

# Counter Terrorism (International) Sanctions Guidance

MAY 2024



**Isle of Man**  
Government

*Reilhtys Ellan Vannin*

## Contents

1. Prohibitions and requirements imposed by the Regulations .....	3
1.1 Designation of persons .....	3
1.2 Financial Sanctions .....	4
1.3 Trade Sanctions .....	4
1.4 Immigration Sanctions.....	7
2. Information and Record Keeping .....	7
3. How will these sanctions be enforced? .....	7
3.1 Financial Sanctions .....	7
3.2 Trade Sanctions .....	8
4. Are there circumstances when I can get an authorisation or licence for a sanctioned activity? ....	9
4.1 Exceptions .....	9
4.2 Licensing for financial sanctions .....	9
4.3 Trade Sanctions .....	10
4.4 Directions in respect of immigration sanctions.....	10
5. Further Information .....	11
5.1 Contact details for enquiries.....	11
5.2 Privacy Notice .....	11
Annex A .....	12
Annex B .....	14

## 1. Prohibitions and requirements imposed by the Regulations

This guidance is provided in relation to the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (the "Regulations"). These Regulations have effect in the Island by the Sanctions (Implementation of UK Sanctions) Regulations 2024, made under the Sanctions Act 2024.

These Regulations impose financial, trade and immigration sanctions for the purpose of furthering the prevention of terrorism in the Isle of Man (IOM) or elsewhere and protecting national security interests and will ensure that the IOM implements the relevant UN obligations (namely United Nations Security Council Resolution 1373 (2001)).

In order to achieve the stated purposes, the Regulations impose a number of prohibitions and requirements. In order to enforce these, the Regulations establish penalties and offences. These are set out in detail in the Annexes.

The sanctions imposed by these Regulations apply within the territory of the Isle of Man (IOM) and in relation to the conducts of all Island persons wherever they are in the world. Island person includes –

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British overseas citizen who is resident in the Isle of Man;
- (b) a person who under the British Nationality Act 1981 (of Parliament)<sup>1</sup> is a British subject who is resident in the Isle of Man;
- (c) a British protected person within the meaning of that Act who is resident in the Isle of Man; or
- (d) a body incorporated under the law of the Isle of Man.

It is prohibited to intentionally participate in any activities if you know that the object or effect of them is to directly or indirectly circumvent the prohibitions imposed by these Regulations or to enable or facilitate the contravention of those prohibitions.

If you are unclear about any aspects of the Regulations, in particular about whether action you are considering taking could contravene these Regulations, you are advised to seek independent legal advice.

Prohibitions and requirements for the financial, trade and immigration sanctions contained in these Regulations are set out below.

### 1.1 Designation of persons

Where the UK Secretary of State has designated a person, that designation also has effect in the Isle of Man from the same time, and any variation or revocation of the designation will also have effect in the Island. The criteria for designation are if persons are or have been involved in terrorist activity.

The [UK Sanctions List](#) lists the people designated under the Regulations, and details of the sanctions in respect of which they have been designated.

---

<sup>1</sup> 1981 Chapter 61.

## 1.2 Financial Sanctions

### Asset Freeze

The Regulations impose financial sanctions through a targeted asset freeze on designated persons and prohibitions on making funds or economic resources available. This involves the freezing of funds and economic resources (non-monetary assets, such as property or vehicles) of designated persons and ensuring that funds and economic resources are not made available to or for the benefit of designated persons or entities, either directly or indirectly.

## 1.3 Trade Sanctions

The Regulations impose trade sanctions in relation to designated persons. The trade sanctions include prohibitions relating to –

- military goods and technology (as specified in Schedule 2 to the Export Control Order 2008)
- the provision of technical assistance, brokering services, financial services and funds relating to military goods and military technology

There are circumstances (set out in the relevant lists of controlled items) in which certain items are not controlled, for example when body armour or a helmet is accompanying a person for that person's own protection. Please check the relevant lists as applicable.

Further detail on these trade prohibitions, including key terminology used, is explained below. Please have regard to the relevant legislation which contains full definitions of terms used here.

### Export of goods

The concept of "export" is set out in customs legislation, but is further detailed in the Regulations, which clarifies that "export" means export from the Isle of Man, but does not capture where goods are removed to the United Kingdom from the Isle of Man.

