
STATUTORY INSTRUMENTS

2019 No. 855

The Russia (Sanctions) (EU Exit) Regulations 2019

PART 8

Information and records

Finance: reporting obligations

70.—(1) A relevant firm must inform the Treasury as soon as practicable if—

- (a) it knows, or has reasonable cause to suspect, that a person—
 - (i) is a designated person, or
 - (ii) has committed an offence under any provision of Part 3 (Finance) [^{F1}, regulations 46Z9B to 46Z9D (maritime transportation of certain oil and oil products)] or regulation 67 (finance: licensing offences), and
- (b) the information or other matter on which the knowledge or cause for suspicion is based came to it in the course of carrying on its business.

[^{F2}(1ZA) A relevant firm must also inform the Treasury as soon as practicable if—

- (a) it knows, or has reasonable cause to suspect, that it holds funds or economic resources for a prohibited person; and
- (b) the information or other matter on which the knowledge or cause for suspicion is based came to it in the course of carrying on its business.

(1ZB) Where the relevant firm knows, or has reasonable cause to suspect, that it holds funds or economic resources for a prohibited person, it must by no later than 31st October in each calendar year, provide a report to the Treasury as to the nature and amount or quantity of those funds or economic resources held by that firm as of 30th September in that calendar year.]

[^{F3}(1A) An involved person must inform the Treasury as soon as practicable if—

- (a) they know or have reasonable cause to suspect that a person has committed an offence under any provision of —
 - (i) regulations 46Z9B to 46Z9D; or
 - (ii) regulation 67 in so far as the suspected offence under that regulation relates to a prohibition referred to in paragraph (i); and
- (b) the information or other matter on which the knowledge or cause for suspicion is based came to them in the course of carrying on their business.]

(2) Where a relevant firm informs the Treasury under paragraph (1) [^{F4}or an involved person informs the Treasury under paragraph (1A)], it must state—

- (a) the information or other matter on which the knowledge or suspicion is based, ^{F5}...
- (b) any information it holds about the person by which the person can be identified [^{F6}and],

- [^{F7}(c) any related information it holds about the supply or delivery by ship, financial services or funds or brokering services provided with regard to the provisions referred to in paragraph (1A)(a)]
- [^{F8}(2A) An involved person must also state, where they inform the Treasury under paragraph (1A), the nature, amount, value, or quantity of any goods or services related to the suspected offence at the time when they first had the knowledge or suspicion.]
- (3) Paragraph (4) applies if—
- (a) a relevant firm informs the Treasury under paragraph (1) that it knows, or has reasonable cause to suspect, that a person is a designated person [^{F9}or under paragraph (1ZA) that it knows, or has reasonable cause to suspect, that a person for whom it holds funds or economic resources is a prohibited person], and
 - (b) that person is a customer of the relevant firm.
- (4) The relevant firm must also state the nature and amount or quantity of any funds or economic resources held by it for the customer at the time when it first had the knowledge or suspicion.
- (5) A relevant institution must inform the Treasury without delay if that institution—
- (a) credits a frozen account in accordance with regulation 58(4) (finance: exceptions from prohibitions), or
 - (b) transfers funds from a frozen account in accordance with regulation 58(6).
- (6) A person who fails to comply with a requirement in paragraph (1), [^{F10}(1ZA), (1ZB)], [^{F11}(1A), (2), (2A)] or (4) commits an offence.
- (7) In this regulation—
- “designated person” has the same meaning as it has in Chapter 1 of Part 3 (Finance);
- “frozen account” has the same meaning as it has in regulation 58;
- [^{F12}“involved person” means a person who is involved in—
- (a) the supply or delivery of oil and oil products; or
 - (b) the provision of financial services or funds or brokering services relating to the supply or delivery of oil and oil products;
- “oil and oil products” has the meaning given in regulation 21(1) (interpretation of Part 5);]
- [^{F13}“prohibited person” means a person to whom financial services must not be provided by virtue of regulation 18A(1);]
- “relevant firm” is to be read in accordance with regulation 71;
- “relevant institution” has the same meaning as it has in regulation 58.

