



Jersey

## SANCTIONS AND ASSET-FREEZING (IMPLEMENTATION OF EXTERNAL SANCTIONS) (JERSEY) ORDER 2021

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Jersey

## **SANCTIONS AND ASSET-FREEZING (IMPLEMENTATION OF EXTERNAL SANCTIONS) (JERSEY) ORDER 2021**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE MINISTER FOR EXTERNAL RELATIONS** makes this Order under Articles 3, 4 and 27(2) of the Sanctions and Asset-Freezing (Jersey) Law 2019 –

### **1 Interpretation**

- (1) In this Order –
  - “Law” means the Sanctions and Asset-Freezing (Jersey) Law 2019;
  - “UK sanctions instrument” means an instrument enacted in the UK that is specified in column 2 of the table in Schedule 1.
- (2) A reference in this Order to a UK sanctions instrument is to that instrument as amended from time to time.

### **2 Effect given to UK sanctions instruments subject to modifications**

A UK sanctions instrument has effect as if it was an enactment, subject to –

- (a) Articles 3(2), 3(3), 5(2) and 7(4);
- (b) the exceptions and modifications made by the general provisions contained in Schedule 2; and
- (c) any exceptions and modifications made, in relation to that UK sanctions instrument, by the special provisions contained in Schedule 3.

### **3 Asset-freeze designation and licences**

- (1) A person is a designated person for the purpose of Part 3 of the Law if the person is, for the purpose of a UK sanctions instrument, a designated person as defined by a provision specified in column 4 of the table in Schedule 1 in relation to that instrument.
- (2) In relation to a person designated under paragraph (1), if a provision (the “UK asset-freezing provision”) of the UK sanctions instrument

corresponds to a provision of Part 3 of the Law or relates to the power to designate the person –

- (a) that UK asset-freezing provision does not have effect, subject to paragraph (3); and
  - (b) Part 3 of the Law and paragraph (1) of this Article apply accordingly instead of the UK asset-freezing provision.
- (3) A UK asset-freezing provision has effect solely as a ground for the granting of a licence under Article 16 of the Law, if that UK asset-freezing provision sets out –
- (a) a ground for granting a licence in relation to another UK asset-freezing provision; or
  - (b) an exception to another UK asset-freezing provision, if that exception does not correspond to any of the exceptions in Article 15 of the Law but the applicant for the licence satisfies the Minister that the exception can be applied as a ground for a licence in Jersey either without any modifications or with reasonable modifications.
- (4) This Article is subject to any exception or modification made by a special provision contained in Schedule 3 in relation to a particular UK sanctions instrument.

#### **4 Offences of contravention of certain implemented provisions other than asset-freezes**

- (1) A person commits an offence, and is liable to imprisonment for a term of 7 years and to a fine, if the person –
  - (a) contravenes a provision specified in column 5 of the table in Schedule 1, as that provision has effect under Article 2 when read with the other provisions of the same UK sanctions instrument as they have effect under that Article; or
  - (b) intentionally participates in an activity knowing that the object or effect of the activity is (whether directly or indirectly) to circumvent such a provision, or to enable or facilitate the contravention of such a provision.
- (2) Paragraph (1) does not apply to an act –
  - (a) of the Minister, when performing a function under the Law or under this Order;
  - (b) of any other person, when performing such a function as a delegate of the Minister under Article 46 of the Law or Article 28 of the States of Jersey Law 2005; or
  - (c) to the extent that it is authorised by a licence under Article 5 and does not contravene any condition to which that licence is subject.
- (3) Paragraph (1)(a) is subject to any defence available under the UK sanctions instrument in respect of an offence in that instrument that is constituted by the contravention of the provision referred to in that sub-paragraph, and to any provision in that instrument that relates to that defence.

