



STATUTORY INSTRUMENTS.

S.I. No. 132 of 2012



FINANCIAL TRANSFERS (AFGHANISTAN) (PROHIBITION) ORDER
2012

(Prn. A12/0685)

FINANCIAL TRANSFERS (AFGHANISTAN) (PROHIBITION) ORDER
2012

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. 753/2011 of 1 August 2011¹, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Afghanistan) (Prohibition) Order 2012.

2. (1) In this Order “Council Regulation” means Council Regulation (EU) No. 753/2011 of 1 August 2011¹ as amended by—

(a) Council Implementing Regulation (EU) No. 968/2011 of 29 September 2011²,

(b) Council Implementing Regulation (EU) No. 1049/2011 of 20 October 2011³, and

(c) Council Implementing Regulation (EU) No. 263/2012 of 23 March 2012⁴.

(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 5 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.

¹OJ No. L.199, 02.08.11, p.1.

²OJ No. L.257, 01.10.11, p.1.

³OJ No. L.276, 21.11.10, p.2.

⁴OJ No. L.87, 24.03.12, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2012.*

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 (Afghanistan) (Prohibition) Order 2011 (S.I. No. 577 of 2011) is revoked.



GIVEN under my Official Seal,
24 April 2012.

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 provides for enforcement of financial sanctions against certain persons and entities associated with the Taliban in Afghanistan imposed by Council Regulation (EU) No. 753/2011 of 1 August 2011, as amended. Most of the persons listed were previously listed under Council Regulation (EC) No. 881/2002 of 27 May 2002.

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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 PUBLISHED BY THE STATIONERY OFFICE
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€1.27

