



STATUTORY INSTRUMENTS.

S.I. No. 400 of 2009



FINANCIAL TRANSFERS (BELARUS) (PROHIBITION) ORDER 2009

(Prn. A9/1361)

FINANCIAL TRANSFERS (BELARUS) (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. 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 2009.

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, and

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

(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, 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, between the State and another country.

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 and Financial Services Authority 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.

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.

¹OJ No. L.134, 20.5.06, p.1.

²OJ No. L.294, 25.10.06, p.25.

³OJ No. L.180, 9.7.08, p.5.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd October, 2009.*

8. The Financial Transfers (Belarus) (Prohibition) Order 2008 (S.I. No. 112 of 2008) is revoked.



GIVEN under my Official Seal,
28 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 contained in Council Regulation (EC) No. 765/2006 of 18 May 2006, as amended by Commission Regulation (EC) No. 1587/2006 of 23 October 2006 and Council Regulation (EC) No. 646/2008 of 8 July 2008 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.

It also 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.

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)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54