## **5 Licences in relation to implemented provisions other than asset-freezes**

- (1) The Minister may grant a licence for any act, or description of acts, that would otherwise constitute an offence under Article 4, if the Minister is satisfied that a licence could be granted under the UK sanctions instrument for an equivalent act, or class of acts, in the UK.
- (2) Articles 16(3), (4), (5) and 33(4) of the Law apply in relation to a licence under this Article as they apply in relation to a licence under Article 16 of the Law, and a provision of the UK sanctions instrument that relates to licences does not have effect under Article 2 of this Order to the extent that the licence may be granted under this Article.
- (3) For the purpose of Article 16(3) of the Law, as applied by paragraph (2) –
  - (a) the power of the Minister, in deciding whether or not to grant a licence, is not limited by whether any equivalent licence has or has not been granted under the UK sanctions instrument; and
  - (b) the power of the Minister, in deciding whether to grant a licence generally or to a particular person or description of persons, is not limited by whether any equivalent licence was granted generally or to a particular person or description of persons under the UK sanctions instrument.
- (4) A person commits an offence, and is liable to imprisonment for a term of 5 years and to a fine, if the person, for the purpose of obtaining a licence under this Article, knowingly or recklessly –
  - (a) provides information that is false in a material respect; or
  - (b) provides or produces a document that is not what it purports to be.
- (5) A person commits an offence, and is liable to imprisonment for a term of 5 years and to a fine, if the person –
  - (a) purports to act under the authority of a licence granted under this Article; but
  - (b) contravenes any condition to which the licence is subject.

## **6 Offence of disclosure of confidential information as to designation**

- (1) This Article applies to information relating to a designation under a UK sanctions instrument, if, at the request of the Secretary of State, the Minister –
  - (a) provides the information only to certain persons; and
  - (b) specifies that the information is to be treated as confidential.
- (2) A person commits an offence, and is liable to imprisonment for a term of 2 years and to a fine, if the person –
  - (a) discloses information, to which this Article applies, provided to or otherwise obtained by that person; and
  - (b) knows, or has reasonable cause to suspect, that the information is to be treated as confidential.
- (3) Paragraph (2) does not apply to –

- (a) a disclosure of information that is already, or has previously been, available to the public from the Secretary of State or another source; or
  - (b) a disclosure made with lawful authority.
- (4) For this purpose information is disclosed with lawful authority only if and to the extent that –
- (a) the disclosure is by or to, or is authorised by, the Minister or the Secretary of State;
  - (b) the disclosure is by or with the consent of the person who is or was the subject of the designation;
  - (c) the disclosure is necessary to give effect to a requirement imposed by or under this Order or any other enactment; or
  - (d) the disclosure is required, under rules of court, tribunal rules or a court or tribunal order, for the purposes of legal proceedings of any description.
- (5) On the application of the Minister or of the person who is the subject of the designation, the Royal Court may grant an order to prevent disclosure of information to which this Article applies.

## **7 Customs provisions applied in relation to offences**

- (1) If a UK sanctions instrument includes a customs-related offence provision –
- (a) Article 48 of the Customs and Excise (Jersey) Law 1999 (the “1999 Law”) applies to the arrest of a person for the customs-related offence as it applies to the arrest of a person for an offence under the 1999 Law; and
  - (b) Articles 64 to 67 of the 1999 Law apply in relation to the customs-related offence, and to proceedings and penalties for the customs-related offence, as they apply in relation to an offence under the 1999 Law and to proceedings and penalties for such an offence.
- (2) For the purpose of paragraph (1) –
- (a) the UK sanctions instrument includes a customs-related offence provision if –
    - (i) the UK sanctions instrument prohibits or restricts an act that, for the purpose of the 1999 Law, constitutes the importation or exportation, or attempted importation or exportation, of goods, and
    - (ii) contravention of the prohibition or restriction is an offence, by virtue of Article 4(1); and
  - (b) a reference to the “customs-related offence” is a reference to the offence described in sub-paragraph (a)(ii), to the extent that that offence is constituted by an act described in sub-paragraph (a)(i).
- (3) Nothing in this Article is to be read as preventing –
- (a) the contravention of a prohibition described in paragraph (2)(a)(i), that has effect by virtue of Article 2, from constituting an offence under the 1999 Law, including an offence under Article 61 of that

