

Statutory Document No. 2022/0101



European Union and Trade Act 2019

RUSSIA SANCTIONS (APPLICATION) (NO. 2) REGULATIONS 2022

Approved by Tynwald:

Coming into operation in accordance with regulation 2

The Council of Ministers makes the following Regulations under section 19 of the European Union and Trade Act 2019.

The Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make these Regulations subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”) instead of the “approval required” Tynwald procedure applied by virtue of section 19(1) of the European Union and Trade Act 2019.

1 Title

These Regulations are the Russia Sanctions (Application) (No. 2) Regulations 2022.

2 Commencement

These Regulations come into operation immediately after they are made¹.

3 Application of the Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022

(1) The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022² (“the applied legislation”) apply to the Island, as part of the law of the Island, subject to the following modifications.

(2) In regulation 1 (citation and commencement) —

¹ Paragraph 7 of Schedule 4 to the European Union and Trade Act 2019 provides that if a statutory document contains a declaration that the Council of Ministers is of the opinion that, by reason of urgency, it is necessary to make the statutory document subject to the Tynwald procedure set out in section 31 of the Legislation Act 2015 (“affirmative”), that procedure applies to the statutory document instead of the “approval required” Tynwald procedure applied by virtue of any provision of the European Union and Trade Act 2019.

² SI 2022/203.

- (a) in the heading, omit “and commencement”; and
- (b) omit paragraph (2).
- (3) In regulation 2 (amendment of the Russia (Sanctions) (EU Exit) Regulations 2019), after “2019”, insert **6A**, as they have effect in the Island³, **6A**.
- (4) In regulation 3 (application of prohibitions and requirements outside the United Kingdom), and in the heading, for “United Kingdom”, substitute **6A** Isle of Man **6A**.
- (5) Omit Part 2 (designation of persons).
- (6) In regulation 6 (ships) —
 - (a) in the inserted regulation 57A (prohibition on port entry) —
 - (i) in paragraphs (1) and (2), for “United Kingdom”, substitute **6A** Isle of Man **6A**;
 - (ii) for paragraph (6), substitute —
 - 6A**(6) In paragraph (5), a “designated person” means a person who is designated by the Secretary of State from time to time under regulation 5 of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament) for the purposes of the relevant regulations under Part 8 of those Regulations. **6A**;
 - (b) in the inserted regulation 57B (directions prohibiting port entry), in paragraphs (3) and (7), for “United Kingdom”, substitute **6A** Isle of Man **6A**;
 - (c) in the inserted regulation 57C(6) (movement of ships), for the definition of “designated person”, substitute —
 - 6A**a “designated person” has the same meaning as in regulation 57A(6); **6A**;
 - (d) in the inserted regulation 57D (detention of ships) —
 - (i) in paragraph (4), for “United Kingdom”, substitute **6A** Isle of Man **6A**;
 - (ii) omit paragraph (8);
 - (iii) for paragraph (10), substitute —
 - 6A**(10) In this regulation, “designated person” has the same meaning as in regulation 57A(6). **6A**;
 - (iv) after paragraph (10), insert —
 - 6A**(11) Where a ship is to be detained, a maritime enforcement officer may detain the ship.

³ SI 2019/855, as amended by SI 2020/590 and SI 2020/951, was applied to the Island by SD 2020/0504.

- (12) If a ship which is subject to a detention direction proceeds to sea on the direction of its master before it is released by the Secretary of State, then the master of the ship shall be guilty of an offence.
- (13) If the master of a ship fails to comply with a detention direction given under paragraph (1) or (2) to which his ship is subject to then the master of the ship shall be guilty of an offence.
- (14) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under paragraph (12) or (13) shall, if party or privy to the offence, be guilty of an offence.
- (15) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.
- (16) In this regulation, “*maritime enforcement officer*” has the same meaning as regulation 90(1). **22**;
- (e) in the inserted regulation 57E (registration of ships in the United Kingdom) —
- (i) in the heading, for “United Kingdom”, substitute **23** Isle of Man **22**;
- (ii) in paragraph (3)(a), for “British ships”, substitute **23** Manx ships **22**;
- (iii) for paragraph (3)(b), substitute —
- 23**(b) “designated persons” has the same meaning as “designated person” in regulation 57A(6); **22**;
- (iv) in paragraph (3)(c), after “1995”, insert **23**(of Parliament) **22**;
- (f) omit the inserted regulation 57F (specification of ships);
- (g) for the inserted regulation 57G (notification and publicity where specification power used), substitute —

