

2010 No. 2613

CRIMINAL LAW

**The Iran (European Community Financial Sanctions)
(Amendment) Regulations 2010**

Made - - - at 11.00 a.m. on 27th October 2010

Laid before Parliament at 2.00 p.m. on 27th October 2010

Coming into force - - at 3.00 p.m. on 27th October 2010

The Treasury are designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to restrictive measures against persons or bodies listed by an international organisation.

The Treasury, in exercise of the powers conferred by section 2(2) of that Act, make the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Iran (European Community Financial Sanctions) (Amendment) Regulations 2010 and shall come into force at 3.00pm on 27th October 2010.

(2) In these Regulations “the 2007 Regulations” means the Iran (European Community Financial Sanctions) Regulations 2007(c).

Amendments to the Iran (European Community Financial Sanctions) Regulations 2007

2. The 2007 Regulations are amended as follows.

3. In regulation 2(1), omit the definition of “EC Regulation” and insert at the appropriate place the following—

““EU Regulation” means Council Regulation (EU) No 961/2010 of 25th October 2010(d);”.

4. In regulations 3(1)(a) and 4(2)(a), for “Annex V of the EC Regulation”, substitute “Annex VIII of the EU Regulation”.

5. In regulation 8(1)(b), for “23rd December 2006”, substitute “the date on which the designated person was designated by the Council”.

(a) European Communities (Designation) (No.3) Order 2010 (S.I. 2010/1834).

(b) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008 (c.7), Schedule 1.

(c) S.I. 2007/1374.

(d) OJ No L 281, 27.10.10, p1.

Saving provision

6. Any licence which was granted by the Treasury under regulation 10 of the 2007 Regulations and was in effect immediately before the coming into force of these Regulations shall continue to have effect for the purposes of the 2007 Regulations.

Angela Watkinson

Michael Fabricant

27th October 2010 at 11.00 a.m. Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Iran (European Community Financial Sanctions) Regulations 2007 (S.I. 2007/1374) (“the 2007 Regulations”). The 2007 Regulations enforce provisions of Council Regulation (EC) No 423/2007 of 19th April 2007 (OJ L 103, 20.4.07, p1) (“the EC Regulation”) which relate to financial sanctions against persons listed by the European Council who are engaged in, directly associated with or providing support for Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapons delivery systems. The measures include the freezing of funds, financial assets and economic resources of such persons and ensuring that any funds, financial assets and economic resources are not made available to them or for their benefit.

These measures are now contained in Council Regulation (EU) No 961/2010 of 25th October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ L 281, 27.10.10, p1) (“the EU Regulation”), which came into force on 27th October 2010.

The list in Annex VIII of the EU Regulation is established by Council Decision 2010/413/CFSP of 26 July 2010 (OJ L 195, 27.7.10, p39), as amended by Council Decision 2010/644/CFSP of 25 October 2010 (OJ L 281, 27.10.10, p81).

These Regulations amend the 2007 Regulations so that the penalties in the 2007 Regulations for breaches of the EC Regulation apply to breaches of the EU Regulation.

Regulation 3 substitutes a definition of the EU Regulation for a definition of the EC Regulation.

Regulation 4 substitutes references to persons listed in Annex VIII of the EU Regulation for references to persons listed in Annex V of the EC Regulation.

Regulation 5 amends regulation 8 of the 2007 Regulations, which permits a frozen account to be credited with payments due under pre-existing contracts. The amendment amends the date before which the contract must have come into existence to reflect the terms of the EU Regulation, so that it is not an offence to credit the frozen account of a designated person with payments due under a contract which was concluded prior to the date upon which the designated person was listed by the EU.

Regulation 6 provides that a licence granted under the 2007 Regulations which was in force immediately before these Regulations came into force shall continue to have effect.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. Further information is available from the Asset Freezing Unit, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ, and on HM Treasury’s website (www.hmtreasury.gov.uk).