

Statutory Document No. 2023/0031



European Union and Trade Act 2019

DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS (APPLICATION) REGULATIONS 2023¹

*Approved by Tynwald: 21 March 2023
Coming into operation in accordance with regulation 2*

The Council of Ministers makes the following Regulations under section 19 of, and Schedule 4 to, 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 Democratic Republic of the Congo Sanctions (Application) Regulations 2023.

2 Commencement

these Regulations come into operation on 24 January 2023¹.

3 Application of the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021

(1) The Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021² (“the 2021 Regulations”) apply to the Island, as part of the law of the Island, subject to the modifications described in the following paragraphs and shown in the annexed text of the 2021 Regulations.

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 2021/1041.

- (2) In regulation 1 (citation and commencement) –
 - (a) in the heading, omit “and commencement”; and
 - (b) omit paragraph (2).
- (3) In regulation 2(1) (amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019) after “2019”, insert **43**, as they have effect in the Island³, **42**.

4 Application of the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2022

- (1) The Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2022⁴ (“the 2022 Regulations”) apply to the Island, as part of the law of the Island, subject to the modifications described in the following paragraphs and shown in the annexed text of the applied 2022 Regulations.
- (2) In regulation 1 (citation and commencement) –
 - (a) in the heading, omit “and commencement”; and
 - (b) omit paragraph (2)
- (3) In regulation 2 (amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019)
 - (a) in paragraph (1), after “2019”, insert **43**, as they have effect in the Island⁵, **42**; and
 - (b) omit paragraph (4).

MADE 24TH JANUARY 2023

³ S.I. 2019/433 was applied to the Island by SD 2020/0475.

⁴ S.I. 2022/1236.

⁵ S.I. 2019/433 was applied to the Island by SD 2020/0475.



Annex

2021 No. 1041

SANCTIONS

The Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>13th September 2021</i>
<i>Laid before Parliament</i>		<i>16th September 2021</i>
<i>Coming into force</i>	- -	<i>7th October 2021</i>

The Secretary of State⁶, in exercise of the powers conferred by sections 1 and 45 of the Sanctions and Anti-Money Laundering Act 2018⁷, considers that the requirements of section 45(2) of the Act are satisfied and makes the following Regulations:

Citation and commencement

- (1) These Regulations may be cited as the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021.
- ~~(2) These Regulations come into force on 7th October 2021.~~

Amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019

- (1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019⁸, **as they have effect in the Island**⁹, are amended as follows.
- (2) In regulation 2 (interpretation) at the appropriate place insert—
“resolution 2582” means resolution 2582 (2021) adopted by the Security Council on 29 June 2021;”.
- (3) In regulation 4 (purposes)—
 - in paragraph (4)(f), omit “and”;
 - in paragraph (4)(g) for “.”, substitute “; and”;
 - after paragraph (4)(g), insert—
“(h) paragraph 3 of resolution 2582.”.
- (4) In regulation 10(1), for “paragraph 13 of resolution 1807” substitute “paragraph 11 of resolution 1807”.

Ahmad
Minister of State

13th September 2021

Foreign, Commonwealth and Development Office

⁶ 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.

⁷ 2018 c. 13.

⁸ S.I. 2019/433 as amended by section 410 of, and paragraph 446 of Schedule 24 to, the Sentencing Act 2020 (c. 17); S.I. 2020/591; and S.I. 2020/950.

⁹ S.I. 2019/433 was applied to the Island by SD 2020/0475.

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) ("the Sanctions Act").

The Regulations make amendments to the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433) ("the Democratic Republic of the Congo Regulations") which were made under section 1 of the Sanctions Act.

The Regulations amend the Democratic Republic of the Congo Regulations to insert into regulation 4(4) a reference to paragraph 3 of United Nations Security Council Resolution 2582 (2021), adopted on 29 June 2021 ("Resolution 2582"). That paragraph decides that the financial and travel sanctions in paragraphs 9 and 11 of United Nations Security Council Resolution 1807 (2008), adopted on 31 March 2008 ("Resolution 1807"), shall also apply to individuals and entities designated by the relevant UN Sanctions Committee for planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel. The amendments made by these Regulations enable implementation of the UK's UN obligations in respect of financial sanctions.

The Regulations also correct a reference in regulation 10(1) of the Democratic Republic of the Congo Regulations to refer to the asset-freeze provision of Resolution 1807.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

2022 No. 1236

SANCTIONS

The Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2022

<i>Made</i> - - - -	<i>28th November 2022</i>
<i>Laid before Parliament</i>	<i>30th November 2022</i>
<i>Coming into force</i> - -	<i>23rd December 2022</i>

The Secretary of State¹⁰, considering that the condition in section 45(2) of the Sanctions and Anti-Money Laundering Act 2018¹¹ is met, makes the following Regulations in exercise of the powers conferred by sections 1 and 45 of that Act:

Citation and commencement

- (1) These Regulations may be cited as the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2022.
(2) ~~These Regulations come into force on 23rd December 2022.~~

Amendment of the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019

- (1) The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019¹², **as they have effect in the Island**¹³ are amended as follows.
 - (2) In regulation 2 (interpretation)—
 - (a) omit the definitions of “resolution 1857” and “resolution 1952”;
 - (b) at the appropriate place insert—
““resolution 2641” means resolution 2641 (2022) adopted by the Security Council on 30 June 2022;”;
 - (c) at the appropriate place insert—
““improvised explosive devices” means devices fabricated or intended to be placed in an improvised manner incorporating destructive, lethal, noxious, “pyrotechnic” or incendiary chemicals designed to destroy, disfigure or harass; they may incorporate military stores, but are normally devised from non-military components;”.
 - (3) In regulation 4(4) (purposes)—
 - (a) omit paragraphs (a) to (e);
 - (b) after paragraph (g), omit “and”;
 - (c) in paragraph (h), for “.” substitute “; and”;
 - (d) after paragraph (h), insert—
“(i) paragraph 3 of resolution 2641.” .

¹⁰ 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.

¹¹ 2018 c. 13. Sections 1 and 45 are amended by the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10), sections 57 and 62.

¹² S.I. 2019/433 as amended by section 410 of, and paragraph 446 of Schedule 24 to, the Sentencing Act 2020 (c. 17); S.I. 2020/591; S.I. 2020/950; S.I. 2021/1041; S.I. 2022/819; and S.I. 2022/500.

¹³ S.I. 2019/433 was applied to the Island by SD 2020/0475

~~(4) In regulation 6(2)(a) (designation criteria), after sub-paragraph (ii), insert—
“(iii) the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices;”.~~

Andrew Mitchell
Minister of State

28th November 2022

Foreign, Commonwealth and Development Office

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) (“the Sanctions Act”).

The Regulations make amendments to the Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/433) (“the Democratic Republic of the Congo Regulations”) which were made under section 1 of the Sanctions Act.

The Regulations amend the Democratic Republic of the Congo Regulations to insert into regulation 4(4) a reference to paragraph 3 of United Nations Security Council Resolution 2641 (2022), adopted on 30 June 2022 (“Resolution 2641”). That paragraph decides that the financial and travel sanctions in paragraphs 9 and 11 of United Nations Security Council Resolution 1807 (2008), adopted on 31 March 2008 (“Resolution 1807”), shall also apply to individuals and entities designated by the relevant UN Sanctions Committee for involvement in the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices. The amendments made by these Regulations enable implementation of the UK’s UN obligations in respect of financial sanctions. They also amend the designation criteria in regulation 6(2) to allow the Secretary of State to designate persons by name under that same criterion. Further, the Regulations remove reference to UN resolutions which have been superseded.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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.