



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 8

#### FINANCIAL SANCTIONS

##### *Avoidance of delay: temporary regulations*

#### **152 Implementation of UN financial sanctions Resolutions: temporary regulations**

- (1) Where a UN financial sanctions Resolution is adopted, the Treasury may by regulations made by statutory instrument make such provision as it considers appropriate for the implementation of the Resolution.
- (2) Regulations under this section must provide for the regulations to cease to have effect at whichever of the following times first occurs—
  - (a) the time when an EU financial sanctions Regulation made for the purpose of implementing the UN financial sanctions Resolution enters into force;
  - (b) the end of a day specified in the regulations, which may not be a day that falls more than 30 days after the day on which the UN financial sanctions Resolution is adopted.
- (3) At any time before the end of the day specified in the regulations under subsection (2)(b), the Treasury may amend the regulations (by making further regulations) so as to substitute for the day specified in the regulations in accordance with subsection (2)(b) a different day, which may not be a day that falls more than 60 days after the day on which the UN financial sanctions Resolution is adopted.
- (4) The power conferred by subsection (3) may be exercised on only one occasion.
- (5) Subsection (3) does not affect the power (by virtue of section 14 of the Interpretation Act 1978) to amend regulations under subsection (1) for a purpose other than that mentioned in subsection (3).
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Section 153 makes further provision about regulations under this section.

### **153 Content of regulations under section 152**

- (1) Regulations under section 152 may impose prohibitions for such of the following purposes as are relevant to the UN financial sanctions Resolution that is being implemented by the regulations—
  - (a) freezing funds or economic resources owned, held or controlled by designated persons;
  - (b) preventing funds or economic resources being made available to, or for the benefit, of designated persons.
- (2) In subsection (1), “designated person” means a person who is specified in any of the following instruments as a person in relation to whom the measures required by the UN financial sanctions Resolution are to be taken—
  - (a) the UN financial sanctions Resolution or any other UN financial sanctions Resolution;
  - (b) an instrument made by an organ of the United Nations for the purpose of specifying the persons in relation to whom the measures required by the Resolution are to be taken.

For the purpose of this subsection, “person” includes (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

- (3) Regulations under section 152 must describe the designated persons to whom the prohibitions in the regulations relate but may do so by referring to any of the instruments mentioned in subsection (2) or in any other way; and, where the persons are described by referring to any of those instruments, the regulations may provide for the reference in the regulations to the instrument to have effect as a reference to the instrument as varied or supplemented from time to time.
- (4) The regulations may create exceptions to any prohibitions included in the regulations by virtue of subsection (1), including provision for any of those prohibitions not to apply to anything done under the authority of a licence issued by the Treasury under the regulations.
- (5) The regulations may make provision—
  - (a) for requiring a person who is subject to a prohibition, or any other person of a description specified in the regulations, to provide information to the Treasury;
  - (b) authorising or restricting the disclosure of information so provided.
- (6) The regulations may make provision for the enforcement of any prohibitions or requirements set out in the regulations, including provision for preventing any prohibitions from being circumvented.
- (7) The provision that may be made under subsection (6) includes—
  - (a) the creation of offences;
  - (b) provision corresponding or similar to sections 146 to 149 (civil sanctions).
- (8) The regulations may not create an offence punishable by imprisonment for a period exceeding—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in the case of conviction on indictment, 7 years;
  - (b) in the case of summary conviction—
    - (i) in relation to England and Wales, 12 months or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months;
    - (ii) in relation to Scotland, 12 months;
    - (iii) in relation to Northern Ireland, 6 months.
- (9) The regulations may provide that a person is not to be subject to any form of liability in consequence of anything done by that person under the regulations.
- (10) The regulations may bind the Crown but they may not—
- (a) provide for the Crown to be criminally liable, or
  - (b) provide for the Crown to be liable to pay a monetary penalty.
- (11) The regulations may include—
- (a) incidental, supplementary or consequential provision;
  - (b) transitional or transitory provision.
- (12) The regulations may—
- (a) make different provision for different purposes;
  - (b) confer a discretion on any person.