant date as a reference to the corresponding provision of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, as they have effect in the Isle of Man from the relevant date.

- (4) Paragraph (5) applies where—
 - (a) an application for a licence, or for the variation of a licence, under the 2019 Regulations was made before the relevant date,
 - (b) the application is for the authorisation of conduct which would (on and after the relevant date) be prohibited under Part 5, and
 - (c) a decision to grant or refuse the application has not been made before that date.

(5) The application is to be treated on and after the relevant date as an application for a licence, or for the variation of a licence (as the case may be), under regulation 33.

(6) For the purposes of paragraph (4), the reference to an application for a licence under the 2019 Regulations includes an application that is treated as such an application by virtue of regulation 70 (transitional provision: pending applications for trade licences) of the 2019 Regulations.

- (7) In this regulation—
 - “the 2019 Regulations” means the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019, as applied to the Isle of Man by the Republic of Belarus Sanctions (Application) Regulations 2020;
 - “the relevant date” means the date the Republic of Belarus (Sanctions) (EU Exit) (Isle of Man) Order 2021 comes into force.”

(a) SD 2020/0479 (of Tynwald).

- 59.** Omit regulation 70 (transitional provision: pending applications for trade licences).
- 60.** In regulation 71 (transitional provisions: prior obligations)—
- (a) for paragraph (1), substitute—
 - “(1) Where—
 - (a) a person was named in Annex I of the EU Belarus Regulation immediately before the relevant date, and
 - (b) the person is a designated person immediately before the relevant date,
 any reference in a provision mentioned in paragraph (2) to the date on which a person became a designated person is a reference to the later of the date on which the person was named in that Annex or that Annex had effect in the Isle of Man.”
 - (b) in paragraph (3) for the definition of “the relevant date” substitute—
 - ““the relevant date” means IP completion day.”.
- 61.** In Schedule 3 (Treasury licences: purposes)—
- (a) in the definition of “frozen funds or economic resources” in paragraph 1, for “the designation of that person for the purpose of that regulation” substitute “that person being a designated person for the purposes of Part 3 (Finance) as defined in regulation 10 (meaning of “designated person” in Part 3)”;
 - (b) in paragraph 6(b)(ii) (pre-existing judicial decisions etc.), for “United Kingdom” substitute “Isle of Man”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man with modifications the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600) (“the Belarus Regulations”) as amended from time to time.

Section 63(3)(b) of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”) provides that Her Majesty may by Order in Council provide for any provision of Part 1 of that Act, or any regulations under Part 1 of that Act, to extend with or without modifications to the Isle of Man. Section 63(4) provides that this includes the power to extend any regulations as amended from time to time.

The Belarus Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime in relation to Belarus for the purposes of encouraging the Government of Belarus: to respect democratic principles and institutions, the separation of powers and the rule of law; to refrain from the repression of civil society in Belarus; to properly investigate and institute criminal proceedings against those responsible for the disappearance of four persons named in the Belarus Regulations; and to comply with international human rights law and to respect human rights.

The Belarus Regulations, as modified and extended to the Isle of Man by this Order (“the modified Regulations”), provide that a person designated by the Secretary of State for being, or having been, involved in certain activities, is a designated person for the purposes of the modified Regulations. Designated persons may be excluded from the Isle of Man and may be made subject to financial sanctions, including having their funds or economic resources frozen, as well as prohibitions on technical assistance relating to aircraft.

The modified Regulations impose trade restrictions on certain goods and technology, namely military goods and technology and on specified goods and technology which may be used to repress the civilian population of Belarus (as specified in Schedule 2). They also impose further trade restrictions in respect of interception and monitoring goods and technology (as specified in Schedule 2A) and interception and monitoring services, dual-use goods and technology, goods for the tobacco industry, petroleum products and potash (as defined in Schedule 2B). They also impose further financial restrictions on dealing with certain financial instruments, providing loans

and credit and providing insurance and reinsurance services. Restrictions are also imposed in relation to the provision of technical assistance relating to aircraft.

The modified Regulations provide for certain exceptions to this sanctions regime (for example to allow for frozen accounts to be credited with interest or other earnings and to allow acts done for the purpose of national security or the prevention of serious crime). The Treasury of the Isle of Man may issue a licence in respect of activities that would otherwise be prohibited under the modified Regulations. The modified Regulations also require the Treasury to publish an up-to-date list of designated persons.

The modified Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime. The modified Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in the modified Regulations and prescribe the penalties that apply to such offences.

The modified Regulations also confer powers on specified maritime enforcement officers to stop and search ships in international and foreign waters for the purpose of enforcing specified trade sanctions and to seize goods found on board ships which are being, or have been, dealt with in contravention, or deemed contravention, of those prohibitions.

This Order also extends to the Isle of Man for the purposes of the modified Regulations specific provisions of Part 1 of the Sanctions Act, namely provisions relating to guidance about prohibitions and requirements, protection for acts done for purposes of compliance and saving for prerogative powers.

An impact assessment has not been prepared for this instrument because the territorial extent of the instrument and the modified Regulations is the Isle of Man; no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.

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£6.90

<http://www.legislation.gov.uk/id/uksi/2021/1257>

ISBN 978-0-34-822891-5



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