

Regulations made by the Secretary of State, laid before Parliament under section 55(3) of the Sanctions and Anti-Money Laundering Act 2018 (c. 13), for approval by resolution of each House of Parliament within 28 days beginning with the day on which the instrument was made, subject to extension for periods of dissolution, prorogation or adjournment of both Houses for more than four days.

STATUTORY INSTRUMENTS

2024 No. 677

SANCTIONS

The Syria (Sanctions) (EU Exit) (Amendment) Regulations 2024

<i>Made</i> - - - -	<i>22nd May 2024</i>
<i>Laid before Parliament</i>	<i>23rd May 2024</i>
<i>Coming into force</i> - -	<i>24th May 2024</i>

The Secretary of State^(a), considering that the condition in section 45(2) of the Sanctions and Anti-Money Laundering Act 2018^(b) is met, makes the following Regulations in exercise of the powers conferred by sections 1, 15(2)(a), 16, 17 and 45 of that Act :

Citation and commencement

1.—(1) These Regulations may be cited as the Syria (Sanctions) (EU Exit) (Amendment) Regulations 2024.

(2) These Regulations come into force on 24th May 2024.

Amendment of the Syria (Sanctions) (EU Exit) Regulations 2019

2.—(1) The Syria (Sanctions) (EU Exit) Regulations 2019^(c) are amended as follows.

(2) In regulation 57 (exceptions relating to petroleum products)—

(a) in paragraphs (1) and (2)—

(i) for “purchasing”, in both places it occurs, substitute “acquiring”;

(ii) for “purchase”, in both places it occurs, substitute “acquisition”;

(iii) for “purchased”, in both places it occurs, substitute “acquired”;

(b) in paragraph (2), for “by a UK funded person” substitute “by a relevant person”;

(c) after paragraph (2) insert—

(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; section 45 was amended by the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10), sections 57(4) and 62(3).

(c) S.I. 2019/792, amended by S.I. 2024/643; there are other amending instruments but none is relevant.

“(2A) A relevant prohibition is not contravened where a person provides financial services, funds or economic resources to a relevant person in relation to the making available of funds or economic resources by that relevant person in accordance with paragraph (2).”;

(d) in paragraph (3)—

(i) for “and (2)” substitute “, (2) and (2A)”;

(ii) in sub-paragraph (b), for “purchase” substitute “acquisition”;

(e) for paragraph (5) substitute—

“(5) If a relevant person (“P”) makes funds or economic resources available in accordance with paragraph (2), P must notify the Treasury that P is involved in the provision of humanitarian assistance activity in Syria by no later than the end of the calendar year in which the funds or economic resources are made available.

(5A) The notification requirement in paragraph (5) does not apply to—

(a) persons described in sub-paragraphs (b) or (f) of the definition of “relevant person” in paragraph (7);

(b) humanitarian organisations having observer status with the United Nations General Assembly;

(c) the British Red Cross.”;

(f) in paragraph (7)—

(i) at the appropriate place, insert—

““relevant person” means—

(a) any person that receives funding from any part of the Government of the United Kingdom for the purpose of providing a humanitarian assistance activity in Syria;

(b) the United Nations, including its—

(i) specialised agencies and related organisations; and

(ii) other entities and bodies;

(c) international organisations carrying out humanitarian assistance activities in Syria other than those described in sub-paragraph (b);

(d) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;

(e) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;

(f) any grantee, subsidiary, or implementing partner of a person mentioned in sub-paragraphs (a) to (e) while and to the extent they are acting in that capacity.”;

(ii) omit the definition of “UK funded person”.

(3) In regulation 75(2) (general trade licences: records), after “the following information” insert “, where appropriate,”.

(4) In regulation 79 (penalties for offences)—

(a) in paragraph (3) (penalties for offences) omit “57(6) (exceptions relating to petroleum products: notification requirement).”;

(b) after paragraph (4) insert—

“(4A) A person who commits an offence under regulation 57(6) (exceptions relating to petroleum products: notification requirement) is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale;
- (c) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.”

(5) In regulation 84(3) (trade enforcement: application of CEMA) omit sub-paragraph (b).

(6) In regulation 97(b) (trade: overlapping offences) omit “57(6) (exceptions relating to petroleum products: notification requirement)”.

22nd May 2024

Anne-Marie Trevelyan
Minister of State
Foreign, Commonwealth and Development Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 57 (exceptions relating to petroleum products) of the Syria (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/792) (the “original Regulations”).

Amongst other things, regulation 57 of the original Regulations creates an exception to a number of prohibitions for persons who receive funding from the Government of the United Kingdom for the purpose of providing a humanitarian assistance activity in Syria (“UK funded persons”). This applies where UK funded persons make funds or economic resources available for the purposes of purchasing, supplying or delivering petroleum products or for the purposes of providing funds, economic resources or financial services in relation to those activities, where the petroleum products are purchased, supplied or delivered exclusively for the purposes of providing a humanitarian assistance activity.

Regulation 2 of these Regulations:

- extends the scope of the exception by including, in addition to “UK funded persons”, a number of others, such as the UN, international and non-governmental organisations and others involved in their delivery of humanitarian assistance activities, as well as those providing financial services, funds or economic resources to them;
- replaces the existing notification requirement where the exception is relied upon with a requirement for those relying on the exception to notify the Treasury that they are involved in the provision of humanitarian assistance activity in Syria (subject to certain exceptions), and also makes some consequential amendments to other provisions in the original Regulations;
- widens the scope of the exceptions contained in regulation 57 of the original Regulations so that they apply to the ‘acquisition’ of petroleum products rather than the ‘purchase’ of such products. This better aligns with the scope of the prohibition in regulation 37 (acquisition of military goods and technology, crude oil, and petroleum products) of the original Regulations;
- amends the record keeping requirements with respect to trade licences to clarify that the specified information is required “where appropriate”.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen, and these Regulations are designed to reduce the burden on businesses, charities and other non-governmental organisations. 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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