

Bank of England

News Release



22 September 2003

THE TERRORISM (UNITED NATIONS MEASURES) ORDER 2001

Further to the Bank's news release of 15 September entitled Terrorist Financing: List of Suspects, concerning Hamas, the Bank of England, as agent for Her Majesty's Treasury, has today issued a Notice under article 4 of the Terrorism (United Nations Measures) Order 2001 in respect of Hamas (including Hamas-Izz al-Din al-Qassem).

Council Decision 2003/646/EC implementing Article 2(3) of Regulation (EC) No. 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/480/EC was published in the *Official Journal of the European Union* on Saturday 13 September 2003. There is therefore a binding and directly applicable obligation in Community law to freeze all funds, other financial assets and economic resources of Hamas, and not to make any funds, other financial assets and economic resources available to Hamas.

The Terrorism (United Nations Measures) Order 2001 (Amendment No. 3) Regulations 2003 came into force on Saturday 20 September 2003. As a result, the Treasury may, where they have reasonable grounds for suspecting that the person by, for or on behalf of whom any funds are held is or may be on the list of natural and legal persons, groups and entities in Article 1 of Council Decision 2003/646/EC, direct by notice that those funds are not to be made available to any person, in the absence of a licence granted by the Treasury.

The Bank of England, as agent for Her Majesty's Treasury, has today directed financial institutions that any funds which they hold for or on behalf of Hamas must not be made available to any person, except under the authority of a licence granted by the Treasury. As a result, it is a criminal offence to make funds available to Hamas (contrary to Article 4(9) of the Terrorism (United Nations Measures) Order 2001).

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Note to Editors

Previous Notices and news releases concerning Terrorism, Al-Qa'ida and the Taliban are available from the Financial Sanctions pages of the Bank of England's website

<http://www.bankofengland.co.uk/sanctions>

UNITED NATIONS ACT 1946

**NOTICE CONTAINING A DIRECTION UNDER ARTICLE 4 OF THE TERRORISM
(UNITED NATIONS MEASURES) ORDER 2001 (S.I. 2001/3365)**

1. On 28 September 2001, the United Nations Security Council adopted resolution 1373 (2001). As from 10 October 2001, effect has been given in the United Kingdom to paragraph 1(c) and (d) of this resolution by the Terrorism (United Nations Measures) Order 2001 (SI 2001/3365), hereafter "the 2001 Order". The 2001 Order was made by Her Majesty by Order in Council in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946 (c. 45).
2. In exercise of their powers under article 4 of the 2001 Order, the Treasury (through the Bank of England acting as the Treasury's agent) hereby direct all relevant institutions that any funds which they hold for or on behalf of any of the persons listed in Annex 1 hereto must not be made available to any person except under the authority of a licence granted by the Treasury. This direction is to have effect until revoked by further notice given by the Treasury.
3. Where a relevant institution holds funds for or on behalf of any of the persons listed in Annex 1, it must without delay send a copy of this notice to the person for whom, or on whose behalf, they are held.
4. A person who contravenes the direction given under paragraph 2, or who fails to comply with the requirement in paragraph 3, is guilty of a criminal offence under the 2001 Order.
5. In this notice, "funds" and "relevant institution" have the meaning given by the 2001 Order, as amended by the Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (SI 2002/111), art 1(6) and the Financial Services and Markets Act 2000 (Consequential Amendments) (No. 2) Order 2001 (SI 2001/3801), art 2(1), (3).
6. Enquiries concerning any matter contained in this notice are to be addressed to the Bank of England, Threadneedle Street, London, EC2R 8AH and marked for the attention of the Financial Sanctions Unit (FSU). Enquiries may also be made at sanctions.unit@bankofengland.co.uk, on 020 7601 4309 (fax) or by telephone (020 7601 4768/4783/5811).

