STATUTORY INSTRUMENTS

2017 No. 754

CRIMINAL LAW

The European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017

Made - - - -	*17th July 2017*
Laid before Parliament	*18th July 2017*
Coming into force - -	*8th August 2017*

The Treasury are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to restrictive measures against persons or bodies listed by an international organisation.

The Treasury, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017 and come into force on 8th August 2017.

Zimbabwe (Financial Sanctions) Regulations 2009

2.—(1) Paragraph 2 of the Schedule (information gathering provisions) to the Zimbabwe (Financial Sanctions) Regulations 2009(**3**) is amended as follows.

(2) In sub-paragraphs (1) to (4), after "relevant institution", in each place it occurs, insert "or relevant business or profession".

(3) In sub-paragraph (5), after "institution", in each place it occurs, insert "or relevant business or profession".

(4) After sub-paragraph (5) insert—

"(6) In this paragraph, a "relevant business or profession" means—

(a) an auditor;

(b) a casino;

(**1**) S.I. 2007/2133.
(**2**) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 21(1)(a) and the European Union (Amendment) Act 2008 (c.7), Schedule 1, Part 1.
(**3**) S.I. 2009/847; amended by S.I. 2013/472, 2014/383 and 2017/560.

(c) a dealer in precious metals or stones;

(d) an estate agent;

(e) an external accountant;

(f) an independent legal professional;

(g) a tax adviser; and

(h) a trust or company service provider,

operating in the United Kingdom.

(7) For the purpose of sub-paragraph (6)—

"auditor" means any firm or sole practitioner who is—

(a) a statutory auditor within the meaning of Part 42 of the Companies Act 2006(**4**) (statutory auditors), when carrying out statutory audit work within the meaning of section 1210 of that Act (meaning of statutory auditor); or

(b) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014(**5**) (general requirements for audit), when carrying out an audit required by that Act;

"casino" means the holder of a casino operating licence and, for this purpose, a "casino operating licence" has the meaning given by section 65(2)(a) of the Gambling Act 2005(**6**) (nature of a licence);

"dealer in precious metals or stones" means a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(a) articles made from gold, silver, platinum or palladium; or

(b) precious stones or pearls;

"estate agent" means a firm or sole practitioner, who, or whose employees, carry out estate agency work, when the work is being carried out;

"external accountant" means a firm or sole practitioner who by way of business provides accountancy services to other persons, when providing such services;

"independent legal professional" means a firm or sole practitioner who by way of business provides legal or notarial services to other persons, when providing such services;

"tax adviser" means a firm or sole practitioner who by way of business provides advice about the tax affairs of other persons, when providing such services;

"trust or company service provider" means a firm or sole practitioner who by way of business provides any of the following services to other persons, when that firm or practitioner is providing such services—

(a) forming companies or other legal persons;

(b) acting, or arranging for another person to act—

(i) as a director or secretary of a company;

(ii) as a partner of a partnership; or

(iii) in a similar capacity in relation to other legal persons;

(**4**) 2006 c.46. Section 1210 was amended by S.I. 2008/565, 2008/567, 2008/1950, 2012/1809 and 2013/3115.
(**5**) 2014 c.2.
(**6**) 2005 c.19.

(c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement;

(d) acting, or arranging for another person to act, as—

(i) a trustee of an express trust or similar legal arrangement; or

(ii) a nominee shareholder for a person.

(8) In sub-paragraph (7)—

(a) in the definition of "estate agent", "estate agency work" is to be read in accordance with section 1 of the Estate Agents Act 1979(**7**) (estate agency work), but for those purposes references in that section to disposing of or acquiring an interest in land are (despite anything in section 2 of that Act) to be taken to include reference to disposing of or acquiring an estate or interest in land outside the United Kingdom where that estate or interest is capable of being owned or held as a separate interest;

(b) "firm" means any entity that, whether or not a legal person, is not an individual and includes a body corporate and a partnership or other unincorporated association.".

Somalia (Asset-Freezing) Regulations 2010

3.—(1) The Schedule (information provisions) to the Somalia (Asset-Freezing) Regulations 2010(**8**) is amended as follows.

(2) In the heading to paragraph 1, at the end, insert "and others".

(3) In paragraph 1, after "relevant institution", in each place it occurs, insert "or relevant business or profession".

(4) In paragraph 1(3)(b), after "the institution" insert "or relevant business or profession".