Textual Amendments

- F1** Words in reg. 70(1)(a)(ii) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **9(2)**
- F2** Reg. 70(1ZA)(1ZB) inserted (15.12.2023) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1364\)](#), regs. 1(3), **16(2)**
- F3** Reg. 70(1A) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **9(3)**
- F4** Words in reg. 70(2) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **9(4)(a)**
- F5** Word in reg. 70(2)(a) omitted (5.12.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **9(4)(b)**

- F6** Word in reg. 70(2)(b) inserted (5.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122), regs. 1(2), **9(4)(c)**
- F7** Reg. 70(2)(c) inserted (5.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122), regs. 1(2), **9(4)(d)**
- F8** Reg. 70(2A) inserted (5.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122), regs. 1(2), **9(5)**
- F9** Words in reg. 70(3)(a) inserted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **16(3)**
- F10** Words in reg. 70(6) inserted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **16(4)**
- F11** Words in reg. 70(6) substituted (5.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122), regs. 1(2), **9(6)**
- F12** Words in reg. 70(7) inserted (5.12.2022) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122), regs. 1(2), **9(7)**
- F13** Words in reg. 70(7) inserted (15.12.2023) by The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2023 (S.I. 2023/1364), regs. 1(3), **16(5)**

Commencement Information

- II** Reg. 70 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

[^{F14}Designated persons: reporting obligations

70A.—(1) A designated person who is a United Kingdom person must, by the end of the period specified in paragraph (3) or (4) (as the case may be) inform the Treasury of—

- (a) the nature and value of any funds or economic resources which that person owns, holds or controls in any jurisdiction; and
- (b) the location of those funds or economic resources.

(2) A designated person who is not a United Kingdom person must, by the end of the period specified in paragraph (3) or (4) (as the case may be) inform the Treasury of—

- (a) the nature and value of any funds or economic resources which that person owns, holds or controls in the United Kingdom; and
- (b) the location of those funds or economic resources.

(3) Where a person is a designated person immediately before the day on which this regulation comes into force (“the relevant day”), the designated person must give the information in paragraph (1) or (2) (as the case may be) to the Treasury by the end of the period of 10 weeks starting on the relevant day.

(4) Where a person is not a designated person immediately before the relevant day but becomes a designated person on or after that day, the designated person must give the information in paragraph (1) or (2) (as the case may be) to the Treasury by the end of the period of 10 weeks starting on the day on which the person becomes a designated person.

(5) Where a designated person has provided information to the Treasury under paragraph (1) or (2), that person must inform the Treasury as soon as practicable of any change to the nature, value or location of the funds or economic resources.

(6) A person who—

- (a) without reasonable excuse, refuses or fails to comply with the requirement in paragraph (1), (2) or (5) (as the case may be); or
- (b) knowingly or recklessly, gives information under paragraph (1), (2) or (5) (as the case may be) which is false in a material particular,

commits an offence.

(7) In this regulation, “designated person” has the same meaning as it has in Chapter 1 of Part 3 (Finance).]

Textual Amendments

F14 Reg. 70A inserted (26.12.2023) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1364\)](#), regs. 1(2), 17

“Relevant firm”

71.—(1) The following are relevant firms for the purposes of regulation 70—

- (a) a person that has permission under Part 4A of the Financial Services and Markets Act 2000 (permission to carry on regulated activity);
 - (b) an undertaking that by way of business—
 - (i) operates a currency exchange office,
 - (ii) transmits money (or any representation of monetary value) by any means, or
 - (iii) cashes cheques that are made payable to customers;
 - (c) a firm or sole practitioner that is—
 - (i) a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (statutory auditors) ^{M1}, or
 - (ii) a local auditor within the meaning of section 4(1) of the Local Audit and Accountability Act 2014 (general requirements for audit) ^{M2};
 - (d) a firm or sole practitioner that provides to other persons, by way of business—
 - (i) accountancy services,
 - (ii) legal or notarial services,
 - (iii) advice about tax affairs, ^{F15} ...
 - (iv) ^{F16}... company services within the meaning of paragraph (2); [^{F17} or
 - (v) trust services;]
 - (e) a firm or sole practitioner that carries out, or whose employees carry out, estate agency work;
 - (f) the holder of a casino operating licence within the meaning given by section 65(2)(a) of the Gambling Act 2005 (nature of a licence) ^{M3};
 - (g) a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—
 - (i) articles made from gold, silver, platinum or palladium, or
 - (ii) precious stones or pearls.
 - [^{F18}(h) a cryptoasset exchange provider;
 - (i) a custodian wallet provider.]
- (2) In paragraph (1) “^{F19}... company services” means any of the following 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—
 - ^{F20}(i)
 - (ii) a nominee shareholder for a person.