The export prohibition in the Regulations covers export to a designated person as well as exports for the benefit of a designated person. This means that, even if the immediate consignee is not a designated person, the prohibition may still apply. Exporters should check the ultimate end use of goods and contact the [Export Control Joint Unit \(ECJU\)](#) if you know or think the items may be used for the benefit of a designated person.

For general guidance on export controls and trade sanctions, visit the [Export Control Joint Unit](#) website (the Isle of Man imposes the same export and trade controls as the UK).

### Supply and delivery of goods

Supply and delivery prohibitions in the Regulations prohibit a person from directly or indirectly supplying or delivering goods from a third country to, or for the benefit of, a designated person. Regulation 20(4) specifies that for the purposes of this regulation a third country is a country that is not the UK or the Isle of Man.

## **Making goods and technology available**

Prohibitions in the Regulations on making goods or technology available (e.g. through a sale) include directly or indirectly making them available to, or for the benefit of, a designated person.

## **Transfer of technology**

Prohibitions in the Regulations on the transfer of technology include transfer to, or for the benefit of, a designated person.

The term 'transfer' means a transfer by any means (or combination of means), including oral communication and that transfer of goods on which the technology is recorded or from which it can be derived, other than the export of such goods.

Where military technology is contained within a good, it would be classified as a military good under the accompanying goods-related provisions. This includes information contained on USB memory devices, laptops, tablets and the like.

## **Technical assistance**

The term technical assistance in relation to goods or technology is defined in regulation 18, which states that it means:

- technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
- any other technical service relating to the goods or technology

Prohibitions apply where the technical assistance relates to certain specified (military) goods or technology.

The prohibitions apply to the direct or indirect provision of such technical assistance to, or for the benefit of, a designated person.

This means that, even if the person to whom you are providing the relevant technical assistance is not a designated person, the prohibition may still apply if the technical assistance is for the benefit of a designated person. Therefore, if you are providing technical assistance you should check the ultimate end use of the military goods or military technology to which the technical assistance relates and contact [ECJU](#) if you know or think the goods or technology may be used by or for the benefit of a designated person.

## **Financial services and funds related to goods and technology**

'Financial services' refer to any services of a financial nature in many different forms including insurance and banking. Financial services include payment and money transmission services. The full definition of 'financial services' can be found in [Section 61 of SAMLA](#).

'Funds' means financial assets and benefits of every kind, including cash, securities and interest. The full definition of 'funds' can be found in [Section 60 of SAMLA](#).

Trade sanctions prohibitions on the provision of financial services and funds apply where they relate to certain specified goods or technology.

The prohibitions in the Regulations apply to the direct or indirect provision of financial services, and the direct or indirect making available of funds to, or for the benefit of, a designated person in pursuance of or in connection with an arrangement set out in the Regulations. This captures arrangements where the object or effect falls into one of the prohibitions, for example the export of goods or direct or indirect supply or delivery of goods.

These prohibitions also prohibit the direct or indirect provision of financial services or funds in pursuance of or connection with specific arrangements as set out in regulation 24(3).

### **Brokering services**

The definition of 'brokering services' is set out in regulation 18, which states that it means any service to secure, or otherwise in relation to, an arrangement, including (but not limited to) –

- the selection or introduction of persons as parties or potential parties to the arrangement
- the negotiation of the arrangement
- the facilitation of anything that enables the arrangement to be entered into, and
- the provision of any assistance that in any way promotes or facilitates the arrangement

The Regulations prohibit the direct or indirect provision of brokering services where they relate to specific arrangements. Those arrangements are set out in regulation 25.

### **Other service provisions**

Certain other services are prohibited in the Regulations. These include the direct or indirect provision of services where such provision enables or facilitates the conduct of armed hostilities.

As set out in regulation 26, the direct or indirect provision of the following services to, or for the benefit of, a designated person is prohibited where such provision enables or facilitates the conduct of armed hostilities –

- a) technical assistance
- b) financial services or funds, or
- c) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country any of the services mentioned in paragraphs (a) or (b)

For general guidance on export controls and trade sanctions, visit the [Export Control Joint Unit](#) website (the Isle of Man imposes the same export and trade controls as the UK).