Law as read with the Customs and Excise (Import and Export Control) (Jersey) Order 2006 and with the provisions of any licence under that Order; or

- (b) Articles 48 and 64 to 67 of the 1999 Law from applying in relation to that offence.
- (4) A provision of a UK sanctions instrument does not have effect to the extent that the provision relates to the Customs and Excise Management Act 1979 of the UK.

## **8 Prohibition of satisfaction of claims affected by certain UNSCRs between 1990 and 1994**

- (1) In this Article “EU claims Regulation” means –
  - (a) Council Regulation (EEC) No 3541/92 of 7 December 1992 (OJ L 361, 10.12.1992, p. 1) prohibiting the satisfying of Iraqi claims with regard to contracts and transactions, the performance of which was affected by United Nations Security Council Resolution 661 (1990) and related resolutions;
  - (b) Council Regulation (EC) No 3275/93 of 29 November 1993 (OJ L 295, 30.11.1993, p. 4) prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions;
  - (c) Council Regulation (EC) No 1264/94 of 30 May 1994 (OJ L 139, 2.6.1994, p. 4) prohibiting the satisfying of claims by the Haitian authorities with regard to contracts and transactions the performance of which was affected by the measures imposed by or pursuant to United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993); or
  - (d) Council Regulation (EC) No 1733/94 of 11 July 1994 (OJ L 182, 16.7.1994, p. 1) prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757(1992) and related resolutions.
- (2) Articles 1, 2(1), 3 and 4 of each of the EU claims Regulations have effect as if they were enactments.
- (3) A person commits an offence, and is liable to imprisonment for a term of 7 years and to a fine, if the person contravenes a prohibition in Article 2(1) of an EU claims Regulation.

## **9 Repeal of previous sanctions Orders, and transitional provisions**

- (1) The following Orders are repealed –
  - (a) the Sanctions and Asset-Freezing (Implementation of EU Regulations) (Jersey) Order 2020;
  - (b) the Sanctions and Asset-Freezing (UK Human Rights Designations) (Jersey) Order 2020;

- (c) the Sanctions and Asset-Freezing (Designation of Lugovoy and Kovtun) (Jersey) Order 2020.
- (2) Paragraph (3) applies if, immediately before the coming into force of this Order (the “commencement date”), there is in effect a licence granted –
  - (a) under an Order (the “repealed Order”) repealed by paragraph (1); or
  - (b) under Article 16 of the Law in relation to a person designated by virtue of the repealed Order.
- (3) Despite paragraph (1), on and after the commencement date the licence is to be treated as if granted under this Order, or under Article 16 of the Law in relation to a person designated by virtue of this Order as the case may be.
- (4) Paragraphs (2) and (3), and this paragraph, expire 6 months after the coming into force of this Order.

**10 Citation and commencement**

This Order may be cited as the Sanctions and Asset-Freezing (Implementation of External Sanctions) (Jersey) Order 2021 and comes into force on 12th February 2021.

*Signed:* .....

*Date:* .....

*Minister for External Relations*



## SCHEDULE 1

(Articles 3 and 4)

