

Haiti Sanctions - Guidance



Isle of Man
Government

Reilrys Ellan Vannin

December 2023

Contents

Introduction	3
Legislation	3
Further guidance	3
Contact details for enquiries	3
Privacy Notice	3
1. Prohibitions and requirements imposed by the Regulations	4
1.1 Designation of persons	4
1.2 Financial sanctions	5
1.2.1 Asset Freeze	5
1.3 Trade sanctions	5
1.3.1 Export of military goods	5
1.3.2 Supply and delivery of small arms, light weapons and ammunition ...	5
1.3.3 Making small arms, light weapons and ammunition available	6
1.4 Immigration sanctions	6
1.5 Information and record keeping	6
2. How will these sanctions measures be enforced?	7
2.1. Financial sanctions	7
2.2. Trade sanctions	7
3. Are there circumstances when I can get an authorisation or licence for a sanctioned activity?	8
3.1 Exceptions	8
3.2 Licensing for financial sanctions	8
3.3 Licensing for trade sanctions	9
3.4 Overlap with strategic export licensing	9
3.4.1 Transit control	9
3.5 Immigration sanctions	9
4. Further Information	9
ANNEX A	10
ANNEX B	12

Introduction

The Treasury has issued this guidance to assist in the implementation of, and compliance with the Haiti (Sanctions) Regulations 2022 [SI [2022/1281](#)], as those Regulations have effect in the Isle of Man.

The policy of the Isle of Man Government is to maintain the implementation of international sanctions measures in the Isle of Man in line with such measures that have effect in the United Kingdom from time to time.

Legislation

The Haiti (Sanctions) Regulations 2022 have effect in the Isle of Man by the Haiti (Sanctions) (Isle of Man) Order 2022 [[SI 2022/1340](#)] (“the Regulations”).

This document contains guidance on the prohibitions and requirements imposed by the Regulations. In addition it provides:

- Guidance on best practice about how to comply with the prohibitions and requirements,
- Information about how the Regulations will be enforced, and
- Circumstances where they do not apply.

Further guidance

This document should be read alongside the [Financial Sanctions - General Guidance](#).

Contact details for enquiries

Enquiries concerning this Notice may be made by:

- Email sanctions@gov.im
- Telephone 01624 648109

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/>

1. Prohibitions and requirements imposed by the Regulations

These Regulations impose financial and trade sanctions for the purpose of giving effect to the obligations under United Nations Security Council Resolution 2653 (2022) ('UNSCR 2653'), resolution 2699 (2023) ('UNSCR 2699') and resolution 2700 (2023) ('UNSCR 2700').

In order to achieve their 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 Annex.

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)¹ 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.

The maritime enforcement powers contained in Part 8 of the Regulations apply in relation to Manx ships in international or foreign waters, ships without nationality in international waters and foreign ships in international waters.

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 and trade sanctions contained in the 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.

When these Regulations are in force a list of those persons designated under these Regulations and details of the sanctions in respect of which they have been designated, will be on [GOV.UK](https://www.gov.uk)

Persons subject to a travel ban under UNSCR 2653 are not captured by the Regulations. For further information, please refer to the Immigration Sanctions section below.

¹ 1981 Chapter 61.

1.2 Financial sanctions

1.2.1 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, either directly or indirectly.

More information on financial sanctions can be found in the [Financial Sanctions - General Guidance](#).

1.3 Trade sanctions

The Regulations impose trade prohibitions in relation to Haiti. These include prohibitions relating to:

- the export, supply, delivery or the making available of, small arms, light weapons and ammunition (as specified in Schedule 1A to the Regulations) to, or for use in, Haiti.

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 herein.

1.3.1 Export of military 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 prohibitions in the Regulations covers export to, or for use in, Haiti

Exporters should check the ultimate end use of goods and may apply for a licence or contact the [Export Control Joint Unit \(ECJU\)](#) if they know or think the items may be destined for Haiti.

Regulation 15 prohibits the export of small arms, light weapons and ammunition to, or for use in Haiti.

1.3.2 Supply and delivery of small arms, light weapons and ammunition

Supply and delivery prohibitions in the Regulations prohibit a person from directly or indirectly supplying or delivering goods from a third country to a place in Haiti. Regulation 16(4) specifies that a third country is a country that is not the UK or the Isle of Man.

