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L.N. 77 of 2011

NATIONAL INTEREST (ENABLING POWERS) ACT (CAP. 365)

United Nations Sanctions (Libyan Arab Jamahiriya) (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

1. The title of these regulations is the United Nations Sanctions (Libyan Arab Jamahiriya) (Amendment) Regulations, 2011 and these regulations shall be read and construed as one with the United Nations Sanctions (Libyan Arab Jamahiriya) Regulations, 2011 hereinafter referred to as "the principal regulations"". Citation. L.N. 65 of 2011

2. Regulation 2 of the principal regulations shall be amended as follows: Amends regulation 2 of the principal regulations.

(a) immediately after the definition "the Security Council" there shall be inserted the following definition:

" "Monitoring Board" means the Board established under regulation 2 of the Sanctions (Monitoring Board) Regulations;"; and S.L. 365.08

(b) for the definition "weapons" there shall be substituted the following:

" "weapons" means arms proper as defined in article 64(1) of the Criminal Code and includes every component part thereof and any accessory thereto.". Cap. 9.

3. In sub-regulation (1) of regulation 4 of the principal regulations, for the words "It shall be unlawful" there shall be substituted the words "It shall be an offence". Amends regulation 4 of the principal regulations.

4. In regulation 5 of the principal regulations, for the words "It shall be unlawful" there shall be substituted the words "It shall be an offence". Amends regulation 5 of the principal regulations.

5. Regulation 8 of the principal regulations shall be amended as follows: Amends regulation 8 of the principal regulations.

(a) in sub-regulation (1) thereof, immediately after the

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words "and economic resources" there shall be added the words ", including interests or other earnings due on those accounts or payments due under contracts, agreements or obligations,"; and

(b) in sub-regulation (2) thereof, for the words "It shall be unlawful" there shall be substituted the words "It shall be an offence".

Renumbers regulation 9 of the principal regulations.

6. Regulation 9 of the principal regulations shall be renumbered as regulation 11 thereof.

Adds new regulations to the principal regulations.

7. Immediately after regulation 8 of the principal regulations there shall be added the following new regulation:

"Notification about freezing of assets.

9. (1) Where any provision of any regulation made under the Act, requires any person or any other entity to carry out the identification of funds or assets belonging to or in the possession of persons or entities as may be identified or identifiable under these regulations, or the freezing or blocking of such funds or assets, such person or entity shall without delay notify in writing any relevant information it may have regarding persons, entities, assets or funds affected by these regulations to the Monitoring Board, or to such other public authority as may be prescribed by any other law.

(2) The disclosure of any information within the terms and requirements of this regulation shall not constitute a breach of the Professional Secrecy Act, where applicable, or of any other confidentiality obligation arising from a contract or any other law.

Cap. 377.

(3) Whosoever fails to abide by the provisions of sub-regulation (1) shall be guilty of an offence.

Licences.

10. (1) The provisions of regulation 8 shall not apply to anything done under the authority of a licence issued in writing by the Minister of Finance.

(2) A licence issued in terms of sub-regulation (1) shall specify the acts authorised by it and may be -

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(a) general or granted to a category of persons or to a particular person;

(b) subject to terms and conditions;

(c) granted for an indefinite period or for a specified period.

(3) A licence issued in terms of sub-regulation (1) shall be subject to being varied or revoked by the Minister of Finance at his sole discretion and at any time.

(4) When a licence under sub-regulation (1) is issued, varied or revoked, the Minister of Finance shall:

(a) in the case of a licence issued to a particular person, give notice in writing of the issue, variation or revocation to that person;

(b) in the case of a general licence or a licence granted to a category of persons, take such steps as he may consider appropriate to publicise the issue, variation or revocation of the licence.

(5) Any person who, for the purpose of obtaining a licence under sub-regulation (1), knowingly or recklessly -

(a) provides information that is false in a material respect, or

(b) provides or produces a document that is not what it purports to be,

shall be guilty of an offence.

(6) Any person who purports to act under the authority of a licence issued under sub-regulation (1) but who fails to comply with any terms and conditions included in the licence shall be guilty of an offence.".

Amends regulation 11 as renumbered of the principal regulations.

8. In regulation 11, as renumbered, of the principal regulations, for the words from "be liable to" to the words "(€116,469)" there shall be substituted the words "be liable to imprisonment for a term from twelve months to five years or to a fine

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(*multa*) not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro (€116,468), or to both such imprisonment and fine".

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