23 57G. Requirement to publish specification of ships

- (1) Subject to paragraph (2), the Treasury must publish the specification of a ship which has been specified by the Secretary of State from time to time under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament).
- (2) Where, in accordance with regulation 57G (notification and publicity where specification power used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a specification or revocation, the Treasury

- must not publicise under paragraph (1) any details of that specification or revocation.
- (3) The Treasury may publish the specification under paragraph (1) in any form the Treasury considers appropriate, including by means of a website.
- (4) For the purpose of this regulation, “*specification*” means any ship for the time being specified by the Secretary of State under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament).⁴;
- (h) in the inserted regulation 57I (interpretation of Part 6) —
- (i) for paragraph (4), substitute —
- (4) For the purposes of this Part —
- “*British ship*” has the meaning given in section 19 of the Act;
- “*beneficial interest*” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;
- “*harbour authority*” means the Department of Infrastructure of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald);
- “*Manx ship*” means a ship which —
- (a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald)⁴, or
- (b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;
- “*master*” includes every person (except a pilot) having command or charge of a ship and, in relation to a fishing vessel, means the skipper;
- “*pilot*”, in relation to a ship, means any person not belonging to the ship who has the conduct of the ship;
- “*the Registrar*” means the Department for Enterprise of the Isle of Man established under section 1

⁴ AT 15 of 1991.

of the Government Departments Act 1987 (of Tynwald);

“*registration*” means registration in the register operated by the Registrar;

“*ship*” includes every description of vessel (including hovercraft) used in navigation, except the naval, military or air-force ships of any country;

“*specified ship*” means a ship specified by the Secretary of State from time to time under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament)⁵; and

- (ii) omit paragraph (6); and
 - (i) omit Part 6 (consequential amendment).
- (7) The text of the applied legislation is annexed to these Regulations.

MADE 3 MARCH 2022

W GREENHOW
Chief Secretary

⁵ Regulation 57F was inserted by SI 2022/203.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Russia (Sanctions) (EU Exit) Regulations 2019, as those Regulations have effect in the Island (“the 2019 Regulations”) by applying to the Island the Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022.

As amended the 2019 Regulations provide for new shipping sanctions measures in relation to Russia.

The Regulations prohibit Russian ships, and other ships specified by the Secretary of State, from entering ports in the Isle of Man. The Regulations provide the Secretary of State with a power to control the movement of Russian ships or specified ships by requiring them to leave or enter specified ports, proceed to a specified place or remain where they are. The Regulations also confer powers on the Secretary of State and harbour authorities to detain Russian ships or specified ships at ports or anchorages. The registration of ships on the Isle of Man Ship Register is prohibited where they are owned, controlled, chartered or operated by a designated person or persons connected with Russia, or where they are a specified ship.

An exception from the prohibition on port entry is provided for where access or entry is needed by the ship in case of emergency. The Regulations make it a criminal offence to contravene any of the prohibitions in these Regulations.

Annex

STATUTORY INSTRUMENTS

2022 No. 203

SANCTIONS

The Russia (Sanctions) (EU Exit) (Amendment) (No. 4)
Regulations 2022

Made -	at 9.30 a.m. on 1st March 2022
Laid before Parliament -	at 2.00 p.m. on 1st March 2022
Coming into force -	at 3.00 p.m. on 1st March 2022

The Secretary of State⁶, considering that the requirements of section 45(2) of the Sanctions and Anti-Money Laundering Act 2018⁷ are met, makes the following Regulations in exercise of the powers conferred by sections 1, 7(1) to (5) and (8), 10(2) to (4), 11, 14, 15(2) and (3), 16, 17(2) to (5), 21(1), 26, 45, 54(1) and (2), and 62(6) of that Act:

Citation and commencement

- (1) These Regulations may be cited as the Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022.
- ~~(2) These Regulations come into force at 3.00 p.m. on 1st March 2022.~~

PART 1 General

Amendment of the Russia (Sanctions) (EU Exit) Regulations 2019

- The Russia (Sanctions) (EU Exit) Regulations 2019⁸, as they have effect in the Island⁹, are amended as set out in regulations 3 to 7.