### UK SANCTIONS INSTRUMENTS IMPLEMENTED

1. Country or other convenient label	2. UK sanctions instrument	3. SI number	4. Provision for asset-freeze designation	5. Other provisions covered by offence
Afghanistan	The Afghanistan (Sanctions) (EU Exit) Regulations 2020	2020/948	regulation 6	regulations 16(1), 17(1), 18(1), 19(1), 20(1), 20(2), 20(3), 21(1), 22(1)
Belarus	The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019	2019/600	regulation 10	regulations 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1)
Bosnia and Herzegovina	The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020	2020/608	regulation 10	none
Burma	The Burma (Sanctions) (EU Exit) Regulations 2019	2019/136	regulation 10	regulations 23(1), 24(1), 25(1), 26(1), 27(1), 27(2), 27(3), 28(1), 28C(1), 28D(1), 28E(1), 28F(1), 28G(1), 28G(2), 28G(3), 28G(4), 28H(1), 29(1), 30(1)
Burundi	The Burundi (Sanctions) (EU Exit) Regulations 2019	2019/1142	regulation 10	none
Central African Republic	The Central African Republic (Sanctions) (EU Exit) Regulations 2020	2020/616	regulation 11	regulations 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 28(1)
Chemical Weapons	The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019	2019/618	regulation 10	none
Counter-Terrorism – International	The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019	2019/573	regulation 10	regulations 20(1), 21(1), 22(1), 23(1), 24(1), 24(2), 24(3), 25(1), 26(1)
Counter-Terrorism – National Security	The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019	2019/577	regulation 10	none
Cyber	The Cyber (Sanctions) (EU Exit) Regulations 2020	2020/597	regulation 10	none

1. Country or other convenient label	2. UK sanctions instrument	3. SI number	4. Provision for asset-freeze designation	5. Other provisions covered by offence
Democratic People's Republic of Korea	The Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019	2019/411	regulations 5 and 10	regulations 18(1), 18(3), 19(1), 19(2), 20(1), 21(1), 22(1), 23(2), 23(3), 24(1), 25(1), 26(1), 26(2), 26(3), 26(4), 26(5), 26(6), 26(7), 27(1), 28(1), 28(2), 29(1), 30(1), 30(2), 30(3), 37(1), 38(1), 39(1), 40(1), 41(1), 41(2), 41(3), 41(4), 41(5), 42(1), 42(2), 43(2), 44(4), 46(1), 47(1), 49(1), 50(1), 50(3), 51(2), 52(3), 53(1), 54(1), 54(2), 54(3), 55(1), 55(2), 56(1), 57(1), 58(1), 59(1), 59(2), 60(1), 61(1), 65(1), 66(6), 67(2), 67(3), 67(4), 69(1), 70(1), 71(1), 71(2), 72(4), 72(6), 73(7), 73(9), 74(1), 76(1), 76(2)
Democratic Republic of the Congo	The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019	2019/433	regulation 11	regulations 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 28(1)
Eastern Mediterranean	The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020	2020/1474	regulation 10	none
Global Human Rights	The Global Human Rights Sanctions Regulations 2020	2020/680	regulation 10	none
Guinea	The Guinea (Sanctions) (EU Exit) Regulations 2019	2019/1145	regulation 10	none
Guinea-Bissau	The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019	2019/554	regulation 10	none
Iran 1	The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019	2019/134	regulation 10	regulations 24(1), 25(1), 26(1), 27(1), 28(1), 28(2), 28(3), 29(1), 30(1)
Iran 2	The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019	2019/461	regulation 11	regulations 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 29(1), 30(1), 31(1), 32(1), 33(1)
Iraq	The Iraq (Sanctions) (EU Exit) Regulations 2020	2020/707	regulation 6(1) or (2)	regulations 18(1), 19(1), 20(1), 21(1), 23(1), 24(1), 25(1), 26(1), 27(1)
ISIL (Da'esh) and Al-Qaida	The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019	2019/466	regulation 6	regulations 16(1), 17(1), 18(1), 19(1), 20(1), 20(2), 20(3), 21(1), 22(1), 25(1)

