

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1892/37 - 2014 දෙසැම්බර් මස 11 වැනි බ්‍රහස්පතින්දා - 2014.12.11
No. 1892/37 - THURSDAY, DECEMBER 11, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B.7/2001.

THE UNITED NATIONS ACT, No. 45 OF 1968

REGULATIONS made by the Minister of External Affairs under Section 2 of the United Nations Act, No. 45 of 1968.

PROF. G. L. PEIRIS,
Minister of External Affairs.

Colombo,
09th December 2014.

Regulations

The United Nations Regulations No.1 of 2012 published in the *Gazette Extraordinary* No. 1758/19 of May 15, 2012 is hereby amended as follows:-

- (1) In regulation 4, by the substitution for Paragraph (7), of the following :-

“(7) Where there is a need to include or remove any name or names from the List, or to amend or update any information in the List it shall be done by way of an amendment to the List which has been published in the gazette. Every such amendment shall be published in the Gazette.”;

- (2) by the insertion immediately after regulation 4, of the following new regulations:-

“4A. (1) Every request by a foreign State for a designation of a natural or legal person, group or entity, shall be made to the Minister.



- (2) Upon receipt of a request the Minister shall forthwith forward such request to the Competent Authority.
- (3) (a) Upon receipt of a request forwarded by the Minister the Competent Authority shall forthwith consult any relevant authority in Sri Lanka and evaluate the information provided by the foreign State.
(b) Where the Competent Authority is of the view that the information provided by a foreign State is not sufficient the Competent Authority may request further information from such State.
- (4) Where the Competent Authority determines that there are sufficient grounds for the designation of the natural or legal person, group or entity in respect of whom or which the foreign State has sought designation, the Competent Authority shall recommend to the Minister the designation of such natural or legal person, group or entity.
- (5) Where the Competent Authority determines that there are no sufficient grounds for the designation of the natural or legal person, group or entity in respect of whom or which the foreign State has sought designation, the Competent Authority shall forthwith communicate such fact to the Minister.
- (6) The Minister shall forthwith communicate to the relevant foreign State, the outcome of the request made by such foreign State.

4B. (1) The Minister shall, on the recommendation of the Competent Authority, request any foreign State to designate any natural or legal person, group or entity designated by the Minister under these regulations.

(2) A request made under paragraph (1) shall be accompanied by -

- (a) the information that enables effective and accurate identification of such natural or legal person, group or entity;
- (b) the particulars that supported the designation of such natural or legal person, group or entity in Sri Lanka; and
- (c) any other information that may justify the designation of such natural or legal person, group or entity in such foreign State.”;

(3) In regulation 5 -

(a) by the substitution for Paragraph (1), of the following :-

“(1) Upon designation in terms of regulation 4, the Competent Authority shall forthwith freeze by an Order made in that behalf all funds, other financial assets and economic resources belonging to, or are wholly or jointly owned, held or controlled by, a designated natural or legal person, group or entity, or any other person, group or entity for and on behalf of, or on the direction of, such designated person, group or entity. The funds, other financial assets and economic resources shall remain frozen as long as such person, group or entity is designated.”;

(b) in paragraph (2), by the substitution for sub-paragraph (a), of the following:-

“(a) No person shall make available any funds, other financial assets and economic resources and financial or other related services directly or indirectly to, or for the benefit of, a natural or legal person, group or entity designated in terms of regulation 4 of these regulations or any other person, group or entity for and on behalf of, or at the direction of, such designated person, group or entity.”;

(4) by the insertion immediately after regulation 8 of the following new regulations:-

“8A. (1) Any person who claims that he is not the designated person may apply to the Competent Authority requesting the issue of a certificate stating that such person is not the person whose name appears on the List. The Competent Authority shall, upon making such inquiries as are appropriate in respect thereof and if it is established that the applicant is not a designated person, issue a certificate to that effect to the applicant.

(2) Where the Competent Authority decides to refuse the issue of a certificate under paragraph (1), he shall communicate his decision to the applicant with the reasons therefore, within a reasonable period.

