



STATUTORY INSTRUMENTS.

S.I. No. 99 of 2011



FINANCIAL TRANSFERS (SOMALIA) (PROHIBITION) ORDER 2011

(Prn. A11/0366)

FINANCIAL TRANSFERS (SOMALIA) (PROHIBITION) ORDER 2011

I, BRIAN LENIHAN, Minister for Finance, in exercise of the powers conferred on me by section 4 of the Financial Transfers Act 1992 (No. 27 of 1992) and for the purpose of giving full effect to Council Regulation (EC) No. 147/2003 of 27 January 2003¹ and Council Regulation (EU) No. 356/2010 of 26 April 2010², hereby order as follows:

1. This Order may be cited as the Financial Transfers (Somalia) (Prohibition) Order 2011.

2. (1) In this Order—

“Council Regulation (EC) No. 147/2003” means Council Regulation (EC) No. 147/2003 of 27 January 2003¹, as amended by—

(a) Council Regulation (EC) No. 631/2007 of 7 June 2007³, and

(b) Council Regulation (EU) No. 1137/2010 of 7 December 2010⁴.

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010².

(2) A word or expression which is used in this Order and which is also used in Council Regulation (EU) No. 356/2010 has, unless the context otherwise requires, the same meaning in this Order as it has in that Council Regulation.

3. A person shall not make a financial transfer, the effect of which would be to enable or facilitate, directly or indirectly, the doing of any thing which is a breach of Council Regulation (EC) No. 147/2003 or Council Regulation (EU) No. 356/2010.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 2a or prior approval under Article 3 of Council Regulation (EC) No. 147/2003 or an authorisation under Article 5 or 6 of Council Regulation (EU) No. 356/2010 may, subject to compliance with the terms and conditions of it, do such of the things referred to in Article 3 of this Order as are so authorized or approved.

5. The Central Bank of Ireland may, for the purpose of supervision of financial transfers and for the administration and enforcement of the provisions of this Order, give such directions or issue such instructions to a person as it sees fit.

¹OJ No. L.24, 29.1.03, p.2.

²OJ No. L.105, 27.4.10, p.1.

³OJ No. L.146, 8.6.07, p.1.

⁴OJ No. L.322, 8.12.10, p.2.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th March, 2011.*

6. A person to whom a direction has been given or an instruction issued under Article 5 of this Order shall comply with such direction or instruction.

7. A person shall not do anything to directly or indirectly assist in the circumvention of the provisions of this Order.

8. The Financial Transfers (Somalia) (Prohibition) Order 2010 (S.I. No. 537 of 2010) is revoked.



GIVEN under my Official Seal,
4 March 2011.

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Order updates and replaces S.I. No. 537 of 2010 to take account of Council Regulation (EU) No. 1137/2010 of 7 December 2010 which provides for the inspection of certain cargoes to and from Somalia and, in the case of aircraft and vessels, for the supply of additional pre-arrival and pre-departure information in respect of goods brought into or out of the Union.

This Order also provides for enforcement of financial sanctions contained in Council Regulation (EC) No. 147/2003 of 27 January 2003 as amended, concerning restrictive measures against Somalia. The prohibition is in respect of the provision of financing or financial assistance related to military activities in Somalia, with exemptions in respect of support for the African Union Mission to Somalia (AMISOM). Council Regulation (EU) No. 356/2010 of 26 April 2010 provides for an asset freeze in respect of listed persons and entities and a ban on the provision of certain services, including financial services, to those persons or entities.

This Order also provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions and requires compliance with such instructions.

The Financial Transfers Act 1992 allows for control of financial transfers between the State and other countries, creates an offence for breach of the provisions of any Order made under it and provides for appropriate penalties.

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Le ceannach díreach ón
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