(3) In paragraph (1)—

“estate agency work” is to be read in accordance with section 1 of the Estate Agents Act 1979^{M4}, but as if references in that section to disposing of or acquiring an interest in land included (despite anything in section 2 of that Act) references 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;

“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 body.

[^{F21}“trust services” has the meaning given in regulation 18C(7) (trust services).]

[^{F22}(3A) In paragraph (1), a “cryptoasset exchange provider” means a firm or sole practitioner that by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—

- (a) exchanging, or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets,
- (b) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another, or
- (c) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets.

(3B) In paragraph (1), a “custodian wallet provider” means a firm or sole practitioner that by way of business provides services to safeguard, or to safeguard and administer—

- (a) cryptoassets on behalf of its customers, or
- (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets.

(3C) For the purposes of this regulation—

- (a) “cryptoasset” means a cryptographically secured digital representation of value or contractual rights that uses a form of distributed ledger technology and can be transferred, stored or traded electronically;
- (b) “money” means—
 - (i) money in sterling,
 - (ii) money in any other currency, or
 - (iii) money in any other medium of exchange,but does not include a cryptoasset; and
- (c) in sub-paragraphs (a) to (c) of paragraph (3A), “cryptoasset” includes a right to, or interest in, the cryptoasset.]

(4) Paragraph (1)(a) and (b) is to be read with section 22 of the Financial Services and Markets Act 2000, any relevant order under that section and Schedule 2 to that Act.

(5) For the purposes of regulation 70(1), information or another matter comes to a relevant firm “in the course of carrying on its business” if the information or other matter comes to the firm—

- (a) in the case of a relevant firm within paragraph(1)(a), in the course of carrying on an activity in respect of which the permission mentioned in that provision is required;
- (b) in the case of a relevant firm within paragraph (1)(c)(i), in the course of carrying out statutory audit work within the meaning of section 1210 of the Companies Act 2006 (meaning of statutory auditor) ^{M5};
- (c) in the case of a relevant firm within paragraph (1)(c)(ii), in the course of carrying out an audit required by the Local Audit and Accountability Act 2014;
- (d) in the case of a relevant firm within paragraph (1)(f), in the course of carrying on an activity in respect of which the licence mentioned in that provision is required;
- (e) in the case of a relevant firm within any other provision of paragraph (1), in the course of carrying on an activity mentioned in that provision.

Textual Amendments

- F15** Word in reg. 71(1)(d) omitted (16.12.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(a)(i)**
- F16** Words in reg. 71(1)(d)(iv) omitted (16.12.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(a)(ii)**
- F17** Reg. 71(1)(d)(v) and word inserted (16.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(a)(iii)**
- F18** Reg. 71(1)(h)(i) inserted (30.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(3)(h), **9(2)(a)**
- F19** Words in reg. 71(2) omitted (16.12.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(b)(i)**
- F20** Reg. 71(2)(d)(i) omitted (16.12.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(b)(ii)**
- F21** Words in reg. 71(3) inserted (16.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **17(c)**
- F22** Reg. 71(3A)-(3C) inserted (30.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(3)(h), **9(2)(b)**

Commencement Information

- I2** Reg. 71 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

- M1** 2006 c.46. Section 1210 was amended by; [S.I. 2017/516](#); [S.I. 2017/1164](#); [S.I. 2013/3115](#); [S.I. 2012/1809](#); [S.I. 2008/1950](#); [S.I. 2008/567](#); and [S.I. 2008/565](#).
- M2** 2014 c.2.
- M3** 2005 c.19.
- M4** 1979 c.38, 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 \(c.24\)](#); [S.I. 2001/1283](#); [S.I. 2000/121](#); and [S.I. 1991/2684](#).
- M5** Section 1210 has been amended by [S.I. 2017/516](#), [S.I. 2017/1164](#), [S.I. 2008/565](#) and [S.I. 2008/1950](#).

