

Statutory Document No. 2018/0168



European Communities (Isle of Man) Act 1973

MYANMAR-BURMA SANCTIONS (AMENDMENT) REGULATIONS 2018

Laid before Tynwald: 18th July 2018

Coming into operation in accordance with regulation 2

The Council of Ministers makes the following Regulations under sections 2B and 2C of the European Communities (Isle of Man) Act 1973.

1 Title

These Regulations are the Myanmar-Burma Sanctions (Amendment) Regulations 2018.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Amendment of the Myanmar-Burma Sanctions Regulations 2013

(1) The Myanmar-Burma Sanctions Regulations 2013² are amended as follows.

(2) In regulation 3, for the definition of “the EU Regulation” substitute —

☐ **“the EU Regulation”** means Council Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No 194/2008, as amended by Council Regulation (EU) 2018/647 of 26 April 2018 amending Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma,

¹ Regulations made under section 2B(1) of the European Communities (Isle of Man) Act 1973 must be laid before Tynwald as soon as possible after they are made, and if Tynwald at the sitting at which the regulations are laid or at the next following sitting resolves that the regulations shall be annulled, the regulations shall upon such resolution cease to have effect.

² SD 0172/13.

as these instruments have effect in the Island³, and a reference to a numbered Article or Annex (without more) is a reference to the Article of, or Annex to, the EU Regulation so numbered. **22**.

- (3) In regulation 4(1)(a), for “Article 2(1), 3(1), 3(2) or 3(3)” substitute **64**, Article 2(1), 3(1), 3(2), 3a(1), 3a(4), 3b(1), 3c(1), 4a(1), 4a(2), 4e(1), 4g or 4h(1) **22**.
- (4) In regulation 4(2)(a), for “Article 2(2) or 3(4)” substitute **65** Articles 2(2), 3a(6), 4d(3) or (4) **22**.
- (5) In regulation 8(2), for “3(2)” substitute **66** 3(6) **22**.
- (6) In the Schedule, for the heading “1”, substitute —
- 67 1 Powers to request information 22**.
- (7) Omit paragraph 1(2) to the Schedule.
- (8) In the Schedule, for the heading “2”, substitute —
- 68 2 Failure to comply with request for information 22**.
- (9) In the Schedule, for paragraph 3 substitute —


69 3 General powers to disclose information

- (1) The Treasury (or any person authorised by the Treasury as a “requesting authority” under paragraph 1) may disclose any information obtained by it pursuant to these Regulations to any person for the purpose of facilitating or ensuring compliance with the EU Regulation.
- (2) The power in sub-paragraph (1) includes but is not limited to disclosing information to the following persons —
- (a) a police officer;
- (b) any person holding or acting in any office under, or in the service of —
- (i) the Government of the Island;
- (ii) the Crown in right of the Government of the United Kingdom;
- (iii) the Crown in right of the Scottish Administration, the Northern Ireland Executive or the Welsh Government;
- (iv) the States of Jersey, Guernsey or Alderney or the Chief Pleas of Sark; or

³ These EU instruments were applied to the Island, with modifications, by SD 0171/13 and SD 2018/0167. As the EU Regulation has effect in the Island references in the EU Regulation to any of its annexes are construed as references to those Annexes as amended from time to time.

- (v) the Government of any British overseas territory;
 - (c) any law officer of the Crown in any of the British Islands;
 - (d) the Legal Aid Agency in England and Wales, the Scottish Legal Aid Board or the Legal Services Agency Northern Ireland;
 - (e) the Isle of Man Financial Services Authority and any body of any other part of the British Islands exercising an equivalent function;
 - (f) any organ of the United Nations;
 - (g) any person in the service of the United Nations, the Council of the European Union, the European Commission or the Government of any country;
 - (h) any of the competent authorities specified in, and for the purpose of ensuring compliance with, the EU Regulation; or
 - (i) with the consent of a person who, in the person's own right, is entitled to the information or to possession of the document, copy or extract, to any third party.
- (3) In sub-paragraph (2)(i) "in the person's own right" means not merely in the capacity as a servant or agent of another person.
- (4) The purpose of facilitating or ensuring compliance with the EU Regulation includes but is not limited to the following –
- (a) monitoring compliance with, or detecting evasion of, these Regulations or the EU Regulation;
 - (b) giving assistance or co-operation, pursuant to the EU Regulation; or
 - (c) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings –
 - (i) in the Island for an offence under these Regulations; or
 - (ii) in any other part of the British Islands or any British overseas territory, for an offence under a similar provision in any such jurisdiction.
- (5) A disclosure under sub-paragraph (1) does not breach –
- (a) any obligation of confidence owed by the person making the disclosure; or
 - (b) any other restriction on the disclosure of information (however imposed).
- (6) A person commits an offence if the person, without reasonable excuse, discloses information otherwise than in accordance with sub-paragraph (1).

4 Application of provisions

- (1) Nothing done under this Schedule is to be treated as a breach of any regulation imposed by statute or otherwise.
- (2) But nothing in this Schedule authorises a disclosure —
 - (a) that contravenes the Data Protection Act 2002; or
 - (b) of intercepted material that is not otherwise permitted under the safeguards arrangements relating to a warrant issued under the Interception of Communications Act 1988.
- (3) Nothing in this Schedule is to be read as requiring a person who has acted as advocate or other legal adviser to any person to disclose any privileged information in their possession in that capacity.
- (4) This Schedule does not limit the circumstances in which information may be disclosed apart from this Schedule.
- (5) This Schedule does not limit the powers of the Treasury to impose conditions in connection with the discharge of its functions under regulation 5.
- (6) In this paragraph “**privileged information**” means information with respect to which a claim to legal professional privilege could be maintained in legal proceedings. .

MADE 15:55 31ST MAY 2018

W GREENHOW
Chief Secretary

EXPLANATORY NOTE***(This note is not part of the Regulations)***

These Regulations amend the Myanmar-Burma Sanctions Regulations 2013 (SD 0172/13) (“the principal Regulations”), to take account of the amendment of Council Regulation (EU) No 401/2013 by Council Regulation (EU) 2018/647, as these EU instruments have effect in the Island by virtue of SD 0171/13 and SD 2018/0167 respectively.

These Regulations also amend paragraph 3 to the Schedule to the principal Regulations to extend the provisions for the disclosure of information and documents in connection with compliance with the EU Regulation. The replacement provisions correspond to those contained in the Terrorism and Other Crime (Financial Restrictions) Act 2014, which applies to the sanctions regimes concerned with terrorism, ISIL, Al-Qaida and the Taliban.

The principal Regulations established offences and penalties for breaches of Council Regulation (EU) No 401/2013, as applied to the Island, and they provided for the licensing by the Treasury of activities which would otherwise be proscribed.