## **1.4 Immigration Sanctions**

The effect of these Regulations is to impose a travel ban on persons who are designated by the UK Secretary of State. Such persons are excluded persons for the purposes of section 8B of the Immigration Act 1971 (as that Act has effect in the Isle of Man).

This means that those individuals will be refused leave to enter or remain in the UK/IOM. Any applications they make for a visa to travel to the UK/IOM, including for transit purposes, will be refused. A foreign national who is subject to a travel ban under these Regulations, and is currently in the UK/IOM, will have their permission to stay in the UK/IOM cancelled and steps will be taken to remove them.

If you are the subject of an immigration sanction and try to travel to the UK/IOM, carriers are required to deny you boarding.

## **2. Information and Record Keeping**

Part 7 of the Regulations places obligations on relevant firms to report information to the Treasury about known or suspected designated persons or about persons who may have committed an offence under specified provisions of these Regulations.

Reports must be made to the Financial Intelligence Unit (FIU), via THEMIS.

It also grants powers to the Treasury to request information from, amongst others, a designated person, including powers to request the production of documents. It also establishes offences for failing to comply with these requests (including providing false information in respect of Treasury licences).

If you have obligations or responsibilities under Part 7 of these Regulations, it is important that you familiarise yourself with them. If you are unclear of your obligations or responsibilities, you are advised to seek independent legal advice.

## **3. How will these sanctions measures be enforced?**

The Regulations make it a criminal offence to contravene the financial sanctions, as well as to enable or facilitate a contravention of, or to circumvent, any of the prohibitions in these Regulations. They also prescribe the mode of trial and penalties that apply to such offences. In some cases, offences related to contraventions of prohibitions in the Regulations are contained within other legislation, such as the Customs and Excise Management Act 1986 (CEMA).

In addition to the below, further details on offences and penalties can be found in the Annexes.

### **3.1 Financial Sanctions**

Breaches of financial sanctions are a serious criminal offence. Any breach of the main financial prohibitions in the Regulations is an offence that is triable either way and carries a maximum sentence of 7 years' custody or a fine (or both).

Committing an offence under regulations 34(6) or 38 (information offences in connection with financial sanctions under the Regulations) is summary only and carries a maximum sentence of 6 months' custody or a fine or both.

The Treasury is responsible for monitoring compliance with financial sanctions and investigating suspected breaches.

The Treasury works with other parts of government, supervisory bodies and regulators to consider all cases reported to it, sharing relevant information accordingly.

If you find out that a person or organisation you are dealing with is subject to the financial sanctions detailed in the Regulations –

1. you must freeze the assets **immediately** upon identification
2. you must review the information you hold for that person against the UK Sanctions List to ensure you do not have a false positive identification
3. do not deal with those assets or make them available to, or for the benefit of the designated person unless –
  - o you have a legal exemption
  - o you have a licence
4. you must report the frozen assets to the Financial Intelligence Unit (“FIU”).

### **3.2 Trade Sanctions**

Any breach of the prohibitions relating to the trade sanctions contained in these Regulations is triable either way and carries a maximum sentence of 10 years’ custody or a fine (or both).

The Treasury is responsible for enforcing the trade prohibitions and investigating suspected offences.

If you discover that you have breached any of the trade prohibitions, you should report the irregularity to the FIU as soon as possible.

You should provide –

- details of the export or transaction, including dates
- any relevant documents, such as export documentation and commercial invoices
- details of how the breach was discovered, why it occurred and what steps you have put in place to ensure it does not happen again.



#### **4. Are there circumstances when I can get an authorisation or licence for a sanctioned activity?**

Licensing and exception provisions are contained in Part 6 of the Regulations.

##### **4.1 Exceptions**

The Regulations set out the exceptions to some of the sanctions prohibitions which apply within certain defined circumstances. An exception applies automatically, and does not require you to obtain a licence.

The Regulations establish exceptions relating to financial sanctions including for the crediting of a frozen account, providing that any such interest or other earnings are frozen in accordance with the relevant legislation underpinning the asset freeze. An exception also exists for when funds are transferred to a relevant institution for crediting to an account held or controlled by a designated person in discharge (or partial discharge) of an obligation which arose before the recipient became a designated person.