8B. Any person aggrieved by the decision of the Competent Authority under regulation 8A may apply against such decision to the High Court, within thirty days of the date on which the decision is communicated to him, for review thereof.”;

(5) in regulation 9, by the substitution for sub paragraph (b) of paragraph (1), of the following:-

“(b) provide the Competent Authority or the Financial Intelligence Unit as the case may be with information regarding -

- (i) the status of the funds, freezing actions and any other actions taken with respect to the funds;
- (ii) the nature and amount or quantity of any funds, other financial assets and economic resources held by the relevant institution for the designated person or transactions executed, or held by a person for the designated person;
- (iii) any transaction or attempted transaction by or on behalf of a designated person;
- (iv) any transaction or attempted transaction in respect of frozen funds, other financial assets and economic resources; and
- (v) any other information that would facilitate compliance with these regulations;”;

(6) in regulation 12, by the addition immediately after paragraph (3), of the following paragraph:-

“(4) The Competent Authority may consult and solicit information from, any person or government institution in giving effect to the provisions of these regulations.”.

12-913/1

L.D.B.7/2001.

THE UNITED NATIONS ACT, No. 45 OF 1968

REGULATIONS made by the Minister of External Affairs under section 2 of the United Nations Act, No. 45 of 1968.

PROF. G. L. PEIRIS,
Minister of External Affairs.

Colombo,
09th December 2014.

Regulations

The United Nations Regulations No.2 of 2012 published in the *Gazette Extraordinary* No. 1760/40 of May 31, 2012 is hereby amended as follows:-

(1) by the insertion immediately after regulation 15, of the following new regulation:-

“**15A.** (1) The Minister may, from time to time, in consultation with the Minister assigned with the subject of Defence and on the recommendation of the Competent Authority, propose to the Sanctions Committee, the designation of -

- (a) any natural person, whom the Competent Authority has reasonable grounds to believe to be associated with the AI-Quida or Taliban;
- (b) any legal person, group or entity, which the Competent Authority has reasonable grounds to believe to be associated with the AI-Quida or Taliban;
- (c) any legal person, group or entity which is owned or controlled directly or indirectly by one or more natural or legal persons, groups or entities referred to in sub paragraph (a) or (b) above; and
- (d) any natural or legal person, group or entity acting on behalf of, or on the direction of, one or more natural or legal persons, group or entities referred to in sub paragraph (a) or (b) above.

- (2) A proposal for designation under paragraph (1), shall be based upon precise information or material from any relevant source in respect of the persons, groups and entities concerned, irrespective of the existence of a criminal investigation or proceedings pending against such persons, groups and entities concerned.
- (3) The Competent Authority shall take all reasonable steps to ensure that names of natural or legal persons, groups or entities which are proposed to be designated under paragraph (1), have sufficient particulars appended to permit effective and accurate identification of such natural or legal persons, groups or entities.
- (4) The Competent Authority shall cause the names, designated by the Sanctions Committee and published in the Consolidated List consequent to any proposal made by the minister, to be reviewed at regular intervals and at least once every year in order to ensure that there are grounds for retaining or removing such names from the Consolidated List or to update information connected with such names.
- (5) Where it is revealed upon reviewing the names under paragraph (4) that retention of any name in the Consolidated List is not further necessary, the Minister shall propose to the Sanctions Committee the removal of such name from the Consolidated List.
- (6) Where there is a need to update any information relating to any designated person included in the Consolidated List, the Minister shall communicate such information to the Sanctions Committee.
- (7) Where the minister -
 - (a) proposes a name to be designated, under paragraph (1) ;
 - (b) proposes to remove any name from the Consolidated List, under paragraph (5);
 - (c) communicates any information in order to update any information, under paragraph (6), the Minister shall follow the procedure and standard forms adopted by the Sanctions Committee for such purpose.
- (8) No person shall at any time prior to the making of a proposal for designation, provide notice to the person, group or entity that such person, group or entity is being proposed or is being considered for such proposal.”.

(2) in regulation 12, by the substitution for sub- paragraph (b) of paragraph (1), of the following:-

“(b) provide the Competent Authority or the Financial Intelligence Unit as the case may be with information regarding-

- (i) the status of the funds, freezing actions under regulation 5 and 6 and any other actions taken with respect to the funds;
- (ii) the nature and amount or quantity of any funds, other financial assets or economic resources held by the relevant institution for the designated person or transactions executed, or held by a person for the designated person;
- (iii) any transaction or attempted transaction by or on behalf of a designated person;
- (iv) any transaction or attempted transaction in respect of frozen funds, other financial assets or economic resources; and
- (v) any other information that would facilitate compliance with these regulations.”;

- (3) in regulation 16, by the addition immediately after paragraph (3), of the following paragraph:-

“(4) The Competent Authority may consult, and solicit information from, any person or government institution in giving effect to the provisions of these regulations.”.