



STATUTORY INSTRUMENTS.

S.I. No. 361 of 2009



FINANCIAL TRANSFERS (LIBERIA) (PROHIBITION) ORDER 2009

(Prn. A9/1274)

FINANCIAL TRANSFERS (LIBERIA) (PROHIBITION) ORDER 2009

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. 234/2004 of 10 February 2004¹, as amended, and Council Regulation (EC) No. 872/2004 of 29 April 2004², as amended, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Liberia) (Prohibition) Order 2009.

2. (1) In this Order—

“Council Regulation (EC) No. 234/2004” means Council Regulation (EC) No. 234/2004 of 10 February 2004¹, as amended by—

- (a) Council Regulation (EC) No. 1126/2006 of 24 July 2006³,
- (b) Council Regulation (EC) No. 1819/2006 of 11 December 2006⁴,
- (c) Council Regulation (EC) No. 719/2007 of 25 June 2007⁵, and
- (d) Council Regulation (EC) No. 866/2007 of 23 July 2007⁶.

“Council Regulation (EC) No. 872/2004” means Council Regulation (EC) No. 872/2004 of 29 April 2004², as amended by—

- (a) Commission Regulation (EC) No. 1149/2004 of 22 June 2004⁷,
- (b) Commission Regulation (EC) No. 1478/2004 of 18 August 2004⁸,
- (c) Commission Regulation (EC) No. 1580/2004 of 8 September 2004⁹,
- (d) Commission Regulation (EC) No. 2136/2004 of 14 December 2004¹⁰,
- (e) Commission Regulation (EC) No. 874/2005 of 9 June 2005¹¹,

¹OJ No. L.40, 12.2.04, p.1.

²OJ No. L.162, 30.4.04, p.32.

³OJ No. L.201, 25.7.06, p.1.

⁴OJ No. L.351, 13.12.06, p.1.

⁵OJ No. L.164, 26.6.07, p.1.

⁶OJ No. L.192, 24.7.07, p.4.

⁷OJ No. L.222, 23.6.04, p.17.

⁸OJ No. L.271, 19.8.04, p.36.

⁹OJ No. L.289, 10.9.04, p.4.

¹⁰OJ No. L.369, 16.12.04, p.14.

¹¹OJ No. L.146, 10.6.05, p.5.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th September, 2009.*

- (f) Commission Regulation (EC) No. 1453/2005 of 6 September 2005¹²,
- (g) Commission Regulation (EC) No. 2024/2005 of 12 December 2005¹³ and Corrigendum¹⁴,
- (h) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹⁵,
- (i) Commission Regulation (EC) No. 1462/2007 of 11 December 2007¹⁶,
- (j) Commission Regulation (EC) No. 973/2008 of 2 October 2008¹⁷,
- (k) Commission Regulation (EC) No. 1216/2008 of 5 December 2008¹⁸,
- (l) Commission Regulation (EC) No. 275/2009 of 2 April 2009¹⁹ and Corrigendum²⁰, and
- (m) Commission Regulation (EC) No. 496/2009 of 11 June 2009²¹.

(2) A word or expression which is used in this Order and which is also used in Council Regulation (EC) No. 234/2004 or in Council Regulation (EC) No. 872/2004 has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation concerned.

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 Council Regulation (EC) No. 234/2004 or Council Regulation (EC) No. 872/2004.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 3 of Council Regulation (EC) No. 234/2004 or an authorisation under Article 3 or Article 4 of Council Regulation (EC) No. 872/2004 may, subject to compliance with the terms and conditions of such authorisation, do such of the things referred to in Article 3 of this Order as are so authorised.

5. The Central Bank and Financial Services Authority 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.

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.

¹²OJ No. L230, 7.9.05, p.14.

¹³OJ No. L326, 13.12.05, p.14.

¹⁴OJ No. L.7, 12.1.06, p.32.

¹⁵OJ No. L.363, 20.12.06, p.1.

¹⁶OJ No. L.326, 12.12.07, p.24.

¹⁷OJ No. L.265, 4.10.08, p.8.

¹⁸OJ No. L.328, 6.12.08, p.26.

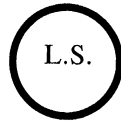
¹⁹OJ No. L.91, 3.4.09, p.18.

²⁰OJ No. L.123, 19.5.09, p.100.

²¹OJ No. L.149, 12.6.09, p.60.

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 (Liberia) (Prohibition) Order (No. 2) 2008 (S.I. No. 474 of 2008) is revoked.



GIVEN under my Official Seal,
9 September 2009.

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

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

This Order provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 234/2004 of 10 February 2004, as amended, and Council Regulation (EC) No. 872/2004 of 29 April 2004, as amended, concerning restrictive measures against Liberia. The sanctions include a prohibition on financial assistance related to military activities in Liberia and the freezing of funds and economic resources of former Liberian President Charles Taylor, his immediate family and close associates engaged in or providing support for activities undermining peace and stability in Liberia.

The Order provides that the Central Bank and Financial Services Authority 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.

The most recent updates to EU Financial Sanctions against Liberia are contained in Commission Regulation (EC) No. 1216/2008 of 5 December 2008, Commission Regulation (EC) No. 275/2009 of 2 April 2009 and Corrigendum, and Commission Regulation (EC) No. 496/2009 of 11 June 2009 which amend the asset-freeze list established under Council Regulation (EC) No. 872/2004 of 29 April 2004.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
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