

2022 No. 65

SANCTIONS

**The Afghanistan (Sanctions) (EU Exit) (Amendment)
Regulations 2022**

<i>Made</i>	- - - -	<i>25th January 2022</i>
<i>Laid before Parliament</i>		<i>27th January 2022</i>
<i>Coming into force</i>	- -	<i>28th January 2022</i>

The Secretary of State(a), in exercise of the powers conferred by sections 1 and 45 of the Sanctions and Anti-Money Laundering Act 2018(b), considers that the requirement in section 45(2)(a) of the Act is satisfied and makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Afghanistan (Sanctions) (EU Exit) (Amendment) Regulations 2022.

(2) These Regulations come into force on 28th January 2022.

Amendment of the Afghanistan (Sanctions) (EU Exit) Regulations 2020

2.—(1) The Afghanistan (Sanctions) (EU Exit) Regulations 2020(c) are amended as follows.

(2) After regulation 25 (finance: exceptions from prohibitions), insert—

“Finance: exception for humanitarian assistance and other activities

25A.—(1) The prohibitions in regulations 8 to 12 (asset-freeze etc.) are not contravened by a person (“P”) carrying out a relevant activity which is necessary—

(a) to ensure the timely delivery of humanitarian assistance in Afghanistan, or

(b) to carry out other activities that support basic human needs in Afghanistan,

provided that P believes that carrying out the relevant activity is so necessary and there is no reasonable cause for P to suspect otherwise.

(2) For the purposes of paragraph (1), “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions in regulations 8 to 12.”

Ahmad

Minister of State

25th January 2022

Foreign, Commonwealth and Development Office

(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. 2020/948, amended by S.I. 2020/1397.

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) and amend the Afghanistan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/948) (“the 2020 Regulations”).

This amendment facilitates humanitarian assistance and other activities that support basic human needs in Afghanistan, by creating a further exception to prohibitions in the 2020 Regulations which implement the asset-freeze imposed on persons designated by the UN as associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan. It reflects the modifications to the United Kingdom’s obligations under United Nations Security Council resolution 2255 (2015), adopted on 21 December 2015, which are made by Security Council resolution 2615 (2021), adopted on 22 December 2021.

No impact assessment has been prepared for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen. 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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