



STATUTORY INSTRUMENTS

**S.I. No. 801 of 2007**



FINANCIAL TRANSFERS (SUDAN) (PROHIBITION) ORDER 2007

**(Prn. A7/2274)**

## FINANCIAL TRANSFERS (SUDAN) (PROHIBITION) ORDER 2007

I, BRIAN COWEN, 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 further effect to Council Regulation (EC) No. 131/2004 of 26 January 2004<sup>1</sup> and Council Regulation (EC) No. 1184/2005 of 18 July 2005<sup>2</sup>, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Sudan) (Prohibition) Order 2007.

2. (1) In this Order—

“Council Regulation (EC) No. 131/2004” means Council Regulation (EC) No. 131/2004 of 26 January 2004<sup>1</sup>, as amended by—

- (a) Council Regulation (EC) No. 1353/2004 of 26 July 2004<sup>3</sup>,
- (b) Commission Regulation (EC) No. 1516/2004 of 25 August 2004<sup>4</sup>,
- (c) Council Regulation (EC) No. 838/2005 of 30 May 2005<sup>5</sup>,
- (d) Commission Regulation (EC) No. 1354/2005 of 17 August 2005<sup>6</sup> and
- (e) Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>7</sup>.

“Council Regulation (EC) No. 1184/2005” means Council Regulation (EC) No. 1184/2005 of 18 July 2005<sup>2</sup>, as amended by—

- (a) Commission Regulation (EC) No. 760/2006 of 18 May 2006<sup>8</sup>,
- (b) Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>7</sup>,
- (c) Commission Regulation (EC) No. 970/2007 of 17 August 2007<sup>9</sup> and Corrigendum<sup>10</sup>.

(2) A word or expression which is used in this Order and in Council Regulation (EC) No. 131/2004 or in Council Regulation (EC) No. 1184/2005 has,

<sup>1</sup>OJ L21, 28.1.2004, p.1.

<sup>2</sup>OJ L193, 23.7.2005, p.9.

<sup>3</sup>OJ L251, 27.7.2004, p.1.

<sup>4</sup>OJ L278, 27.8.2004, p.15.

<sup>5</sup>OJ L139, 2.6.2005, p.3.

<sup>6</sup>OJ L213, 18.8.2005, p.11.

<sup>7</sup>OJ L363, 20.12.2006, p.1.

<sup>8</sup>OJ L132, 19.5.2006, p.28.

<sup>9</sup>OJ L215, 18.8.2007, p.16.

<sup>10</sup>OJ L227, 31.8.2007, p.53.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 14th December, 2007.*

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, 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. 131/2004 or Council Regulation (EC) No. 1184/2005, between the State and another country.

4. Notwithstanding Article 3 of this Order, a person who has received a derogation under Article 4 of Council Regulation (EC) No. 131/2004 or a derogation under Article 3 or Article 4 of Council Regulation (EC) No. 1184/2005 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 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.

8. The Financial Transfers (Sudan) (Prohibition) Order 2006 (S.I. No. 429 of 2006) is revoked.



GIVEN under my Official Seal  
11 December 2007

BRIAN COWEN  
Minister for Finance

## EXPLANATORY NOTE

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

The Order prohibits financial transfers between the State and another country as outlined in Council Regulation (EC) No. 131/2004 of 26 January 2004 and Council Regulation (EC) No. 1184/2005 of 18 July 2005, as amended, concerning restrictive measures against Sudan.

Council Regulation (EC) No. 131/2004 of 26 January 2004 places restrictive measures on the export of arms and related material to Sudan. It has been amended on five occasions to allow for exemptions to the restrictions and amendment to details of competent authorities. Council Regulation (EC) No. 1184/2005 of 18 July 2005 imposes a targeted asset-freeze on individuals impeding the peace process and breaking international law in the conflict in the Darfur region of Sudan. It has been amended on three occasions to insert or amend names of designated persons and amend the list of competent authorities.

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.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
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€2.54

ISBN 1-4064-3488-4



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