EXPLANATORY MEMORANDUM TO

THE LIBERIA (ASSET-FREEZING) (REVOCATION) REGULATIONS 2016

2016 No. 34

1. Introduction

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

2. Purpose of the instrument

2.1 These Regulations revoke the Liberia (Asset-Freezing) Regulations 2012 (S.I. 2012/1516) and as the EU Regulation on which it is based has been repealed.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 These Regulations revoke the Liberia (Asset-Freezing) Regulations 2012 (S.I. 2012/1516) ("the 2012 Regulations"), which implemented Council Regulation (EC) 872/2004 (OJ No. L 162, 30.4.2004, p.32). The 2012 Regulations provided for criminal penalties for breach of EU financial sanctions in relation to the former Liberian President Charles Taylor and those persons and entities associated with him. Extent and Territorial Application.

4.2 Council Regulation (EU) No. 2015/1776 (OJ No. L 259, 6.10.2015, p.1) repealed Council Regulation (EC) No. 872/2004, meaning that the UK implementing Regulations may now be revoked.

4.3 The Explanatory Memorandum on the revoking Regulation was submitted for Parliamentary scrutiny by the Foreign and Commonwealth Office on 16th October 2015. Clearance was granted by the House of Commons Select Committee on 28th October 2015 and by the House of Lords Select Committee on 27th October 2015.

5. Extent and Territorial Application

5.1 This instrument extends to all of the United Kingdom.

5.2 This instrument applies to all of the United Kingdom, and outside the United Kingdom to any UK national body incorporated in the United Kingdom.

6. European Convention on Human Rights

6.1 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 2012 Regulations, which provided for criminal penalties for breach of EU financial sanction in relation to the former Liberian President Charles Taylor and those persons and entities associated with him.

7.2 Council Regulation (EC) 872/2004, 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) 872/2004 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 requirements 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 Since this instrument is revoking the 2012 Regulations, it is not necessary in the circumstances to make provision for further periodic review as contemplated in ss.28-32 of the Small Business Enterprise and Employment Act 2015.

13. Contact

13.1 Financial Sanctions at the Treasury Tel: 020 7270 5454 or email: financialsanctions@hmtreasury.gsi.gov.uk can answer any queries regarding the instrument.