

2003 No. 1347

UNITED NATIONS

The Iraq (United Nations Sanctions) (Amendment) Order 2003

Made - - - - *21st May 2003*

Laid before Parliament *21st May 2003*

Coming into force - - *22nd May 2003*

At the Court at Buckingham Palace, the 21st day of May 2003

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 ("the 1990 resolution"), 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 Iraq;

And whereas such measures were enacted in respect of the United Kingdom by the Iraq (United Nations Sanctions) Order 2000(a); in respect of certain overseas territories ("the territories") by the Iraq (United Nations Sanctions)(Overseas Territories) Order 2000(b); in respect of the Channel Islands by the Iraq (United Nations Sanctions)(Channel Islands) Order 2000(c); and in respect of the Isle of Man by the Iraq (United Nations Sanctions)(Isle of Man) Order 2000(d) ("the relevant Orders");

And whereas Article 1(2) of each of the relevant Orders would give effect to any decision of the Security Council of the United Nations cancelling, amending or suspending the operation of the 1990 resolution in whole or in part, without the need for any express amendment of the Order;

And whereas it is necessary to make provision to ensure that, pending the full implementation of any further resolution that may be adopted by the Security Council, Article 1(2) of each of the relevant Orders does not create unintended effects in the law of the United Kingdom, the territories, the Channel Islands or the Isle of Man;

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

(a) S.I. 2000/3241.

(b) S.I. 2000/3242, amended by S.I. 2001/395.

(c) S.I. 2000/3244.

(d) S.I. 2000/3245.

(e) 1946 c. 45.

Citation and commencement

1. This Order may be cited as the Iraq (United Nations Sanctions)(Amendment) Order 2003 and comes into force on 21st May 2003.

Amendment of the relevant Orders

2. Article 1(2) of each of the relevant Orders is revoked.

G.C. Donald
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes Article 1(2) of each of the Iraq (United Nations Sanctions) Order 2000, the Iraq (United Nations Sanctions)(Overseas Territories) Order 2000, the Iraq (United Nations Sanctions)(Channel Islands) Order 2000 and the Iraq (United Nations Sanctions)(Isle of Man) Order 2000 (“the relevant Orders”). The relevant Orders were made under the United Nations Act 1946 (“the 1946 Act”), and comprise measures giving effect to the decision of the Security Council of the United Nations as set out in United Nations Security Council Resolution 661 of 6 August 1990 (“the 1990 resolution”).

Article 1(2) of each Order provides that if the Security Council of the United Nations takes a decision which has the effect of cancelling, amending or suspending the operation of the 1990 resolution in whole or in part, the Order shall cease to have effect, or be deemed to be amended, or its operation shall be suspended, as the case may be, in accordance with that decision.

Article 1(2) is revoked in each case in order to avoid unintended consequences arising from any future decision of the Security Council in relation to the 1990 resolution, pending the full implementation of the decision. If, for example, the 1990 resolution were to be cancelled or suspended, and new provisions simultaneously adopted by the Security Council, the relevant Orders could cease to have effect by virtue of the respective Articles 1(2) before the new provisions could be given effect to under the 1946 Act by means of a further Order. The revocation of Article 1(2) in each case ensures that consequences of this kind cannot arise.

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