Finance: powers to request information

- 72.—(1) The Treasury may request a designated person to provide information about—
- (a) funds or economic resources owned, held or controlled by or on behalf of the designated person, or
 - (b) any disposal of such funds or economic resources.
- (2) The Treasury may request a designated person to provide such information as the Treasury may reasonably require about expenditure—
- (a) by the designated person, or
 - (b) for the benefit of the designated person.
- (3) For the purposes of paragraph (2), expenditure for the benefit of a designated person includes expenditure on the discharge (or partial discharge) of a financial obligation for which the designated person is wholly or partly responsible.
- (4) The power in paragraph (1) or (2) is exercisable only where the Treasury believe that it is necessary for the purpose of monitoring compliance with or detecting evasion of any provision of Part 3 (Finance).
- (5) The Treasury may request a person acting under a Treasury licence to provide information about—
- (a) funds or economic resources dealt with under the licence,
 - (b) funds, economic resources or financial services made available under the licence, or
 - (c) any matter to which a licence relates, where that licence authorises an act that would otherwise be prohibited under regulation [F23, 16 (securities and money market instruments), 17 (loans and credit arrangements), 17A [F24(corresponding banking relationships and processing payments)] [F25, F26] 18 (investments in relation to non-government controlled Ukrainian territory)] [F27, 18A (provision of foreign reserve and asset management services) [F28, 18B] (investments in relation to Russia)] [F29, 18C (trust services)] [F30 or 46Z9B to 46Z9D (maritime transportation of certain oil and oil products)].
- (6) The Treasury may request a person to provide information within paragraph (7) if the Treasury believe that the person may be able to provide the information.
- (7) Information within this paragraph is such information as the Treasury may reasonably require for the purpose of—
- (a) establishing for the purposes of any provision of Chapter 1 of Part 3 (Finance)—
 - (i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by or on behalf of a designated person,
 - (ii) the nature and amount or quantity of any funds, financial services or economic resources made available directly or indirectly to, or for the benefit of, a designated person, or
 - (iii) the nature of any financial transactions entered into by a designated person;
 - (b) monitoring compliance with or detecting evasion of—
 - (i) any provision of Part 3 [F31 or regulations 46Z9B to 46Z9D],
 - (ii) regulation 70 (finance: reporting obligations), or
 - (iii) any condition of a Treasury licence;
 - (c) detecting or obtaining evidence of the commission of an offence under [F32] Part 3, regulations 46Z9B to 46Z9D (maritime transportation of certain oil and oil products), regulation 67 (finance: licensing offences) or 70 (finance: reporting obligations).

(8) The Treasury may specify the way in which, and the period within which, information is to be provided.

(9) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(10) A request may include a continuing obligation to keep the Treasury informed as circumstances change, or on such regular basis as the Treasury may specify.

(11) Information requested under this regulation may relate to any period of time during which a person is, or was, a designated person.

(12) Information requested by virtue of paragraph (1)(b), (2) or (7)(a)(iii) may relate to any period before a person became a designated person (as well as, or instead of, any subsequent period).

(13) Expressions used in this regulation have the same meaning as they have in [F33Chapter 1 of] Part 3.

