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STATUTORY INSTRUMENTS

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**2005 No. 1258**

**The Sudan (United Nations Measures)  
(Overseas Territories) Order 2005**

INTRODUCTORY

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the Sudan (United Nations Measures) (Overseas Territories) Order 2005 and shall come into force on 12th May 2005.

(2) If the Security Council of the United Nations takes any decision which has the effect of cancelling, extending, or suspending the operation of resolution 1591 (2005) adopted by it on 29th March 2005, in whole or in part, this Order shall cease to have effect or its operation shall be extended or suspended, in whole or in part, as the case may be, in accordance with that decision; and particulars of that decision shall be published by the Governor in a notice in the official gazette of the Territory.

(3) This Order shall extend to the territories listed in Schedule 1.

(4) Article 9 shall apply to the Sovereign Base Areas of Akrotiri and Dhekelia as set out in Schedule 2.

(5) In the application of this Order to any of the said territories the expression “the Territory” in this Order means that territory, and references to the official gazette of a Territory include a reference to any form in which official information is normally made available in that Territory.

(6) Articles 3, 4 and 5 shall apply to any person within the Territory and to any person elsewhere who is –

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas), or a British protected person and is ordinarily resident in the Territory; or
- (b) a body incorporated or constituted under the law of the Territory.

**Interpretation**

2.—(1) In this Order, the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say –

“designated person” means an individual designated by the Committee established by paragraph 3 (a) of resolution 1591 (2005) adopted by the Security Council of the United Nations on 29th March 2005;

“direction” means a direction under article 4(1);

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“funds” means financial assets, economic benefits and economic resources of any kind, including (but not limited to) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments, deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; securities and debt instruments

(including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); interest, dividends or other income on or value accruing from or generated by assets; credit, rights of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

“Governor” means the Governor or other officer administering the Government of the Territory;

“relevant institution” means –

- (a) the person or body responsible for carrying out in the Territory the functions of a monetary authority;
- (b) any person who may lawfully accept deposits in or from within the Territory by way of business; and
- (c) any society established lawfully in the Territory whose principal purpose is the making of loans secured on residential property where such loans are funded substantially by its members;

“Supreme Court” means the court of the Territory having unlimited jurisdiction in civil proceedings.

(2) For the purpose of the definition of “relevant institution” in paragraph (1) –

- (a) the activity of accepting deposits has the meaning given in any relevant order made under section 22 of the Financial Services and Markets Act 2000<sup>(1)</sup>; and
- (b) a person is not regarded as accepting deposits by way of business if –
  - (i) he does not hold himself out as accepting deposits on a day to day basis, and
  - (ii) any deposits which he accepts are accepted only on particular occasions, whether or not involving the issue of any securities.

(3) In determining for the purposes of paragraph (2)(b)(ii) whether deposits are accepted only on particular occasions, regard is to be had to the frequency of those occasions and to any characteristics distinguishing them from each other.

(4) For the purpose of identifying a “designated person” referred to in paragraph (1), the Governor shall cause a notice containing the names and other particulars of such designated persons to be published in the official gazette of the Territory as necessary from time to time.