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STATUTORY INSTRUMENTS

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**2012 No. 1755**

**The Syria (Restrictive Measures)  
(Overseas Territories) Order 2012**

*Freezing funds and making funds available*

**Freezing funds and economic resources**

**25.**—(1) A person to whom this Order applies (“P”), including the designated person, commits an offence if P deals with funds or economic resources belonging to, or owned, held or controlled by, a designated person if P knows, or has reasonable cause to suspect, that P is dealing with such funds or economic resources.

(2) In this article, “deals with” means—

(a) in relation to funds—

(i) use, alter, move, allow access to or transfer;

(ii) deal with the funds in any other way that would result in a change in volume, amount, location, ownership, possession, character or destination; or

(iii) make any other change that would enable use, including portfolio management; and

(b) in relation to economic resources, use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the resources.

(3) Paragraph (1) is subject to articles 30 and 33.

**Making funds available to a designated person**

**26.**—(1) A person to whom this Order applies (“P”) commits an offence if P makes funds available, directly or indirectly, to a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

(2) Paragraph (1) is subject to articles 31 and 33.

**Making funds available for the benefit of a designated person**

**27.**—(1) A person to whom this Order applies (“P”) commits an offence if P makes funds available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the funds so available.

(2) For the purposes of paragraph (1)—

(a) funds are made available for the benefit of a designated person only if that person obtains, or is able to obtain, a significant financial benefit from the funds, and

(b) “financial benefit” includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.

(3) Paragraph (1) is subject to articles 31 and 33.

### **Making economic resources available to a designated person**

**28.**—(1) A person to whom this Order applies (“P”) commits an offence if P makes economic resources available, directly or indirectly, to a designated person if P knows, or has reasonable cause to suspect—

- (a) that P is making the economic resources so available, and
- (b) that the designated person would be likely to exchange the economic resources, or use them in exchange, for funds, goods or services.

(2) Paragraph (1) is subject to article 33.

### **Making economic resources available for the benefit of a designated person**

**29.**—(1) A person to whom this Order applies (“P”) commits an offence if P makes economic resources available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the economic resources so available.

(2) For the purposes of paragraph (1)—

- (a) economic resources are made available for the benefit of a designated person only if that person obtains, or is able to obtain, a significant financial benefit from the economic resources, and
- (b) “financial benefit” includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.

(3) Paragraph (1) is subject to article 33.

### **Trade contract payments**

**30.**—(1) Article 25 is not contravened by a person who deals with funds or economic resources belonging to, or owned, held or controlled by, an entity (“A”) listed in Annex IIa to the Council Regulation provided that—

- (a) A received the funds or economic resources after the date on which A was so listed,
- (b) A used the funds or economic resources to make a payment during the period of two months from the date on which A was listed,
- (c) the payment was due under a trade contract, and
- (d) the Governor has determined that the payment will not be received (directly or indirectly) by a designated person.

(2) In paragraph (1) “deals with” has the same meaning as in article 25(1).

### **Credits to a frozen account**

**31.**—(1) Articles 26 and 27 are not contravened by a person who credits a frozen account with—

- (a) interest or other earnings due on the account, or
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the account became a frozen account.

(2) Articles 26 and 27 do not prevent a relevant institution from crediting a frozen account where it receives funds transferred to the account.

### **Circumvention of prohibitions in articles 25 to 29**

**32.** A person (“P”) commits an offence if P intentionally participates in activities knowing that the object or effect of them is (directly or indirectly)—

- (a) to circumvent any of the prohibitions in articles 25 to 29, or
- (b) to enable or facilitate the contravention of any such prohibition.

### **Licences granted under articles 25 to 29**

**33.**—(1) The prohibitions in articles 25 to 29 do not apply to anything done under the authority of a licence granted by the Governor.

- (2) A licence granted under articles 25 to 29 may relate to—
  - (a) payment of basic expenses of designated persons and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines, medical treatment, taxes, insurance premiums and public utility charges;
  - (b) payment of reasonable professional fees and expenses associated with the provision of legal services;
  - (c) payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
  - (d) payment of necessary extraordinary expenses as determined by the Governor, provided that the other Member States and the Commission of the European Union have been notified of the grounds for the Governor’s determination at least two weeks before the Governor’s authorisation of the payment;
  - (e) satisfaction of a judicial, administrative or arbitral lien or judgment entered into prior to the date on which this Order comes into force and not for the benefit of a designated person;
  - (f) the making available of funds or economic resources held by the Central Bank of Syria, or the making available of funds or economic resources to the Central Bank of Syria, determined by the Governor to be necessary for or in connection with—
    - (i) providing financial institutions with liquidity for the financing of trade, or
    - (ii) a specific trade contract, the execution of which may involve the Central Bank of Syria, provided that the payment will not contribute to an activity prohibited under this Order; or
  - (g) payment by a designated person of sums due under a contract or agreement entered into prior to the date on which the person was designated, or under an obligation that arose for the designated person prior to that date, provided that the payment is not directly or indirectly received by a designated person.

### **Licences: general**

**34.**—(1) Any licence granted by the Governor under this Order must specify the acts authorised by it and may be—

- (a) general or granted to a category of persons or to a particular person;
  - (b) subject to conditions; and
  - (c) of indefinite duration or subject to an expiry date.
- (2) The Governor may vary or revoke a licence at any time.
- (3) On the grant, variation or revocation of a licence, the Governor must—
- (a) in the case of a licence granted to a particular person, give written notice of the grant, variation or revocation to that person, and
  - (b) in the case of a general licence or a licence granted to a category of persons, take such steps as the Governor considers appropriate to publicise the grant, variation or revocation of the licence.

(4) A person who, for the purpose of obtaining a licence, knowingly or recklessly makes any statement or gives any document or information which is false in a material particular commits an offence.

(5) A licence granted in connection with the application for which the false statement was made or the false document or information given is void from the time it was granted.

(6) A person (“P”) commits an offence if, having acted under the authority of a licence, P fails to comply with any conditions in the licence.

(7) P is not guilty of an offence under paragraph (6) if—

- (a) the licence was modified after the completion of the act authorised by the licence, and
- (b) the alleged failure to comply with a condition in the licence would not have been a failure if the licence had not been so modified.

### **Notices**

**35.**—(1) This article has effect in relation to any notice to be given to a person by the Governor under article 34(3)(a).

(2) The notice may be given—

- (a) by posting it to the person’s last known address, or
- (b) where the person is a body corporate, partnership or unincorporated body other than a partnership, by posting it to the registered or principal office in the Territory of the body or partnership.

(3) Where the Governor does not have an address in the Territory for the person, the Governor must make arrangements for the notice to be given to the person at the first available opportunity.