Textual Amendments

- F23** Words in reg. 72(5)(c) inserted (1.3.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/194\)](#), regs. 1(2), **13(a)**
- F24** Words in reg. 72(5)(c) substituted (15.12.2023) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 4\) Regulations 2023 \(S.I. 2023/1364\)](#), regs. 1(3), **23(1)(2)(e)**
- F25** Words in reg. 72(5)(c) substituted (1.3.2022 at 5.00 p.m.) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 5\) Regulations 2022 \(S.I. 2022/205\)](#), regs. 1(2), **6**
- F26** Words in reg. 72(5)(c) substituted (30.3.2022 at 5.00 p.m.) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 7\) Regulations 2022 \(S.I. 2022/395\)](#), regs. 1(2), **35**
- F27** Words in reg. 72(5)(c) substituted (19.7.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 12\) Regulations 2022 \(S.I. 2022/801\)](#), regs. 1(2), **9**
- F28** Word in reg. 72(5)(c) substituted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **10(2)(a)**
- F29** Words in reg. 72(5)(c) inserted (16.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022 \(S.I. 2022/1331\)](#), regs. 1(2)(b), **18**
- F30** Words in reg. 72(5)(c) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **10(2)(b)**
- F31** Words in reg. 72(7)(b)(i) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **10(3)(a)**
- F32** Words in reg. 72(7)(c) substituted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **10(3)(b)**
- F33** Words in reg. 72(13) inserted (1.3.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/194\)](#), regs. 1(2), **13(b)**

Commencement Information

- I3** Reg. 72 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Finance: production of documents

73.—(1) A request under regulation 72 may include a request to produce specified documents or documents of a specified description.

- (2) Where the Treasury request that documents be produced, the Treasury may—
- take copies of or extracts from any document so produced,
 - request any person producing a document to give an explanation of it, and

- (c) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is—
- (i) in the case of a partnership, a present or past partner or employee of the partnership, or
 - (ii) in any other case, a present or past officer or employee of the body concerned,
- to give such an explanation.
- (3) Where the Treasury request a designated person or a person acting under a Treasury licence to produce documents, that person must—
- (a) take reasonable steps to obtain the documents (if they are not already in the person's possession or control);
 - (b) keep the documents under the person's possession or control (except for the purpose of providing them to the Treasury or as the Treasury may otherwise permit).
- (4) In this regulation “designated person” has the same meaning as it has in Chapter 1 of Part 3 (Finance).

Commencement Information

- I4** Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Finance: information offences

- 74.**—(1) A person commits an offence, if that person—
- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request under regulation 72 (finance: powers to request information);
 - (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
 - (c) with intent to evade any provision of regulation 72 or 73 (finance: production of documents), destroys, mutilates, defaces, conceals or removes any document;
 - (d) otherwise intentionally obstructs the Treasury in the exercise of their powers under regulation 72 or 73.
- (2) Where a person is convicted of an offence under this regulation, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.

Commencement Information

- I5** Reg. 74 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Trade: application of information powers in CEMA

- 75.**—(1) Section 77A of CEMA ^{M6} applies in relation to a person carrying on a relevant activity as it applies in relation to a person concerned in the importation or exportation of goods but as if—
- (a) in subsection (1), the reference to a person concerned in the importation or exportation of goods for which for that purpose an entry is required by regulation 5 of the Customs

Controls on Importation of Goods Regulations 1991^{M7} or an entry or specification is required by or under CEMA were to a person carrying on a relevant activity;

- (b) any other reference to importation or exportation were to a relevant activity;
 - (c) any reference to goods were to the goods, technology, services or funds to which the relevant activity relates.
- (2) For the purposes of paragraph (1), a “relevant activity” means an activity—
- (a) which would, unless done under the authority of a trade licence, constitute a contravention of any prohibition in Chapters 2 to [F346B] of Part 5 (Trade), except any prohibition on imports or exports, or
 - (b) which would constitute a contravention of the prohibition in regulation 55(1) (circumventing etc. prohibitions).

Textual Amendments

F34 Word in reg. 75(2)(a) substituted (21.7.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 14\) Regulations 2022 \(S.I. 2022/850\)](#), regs. 1(2), **23**

Commencement Information

I6 Reg. 75 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M6 Section 77A was inserted by the [Finance Act 1987 \(c.16\)](#), **section 10** and amended by [S.I. 1992/3095](#).

M7 [S.I. 1991/2724](#) as amended by [S.I. 1992/3095](#), [S.I. 1993/3014](#) and [S.I. 2011/1043](#) and is prospectively revoked by [S.I. 2018/1247](#).

General trade licences: records

76.—(1) This regulation applies in relation to a person (“P”) who does any act authorised by a general licence issued under regulation 65 (trade licences) (“the licence”).

