



EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973
CÔTE D'IVOIRE SANCTIONS REGULATIONS 2005

Laid before Tynwald.....19th April 2005
Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Council of Ministers by Section 2B of the European Communities (Isle of Man) Act 1973^(a), and of all other powers enabling it in that behalf, the following Regulations are hereby made:-

Citation and commencement and interpretation

1. (1) These Regulations may be cited as the Côte d'Ivoire Sanctions Regulations 2005, and shall come into operation on the day on which they are made.

(2) In these Regulations –

“the EC Regulation” means Council Regulation (EC) No 174/2005 of 31 January 2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire^(b);

“customs and excise Acts” has the same meaning as in section 1 of the Customs and Excise Management Act 1986.

Offences

2. (1) Any person who, except under the authority of a licence granted by the Treasury under these Regulations, directly or indirectly infringes any of the following prohibitions in the EC Regulation -

- (a) Article 2(a), prohibiting the grant, sale, supply or transfer of technical assistance related to military activities, and to the provision, manufacture, maintenance and use of arms and related material of all types, to any person, entity or body in, or for use in Côte d'Ivoire;
- (b) Article 2(b), prohibiting the provision of financing or financial assistance related to military activities for any sale, supply, transfer or export of arms and related material to any person, entity or body in, or for use in Côte d'Ivoire;

^(a) 1973 c.14

^(b) OJ L 29, 2.2.2005, p. 5.

- (c) Article 2(c), prohibiting the participation, knowingly and intentionally, in activities the object or effect of which is to promote the transactions referred to in Article 2(a) or 2(b);
- (d) Article 3(a), prohibiting the sale, supply, transfer or export of equipment which might be used for internal repression, as listed in Annex I to the EC Regulation, whether or not originating in the Community, knowingly and intentionally, to any person, entity or body in, or for use in Côte d'Ivoire;
- (e) Article 3(b), prohibiting the grant, sale, supply or transfer of technical assistance, related to the equipment listed in Annex I to the EC Regulation, to any person, entity or body in, or for use in Côte d'Ivoire;
- (f) Article 3(c), prohibiting the provision of financing or financial assistance related to the equipment listed in Annex I to the EC Regulation, to any person, entity or body in, or for use in Côte d'Ivoire;
- (g) Article 3(d), prohibiting the participation, knowingly and intentionally, in activities the object or effect of which is to promote the transactions referred to in Articles 3(a), (b) or (c),

shall be guilty of an offence and may be arrested.

Licences

3. (1) Authorisation for the transactions set out in regulation 2, as provided for in Article 4 of the EC Regulation, shall in the Island be by way of a licence in writing granted by the Treasury.

(2) If, for the purpose of obtaining a licence, any person –

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular, or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

he shall be guilty of an offence; and any licence granted in connection with the application for which the false statement was made or the false document or information furnished shall be void as from the time it was granted.

(3) Any person who, having acted under the authority of a licence granted under this Regulation, fails to comply with any of the requirements or conditions to which the licence is subject shall be guilty of an offence, unless -

- (a) the licence had been previously modified by the Treasury without that person's consent, and
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified.

Penalties

4. (1) A person guilty of an offence under regulation 2, or paragraph (2) or (3) of regulation 3 shall be liable –

- (a) on conviction on information, to a fine or custody for a term not exceeding two years or to both; or

(b) on summary conviction, to a fine not exceeding £5,000.

(2) Notwithstanding that the offences in regulation 2 are not, by virtue of the term of imprisonment for which a person may be sentenced in respect of them, arrestable offences within the meaning of the Police, Powers and Procedures Act 1998, section 27(1) of that Act shall apply to the offences as if they were mentioned therein, and the offences shall accordingly be arrestable offences within the meaning of the Act.

(3) Section 145 of the Customs and Excise Management Act 1986 (provision as to arrest of persons) shall apply to the arrest of any person for any offences under regulation 2 as it applies to the arrest of any person for offences under the customs and excise Acts.

(4) Sections 152 to 155 and 157 to 162 of the Customs and Excise Management Act 1986 (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under these Regulations and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under the customs and excise Acts.

(5) Nothing in subsections (1) to (4) of section 152 of the said Act (institution of proceedings for offences under the customs and excise Acts to be by order of the Attorney General) shall prevent the institution of proceedings by the Treasury for any of the offences under regulation 2.

Made 11th March 2005

Mary Williams

Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that breaches of certain provisions of Council Regulation (EC) 174/2005 ("the EC Regulation") are to be criminal offences.

Regulation 2 creates penalties in respect of the provisions in Articles 2 and 3 of the EC Regulation. Regulation 3 provides for licensing of the above transactions; and regulation 4 provides for enforcement and penalties for breach of the EC Regulation.