Regulation 16 prohibits the supply and delivery of small arms, light weapons and ammunition to a place in Haiti.

1.3.3 Making small arms, light weapons and ammunition available

Prohibitions in the Regulations on making small arms, light weapons and ammunition available (e.g. through a sale) includes directly or indirectly making them available to, or for use in, Haiti.

Regulation 17 prohibits directly or indirectly making small arms, light weapons and ammunition available to, or for use in Haiti.

1.4 Immigration sanctions

As described in section 1.1, the Regulations do not impose separate immigration sanctions on designated individuals. Such persons are already excluded persons for the purposes of Section 8B of the Immigration Act 1971 (as that has effect in the Isle of Man).

This means that those designated 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. Any foreign national who is subject to a travel ban under [UNSCR 2653](#), and who 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.

Further information on [travel ban cases](#) can be found on the UK Home Office pages (the Isle of Man imposes the same immigration controls as the UK).

1.5 Information and record keeping

Part 6 of the Regulations places obligations on relevant firms (the definition of which is set out in the Regulations) 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 the Regulations. The Treasury has designated the Financial Intelligence Unit (FIU) as the body to whom reports should be made, 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 licences).

Part 6 also establishes information powers and record-keeping responsibilities in relation to the trade sanctions contained in the Regulations. It provides for offences for failing to comply with any of those requirements or intentionally obstructing an official in the exercise of those powers.

If you have obligations or responsibilities under Part 6 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.

2. How will these sanctions measures be enforced?

The Regulations make it a criminal offence to contravene the financial and trade sanctions, as well as to enable or facilitate a contravention of, or to circumvent any of the prohibitions in the 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.

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

2.1. 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' imprisonment or a fine (or both).

Committing an offence under regulations 31(6) or 35 (information offences in connection with financial sanctions under the Regulations) carries a maximum sentence of 6 months' imprisonment 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, you must immediately:

- stop dealing with them
- freeze any assets you are holding for them
- inform the FIU as soon as possible.

More detailed information on the Treasury's approach to compliance and enforcement can be found in the [Financial Sanctions - General Guidance](#).

2.2. Trade sanctions

Any breach of the prohibitions relating to the trade sanctions contained in the Regulations is triable either way and carries a maximum sentence of 10 years' imprisonment 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.

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

Licensing and exception provisions are contained in Part 5 of the Regulations.

3.1 Exceptions

The Regulations set out 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 issued in accordance with the Regulations.

Regulation 25 establishes exceptions relating to financial sanctions including for the crediting of a frozen account by a relevant institution (any such interest and other earnings will be frozen in accordance with the relevant legislation underpinning the asset freeze). An exception also exists from the prohibition on making funds available to a designated person, when funds are transferred to a frozen account in discharge (or partial discharge) of an obligation which arose before the recipient became a designated person.

In regulation 26, there is also an exception to regulations 8 to 12 in respect of “relevant activities” (being any activity which would otherwise be prohibited by regulations 8 to 12) which are necessary to ensure the timely delivery of humanitarian assistance in Haiti, or to carry out other activities that support basic human needs in Haiti.

Regulation 27 establishes an exception to regulations 8 to 12 which provides that prohibitions are not contravened if conduct is authorised by a licence which is issued under the law of the Channel Islands or any British Overseas Territory for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

Regulation 28 also includes an exception in relation to any prohibition or requirement imposed by the Regulations for actions determined by a responsible officer to be in the interests of national security, or the prevention or detection of serious crime in the Isle of Man or elsewhere.

If you are unsure whether an exception applies in your circumstances, you are advised to seek independent legal advice.

3.2 Licensing for financial sanctions

Where a person is designated for the purposes of financial sanctions (asset freeze measures 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 (non-monetary assets, such as property or vehicles). Schedule 2 to the Regulations sets out the purposes pursuant to which, or for which activities, the Treasury may grant an individual licence. In summary these are:

- basic needs
- reasonable professional fees for or reasonable expenses associated with the provision of legal services
- reasonable fees or service charges arising from the routine holding or maintenance of frozen funds and economic resources
- extraordinary expenses
- prior obligations

Further information on exceptions and licensing grounds can be found in the [Financial Sanctions - General Guidance](#).

3.3 Licensing for trade sanctions

Licences may also be issued for certain trade activities that would otherwise be prohibited by the Regulations.