(2) P must keep a register or record containing such details as may be necessary to allow the following information [F35, where appropriate,] to be identified in relation to each act done under the authority of the licence—

- (a) a description of the act;
- (b) a description of any goods, technology, services or funds to which the act relates;
- (c) the date of the act or the dates between which the act took place;
- (d) the quantity of any goods or funds to which the act relates;
- (e) P's name and address;
- (f) the name and address of any consignee of goods to which the act relates or any recipient of technology, services or funds to which the act relates;
- (g) in so far as it is known to P, the name and address of the end-user of the goods, technology, services or funds to which the act relates;
- (h) if different from P, the name and address of the supplier of any goods to which the act relates;
- (i) any further information required by the licence.

(3) The register or record relating to an act must be kept until the end of the calendar year in which the register or record is created and for a further period of 4 years from the end of that calendar year.

(4) P must notify the Secretary of State in writing of P's name and the address at which the register or record may be inspected, and must make a further such notification if those details change.

(5) A notification under paragraph (4) must be given no later than 30 days after—

- (a) P first does any act authorised by the licence, or
- (b) there is any change to the details previously notified.

(6) A person who fails to comply with a requirement in paragraph (2), (3) or (4) commits an offence.

Textual Amendments

F35 Words in reg. 76(2) inserted (18.7.2022 at 5.00 p.m.) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 13\) Regulations 2022 \(S.I. 2022/814\)](#), regs. 1(2), 7

Commencement Information

I7 Reg. 76 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

General trade licences: inspection of records

77.—(1) A person authorised by the Secretary of State or the Commissioners (an “official”) may at any reasonable hour enter premises notified under regulation 76(4) for the purposes of monitoring compliance with or detecting evasion of regulation 76(2) or (3).

(2) An official may require any person on the premises to produce any register or record required to be kept under regulation 76, or any document included in such a register or record, that is in the person's possession or control.

(3) An official may inspect and copy any such register, record or document.

(4) An official must, if requested to do so, produce documentary evidence that he or she is authorised to exercise a power conferred by this regulation.

(5) A person commits an offence if, without reasonable excuse, the person—

- (a) intentionally obstructs an official in the performance of any of the official's functions under this regulation, or
- (b) fails to produce a register, record or document when reasonably required to do so by an official under this regulation.

Commencement Information

I8 Reg. 77 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

[^{F36}Internet services: power to request information and produce documents

77A.—(1) OFCOM may request a person to provide information within paragraph (2) if OFCOM believe that the person may be able to provide the information.

(2) Information within this paragraph is such information as OFCOM may reasonably require for the purpose of monitoring compliance with or detecting evasion of regulation 54A (preventing provision of certain internet services to or for the benefit of designated persons).

(3) OFCOM may specify the way in which, and the period within which, information is to be provided.

(4) If no such period is specified, the information which has been requested must be provided within a reasonable time.

(5) A request may include a continuing obligation to keep OFCOM informed as circumstances change, or on such regular basis as OFCOM may specify.

(6) A request may include a request to produce specified documents or documents of a specified description.

(7) Where OFCOM request that documents be produced, OFCOM may—

- (a) take copies of or extracts from any document so produced,
- (b) request any person producing a document to give an explanation of it, and
- (c) where that person is a body corporate, partnership or unincorporated body other than a partnership, request any person who is—
 - (i) in the case of a partnership, a present or past partner or employee of the partnership, or
 - (ii) in any other case, a past or present officer or employee of the body concerned, to give such an explanation.

Textual Amendments

F36 Regs. 77A, 77B inserted (29.4.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/477\)](#), regs. 1(2), 7

Internet services: information offences

77B.—(1) A person commits an offence, if that person—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request under regulation 77A;
- (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
- (c) with intent to evade any provision of regulation 77A, destroys, mutilates, defaces, conceals or removes any document;
- (d) otherwise intentionally obstructs OFCOM in the exercise of their powers under regulation 77A.

(2) Where a person is convicted of an offence under this regulation, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.]

