Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Al-Qaida (Asset-Freezing) (Amendment) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 937

CRIMINAL LAW

The Al-Qaida (Asset-Freezing) (Amendment) Regulations 2016

Made - - - -	*21st September 2016*
Laid before Parliament	*21st September 2016*
Coming into force - -	*22nd September 2016*

The Treasury are designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to restrictive measures against persons or bodies listed by an international organisation.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Treasury that it is expedient for any reference to Annex I to Council Regulation (EC) No 881/2002 of 27 May 2002 [F3] imposing certain restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations, or to Annex I to Council Regulation No 1686/2016 of 20 September 2016 [F4] imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaida and natural and legal persons, entities or bodies associated with them to be construed as a reference to the relevant Annex as amended from time to time.

The Treasury, in exercise of powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972, make the following Regulations:

F1 S.I. 2010/1834.

F2 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008 (c.7), **Schedule 1**, Part 1. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and amended by S.I. 2007/1388 and the European Union (Amendment) Act 2008, Schedule, Part 1.

F3 OJ No L 139, 29.5.2002, p.9, as amended by Council Regulation (EC) No 561/2003 of 27 March 2003 (OJ No L 82, 29.3.2002, p1), Council Regulation (EC) No 1791/2006 of 20 November 2006 (OJ No L 363, 20.12.2006, p.1), Council Regulation (EU) No 1286/2009 of 22 December 2009 (OJ No L 346, 23.12.2009, p.42), Council Regulation (EU) No 754/2011 of 1 August 2011 (OJ No L 199, 2.8.2011, p.23), Council Regulation (EU) No 596/2013 of 24 June 2013 (OJ No L 172, 25.6.2013, p.1), and Council Regulation (EU) No 363/2016 of 14 March 2016 (OJ No L 68, 15.3.2016, p.1). Annex I was most recently amended by Commission Implementing Regulation (EU) 2016/1683 of 19 September 2016 (OJ No L 254, 20.9.2016, p.18).

F4 OJ No L 255, 21.9.2016, p.1.

Citation and commencement

1. These Regulations may be cited as the Al-Qaida (Asset-Freezing) (Amendment) Regulations 2016 and shall come into force on 22nd September 2016.

Amendments to the Al-Qaida (Asset-Freezing) Regulations 2011

2. The Al-Qaida (Asset-Freezing) Regulations 2011 [F5] are amended in accordance with regulations 3 to 7.

F5 S.I. 2011/2742, as amended by S.I. 2013/472 and modified by the Wales Act 2014 (c.29), **section 4(4)(a)**.

3. In the title, for "Al-Qaida" substitute "ISIL (Da'esh) and Al-Qaida".

4. In regulation 1(1) (citation, commencement and application), for "Al-Qaida" substitute "ISIL (Da'esh) and Al-Qaida".

5. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of "the Council Regulation" substitute—

""the 2002 Council Regulation" means Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations, and a reference to Annex I to that Regulation is to be construed as a reference to that Annex as amended from time to time; [F6]

"the 2016 Council Regulation" means Council Regulation No 1686/2016 of 20 September 2016 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaida and natural and legal persons, entities or bodies associated with them, and a reference to Annex I to that Regulation is to be construed as a reference to that Annex as amended from time to time;".

(ii) for the definition of "designated person" substitute—

""designated person" means a person, entity, body or group listed in Annex I to the 2002 Council Regulation or Annex I to the 2016 Council Regulation;".

(b) for paragraph (3) substitute—

"(3) Where the 2002 Council Regulation applies, any expression used both in these Regulations and in the 2002 Council Regulation has the meaning that it bears in the 2002 Council Regulation. Where the 2016 Council Regulation applies, any expression used both in these Regulations and in the 2016 Council Regulation has the meaning that it bears in the 2016 Council Regulation.".

F6 This amends the reference to Council Regulation (EC) 881/2002 of 27 May 2002 so that the reference is to that Regulation as amended by Council Regulation (EU) 363/2016 and it re-names the definition to enable a further definition relating to Council Regulation No 1686/2016 to be added.

6. In regulation 3(1) (freezing of funds and economic resources), for the words "controlled by" substitute " controlled (directly or indirectly) by ".

7. In regulation 8 (credits to a frozen account), for paragraph (1) substitute—

"(1) To the extent that the prohibitions in regulations 4 and 5 apply because a designated person is listed in Annex I to the 2002 Council Regulation, those prohibitions are not contravened by a person who credits a frozen account with—

(a) interest or other earnings due on the account, or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the account became a frozen account.".

Consequential Amendments

8. The primary and secondary legislation mentioned in the Schedule is amended as set out in that Schedule.

Guto Bebb
Guy Opperman
Two of the Lords Commissioners of Her Majesty's Treasury

21st September 2016