<b>1. Country or other convenient label</b>	<b>2. UK sanctions instrument</b>	<b>3. SI number</b>	<b>4. Provision for asset- freeze designation</b>	<b>5. Other provisions covered by offence</b>
Lebanon 1	The Lebanon (Sanctions) (EU Exit) Regulations 2020	2020/612	none	regulations 8(1), 9(1), 10(1), 11(1), 12(1), 12(2), 12(3), 13(1)
Lebanon 2	The Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020	2020/617	regulation 6	none
Libya	The Libya (Sanctions) (EU Exit) Regulations 2020	2020/1665	regulations 11 and 17	regulations 25(1), 26(1), 27(1), 28(1), 29(1), 29(2), 29(3), 30(1), 31(1), 35(1), 36(1), 36(2), 37(1), 38(1), 42(2), 42(6)
Lugovoy and Kovtun	The Andrey Lugovoy and Dmitri Kovtun Freezing Order 2020	2020/36	Article 3	none
Mali	The Mali (Sanctions) (EU Exit) Regulations 2020	2020/705	regulation 11	none
Misappropriation	The Misappropriation (Sanctions) (EU Exit) Regulations 2020	2020/1468	regulation 10	none
Nicaragua	The Nicaragua (Sanctions) (EU Exit) Regulations 2020	2020/610	regulation 10	none
Russia	The Russia (Sanctions) (EU Exit) Regulations 2019	2019/855	regulation 10	regulations 16(1), 16(3), 17(1), 17(2), 18(1), 24(1), 25(1), 26(1), 27(1), 28(1), 28(2), 28(3), 29(1), 30(1), 33(1), 34(1), 35(1), 36(1), 37(1), 37(2), 37(3), 37(4), 38(1), 41(1), 42(1), 43(1), 44(1), 44(2), 44(3), 45(1), 46(1), 49(1), 50(1), 51(1), 52(1), 52(2), 52(3), 53(1), 54(1), 57(3)
Somalia	The Somalia (Sanctions) (EU Exit) Regulations 2020	2020/642	regulation 11	regulation 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 29(1), 30(1), 31(1), 32(1), 33(1), 33(2), 33(3), 34(1), 35(1), 36(1), 38(1), 39(1), 39(2), 40(1)
South Sudan	The South Sudan (Sanctions) (EU Exit) Regulations 2019	2019/438	regulation 11	regulation 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 28(1)
Sudan	The Sudan (Sanctions) (EU Exit) Regulations 2020	2020/753	regulation 11	regulation 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 28(1)

1. Country or other convenient label	2. UK sanctions instrument	3. SI number	4. Provision for asset-freeze designation	5. Other provisions covered by offence
Syria 1	The Syria (Sanctions) (EU Exit) Regulations 2019	2019/792	regulation 10	regulations 16(1), 16(3), 17(1), 18(1), 19(1), 19(2), 19(3), 20(1), 21(1), 21(2), 21(3), 30(1), 31(1), 32(1), 33(1), 34(1), 34(2), 34(3), 35(1), 37(1), 38(1), 38(2), 39(1), 40(1), 41(2), 42(3), 43(1), 44(1), 44(2), 44(3), 45(1), 45(2), 46(2), 46(3), 47(2), 47(3), 48(1), 51(1), 52(6), 53(2), 53(3)
Syria 2	The Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020	2020/1233	none	regulations 8(1), 9(1), 10(1), 11(1), 12(1)
Venezuela	The Venezuela (Sanctions) (EU Exit) Regulations 2019	2019/135	regulation 10	regulations 23(1), 24(1), 25(1), 26(1), 27(1), 27(2), 27(3), 28(1), 29(1), 30(1)
Yemen	The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020	2020/1278	regulation 11	regulations 21(1), 22(1), 23(1), 24(1), 25(1), 25(2), 25(3), 26(1), 27(1)
Zimbabwe	The Zimbabwe (Sanctions) (EU Exit) Regulations 2019	2019/604	regulation 10	regulations 22(1), 23(1), 24(1), 25(1), 26(1), 26(2), 26(3), 27(1), 28(1)

## SCHEDULE 2

(Article 2(b))