⁶ The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c.13) is conferred on an appropriate Minister. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.

⁷ 2018 c.13. Section 17(5)(b)(i) (enforcement) is amended by the Sentencing Act 2020 (c.17), Schedule 24, paragraph 443(1).

⁸ S.I. 2019/855, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2022/123; S.I. 2022/194; S.I. 2022/195; and by the Sentencing Act 2020 (c.17).

⁹ SI 2019/855, as amended by SI 2020/590 and SI 2020/951, was applied to the Island by SD 2020/0504.

Application of prohibitions and requirements outside the ~~United Kingdom~~ Isle of Man

3. In regulation 3(6) (application of prohibitions and requirements outside the ~~United Kingdom~~ **Isle of Man**) —

- (a) in paragraph (a), for “that Part, or”, substitute “that Part,”
- (b) in paragraph (b), for “trade licence.”, substitute, “trade licence, or”
- (c) after paragraph (b), insert—
 - “(c) by a direction under regulation 57C (movement of ships).”

PART 2 Designation of persons

Power to designate persons

~~4.~~ In regulation 5(1) (power to designate persons)—

- ~~(a)~~ in paragraph (1)(b) for “(immigration).”, substitute “(immigration);”
- ~~(b)~~ after paragraph (1)(b), insert—
 - “(ba) regulations 57A and 57C to 57E (ships: prohibition on port entry etc.).”

PART 3 Shipping sanctions

Ships

5. In the heading of regulation 57, for “movement of ships”, substitute “Crimean ports direction”.

6. After regulation 57 (Crimean ports direction), insert—

“Prohibition on port entry

57A. (1) A person must not provide a ship to which this paragraph applies with access to a port in the ~~United Kingdom~~ **Isle of Man**, if the person knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(2) The master or pilot of a ship to which this paragraph applies must not cause or permit the ship to enter a port in the ~~United Kingdom~~ **Isle of Man** if the master or pilot knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(3) Paragraphs (1) and (2) are subject to Part 7 (Exceptions) (see, in particular, regulation 61A (ships: exceptions from prohibitions on port entry)).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) Paragraphs (1) and (2) apply to—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- (c) a ship flying the flag of Russia,
- (d) a ship registered in Russia, or
- (e) a specified ship.

~~(6)~~ In paragraph (5), a “designated person” means a person who is

designated under regulation 5 for the purposes of the relevant regulations under this Part.

(6) In paragraph (5), a “designated person” means a person who is designated by the Secretary of State from time to time under regulation 5 of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament) for the purposes of the relevant regulations under Part 8 of those Regulations.

Directions prohibiting port entry

57B. (1) A port barring direction may be given to the master or pilot of a specified ship.

(2) A port barring direction may be given by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(3) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in a port barring direction does not enter a port or ports specified in the direction, or any port in the United Kingdom **Isle of Man**.

(4) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(5) The Secretary of State may notify a person that the existence of a port barring direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(6) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (5) that the information is to be treated as confidential.

(7) In this regulation, a “port barring direction” means a direction prohibiting a ship from entering a port or ports specified in the direction, or any port in the United Kingdom **Isle of Man**.

Movement of ships

57C. (1) A port entry direction or a movement direction may be given by the Secretary of State to the master or pilot of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- (c) a ship registered in Russia,
- (d) a ship flying the flag of Russia, or
- (e) a specified ship.

(2) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in paragraph (1)—

- (a) proceeds to or enters a port specified in the direction,
- (b) leaves a port specified in the direction,
- (c) proceeds to a place specified in the direction, or
- (d) remains where it is.

(3) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(4) The Secretary of State may notify a person that the existence of a port entry direction or a movement direction, any part of the content of the direction, or

anything done under the direction, is to be treated as confidential.

(5) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (4) that the information is to be treated as confidential.

(6) In this regulation—

~~a “designated person” means a person who is designated under regulation 5 for the purposes of the relevant regulations under this Part;~~

a “designated person” has the same meaning as in regulation 57A(6);

a “movement direction” means a direction requiring a ship—

- (a) to leave a port specified in the direction,
- (b) to proceed to a place specified in the direction, or
- (c) to remain where it is;

a “port entry direction” means a direction requiring a ship to proceed to or enter a port specified in the direction.