Regulation 29A establishes an exception to regulations 11 to 15 which provides that prohibitions are not contravened if conduct is authorised by a licence which is issued under the law of the United Kingdom, the Channel Islands or any British Overseas Territory for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

The Regulations also include an exception in relation to any prohibition or requirement imposed by these Regulations for acts done for the purposes of national security or prevention or detection of serious crime.

These exceptions do not apply to all prohibitions. If you are unsure whether an exception applies in your circumstances, you are advised to seek independent legal advice.

##### **4.2 Licensing for financial sanctions**

Where a person is designated for the purposes of the financial sanctions (asset freeze and making available provisions) contained in the Regulations, the designated person or a representative (on their behalf) may apply for a licence from the Treasury to use their funds or economic resources (including non-monetary assets, such as property or vehicles).

Regulation 31 provides that the prohibitions in regulations 11 to 15 (asset-freeze etc) do not apply to anything done under the authority of a licence issued by the Treasury under paragraph 1 of that regulation. This regime does not contain specific licensing grounds and instead contains a general power to issue licences. The Treasury will exercise these powers according to the enabling legislation, taking into account any relevant law and the purpose of the regime.

You may also be interested in the UK [Counter-Terrorism Licensing Policy](#).

### **4.3 Trade Sanctions**

The Regulations do not contain a power to issue licences in respect of trade sanctions. If you are engaging in trade with a designated person you are advised to undertake due diligence to ensure that you are not breaching the prohibitions in the Regulations. The goods and technology subject to prohibitions under the trade sanctions in these Regulations are those found in Schedule 2 to the Export Control Order 2008.

When you export goods, you may need to submit an electronic export declaration via the National Export System (NES), part of the Customs Handling of Import and Export Freight (CHIEF) system. Guidance is available on [how to make an export declaration](#)

### **4.4 Directions in respect of immigration sanctions**

If you are subject to immigration sanctions the Home Office may direct, on a case by case basis, that the sanction does not apply in particular circumstances, such as for travel to, or through, the UK for a UN sponsored meeting. You can check how to [apply for a UK visa](#), and find further information about [travelling to the UK](#) on GOV.UK.

## 5. Further Information

Sign up to receive [Notices to Exporters](#) for updates on trade sanctions.

To receive an email alerting you to any changes to the UK Sanctions List, you can subscribe to the Sanctions and Export Control news feed. Visit the Sanctions and Export Control website for more information on how to do this.

### 5.1 Contact details for enquiries

Enquiries concerning this Notice may be made by –

- Email [sanctions@gov.im](mailto:sanctions@gov.im)
- Telephone 01624 648109

### 5.2 Privacy Notice

The Treasury collects information about you in order to administer taxation and carry out other functions for which it is responsible (e.g. National Insurance, customs and excise duties, property rates, social security benefits, state pensions and legal aid etc.), and for the detection and prevention of crime.

Whilst that information will primarily be provided by you, where the law allows we may also get information about you from other organisations, or give information about you to them. This may be to check the accuracy of the information provided, prevent or detect crime or protect public funds in other ways. These organisations may include other government departments, the police and other agencies.

To find out more about how we collect and use personal information, contact any of our offices or visit our website at:

<https://www.gov.im/about-the-government/departments/the-treasury/privacy-notice/>

