EXPLANATORY MEMORANDUM TO THE

THE TERRORISM (UNITED NATIONS MEASURES) ORDER 2001 (AMENDMENT) REGULATIONS 2004

2004 No. 2309

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

2. Description

The Terrorism (United Nations Measures) Order 2001 provides that breaches of certain provisions of Council Regulation (EC) No 2580/2001 and certain other acts and omissions, are criminal offences. The above Regulations amend that Order so that it refers to the Council Regulation as implemented by Council Decision 2004/306/EC.

3. Legislative Background

Amongst other measures, Council Regulation (EC) No 2580/2001 (OJ L 344, 28.12.2001, p.93), requires EU Member States to freeze all funds and economic resources of persons who commit, or attempt to commit, terrorist acts or who participate in or facilitate the commission of such acts. The Regulation is directly applicable in the United Kingdom.

The Terrorism (United Nations Measures) Order 2001 (SI 2001/3365) gives practical effect to the Council Regulation by providing that certain breaches of the Regulation are a criminal offence.

On 3 April 2004, by Council Decision 2004/306/EC (OJ L 99, 3.4.2004, p.28)), the Council decided to adopt an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies. The above Regulations amend the Terrorism Order (SI 2001/3365) so as to allow for penalties to apply in respect of the extended list of targets. They also revoke the previous amending Regulations (SI 2003/2430) which amended the 2001 Terrorism Order in much the same way to take account of an earlier extension to the EC list of targeted persons.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Economic Secretary, John Healey, has made the following statement :

In my view the provisions of The Terrorism (United Nations Measures) Order 2001 (Amendment) Regulations 2004 are compatible with the Convention rights.

7. Policy background

7.1 The Government welcomes European Union agreement on the extension of sanctions to include IBDA-C and the National Liberation Army (Ejercito de Liberacion Nacional) as new entities; and to add further identifying details for the Kurdistan Workers' Party (PKK) to the list of targets for the EC anti-terrorist asset freeze. The EC Regulation, as amended, imposes an assets freeze against IBDA-C, the National Liberation Army and adds further identifying details to implement the current assets freeze against the PKK.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

9. Contact

Philippa Brown at the Treasury Tel: 020 7270 5318 or e-mail: philippa.brown@hm-treasury.x.gsi.gov.uk can answer any queries regarding the instrument.