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STATUTORY INSTRUMENTS

1998 No. 3163

UNITED NATIONS

The Iraq and Kuwait (United Nations Sanctions) (Amendment) Order 1998

<i>Made</i>	- - - -	<i>16th December 1998</i>
<i>Laid before Parliament</i>		<i>4th January 1999</i>
<i>Coming into force</i>	- -	<i>25th January 1999</i>

At the Court at Buckingham Palace, the 16th day of December 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations have, by a resolution adopted on 6th August 1990, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to the situation between Iraq and Kuwait:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Iraq and Kuwait (United Nations Sanctions) (Amendment) Order 1998 and shall come into force on 25th January 1999.

(2) This Order shall extend to the United Kingdom and the Isle of Man.

Amendment of the Iraq and Kuwait (United Nations Sanctions) Order 1990

2.—(1) The Iraq and Kuwait (United Nations Sanctions) Order 1990(2) is amended as follows.

(1) 1946 c. 45.

(2) [S.I. 1990/1651](#) as amended by [S.I. 1990/1768](#) and [1990/2144](#).

- (2) In article 1(4)–
- (a) after the definition of “commander” insert–
- ““indictment”, in respect of the Isle of Man, includes information;”; and
- (b) at the end, insert–
- ““the Manx Treasury” means the Isle of Man Treasury, a department of the Government of the Isle of Man.”.
- (3) In article 6(1), for the words from “authorised officer” to “1894” substitute “authorised officer, that is to say, in respect of the United Kingdom, any officer referred to in section 284(1) of the Merchant Shipping Act 1995(3) or, in respect of the Isle of Man, any officer referred to in section 74(1) of the Merchant Shipping Registration Act 1991 (an Act of Tynwald)”.
- (4) In article 7, for “or the Commissioners of Customs and Excise”, in both places where it occurs, substitute “, the Commissioners of Customs and Excise or, in respect of the Isle of Man, the Manx Treasury”.
- (5) In article 8(5), after “include” insert “–(a)”; and, at the end, add–
- “; and
- (b) in respect of the Isle of Man, references to a limited liability company constituted under the Limited Liability Companies Act 1996 (an Act of Tynwald) and, in relation to such a company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent”.
- (6) In the Schedule–
- (a) in paragraph 1(1)–
- (i) after “law,” insert “in respect of the United Kingdom,”;
- (ii) after “the Commissioners of Customs and Excise” insert “or, in respect of the Isle of Man, the Manx Treasury (or any person authorised by them for that purpose either generally or in a particular case)”; and
- (iii) after “United Kingdom” insert “or, as the case may be, the Isle of Man,”;
- (b) in paragraph 2(1)–
- (i) for “or the Commissioners of Customs and Excise” substitute “, the Commissioners of Customs and Excise or, as the case may be, the Manx Treasury”; and
- (ii) after “any officer of Customs and Excise” insert “(including, in respect of the Isle of Man, any officer authorised as such under the Customs and Excise Management Act 1986 (an Act of Tynwald))”;
- (c) in paragraph 3, after “Secretary of State” insert “or the Manx Treasury”; and
- (d) in paragraph 4(b), after “the Crown” insert “in respect of the Government of the United Kingdom or under or in the service of the Government of any other place to which this Order extends”.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Iraq and Kuwait (United Nations Sanctions) Order 1990 (S.I. 1990/1651) (which extends to the United Kingdom and the Isle of Man) in order to:

- (a) clarify that, in respect of the Isle of Man, “indictment” includes information;
- (b) provide that references to a body corporate include, in respect of the Isle of Man, references to a limited liability company constituted under the Limited Liability Companies Act 1996 (an Act of Tynwald);
- (c) provide that the Isle of Man Treasury has the investigative powers specified in the Schedule to the Order;
- (d) provide that a search warrant under the Schedule to the Order may be granted to an officer of Customs and Excise authorised as such in the Isle of Man;
- (e) provide that a person authorised by the Isle of Man Treasury under the Schedule to the Order must provide evidence of authority; and that items provided under the Schedule may be disclosed to an officer of the Isle of Man Government; and
- (f) make minor drafting changes.