



STATUTORY INSTRUMENTS

S.I. No. 458 of 2008

CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005 (SECTION 42(2)) (USAMA BIN LADEN, THE AL-QAIDA NETWORK AND THE TALIBAN) (FINANCIAL SANCTIONS) REGULATIONS (NO. 5) 2008

(Prn. A8/1738)

CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005 (SECTION 42(2)) (USAMA BIN LADEN, THE AL-QAIDA NETWORK AND THE TALIBAN) (FINANCIAL SANCTIONS) REGULATIONS (NO. 5) 2008

I, BRIAN LENIHAN, Minister for Finance, in exercise of the powers conferred on me by section 42(2) of the Criminal Justice (Terrorist Offences) Act 2005 (No. 2 of 2005), for the purpose of giving effect to certain acts that are adopted by the institutions of the European Communities, and being of the opinion that Council Regulation (EC) No. 881/2002 of 27 May 2002¹, as amended, is for the purpose of, or will contribute to, combating terrorism through the adoption of specific restrictive measures, directed at persons, groups or entities, for the identification, detection, freezing or seizure of their assets of any kind, hereby make the following Regulations:

1. These Regulations may be cited as the Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No. 5) 2008.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 881/2002 of 27 May 2002¹, as amended by—

(a) Council Regulation (EC) No. 561/2003 of 27 March 2003²,

(b) Annex II of Act of Accession 2004³,

(c) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴,

(d) the amending Commission Regulations and corrigenda cited or referred to in the Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No. 4) 2008 (S.I. No. 380 of 2008), and

(e) Commission Regulation (EC) No. 974/2008 of 2 October 2008⁵.

(2) A word or expression which is used in these Regulations and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation.

¹ OJ No. L.139, 29.5.02, p.9.

² OJ No. L.82, 29.3.03, p.1.

³ OJ No. L.236, 23.9.03, p.773.

⁴ OJ No. L.363, 20.12.06, p.1.

⁵ OJ No. L.265, 4.10.08, p.10.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th November, 2008.

3. Every person shall comply with the Council Regulation.
4. A person shall not do anything to directly or indirectly circumvent the provisions of the Council Regulation or of these Regulations.



GIVEN under my Official Seal
1 November 2008

BRIAN LENIHAN
Minister for Finance

EXPLANATORY NOTE

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

These Regulations provide for enforcement of financial sanctions against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban imposed by Council Regulation (EC) No. 881/2002 of 27 May 2002, as amended by Council Regulation (EC) No. 561/2003 of 27 March 2003, Annex II of Act of Accession 2004, Council Regulation (EC) No. 1791/2006 of 20 November 2006 and various Commission Regulations. This update provides for enforcement of the additional amending Commission Regulation (EC) No. 974/2008 of 2 October 2008, which removes an entry from the asset-freeze list.

Section 42 of the Criminal Justice (Terrorist Offences) Act 2005 creates an offence for breach of the provisions of these Regulations and provides for appropriate penalties.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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