

Statutory Document No. 2022/0033



European Union and Trade Act 2019

AFGHANISTAN SANCTIONS (APPLICATION) REGULATIONS 2022¹

*Approved by Tynwald: 26 April 2022
Coming into operation in accordance with regulation 2*

The Council of Ministers makes the following Regulations under section 19 of the European Union and Trade Act 2019.

The Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make these Regulations subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”) instead of the “approval required” Tynwald procedure applied by virtue of section 19(1) of the European Union and Trade Act 2019.

1 Title

These Regulations are the Afghanistan Sanctions (Application) Regulations 2022.

2 Commencement

These Regulations come into operation on the day they are made¹.

3 Application of the Afghanistan (Sanctions) (EU Exit) (Amendment) Regulations 2022

- (1) The Afghanistan (Sanctions) (EU Exit) (Amendment) Regulations 2022² (“the applied legislation”) apply to the Island, as part of the law of the Island, subject to the following modifications.
- (2) In regulation 1 (citation and commencement) —
 - (a) in the heading, omit “and commencement”; and
 - (b) omit paragraph (2).

¹ Paragraph 7 of Schedule 4 to the European Union and Trade Act 2019 provides that if a statutory document contains a declaration that the Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make the statutory document subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”), that procedure applies to the statutory document instead of the “approval required” Tynwald procedure applied by virtue of any provision of the European Union and Trade Act 2019.

² SI 2022/65.

- (3) In regulation 2(1) (amendment of the Afghanistan (Sanctions) (EU Exit) Regulations 2020), after “2020”, insert **66**, as they have effect in the Island³, **69**.
- (4) The text of the applied legislation is annexed to these Regulations.

MADE 28TH FEBRUARY 2022

³ SI 2020/948, as amended by SI 2020/1397, was applied to the Island by SD 2020/0493.

Annex

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⁽⁴⁾, in exercise of the powers conferred by sections 1 and 45 of the Sanctions and Anti-Money Laundering Act 2018⁽⁵⁾, 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) (Amendment) (EU Exit) 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⁽⁶⁾, **as they have effect in the Island⁷**, 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.”

25th January 2022

Ahmad
Minister of State
Foreign, Commonwealth and Development Office

⁽⁴⁾ 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.

⁽⁵⁾ 2018 c. 13.

⁽⁶⁾ S.I. 2020/948, amended by SI 2020/1397.

⁷ SI 2020/948 was applied to the Island by SD 2020/0493.

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

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.