Textual Amendments

F36 Regs. 77A, 77B inserted (29.4.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/477\)](#), regs. 1(2), 7

Disclosure of information

78.—(1) The Secretary of State, the Treasury [^{F37}, OFCOM] or the Commissioners may, in accordance with this regulation, disclose—

- (a) any information obtained under or by virtue of Part 7 (Exceptions and licences), this Part or Part 10 (Maritime enforcement), or
- (b) any information held in connection with—
 - (i) anything done under or by virtue of Part 2 (Designation of persons), Part 3 (Finance), Part 5 (Trade), Part 6 (Ships) [^{F38} or Part 6A (Aircraft)], or
 - (ii) any exception or licence under Part 7 or anything done in accordance with such an exception or under the authority of such a licence.

(2) Information referred to in paragraph (1) may be disclosed for, or in connection with, any of the following purposes—

- (a) any purpose stated in regulation 4;
- (b) the exercise of functions under these Regulations;
- (c) facilitating, monitoring or ensuring compliance with these Regulations;
- (d) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in the United Kingdom—
 - (i) for an offence under any provision of these Regulations,
 - (ii) for an offence under CEMA in connection with any prohibition in Part 5 on imports or exports, ^{F39}...
 - (iii) in relation to a monetary penalty under section 146 of the Policing and Crime Act 2017 (breach of financial sanctions legislation) [^{F40},]
- [^{F41}(iv) in relation to a monetary penalty under regulation 88A (OFCEM: power to impose monetary penalties) [^{F42}, or]]
- [^{F43}(v) in relation to a monetary penalty under regulation 88C(1) or (3) (Treasury: power to impose monetary penalties)]
- (e) taking any action with a view to instituting, or otherwise for the purposes of, any proceedings in any of the Channel Islands, the Isle of Man, or any British overseas territory, for an offence—
 - (i) under a provision in any such jurisdiction that is similar to a provision of these Regulations, or
 - (ii) in connection with a prohibition in any such jurisdiction that is similar to a prohibition referred to in sub-paragraph (d)(ii);
- (f) compliance with an international obligation ^{M8};
- (g) facilitating the exercise by an authority outside the United Kingdom or by an international organisation of functions which correspond to functions under these Regulations.

(3) Information referred to in paragraph (1) may be disclosed 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 Crown in right of the Government of the United Kingdom,
 - (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,
 - (iii) the States of Jersey, Guernsey or Alderney or the Chief Pleas of Sark,

- (iv) the Government of the Isle of Man, or
 - (v) the Government of any British overseas territory;
 - (c) any law officer of the Crown for Jersey, Guernsey or the Isle of Man;
 - (d) the Scottish Legal Aid Board;
 - (e) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England, the Jersey Financial Services Commission, the Guernsey Financial Services Commission or the Isle of Man Financial Services Authority;
 - (f) any other regulatory body (whether or not in the United Kingdom);
 - (g) any organ of the United Nations;
 - (h) the Council of the European Union, the European Commission or the European External Action Service;
 - (i) the Government of any country;
 - (j) any other person where the Secretary of State, the Treasury or the Commissioners (as the case may be) consider that it is appropriate to disclose the information.
- (4) Information referred to in paragraph (1) may be disclosed to any person with the consent of a person who, in their own right, is entitled to the information.
- (5) In paragraph (4) “in their own right” means not merely in the capacity as a servant or agent of another person.
- (6) In paragraph (1)(b)—
- (a) the reference to information includes information obtained at a time when any provision of these Regulations is not in force, and
 - (b) the reference to a licence under Part 7 includes—
 - (i) a licence or authorisation which has effect or is treated as if it were a licence which had been issued under that Part, and
 - (ii) a licence which is deemed to have been issued under that Part.

