



# Isle of Man Government

## The Treasury

### GENERAL LICENCE

#### Law Enforcement and Regulatory Authorities Asset Recovery

#### IOM/2022/RUS018

1. This licence is granted under Regulation 21 of the Global Anti-Corruption Sanctions Regulations 2021, as they extend to the Island by the Global Anti-Corruption Sanctions (Isle of Man) Order 2021 [SI 2021/526] ("the GAC Regulations") and Regulation 64 of the Russia Sanctions (EU Exit) Regulations 2019, as they apply to the Isle of Man by the Russia Sanctions (Application) Regulations 2020 [SD 2020/0504] ("the Russia Regulations") **and Regulation 19 of the Counter-Terrorism (Sanctions) (EU Exit) Regulations as they have effect in the Isle of Man by the Counter-Terrorism Sanctions (Application) Regulations 2020 [SD 2020/0456] ("CT3").**
2. Any act which would otherwise breach the prohibitions in Regulations 11 to 15 of the GAC Regulations and Regulations 11 to 15 of the Russia Regulations **and Regulations 11 to 15 of CT3** is exempt from those prohibitions to the extent required to give effect to the permissions in this licence.
3. In this licence —

A "Crown Relevant Organisation" means	<ol style="list-style-type: none"><li>i. Customs and Immigration</li><li>ii. The Crown Office</li><li>iii. Isle of Man Constabulary</li><li>iv. Financial Intelligence Unit</li><li>v. Any other organisation subsequently authorised by Treasury</li></ol>
A "Non-Crown Relevant Organisation" means	<ol style="list-style-type: none"><li>i. The Isle of Man Financial Services Authority</li><li>ii. Any other organisation subsequently authorised by Treasury</li></ol>
A "Relevant Organisation" means	<ol style="list-style-type: none"><li>i. A Crown Relevant Organisation; or</li><li>ii. A Non-Crown Relevant Organisation</li></ol>
"Proceeds of Crime" means	<ol style="list-style-type: none"><li>i. Benefit from criminal conduct, meaning conduct which constitutes an offence in any part of the Isle of Man, or would constitute an offence in any part of the Isle of Man if it occurred there, including:<ol style="list-style-type: none"><li>a. property obtained as a result of or in connection with the criminal conduct; or</li><li>b. a sum of money equal to the value of a pecuniary advantage obtained as a result of or in connection with criminal conduct or represents such a benefit either directly or indirectly;</li></ol></li></ol>

	<ul style="list-style-type: none"> <li>ii. realisable property, which is – <ul style="list-style-type: none"> <li>a. any free property held by a Designated Person; or</li> <li>b. any free property held by the recipient of a tainted gift made by a Designated Person; which may be used to satisfy a future confiscation order;</li> </ul> </li> <li>iii. recoverable property, including property which is, or represents property obtained through unlawful conduct (whether the conduct of a Designated Person or another's), unlawful conduct meaning conduct which occurs: <ul style="list-style-type: none"> <li>a. in any part of the Isle of Man which is unlawful under the criminal law of that part;</li> <li>b. in a country or territory outside the Isle of Man and is unlawful under the criminal law applying in that country or territory and if it occurred in a part of the Isle of Man, would be unlawful under the criminal law of that part;</li> <li>c. in a country or territory outside the Isle of Man, constitutes or is connected with the commission of a gross human rights abuse or violation and if it occurred in a part of the Isle of Man, would be an indictable offence under the criminal law of that part;</li> </ul> </li> <li>iv. associated and joint property - including property of any of the following descriptions (including property held by a Designated Person) which is not itself recoverable property: <ul style="list-style-type: none"> <li>a. any interest in the recoverable property,</li> <li>b. any other interest in the property in which the recoverable property subsists,</li> <li>c. if the recoverable property is a tenancy in common, the tenancy of the other tenant,</li> <li>d. if the recoverable property is part of a larger property, but not a separate part, the remainder of that property.</li> </ul> </li> <li>v. Property used or intended for use in unlawful conduct;</li> <li>vi. property where there are reasonable grounds to believe that it may be needed to satisfy an external order of the type referred to at paragraph 4.2 (c)-(e) below which has been or which may be made; or</li> <li>vii. Terrorist property, including any cash or other property liable to confiscation, forfeiture, detention, seizure, restraint, freezing by an order of Tynwald Court under the Terrorism and Other Crime (Financial Restrictions) Act 2014 or other counter-terrorism legislation or a notice issued under such counter-terrorism legislation.</li> </ul>
<p><b>"Property"</b> means</p>	<ul style="list-style-type: none"> <li>i. all property wherever situated and includes – <ul style="list-style-type: none"> <li>a. money;</li> <li>b. all forms of property, real or personal, heritable or moveable; or</li> <li>c. things in action and other intangible or incorporeal property.</li> <li>d. Legal documents and instruments evidencing title to or interest in any such property</li> </ul> </li> </ul>

