



STATUTORY INSTRUMENTS.

S.I. No. 545 of 2013



FINANCIAL TRANSFERS (IRAQ) (PROHIBITION) ORDER 2013

FINANCIAL TRANSFERS (IRAQ) (PROHIBITION) ORDER 2013

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 (EC) No. 1210/2003 of 7 July 2003¹, as last amended by Council Regulation (EU) No. 85/2013 of 31 January 2013², hereby order as follows:

1. This Order may be cited as the Financial Transfers (Iraq) (Prohibition) Order 2013.

2. (1) In this Order—

“Council Regulation” means Council Regulation (EC) No. 1210/2003 of 7 July 2003¹, as amended by—

- (a) Council Regulation (EC) No. 1799/2003 of 13 October 2003³,
- (b) Commission Regulation (EC) No. 2119/2003 of 2 December 2003⁴,
- (c) Commission Regulation (EC) No. 924/2004 of 29 April 2004⁵,
- (d) Commission Regulation (EC) No. 979/2004 of 14 May 2004⁶,
- (e) Commission Regulation (EC) No. 1086/2004 of 9 June 2004⁷,
- (f) Council Regulation (EC) No. 1412/2004 of 3 August 2004⁸,
- (g) Council Regulation (EC) No. 1566/2004 of 31 August 2004⁹,
- (h) Commission Regulation (EC) No. 1087/2005 of 8 July 2005¹⁰,
- (i) Commission Regulation (EC) No. 1286/2005 of 3 August 2005¹¹,

¹OJ No. L 169, 8.7.03, p. 6

²OJ No. L 32, 1.2.13, p. 1

³OJ No. L 264, 15.10.03, p. 12

⁴OJ No. L 318, 3.12.03, p. 9

⁵OJ No. L 163, 30.4.04, p. 100

⁶OJ No. L 180, 15.5.04, p. 9

⁷OJ No. L 207, 10.6.04, p. 10

⁸OJ No. L 257, 4.8.04, p. 1

⁹OJ No. L 285, 4.9.04, p. 6

¹⁰OJ No. L 177, 9.7.05, p. 32

¹¹OJ No. L 203, 4.8.05, p. 17

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*

- (j) Commission Regulation (EC) No. 785/2006 of 23 May 2006¹²,
- (k) Council Regulation (EC) No. 195/2008 of 3 March 2008¹³,
- (l) Council Regulation (EC) No. 175/2009 of 5 March 2009¹⁴,
- (m) Council Regulation (EU) No. 168/2010 of 1 March 2010¹⁵,
- (n) Council Regulation (EU) No. 131/2011 of 14 February 2011¹⁶,
- (o) Commission Implementing Regulation (EU) No. 88/2012 of 1 February 2012¹⁷, and
- (p) Council Regulation (EU) No. 85/2013 of 31 January 2013².

(2) A word or expression used in this Order that 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. For the purposes of this Order and the Council Regulation the Central Bank of Ireland shall be the competent authority in the State.

4. Subject to Article 5, 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 contravention of the Council Regulation.

5. Notwithstanding Article 4, a person who has been granted or is deemed to have been granted an authorisation under Article 6 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

6. The Central Bank of Ireland may, for the purposes of supervision of financial transfers and for the administration and enforcement of the provisions of the Council Regulation or this Order, give such directions or issue such instructions to a person as it sees fit.

7. A person to whom a direction has been given or an instruction issued under Article 6 of this Order shall comply with such direction or instruction.

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

¹²OJ No. L 138, 25.5.06, p. 7

¹³OJ No. L 59, 4.3.08, p. 1

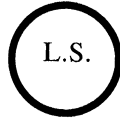
¹⁴OJ No. L 62, 6.3.09, p. 1

¹⁵OJ No. L 51, 2.3.10, p. 1

¹⁶OJ No. L 41, 15.2.11, p. 1

¹⁷OJ No. L 30, 2.2.12, p. 11

9. The Financial Transfers (Iraq) (Prohibition) Order 2012 (S.I. No. 65 of 2012) is revoked.



GIVEN under my Official Seal,
18 December 2013.

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 prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 1210/2003 of 7 July 2003, as amended, concerning restrictive measures against Iraq.

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.

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