(5) After paragraph 1(5) insert—

"(6) In this paragraph, a "relevant business or profession" means—

(a) an auditor;

(b) a casino;

(c) a dealer in precious metals or stones;

(d) an estate agent;

(e) an external accountant;

(f) an independent legal professional;

(g) a tax adviser; and

(h) a trust or company service provider,

operating in the United Kingdom.

(7) For the purpose of sub-paragraph (6)—

"auditor" means any firm or sole practitioner who is—

(**7**) 1979 c.38. Section 1 was amended by paragraph 40 of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), paragraph 42 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11), paragraph 28 of Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c.11), section 70 of the Enterprise and Regulatory Reform Act 2013 (c.24) and S.I. 2001/1283.

(**8**) S.I. 2010/2956; amended by S.I. 2013/472, 2013/534 and 2017/560.

(a) a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (statutory auditors), when carrying out statutory audit work within the meaning of section 1210 of that Act (meaning of statutory auditor); or

(b) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014 (general requirements for audit), when carrying out an audit required by that Act;

"casino" means the holder of a casino operating licence and, for this purpose, a "casino operating licence" has the meaning given by section 65(2)(a) of the Gambling Act 2005 (nature of a licence);

"dealer in precious metals or stones" means a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(a) articles made from gold, silver, platinum or palladium; or

(b) precious stones or pearls;

"estate agent" means a firm or sole practitioner, who, or whose employees, carry out estate agency work, when the work is being carried out;

"external accountant" means a firm or sole practitioner who by way of business provides accountancy services to other persons, when providing such services;

"independent legal professional" means a firm or sole practitioner who by way of business provides legal or notarial services to other persons, when providing such services;

"tax adviser" means a firm or sole practitioner who by way of business provides advice about the tax affairs of other persons, when providing such services;

"trust or company service provider" means a firm or sole practitioner who by way of business provides any of the following services to other persons, when that firm or practitioner is providing such services—

(a) forming companies or other legal persons;

(b) acting, or arranging for another person to act—

(i) as a director or secretary of a company;

(ii) as a partner of a partnership; or

(iii) in a similar capacity in relation to other legal persons;

(c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement;

(d) acting, or arranging for another person to act, as—

(i) a trustee of an express trust or similar legal arrangement; or

(ii) a nominee shareholder for a person.

(8) In sub-paragraph (7)—

(a) in the definition of "estate agent", "estate agency work" is to be read in accordance with section 1 of the Estate Agents Act 1979 (estate agency work), but for those purposes references in that section to disposing of or acquiring an interest in land are (despite anything in section 2 of that Act) to be taken to include reference to disposing of or acquiring an estate or interest in land outside the United Kingdom where that estate or interest is capable of being owned or held as a separate interest;

(b) "firm" means any entity that, whether or not a legal person, is not an individual and includes a body corporate and a partnership or other unincorporated association.".

Egypt (Asset-Freezing) Regulations 2011

4.—(1) The Schedule (information provisions) to the Egypt (Asset-Freezing) Regulations 2011(**9**) is amended as follows.

(2) In the heading to paragraph 1, at the end, insert "and others".

(3) In paragraph 1, after "relevant institution", in each place it occurs, insert "or relevant business or profession".

(4) In paragraph 1(3)(b), after "the institution" insert "or relevant business or profession".

(5) After paragraph 1(5) insert—

"(6) In this paragraph, a "relevant business or profession" means—

(a) an auditor;

(b) a casino;

(c) a dealer in precious metals or stones;

(d) an estate agent;

(e) an external accountant;

(f) an independent legal professional;

(g) a tax adviser; and

(h) a trust or company service provider,

operating in the United Kingdom.

(7) For the purpose of sub-paragraph (6)—

"auditor" means any firm or sole practitioner who is—

(a) a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (statutory auditors), when carrying out statutory audit work within the meaning of section 1210 of that Act (meaning of statutory auditor); or

(b) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014 (general requirements for audit), when carrying out an audit required by that Act;

"casino" means the holder of a casino operating licence and, for this purpose, a "casino operating licence" has the meaning given by section 65(2)(a) of the Gambling Act 2005 (nature of a licence);

"dealer in precious metals or stones" means a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

(a) articles made from gold, silver, platinum or palladium; or

(b) precious stones or pearls;

"estate agent" means a firm or sole practitioner, who, or whose employees, carry out estate agency work, when the work is being carried out;

"external accountant" means a firm or sole practitioner who by way of business provides accountancy services to other persons, when providing such services;

(**9**) S.I. 2011/887; amended by S.I. 2013/472, 2013/534 and 2017/560.