<p><b>"Asset Recovery Purposes"</b> means</p>	<ul style="list-style-type: none"> <li>i Investigating (including but not limited to: searching, tracing, and identifying) suspected Proceeds of Crime.</li> <li>ii Activities connected to asset preservation (including but not limited to: detention, retention, seizure, freezing/restraint orders, interim receivers, management, administration, realisation, enforcement and interim measures) in connection with the Proceeds of Crime.</li> <li>iii Enforcement and recovery (including but not limited to: detention, retention, seizure, confiscation, forfeiture, receivership, transfer of funds or title for the purpose of recovery) of Proceeds of Crime.</li> </ul>
<p><b>"Designated Person"</b> means</p>	<p>any person for the time being designated by the Secretary of State under regulation 5 (as it has effect in the United Kingdom) of the GAC Regulations, under Regulation 5 of the Russia Regulations <b>and under Regulation 5 of the CT3 Regulations</b></p>
<p><b>"data protection legislation"</b></p>	<p>Has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018 [SD 2018/0145]</p>
<p>The <b>"FIU"</b> means</p>	<p>The Financial Intelligence Unit</p>

## Permissions

4. Under this licence, subject to the conditions in Paragraphs 5-8 below:
  - 4.1. An officer of a Non-Crown Relevant Organisation is permitted to carry out their duties including through making use of powers available to them under IOM legislation for Asset Recovery Purposes.
  - 4.2. A person is permitted to carry out any action necessary to comply with or otherwise give effect to any of the following:
    - a. An order made by the High Court obtained by or on behalf of a Relevant Organisation for Asset Recovery Purposes;
    - b. A forfeiture order that is made by the High Bailiff for Asset Recovery Purposes under sections 43 to 55 of the Proceeds of Crime Act 2008 or under sections 17 or schedule 3 to the Anti-Terrorism and Crime Act 2003;
    - c. **Seizures undertaken by a Crown Relevant Organisation pursuant to Schedule 3 of the Anti-terrorism and Crime Act 2003 for Asset Recovery Purposes;**
    - d. **Seizures undertaken by a Crown Relevant Organisation pursuant to regulation 46 of the Proceeds of Crime Act 2008 for Asset Recovery Purposes;**
    - e. An external order that is registered as such by the Court of General Gaol Delivery under article 71 of the Proceeds of Crime (External Requests and Orders) Order 2009 (SD 687/09);
    - f. An external order that is registered as such by the High Court under Part 2 of the Proceeds of Crime (External Requests and Orders) Order 2009 (SD 687/09);
  - 4.3. A person is permitted to carry out any action necessary to comply with or otherwise give effect to any of the following for Asset Recovery Purposes:

- a. A negotiated settlement to which a Relevant Organisation is a party; or
- b. An approved deferred prosecution agreement to which a Crown Relevant Organisation is a party;

### **Reporting Requirements**

5. Within 28 days of dealing with a Designated Person's assets in accordance with paragraph 4 above, a person including a Relevant Organisation must report to the Treasury, by email to [sanctions@gov.im](mailto:sanctions@gov.im) confirming the name of the Designated Person concerned, with details and supporting evidence of:
  - 5.1. The nature and value of the Property dealt with;
  - 5.2. The date on which the Property was dealt with and the basis for doing so; and
  - 5.3. The payment route used.

### **Record-keeping Requirements**

6. A person including a Relevant Organisation must keep accurate, complete and readable records, on paper or electronically, of any activity purporting to have been permitted under this licence for a minimum of 6 years.

### **General**

7. The permissions in this licence do not authorise any act which the person carrying out the act knows, or has reasonable grounds for suspecting, will result in funds or economic resources being dealt with or made available in breach of the GAC Regulations, the Russia Regulations **and CT3 Regulations**, save as permitted under licences granted under the GAC Regulations, the Russia Regulations **and CT3 Regulations**.
8. This licence permits activity in accordance with paragraph 4 above on the basis of information provided to Treasury or the FIU, and may only be relied upon where such information remains true, accurate and complete.
9. Information provided to the Treasury or the FIU in connection with this licence shall be disclosed to third parties only in compliance with data protection legislation.
10. This licence takes effect from the date of issue and is of **indefinite duration**.
11. The Treasury may vary, revoke or suspend this licence at any time.

### **Signed**



**Hon Dr Alex Allinson MHK**  
**Minister for the Treasury**  
**10 May 2022**  
**Amended on 25 April 2024**