



STATUTORY INSTRUMENTS.

S.I. No. 227 of 2011



FINANCIAL TRANSFERS (REPUBLIC OF GUINEA) (PROHIBITION)
ORDER 2011

(Prn. A11/0722)

FINANCIAL TRANSFERS (REPUBLIC OF GUINEA) (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 (EU) No. 1284/2009 of 22 December 2009¹, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Republic of Guinea) (Prohibition) Order 2011.

2. (1) In this Order “Council Regulation” means Council Regulation (EU) No. 1284/2009 of 22 December 2009¹ as amended by—

(a) Commission Regulation (EU) No. 279/2010 of 31 March 2010², and

(b) Council Regulation (EU) No. 269/2011 of 21 March 2011³.

(2) A word or expression which is used in this Order has, unless the context otherwise requires, the same meaning that 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 a prior authorisation under Article 4, 8 or 9 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 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.346, 23.12.09, p.26.

²OJ No. L.86, 01.04.10, p.20.

³OJ No. L.76, 22.03.11, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 17th May, 2011.*

8. The Financial Transfers (Republic of Guinea) (Prohibition) Order 2010 (S.I. No. 222 of 2010) is revoked.



GIVEN under my Official Seal,
13 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 updates and replaces S.I. No. 222 of 2010 to give full effect to Council Regulation (EU) No. 269/2011 of 21 March 2011 which, inter alia, replaces Annex II to Council Regulation (EU) No. 1284/2009 of 22 December 2009.

This Order provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EU) No. 1284/2009 of 22 December 2009, as amended by Commission Regulation (EU) No. 279/2010 of 31 March 2010 and Council Regulation (EU) No. 269/2011 of 21 March 2011, concerning restrictive measures against the Republic of Guinea. The sanctions include a prohibition on financial assistance related to the provision of military equipment or equipment which could be used for internal repression in the republic of Guinea. The Council Regulation also provides for the freezing of funds and economic resources of members of the National Council for Democracy and Development (NCDD) and their associates.

The Order provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

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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