EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (FINANCIAL SANCTIONS AGAINST INDICTEES) (REVOCATION) REGULATIONS 2012

2012 No. 1510

1. This explanatory memorandum has been prepared by the Treasury and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations revoke the International Criminal Tribunal for the Former Yugoslavia (Financial Sanctions Against Indictees) Regulations 2005 (S.I. 2005/1527). The 2005 Regulations provided for criminal penalties for breach of EU financial sanctions in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia. Those EU sanctions have been repealed.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 These Regulations revoke the International Criminal Tribunal for the Former Yugoslavia (Financial Sanctions Against Indictees) Regulations 2005. The 2005 Regulations provided for criminal penalties for breach of the financial sanctions provisions of Council Regulation (EC) No. 1763/2004 of 11 October 2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) (O.J. No. L 315, 14.10.2004, p.14). Council Regulation (EC) No. 1763/2004 has been repealed by Council Regulation (EU) No. 1048/2011 of 20 October 2011 (O.J. No. L 276, 21.10.2011, p.1), with effect from 21st October 2011.

4.2 An Explanatory Memorandum on the Council Decision repealing Council Decision 2010/145/CFSP renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) was submitted for Parliamentary Scrutiny by the Foreign and Commonwealth Office on 12 October 2011 and cleared by the European Scrutiny Committee on 18 October and by the European Select Committee on 19 October 2011.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 These Regulations revoke the International Criminal Tribunal for the Former Yugoslavia (Financial Sanctions Against Indictees) Regulations 2005. The 2005 Regulations provided for criminal penalties for breach of EU financial sanctions in relation to the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia.

7.2 Council Regulation (EC) No. 1763/2004, which contained those measures, has been repealed. These Regulations revoke the domestic penalties accordingly.

- Consolidation

7.3 Not applicable.

8. Consultation outcome

8.1 No consultation has been carried out in relation to these Regulations.

9. Guidance

9.1 Guidance on current and lifted asset freezing regimes is available on the Treasury's website. The Treasury's Asset Freezing Unit operates a free subscription email service alerting subscribers on changes to the asset freezing regimes, and on other financial sanctions measures. A dedicated telephone line and email address are available for the financial sector and any other persons to submit queries on the asset freezing regime. A notice explaining the repeal of Council Regulation (EC) No. 1763/2004 is available on the Treasury website and was emailed to subscribers.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is also negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the asset freezing regimes on firms employing up to 20 people, the Treasury work with the financial sector on the requirements for complying with EU measures. The Treasury have provided detailed guidance to assist business in complying with these measures.

12. Monitoring & review

12.1 Not applicable.

13. Contact

The Asset Freezing Unit at the Treasury Tel: 020 7270 5454 or email: AFU@hmtreasury.gsi.gov.uk can answer any queries regarding the instrument.