## Annex A

### Table of financial sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of sanctions	<ol style="list-style-type: none"> <li>1. Dealing with funds or economic resources owned, held or controlled by a designated person</li> <li>2. Making funds available directly or indirectly to a designated person</li> <li>3. Making funds available for the benefit of a designated person</li> <li>4. Making economic resources available directly or indirectly to a designated person</li> <li>5. Making economic resources available for benefit of a designated person</li> </ol>	<ol style="list-style-type: none"> <li>1. reg. 11</li> <li>2. reg. 12</li> <li>3. reg. 13</li> <li>4. reg. 14</li> <li>5. reg. 15</li> </ol>	Liable on summary conviction - <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both.</li> </ul> Liable on conviction on information - <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 7 years or to a fine, or to both.</li> </ul>
Circumvention etc. of prohibitions	Circumventing directly or indirectly the prohibitions of regs. 11-15 (Part 3 Finance) or enabling the contravention of prohibitions.	reg. 16	
Breach of requirements under Treasury licences	<ol style="list-style-type: none"> <li>1. Knowingly or recklessly providing false information or providing a document that is not what it purports to be for the purpose of obtaining a Treasury licence</li> <li>2. Failing to comply with the conditions of a Treasury licence</li> </ol>	<ol style="list-style-type: none"> <li>1. reg. 32</li> <li>2. reg. 32</li> </ol>	
Breach of reporting obligations	<ol style="list-style-type: none"> <li>1. Failure to inform the Treasury about knowledge or reasonable cause to suspect that a person is a designated person or has committed an offence under Part 3 of the Regulations.</li> <li>2. Failure to provide the Treasury with information on which the knowledge or suspicion is based or information by which the person can be identified.</li> <li>3. Failure to provide the Treasury with information</li> </ol>	<ol style="list-style-type: none"> <li>1. reg. 34</li> <li>2. reg 34</li> <li>3. reg 34</li> </ol>	Liable on summary conviction - <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.</li> </ul>

	about any funds or economic resources it holds for a designated person at the time when it first had knowledge or suspicion.		
Failure to comply with requests for information	<ol style="list-style-type: none"> <li>1. Failure to provide information in the time and manner requested under reg. 36.</li> <li>2. Knowingly and recklessly providing false information in respect of information requested under reg. 36.</li> <li>3. Evasion of requests made under reg. 36 or reg. 37.</li> <li>4. Obstruction of Treasury requests for information made under reg. 36 or reg. 37.</li> </ol>	<ol style="list-style-type: none"> <li>1. reg.38</li> <li>2. reg.38</li> <li>3. reg.38</li> <li>4. reg.38</li> </ol>	<p> LIABLE on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both</p>
Breach of confidential information provision	Disclosure of information specified by the Secretary of State as confidential, where knowledge or reasonable cause to suspect that the information is to be treated as confidential	reg. 9	<p> LIABLE on summary conviction -</p> <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both.</li> </ul> <p> LIABLE on conviction on information -</p> <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 2 years or to a fine, or to both.</li> </ul>

## Annex B

### Table of trade sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of controls on exporting military goods and technology	Exporting military goods	Reg. 19. Offence contained within Customs and Excise Management Act 1986 s 69 (1)	<p>Liabe on summary conviction -</p> <ul style="list-style-type: none"> <li>• to a penalty of £5,000 or of three times the value of the goods whichever is the greater, or to custody for a term not exceeding 6 months, or to both.</li> </ul> <p>Liabe on conviction on information -</p> <ul style="list-style-type: none"> <li>• to a penalty of any amount, or to custody for a term not exceeding 10 years (this a modification to the 7 year maximum set out in the Customs and Excise Management Act 1986)</li> </ul>
Breach of controls on military goods and technology	<ol style="list-style-type: none"> <li>1. Supplying or delivering military goods.</li> <li>2. Making military goods or military technology available.</li> <li>3. Transferring military technology.</li> <li>4. Providing technical assistance relating to military goods or military technology.</li> <li>5. Providing financial services or funds relating to military goods or military technology.</li> <li>6. Providing brokering services relating to military goods or military technology.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reg.20</li> <li>2. Reg.21</li> <li>3. Reg. 22</li> <li>4. Reg.23</li> <li>5. Reg.24</li> <li>6. Reg.25</li> </ol>	<p>Liabe on summary conviction -</p> <ul style="list-style-type: none"> <li>• to custody to a term not exceeding 12 months or a fine (or both).</li> </ul> <p>Liabe on conviction on information -</p> <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 10 years or a fine (or both).</li> </ul>

Breaches of controls enabling or facilitating armed hostilities	Providing technical assistance, financial services or funds or brokering services that enable or facilitate the conduct of armed hostilities.	Reg.26	Liable on summary conviction - <ul style="list-style-type: none"> <li>• to custody to a term not exceeding 12 months or a fine (or both).</li> </ul>
Circumvention etc. of prohibitions	Circumventing directly or indirectly the prohibitions of regs. 19-26	Reg. 27	Liable on conviction on information - <ul style="list-style-type: none"> <li>• to custody for a term not exceeding 10 years or a fine (or both).</li> </ul>