The Treasury is responsible for administering the licensing provisions for all trade sanctions. In exercising these powers, the Treasury seeks and considers advice from other Isle of Man and United Kingdom government departments.

In making decisions on whether to grant a licence to permit something which would otherwise be prohibited under Part 5 of the Regulations, the Treasury will consider each application on a case-by-case basis to determine whether granting a licence would be consistent with the stated purposes of the sanctions regime and any UN or other relevant international law obligations.

You should not assume that a licence will be granted or engage in any activities prohibited by trade sanctions until your licence has been granted.

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](#)

3.4 Overlap with strategic export licensing

3.4.1 Transit control

Certain goods transiting the IOM/UK are still regarded as being exported when they leave the country and are therefore subject to control. Article 17 of the Export Control Order 2008 includes a transit and transshipment exception meaning that in many situations a licence is not required. This exception does not apply to goods destined for Haiti, meaning that a licence is required to transit goods through the IOM/UK or to transship them in the IOM/UK with a view to re-exportation to Haiti.

3.5 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/IOM for a UN sponsored meeting.

4. 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 consolidated list of financial sanctions targets, you can [subscribe to the RSS feed for Customs and Excise news releases by copying and pasting this URL into your RSS feed reader or Microsoft Outlook RSS feeds folder](#). You can also view our [guidance on how to use RSS Feeds](#).

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"> 1. Dealing with funds or economic resources owned, held or controlled by a designated person 2. Making funds available directly or indirectly to a designated person 3. Making funds available for the benefit of a designated person 4. Making economic resources available directly or indirectly to a designated person 5. Making economic resources available for benefit of a designated person 	<ol style="list-style-type: none"> 1. reg. 8 2. reg. 9 3. reg. 10 4. reg. 11 5. reg. 12 	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both. <p>Liable on conviction on information -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 7 years or to a fine, or to both.
Circumvention etc. of prohibitions	Circumventing directly or indirectly the prohibitions of regs. 8-12 (Part 3 Finance) or enabling the contravention of prohibitions.	reg. 13	
Breach of requirements under Treasury licences	<ol style="list-style-type: none"> 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 2. Failing to comply with the conditions of a Treasury licence 	<ol style="list-style-type: none"> 1. reg. 29 2. reg. 29 	
Breach of reporting obligations	<ol style="list-style-type: none"> 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 or regulation 36 (finance: licensing offences). 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. 	<ol style="list-style-type: none"> 1. reg. 30 2. reg. 30 3. reg. 30 	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

	3. Failure to provide the Treasury with information 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"> 1. Failure to provide information in the time and manner requested under reg. 32 2. Knowingly and recklessly providing false information in respect of information requested under reg. 32 3. Evasion of requests made under reg. 32 or reg. 33. 4. Obstruction of Treasury requests for information made under reg. 32 or reg. 33 	<ol style="list-style-type: none"> 1. reg. 34 2. reg. 34 3. reg. 34 	

ANNEX B

Table of trade sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of controls on exporting small arms, light weapons and ammunition	Exporting small arms, light weapons and ammunition	Reg. 15. Offence contained within Customs and Excise Management Act 1986 s 69(1)	<p>Liable on summary conviction</p> <p>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.</p> <p>Liable on conviction to indictment</p> <p>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</p>
Breach of controls on small arms, light weapons and ammunition	<ol style="list-style-type: none"> 1. Supplying or delivering small arms, light weapons and ammunition. 2. Making small arms, light weapons and ammunition available. 3. 	<ol style="list-style-type: none"> 1. Reg.16 2. Reg.17 3. 	<p>Liable on summary conviction</p> <p>To custody to a term not exceeding 12 months or a fine (or both).</p> <p>Liable on conviction to indictment</p> <p>To custody for a term not exceeding 10 years or a fine (or both).</p>

Circumvention etc. of prohibitions	Intentionally participate in activities knowing that the	Reg. 23	Liable on summary conviction
------------------------------------	--	---------	------------------------------

	<p>object or effect of them is, whether directly or indirectly to circumvent any of the prohibitions in regs. 15-17 (Trade) or to enable or facilitate the contravention of any such prohibition.</p>		<p>To custody to a term not exceeding 12 months or a fine (or both).</p> <p>Liable on conviction on indictment</p> <p>To custody for a term not exceeding 10 years or a fine (or both).</p>
--	---	--	---