### GENERAL PROVISIONS

#### 1 General modifications for effect in relation to Jersey

- (1) The Minister has in Jersey any function given to a Secretary of State or to the Treasury of the UK by a UK sanctions instrument.
- (2) Nothing in this Order or a UK sanctions instrument is to be read as conferring any power on the Minister, or on any other person in Jersey, to make an enactment or a designation.
- (3) A reference in a UK sanctions instrument to the UK or a part of the UK (however expressed) is to be read as a reference to Jersey.
- (4) A reference in a UK sanctions instrument to the Isle of Man is to be disregarded unless it is by way of a reference to all of the Crown Dependencies or to the British Islands.
- (5) Without limiting the application of Article 45 of the Law to offences under this Order, a UK sanctions instrument is to be read, for the purpose of its effect under this Order, as if for any provision (other than in relation to an offence) specifying the application of the UK sanctions instrument to the sea or outside the UK there were substituted a provision applying the UK sanctions instrument –
  - (a) to Jersey, including –
    - (i) to the airspace and territorial waters of Jersey,
    - (ii) to a person in Jersey, and
    - (iii) to an act done in whole or in part in Jersey; and
  - (b) outside Jersey –
    - (i) to an aircraft or vessel under the jurisdiction of Jersey,
    - (ii) to a UK national, as defined in Article 45 of the Law, who is ordinarily resident in Jersey, and
    - (iii) to a legal person incorporated or constituted under the law of Jersey.
- (6) In relation to shipping and aviation, a reference in a UK sanctions instrument to an office or officer in the UK is to be read as a reference to an office or officer in Jersey that performs an equivalent function.
- (7) Transitional provisions in a UK sanctions instrument do not have effect.

#### 2 General modifications in relation to offences and related matters

- (1) For the purpose of a reference in the Law to compliance with or evasion of the Law, or to an offence or function under the Law, a UK sanctions instrument is to be treated as if it were a provision of the Law to the extent that it is given effect by this Order.
- (2) Sub-paragraph (1) –

- (a) applies in particular to Articles 32(1)(b)(ii), 32(4)(b), 32(6)(b), 33(5)(b), 33(5)(c), 41(1), 44(1), 45(1) and 46(2) of the Law; and
  - (b) does not limit the application of Article 1(3) of the Law in relation to a UK sanctions instrument.
- (3) To the extent that a provision of a UK sanctions instrument creates an offence (a “UK offence”) –
- (a) the provision does not have effect under Article 2 to create an offence in Jersey law, and any provision relating to the prosecution of the UK offence does not have effect under Article 2; but
  - (b) if the provision does not express the UK offence as the contravention of an obligation or prohibition contained in (rather than imposed by a person under) another provision, then the provision creating the UK offence has effect under Article 2 for the purpose of Article 4(1) as if it was a prohibition of an act that constitutes the UK offence.
- (4) To the extent that a provision of a UK sanctions instrument creates or relates to a defence to a UK offence, that provision does not have effect other than by virtue of a provision of this Order that expressly relates to defences.
- (5) A provision of a UK sanctions instrument that relates to enforcement does not have effect if there is a corresponding provision in the Law.

### **3 Exceptions for authorised acts outside Jersey**

- (1) In this paragraph –
- “Jersey prohibition” means –
- (a) a prohibition in, or given effect by, this Order; and
  - (b) a prohibition in Part 3 of the Law that applies, under Article 3 of this Order, in relation to a person by virtue of that person’s designation;
- “prohibition” includes an offence, and a reference to contravening the prohibition includes committing the offence;
- “relevant country” means –
- (a) any jurisdiction within the British Islands, other than Jersey; or
  - (b) a British overseas territory.
- (2) If an act in a relevant country would, in the absence of this paragraph, contravene a Jersey prohibition, the Jersey prohibition is not contravened if the act is authorised by a licence or other authorisation that is granted –
- (a) under the law of that relevant country, in exercise of a power that corresponds to a power to grant a licence under the Law or this Order; and
  - (b) for the purpose of disapplying a prohibition in that relevant country that corresponds to the Jersey prohibition.
- (3) If an act that is neither in Jersey nor in a relevant country would, in the absence of this paragraph, contravene a Jersey prohibition, the Jersey prohibition is not contravened if the act is authorised by a licence or other authorisation that is granted –