Detention of ships

57D. (1) A detention direction may be given to the master of a ship referred to in paragraph (3) by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(2) A detention direction under paragraph (1)(b) may only be given by a harbour authority to the master of a specified ship if it has received a direction from the Secretary of State in accordance with paragraph (3)(d).

(3) The Secretary of State may direct a harbour authority to give a detention direction to the master of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- (c) a ship flying the flag of Russia, or
- (d) a specified ship.

(4) A “detention direction” means a direction requiring the detention of a ship at a port or anchorage in the ~~United Kingdom~~ **Isle of Man**.

(5) A detention direction given in relation to a ship—

- (a) must be in writing,
- (b) must be delivered to the master of the ship by the person who detains the ship,
- (c) must state the grounds on which the ship is detained, and
- (d) must state that—
 - (i) it is given under this regulation, and
 - (ii) any requirements imposed by the direction must be complied with.

(6) Paragraph (5) applies if—

- (a) the ship is not a British ship, and
- (b) there is in the United Kingdom a consular officer for the

country to which the ship belongs.

(7) A copy of the detention direction must be sent as soon as practicable to the nearest consular officer for the country to which the ship belongs.

~~(8) Section 284(1), (2), (2A), (2B), (3) and (8) of the Merchant Shipping Act 1995 (enforcement of detention of ships) applies in the case of detention under a detention direction as it applies in the case of detention authorised or ordered by that Act, but as if—~~

~~(a) any reference in that section to a notice of detention were to the detention direction, and~~

~~(b) the reference in subsection (2A) of that section to a direction given under subsection (1A)(a) of that section were to any requirement imposed by the detention direction.~~

(9) In this regulation, “consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country.

~~(10) In this regulation, “designated persons” means a person who is designated under regulation 5 for the purposes of the relevant regulations under this Part.~~

(10) In this regulation, “designated person” has the same meaning as in regulation 57A(6).

(11) Where a ship is to be detained, a maritime enforcement officer may detain the ship.

(12) If a ship which is subject to a detention direction proceeds to sea on the direction of its master before it is released by the Secretary of State, then the master of the ship shall be guilty of an offence.

(13) If the master of a ship fails to comply with a detention direction given under paragraph (1) or (2) to which his ship is subject to then the master of the ship shall be guilty of an offence.

(14) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under paragraph (12) or (13) shall, if party or privy to the offence, be guilty of an offence.

(15) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.

(16) In this regulation, “maritime enforcement officer” has the same meaning as regulation 90(1).

Registration of ships in the ~~United Kingdom~~ Isle of Man

57E. (1) The Registrar must refuse to register a ship if, on the basis of the information given to the Registrar by the Secretary of State or accompanying the application for registration, the ship appears to the Registrar to be owned, controlled, chartered or operated by—

(a) designated persons; or

(b) persons connected with Russia.

(2) The Secretary of State may direct the Registrar to terminate the registration of—

(a) a ship that is owned, controlled, chartered or operated by;

(i) designated persons;

(ii) persons connected with Russia; or

(b) a specified ship.

- (3) For the purposes of this regulation—
- (a) any reference to registering a ship is to registering the ship in the register of ~~British ships~~ **Manx ships** maintained by the Registrar,
 - ~~(b) “designated persons” means a person who is designated under regulation 5 for the purposes of the relevant regulations under this Part, and~~
 - (b) “designated persons” has the same meaning as “designated person” in regulation 57A(6);**
 - (c) a ship is “chartered” by a person if it is chartered on bareboat charter terms within the meaning given by section 17(11) of the Merchant Shipping Act 1995 **(of Parliament)**.

Specification of ships

~~57F. (1) The Secretary of State may specify ships within the meaning of section 7 of the Act for the purposes of—~~

- ~~(a) regulation 57A (prohibition on port entry),~~
- ~~(b) regulation 57B (directions prohibiting port entry),~~
- ~~(c) regulation 57C (movement of ships),~~
- ~~(d) regulation 57D (detention of ships), and~~
- ~~(e) regulation 57E (registration of ships in the United Kingdom).~~

~~(2) The Secretary of State must specify a ship by its International Maritime Organization number or, where it is not reasonably practicable to identify it by that number, by any other means that the Secretary of State considers appropriate.~~

~~(3) The Secretary of State may not specify a ship unless the Secretary of State—~~

