



STATUTORY INSTRUMENTS.

S.I. No. 569 of 2010

FINANCIAL TRANSFERS (INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA (ICTY)) (PROHIBITION) ORDER
2010

(Prn. A10/1776)

FINANCIAL TRANSFERS (INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA (ICTY)) (PROHIBITION) ORDER
2010

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. 1763/2004 of 11 October 2004¹, as last amended by Council Regulation (EU) No. 556/2010 of 24 June 2010², hereby order as follows:

1. This Order may be cited as the Financial Transfers (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Prohibition) Order 2010.

2. (1) In this Order—

“Council Regulation” means Council Regulation (EC) No. 1763/2004 of 11 October 2004¹, as amended by—

- (a) Commission Regulation (EC) No. 1965/2004 of 15 November 2004³,
- (b) Commission Regulation (EC) No. 2233/2004 of 22 December 2004⁴,
- (c) Commission Regulation (EC) No. 295/2005 of 22 February 2005⁵,
- (d) Commission Regulation (EC) No. 607/2005 of 18 April 2005⁶ together with the Corrigendum to that Regulation⁷,
- (e) Commission Regulation (EC) No. 830/2005 of 30 May 2005⁸ together with the Corrigendum to that Regulation⁹,
- (f) Commission Regulation (EC) No. 1208/2005 of 27 July 2005¹⁰,
- (g) Commission Regulation (EC) No. 1636/2005 of 6 October 2005¹¹,
- (h) Commission Regulation (EC) No. 23/2006 of 9 January 2006¹²,

¹OJ No. L.315, 14.10.04, p.14.

²OJ No. L.159, 25.6.10, p.9.

³OJ No. L.339, 16.11.04, p.4.

⁴OJ No. L.379, 24.12.04, p.75.

⁵OJ No. L.50, 23.2.05, p.5.

⁶OJ No. L.100, 20.4.05, p.17.

⁷OJ No. L.104, 23.4.05, p.46.

⁸OJ No. L.137, 31.5.05, p.24.

⁹OJ No. L.139, 2.6.05, p.29.

¹⁰OJ No. L.197, 28.7.05, p.19.

¹¹OJ No. L.261, 7.10.05, p.20.

¹²OJ No. L.5, 10.1.06, p.8.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd December, 2010.*

- (i) Commission Regulation (EC) No. 416/2006 of 10 March 2006¹³,
- (j) Commission Regulation (EC) No. 1053/2006 of 11 July 2006¹⁴,
- (k) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹⁵,
- (l) Commission Regulation (EC) No. 789/2007 of 4 July 2007¹⁶,
- (m) Commission Regulation (EC) No. 738/2008 of 28 July 2008¹⁷,
- (n) Commission Regulation (EC) No. 895/2008 of 12 September 2008¹⁸,
and
- (o) Council Regulation (EU) No. 556/2010 of 24 June 2010².

(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 or Article 4 of the Council Regulation 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 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.

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

¹³OJ No. L.72, 11.3.06, p.7.

¹⁴OJ No. L.189, 12.7.06, p.5.

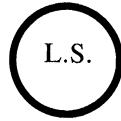
¹⁵OJ No. L.363, 20.12.06, p.1.

¹⁶OJ No. L.175, 5.7.07, p.27.

¹⁷OJ No. L.201, 30.7.08, p.33.

¹⁸OJ No. L.247, 16.9.08, p.19.

8. The Financial Transfers (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Prohibition) Order 2008 (S.I. No. 549 of 2008) is revoked.



GIVEN under my Official Seal,
29 November 2010.

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 provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 1763/2004 of 11 October 2004, as amended, in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). The sanctions control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and ban any support these persons might receive from within the Community.

Council Regulation (EU) No. 556/2010 of 24 June 2010 makes certain technical amendments to Council Regulation (EC) No. 1763/2004 of 11 October 2004.

The Order 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.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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