



STATUTORY INSTRUMENTS.

S.I. No. 206 of 2011



FINANCIAL TRANSFERS (BELARUS) (PROHIBITION) ORDER 2011

(Prn. A11/0684)

FINANCIAL TRANSFERS (BELARUS) (PROHIBITION) ORDER 2011

I, MICHAEL NOONAN, 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. 765/2006 of 18 May 2006¹, as amended, hereby order as follows:

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

2. (1) In this Order “Council Regulation” means Council Regulation (EC) No. 765/2006 of 18 May 2006¹, as amended by—

(a) Commission Regulation (EC) No. 1587/2006 of 23 October 2006²,

(b) Council Regulation (EC) No. 646/2008 of 8 July 2008³,

(c) Council Implementing Regulation (EU) No. 84/2011 of 31 January 2011⁴, and the Corrigendum to that Regulation⁵, and

(d) Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011⁶.

(2) A word or expression which is used in this Order and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation.

3. A person shall not make a financial transfer between the State and another country the effect of which would be to enable or facilitate, directly or indirectly, the doing of any thing which is a breach of the Council Regulation.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 3(1) or a specific authorisation under Article 3(2) of the Council Regulation 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 authorised.

5. The Central Bank of Ireland may, for the purposes 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.134, 20.05.06, p.1.

²OJ No. L.294, 25.10.06, p.25.

³OJ No. L.180, 09.07.08, p.5.

⁴OJ No. L.28, 02.02.11, p.17.

⁵OJ No. L.102, 16.04.11, p.44.

⁶OJ No. L.76, 22.03.11, p.13.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th May, 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 (Belarus) (Prohibition) Order 2009 (S.I. No. 400 of 2009) is revoked.



GIVEN under my Official Seal,
6 May 2011.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

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

This Order provides for enforcement of financial sanctions contained in Council Regulation (EC) No. 765/2006 of 18 May 2006, as amended, concerning restrictive measures in respect of Belarus. The sanctions impose an asset-freeze on President Lukashenko, the Belarusian leadership and officials responsible for violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition. Council Implementing Regulation (EU) No. 84/2011 of 31 January 2011 makes certain provisions regarding the listing of persons or entities subject to restrictive measures. Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011 replaces the lists of persons or entities subject to restrictive measures.

The S.I. 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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