- ~~(a) has reasonable grounds to suspect that the ship is, has been, or is likely to be, involved in a relevant activity, and~~
- ~~(b) considers that it is appropriate for that ship to be specified, having regard to the purposes stated in regulation 4.~~

~~(4) For the purposes of this regulation a ship is “involved in a relevant activity” if the ship is used for any activity whose object or effect is to contravene or circumvent, or to enable or facilitate the contravention or circumvention of, any provision of these Regulations.~~

Notification and publicity where specification power used

~~57G. (1) Paragraph (2) applies where the Secretary of State—~~

- ~~(a) has specified a ship under regulation 57F(1) or (2) (specification of ships), or~~
- ~~(b) has by virtue of section 26 of the Act revoked a specification made under that regulation.~~

~~(2) The Secretary of State—~~

- ~~(a) must without delay take such steps as are reasonably practicable to inform such persons as the Secretary of State considers appropriate of the specification or revocation, and~~
- ~~(b) except where one or more of the restricted publicity conditions is met, must take steps to publicise the specification or revocation generally.~~

~~(3) The “restricted publicity conditions” are that the Secretary of State~~

~~considers that disclosure of the specification or revocation should be restricted—~~

- ~~(a) — in the interests of national security or international relations,~~
- ~~(b) — for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or~~
- ~~(c) — in the interests of justice.~~

~~(4) — Paragraph (5) applies if—~~

- ~~(a) — when a specification is made one or more of the restricted publicity conditions is met, but~~
- ~~(b) — at any time when the specification has effect, it becomes the case that none of the restricted publicity conditions is met.~~

~~(5) — The Secretary of State must take steps to publicise the specification generally.~~

Requirement to publish specification of ships

57G. (1) Subject to paragraph (2), the Treasury must publish the specification of a ship which has been specified by the Secretary of State from time to time under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament).

(2) Where, in accordance with regulation 57G (notification and publicity where specification power used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a specification or revocation, the Treasury must not publicise under paragraph (1) any details of that specification or revocation.

(3) The Treasury may publish the specification under paragraph (1) in any form the Treasury considers appropriate, including by means of a website.

(4) For the purpose of this regulation, "*specification*" means any ship for the time being specified by the Secretary of State under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament).

Directions under this Part: general

57H. (1) Paragraphs (2) to (4) apply in relation to a direction given by the Secretary of State under this Part.

(2) A person to whom a direction is given has a duty to comply with it.

(3) A direction may be of indefinite duration or a defined duration.

(4) A person who gives a direction may vary, revoke or suspend it at any time.

(5) A direction under regulation 57C(2) (movement of ships) may be given to any harbour authority or to harbour authorities generally.

Interpretation of Part 6

57I. (1) For the purposes of regulations 57A to 57H, a ship is—

(a) "owned" by a person if—

(i) the legal title to the ship, or to any share in the ship, is vested in the person, or

(ii) the person has a beneficial interest in the ship or in any share in the ship; and

(b) "controlled" by a person who is able to take decisions about its operation, including (but not limited to) decisions about the route the ship may take and the appointment of master or crew.

(2) For the purposes of paragraph (1)(b), a ship is not "controlled" by its master or crew, unless that master or crew are designated persons under the relevant regulations of this Part.

(3) Any reference in this Part to a legal title or other interest includes one held jointly with any other person or persons.

~~(4) For the purposes of this Part –~~

~~"beneficial interest" means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;~~

~~"specified ship" means a ship specified by the Secretary of State under regulation 57F (specification of ships);~~

~~"the relevant regulations of this Part" means regulations 57A, 57C, 57D and 57E.~~

(4) For the purposes of this Part –

"British ship" has the meaning given in section 19 of the Act;

"beneficial interest" means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

"harbour authority" means the Department of Infrastructure of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald);

"Manx ship" means a ship which –

(a) is registered under Part I, II, III or IV of the Merchant Shipping Registration Act 1991 (of Tynwald)¹⁰, or

(b) is not registered under the law of a country outside the Isle of Man but is wholly owned by persons each of whom has an Isle of Man connection;

"master" includes every person (except a pilot) having command or charge of a ship and, in relation to a fishing vessel, means the skipper;

"pilot", in relation to a ship, means any person not belonging to the ship who has the conduct of the ship;

"the Registrar" means the Department for Enterprise of the Isle of Man established under section 1 of the Government Departments Act 1987 (of Tynwald);

"registration" means registration in the register operated by the Registrar;

"ship" includes every description of vessel (including hovercraft) used in navigation, except the naval, military or air-force ships of any country;

"specified ship" means a ship specified by the Secretary of State from time to time under regulation 57F of the Russia (Sanctions) (EU Exit) Regulations 2019 (of Parliament)¹¹.