- (a) under the Sanctions and Anti-Money Laundering Act 2018 of the UK, in exercise of a power that corresponds to a power to grant a licence under the Law or this Order; and
  - (b) for the purpose of disapplying a prohibition in that Act that corresponds to the Jersey prohibition.
- (4) Nothing in this paragraph affects the application of a Jersey prohibition if it would be incompatible with a UN sanctions resolution for the Jersey prohibition not to apply.

#### **4 Enforcement in relation to ships in Jersey waters**

If a provision of a UK sanctions instrument confers or relates to a function falling within Article 7(5) of the Law, that provision does not have effect under Article 2 to the extent that the function may be exercised under Article 7(2) of the Law.

#### **5 Application to corresponding relevant financial institutions and trust company business**

- (1) Sub-paragraph (2) applies to any obligation or prohibition that is imposed by a UK sanctions instrument on a description of UK-defined financial service provider in respect of –
  - (a) that provider's dealings with the finances of another person; or
  - (b) the provision, by that provider to or with another person, of a relevant service.
- (2) The obligation or prohibition, as it has effect in Jersey, applies to –
  - (a) a relevant financial institution that provides a service corresponding to the relevant service in respect of which the obligation or prohibition is imposed; and
  - (b) any other person carrying on relevant trust company business.
- (3) For the purpose of sub-paragraphs (1) and (2) –
  - (a) a person carries on relevant trust company business if the person –
    - (i) falls within Article 4(3) of the Law, and
    - (ii) carries on trust company business within the meaning of the Financial Services (Jersey) Law 1998, for which the person is required by Article 7 of that Law to be a registered person;
  - (b) a person is a UK-defined financial service provider if the person –
    - (i) has permission under Part 4A of the Financial Services and Markets Act 2000 of the UK to carry on regulated activities,
    - (ii) is otherwise a “relevant firm”, or “UK credit or financial institution”, within the meaning of the UK sanctions instrument, or
    - (iii) carries on any other description of business specified in the UK sanctions instrument, being business that would, if carried on in Jersey, be financial services business within the meaning of the Proceeds of Crime (Jersey) Law 1999; and
  - (c) a service is a relevant service if –

- (i) the person who provides it does so by way of business, and
  - (ii) that business is the business by virtue of which the person is a UK-defined financial service provider.
- (4) Sub-paragraph (5) applies if the UK sanctions instrument –
  - (a) contains –
    - (i) a requirement to freeze the funds or economic resources (within the meaning of that UK sanctions instrument) of a person, or not to make such funds or economic resources available to a person, and
    - (ii) an exception (whether general or by way of licence or otherwise) to that requirement;
  - (b) imposes the requirement –
    - (i) on all persons generally, or
    - (ii) on a description of persons that includes both UK-defined financial service providers and persons falling within sub-paragraph (6), whether or not also including other persons of any description; and
  - (c) makes the exception available only to UK-defined financial service providers who do not carry on business corresponding to trust company business within the meaning of the Financial Services (Jersey) Law 1998.
- (5) The exception is to be read, as it has effect in Jersey, as applying to a person falling within sub-paragraph (6) in addition to any relevant financial institution to which it otherwise applies.
- (6) A person falls within this sub-paragraph if the person –
  - (a) is a registered person, within the meaning of the Financial Services (Jersey) Law 1998;
  - (b) carries on trust company business within the meaning of that Law; and
  - (c) is not a relevant financial institution to which the exception would otherwise apply.

## 6 Information

If a provision of a UK sanctions instrument requires or permits a person to provide information, or prohibits a person from disclosing information, that provision does not have effect under Article 2 to the extent that the provision –

- (a) relates to disclosure of information to which Article 6 applies; or
- (b) is equivalent to any other provision of this Order or of Part 6 of the Law.