Textual Amendments

- F37** Word in reg. 78(1) inserted (29.4.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/477\)](#), regs. 1(2), **8(a)**
- F38** Words in reg. 78(1)(b)(i) inserted (18.7.2022 at 5.00 p.m.) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 13\) Regulations 2022 \(S.I. 2022/814\)](#), regs. 1(2), **8**
- F39** Word in reg. 78(2)(d)(ii) omitted (29.4.2022) by virtue of [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/477\)](#), regs. 1(2), **8(b)(i)**
- F40** Comma in reg. 78(2)(d)(iii) substituted (5.12.2022) for word and semi-colon by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **11(a)**
- F41** Reg. 78(2)(d)(iv) inserted (29.4.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/477\)](#), regs. 1(2), **8(b)(iii)**
- F42** Word in reg. 78(2)(d)(iv) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **11(b)**
- F43** Reg. 78(2)(d)(v) inserted (5.12.2022) by [The Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022 \(S.I. 2022/1122\)](#), regs. 1(2), **11(c)**

Commencement Information

- I9** Reg. 78 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M8** Section 1(8) of the Act defines an “international obligation” as an obligation of the United Kingdom created or arising by or under any international agreement.

[^{F44}Finance: disclosure to the Treasury

78A.—(1) A relevant public authority may disclose information to the Treasury if the disclosure is made for the purpose of enabling or assisting the Treasury to discharge any of its functions in connection with sanctions.

(2) In this regulation—

“relevant public authority” means—

- (a) any person holding or acting in any office under or in the service of—
 - (i) the Crown in right of the Government of the United Kingdom,
 - (ii) the Crown in right of the Scottish Government, the Northern Ireland Executive or the Welsh Government,
- (b) any local authority,
- (c) any police officer,
- (d) the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England or any other regulatory body in the United Kingdom, or
- (e) any other person exercising functions of a public nature;

“local authority” means—

- (a) in relation to England—
 - (i) a county council,
 - (ii) a district council,
 - (iii) a London Borough council,
 - (iv) the Common Council of the City of London in its capacity as a local authority,
 - (v) the Council of the Isles of Scilly, or
 - (vi) an eligible parish council within the meaning of section 1(2) of the Local Government Act 2000,
- (b) in relation to Wales, a county council, a county borough council or a community council,
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or
- (d) in relation to Northern Ireland, a district council.]

Textual Amendments

- F44** Reg. 78A inserted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **9(3)**

Part [^{F45}8]: supplementary

79.—(1) A disclosure of information under regulation 78 [^{F46}or 78A] does not breach any restriction on such disclosure imposed by statute or otherwise.

(2) But nothing in [^{F47}those regulations] authorises a disclosure that—

- (a) contravenes the data protection legislation, or
- (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ^{M9}.
- (3) Nothing in this Part is to be read as requiring a person who has acted or is acting as counsel or solicitor for any person to disclose any privileged information in their possession in that capacity.
- (4) [^{F48}Regulations 78 and 78A do] not limit the circumstances in which information may be disclosed apart from [^{F49}those regulations].
- (5) Nothing in this Part limits any conditions which may be contained in a Treasury licence or a trade licence.
- (6) In this regulation—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act) ^{M10};
- “privileged information” means information with respect to which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings.

Textual Amendments

- F45** Word in reg. 79 heading substituted (31.12.2020 immediately after IP completion day) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020 \(S.I. 2020/590\)](#), regs. 1(2), **10(8)**; S.I. 2020/1514, reg. 4
- F46** Words in reg. 79(1) inserted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **9(4)(a)**
- F47** Words in reg. 79(2) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **9(4)(b)**
- F48** Words in reg. 79(4) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **9(4)(c)(i)**
- F49** Words in reg. 79(4) substituted (9.8.2022) by [The Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2022 \(S.I. 2022/818\)](#), regs. 1(2), **9(4)(c)(ii)**

Commencement Information

- I10** Reg. 79 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M9** [2016 c.25](#). Parts 2 and 5 have been amended by the [Policing and Crime Act 2017 \(c.3\)](#), [Schedule 9\(3\)](#), [para 74](#) and Part 7 has been amended by the [Data Protection Act 2018 \(c. 12\)](#), [Schedule 19\(1\)](#), [para 202](#). Chapter 1 of Part 9 has been amended by regulation 6 of the [Investigatory Powers Act 2016 \(Commencement No. 3 and Transitory, Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/859\)](#).
- M10** [2018 c.12](#). There are amendments to this Act that are not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Russia (Sanctions) (EU Exit) Regulations 2019, PART 8.