¹⁰ AT 15 of 1991.

¹¹ Regulation 57F was inserted by SI 2022/203.

(5) For the purposes of this Part, a person is to be regarded as "connected with Russia" if the person is—

- (a) an individual who is, or an association or combination of individuals who are, ordinarily resident in Russia,
- (b) an individual who is, or an association or combination of individuals who are, located in Russia,
- (c) a person, other than an individual, which is incorporated or constituted under the law of Russia, or
- (d) a person, other than an individual, which is domiciled in Russia.

~~(6) Any expression used in this Part and in section 7 of the Act (shipping sanctions) has the same meaning in this Part as it has in that section.~~

PART 4 Exceptions

Exceptions from shipping prohibitions

7. After regulation 61 (exceptions for emergencies in certain cases), insert—

"Ships: exceptions from prohibition on port entry

61A. (1) The prohibition in regulation 57A(1) (prohibition on port entry) is not contravened by providing a ship with access to a port if—

- (a) a port entry direction has been given in relation to the ship under regulation 57C (movement of ships), or
- (b) the access is needed by the ship in a case of emergency.

(2) The prohibition in regulation 57A(2) is not contravened by the entry into port of a ship if—

- (a) a port entry direction has been given in relation to the ship under regulation 57C, or
- (b) the entry is needed by the ship in a case of emergency."

PART 6 Consequential amendment

Amendment of the Merchant Shipping (Registration of Ships) Regulations 1993

~~8. (1) Regulation 1 (citation, commencement and interpretation) of the Merchant Shipping (Registration of Ships) Regulations 1993 is amended as follows.~~

~~(2) In paragraph (2), for the definition of "relevant provisions of the sanctions regulations", substitute—~~

~~"relevant provisions of the sanctions regulations" means—~~

- ~~(a) regulation 77(1) and (2) of the Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019(7); or~~
- ~~(b) regulation 57E(2) (registration of ships in the United Kingdom) of the Russia (Sanctions) (EU Exit) Regulations 2019;"~~

~~(3) In paragraph (2), for the definition of "termination directions" substitute—~~

~~"termination direction" means a direction to terminate the registration of a ship given to the Registrar under—~~

- (a) ~~regulation 77(3) of the Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019; or~~
- (b) ~~regulation 57E(2) (registration of ships in the United Kingdom) of the Russia (Sanctions) (EU Exit) Regulations 2019."~~

At 9.30 a.m. on 1st March 2022

James Cleverly
Minister of State Foreign, Commonwealth and Development
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c. 13) to amend the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855) ("the 2019 Regulations"). These Regulations provide for new shipping sanctions measures in relation to Russia.

The Regulations prohibit Russian ships, and other ships specified by the Secretary of State, from entering ports in the United Kingdom. There is a notification and publicity requirement where the specification power is used. The Regulations provide the Secretary of State with a power to control the movement of Russian ships or specified ships by requiring them to leave or enter specified ports, proceed to a specified place or remain where they are. The Regulations also confer powers on the Secretary of State and harbour authorities to detain Russian ships or specified ships at ports or anchorages. The registration of ships on the UK Ship Register is prohibited where they are owned, controlled, chartered or operated by a designated person or persons connected with Russia, or where they are a specified ship.

An exception from the prohibition on port entry is provided for where access or entry is needed by the ship in case of emergency. The Regulations make it a criminal offence to contravene any of the prohibitions in these Regulations.

A consequential amendment is also made to the Merchant Shipping (Registration of Ships) Regulations 1993 (S.I. 1993/3138) so that the Registrar General of Shipping and Seamen can refuse to register sanctioned ships and can terminate the registration of sanctioned ships on receipt of a termination direction from the Secretary of State.

No impact assessment has been prepared for these Regulations. An impact assessment was, however, produced for the primary legislation and can be found at <https://www.gov.uk/government/publications/sanctions-and-anti-money-laundering-bill-impact-assessment>.