## 7 Immigration

- (1) This paragraph applies to a person who is designated by or under a UK sanctions instrument for the purpose of a provision of that instrument that makes the person an excluded person for the purposes of section 8B of the Immigration Act 1971 of the UK as that section has effect in the UK.



- (2) A person to whom this paragraph applies is to be treated as an excluded person for the purposes of section 8B of the Immigration Act 1971 of the UK, as extended to Jersey with modifications by the Immigration (Jersey) Order 1993 and the Immigration (Jersey) (Amendment) Order 2017.
- (3) Section 8B of the Immigration Act 1971 of the UK, as extended to Jersey with modifications by the Immigration (Jersey) Order 1993 and the Immigration (Jersey) (Amendment) Order 2017, is subject to any exception provided by or under the UK sanctions instrument in relation to that section as it has effect in the UK.

**SCHEDULE 3**

(Article 2(c))

**SPECIAL PROVISIONS****1 Democratic People’s Republic of Korea (Sanctions) (EU Exit)  
Regulations 2019: designations, directions and shipping legislation**

In relation to the Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 –

- (a) for the purpose of column 4 of the table in Schedule 1 to this Order, regulations 5 and 10 are to be treated as if they defined “designated person” as a person designated by or under either of those regulations for the purposes of regulations 13 to 17;
- (b) for the purpose of the reference in column 5 of that table to regulation 65(1), the persons who commit the offence in Article 4(1)(a) of contravening regulation 65(1) are the operator and pilot in command of the aircraft; and
- (c) for the purpose of regulation 75(7) the reference to section 284(1), (2), (2A), (2B), (3) and (8) of the Merchant Shipping Act 1995 is to be read as to Article 177(1), (3) and (4) of the Shipping (Jersey) Law 2002, with the references to section 284(2A) corresponding to Article 177(3)(b) and section 284(1A)(a) to Article 177(2)(a).

**2 Iraq (Sanctions) (EU Exit) Regulations 2020: modification of application of Part 3 of Law for partial asset-freeze**

In relation to a designated person as defined in regulation 6(1) of the Iraq (Sanctions) (EU Exit) Regulations 2020, the effect of Article 3 of this Order is modified so that for the purpose of the application of Part 3 of the Law –

- (a) Article 10 of the Law applies only in relation to relevant funds or economic resources, as defined by regulation 8(4); and
- (b) Articles 11 to 14 of the Law apply do not apply.

**3 Libya (Sanctions) (EU Exit) Regulations 2020: modification of application of Part 3 of Law for partial asset-freeze**

In relation to a designated person as defined in regulation 17 of the Libya (Sanctions) (EU Exit) Regulations 2020, the effect of Article 3 of this Order is modified so that for the purpose of the application of Part 3 of the Law –

- (a) Article 10 of the Law applies only in relation to relevant funds or economic resources, as defined by regulation 18(4);
- (b) Articles 11 and 12 of the Law apply only in relation to relevant funds, as defined by regulation 19(4); and
- (c) Articles 13 and 14 of the Law do not apply.

**4 Russia (Sanctions) (EU Exit) Regulations 2019: Crimean ports direction**

A Crimean ports direction, given by the Secretary of State under regulation 57 of the Russia (Sanctions) (EU Exit) Regulations 2019, has effect in Jersey as if it was given by the Minister, and paragraph 1(1) of Schedule 2 does not apply to the power to make that direction.

**5 Syria (Sanctions) (EU Exit) Regulations 2019: aircraft offence**

In column 5 of the table in Schedule 1 to this Order, for the purpose of the reference to regulation 51(1) of the Syria (Sanctions) (EU Exit) Regulations 2019, the persons who commit the offence in Article 4(1)(a) of contravening regulation 51(1) are the operator and pilot in command of the aircraft.