
STATUTORY INSTRUMENTS

2006 No. 2952

The Al-Qaida and Taliban (United Nations Measures) Order 2006

PART 2

Designated persons and directions

Designated persons

3.—(1) For the purposes of this Order—

- (a) Usama bin Laden,
- (b) any person designated by the Sanctions Committee, and
- (c) any person identified in a direction,

is a designated person.

(2) In this Part “direction” (other than in articles 4(2)(d) and 5(3)(c)) means a direction given by the Treasury under article 4(1).

Treasury’s power to designate persons

4.—(1) Where any condition in paragraph (2) is satisfied, the Treasury may give a direction that a person identified in the direction is designated for the purposes of this Order.

(2) The conditions are that the Treasury have reasonable grounds for suspecting that the person is or may be—

- (a) Usama bin Laden;
- (b) a person designated by the Sanctions Committee;
- (c) a person owned or controlled, directly or indirectly, by a designated person; or
- (d) a person acting on behalf of or at the direction of a designated person.

(3) The Treasury may specify in the direction that the prohibition in article 8(1) does not apply in respect of the person identified in the direction.

(4) The Treasury may vary or revoke a direction at any time.

Directions: further provisions

5.—(1) Where the Treasury give a direction they must—

- (a) take such steps as they consider appropriate—
 - (i) to publicise generally the direction, or
 - (ii) to inform only certain persons of the direction;
- (b) give written notice to the person identified in the direction; and

- (c) if they vary or revoke the direction, take steps to bring the variation or revocation to the attention of the persons informed or notified under sub-paragraph (a) or (b).
- (2) Where the Treasury inform only certain persons of the direction, only those persons and the person identified in the direction are subject to the prohibitions referred to in paragraph (3).
- (3) The prohibitions mentioned in paragraph (2) are those in articles 7(1) and, as the case may be, 8(1) insofar as they relate to—
 - (a) the person identified in the direction,
 - (b) any person owned or controlled, directly or indirectly, by him, or
 - (c) any person acting on his behalf or at his direction.
- (4) The High Court or, in Scotland, the Court of Session may set aside a direction on the application of—
 - (a) the person identified in the direction, or
 - (b) any other person affected by the direction.
- (5) A person who makes an application under paragraph 4 must give a copy of the application and any witness statement or affidavit in support to the Treasury not later than seven days before the date fixed for the hearing of the application.

Confidential information

- 6.—(1) Where the Treasury propose (in accordance with article 5(1)(a)(ii)) to inform only certain persons of a direction, they may specify in the direction that information contained in it is to be treated as confidential.
- (2) A person who obtains information which is to be treated as confidential in accordance with paragraph (1), or to whom such information is provided, must not disclose it except with lawful authority.
- (3) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies—
 - (a) the disclosure is by the Treasury;
 - (b) the disclosure is with the consent of the person who is the subject of the information;
 - (c) the disclosure is to (and is necessary to) give effect to a requirement under this Order;
 - (d) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.
- (4) This article does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.
- (5) A person who contravenes the prohibition in paragraph (2) is guilty of an offence.
- (6) In proceedings for an offence under this article, it is a defence for a person to show that he did not know and had no reasonable cause to suspect that he was disclosing confidential information.
- (7) The High Court or, in Scotland, the Court of Session may grant an injunction to prevent a breach of paragraph (2) in relation to any information upon the application of—
 - (a) the person who is the subject of the information, or
 - (b) the Treasury.