

2007 No. 2138

OVERSEAS TERRITORIES

**The Liberia (Restrictive Measures) (Overseas Territories)
(Amendment No. 2) Order 2007**

<i>Made</i> - - - -	<i>25th July 2007</i>
<i>Laid before Parliament</i>	<i>26th July 2007</i>
<i>Coming into force</i> - -	<i>27th July 2007</i>

At the Court at Buckingham Palace, the 25th day of July 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 112 of the Saint Helena Act 1833(a), the British Settlements Acts 1887 and 1945(b), and in exercise of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order, as follows:—

Citation, commencement and extent

1.—(1) This Order may be cited as the Liberia (Restrictive Measures) (Overseas Territories) (Amendment No. 2) Order 2007 and shall come into force on 27th July 2007.

(2) In this Order “the Order” means the Liberia (Restrictive Measures) (Overseas Territories) Order 2004(c).

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

Amendment of the Order

2. The Order, is amended as follows:—

3. In Article 1(2) a new sub-paragraph shall be added as follows:—

“(d) Article 17 shall apply to the Falkland Islands and South Georgia and the South Sandwich Islands subject to the Modification set out in Schedule 4.”

4. Article 6 of the Order shall be deleted.

(a) 1833 c.85.

(b) 1887 c.54 and 1945 c.7.

(c) S.I. 2004/347 as previously amended by S.I. 2004/1112 and S.I. 2007/284.

5. In Article 17(1) of the Order for the words “article 3(1), 4(3), 5, 6(2), 8(3), 8A, 8B(9) or 8C” there shall be substituted “article 3(1), 4(3), 5, 8(3), 8A, 8B(9) or 8C”.

6. For Schedule 2 of the Order there shall be substituted the following:—

“SCHEDULE 2

Article 1(2)(b)

APPLICATION OF ARTICLE 17 TO THE SOVEREIGN BASE AREAS OF AKROTIRI AND DHEKELIA IN THE ISLAND OF CYPRUS

1. A person guilty of an offence under article 3(1), 4(3), 5, 8(3), 8A, 8B(9) or 8C is liable on conviction to imprisonment for a term not exceeding seven years or to a fine not exceeding £5,000 or its equivalent, or to both.

2. A person guilty of an offence under article 8B(10), 8D, 10(1) or (2), 11(4), or 15(3)(b)(ii) is liable on conviction to imprisonment for a term not exceeding two years, or to a fine, or to both.

3. A person guilty of an offence under article 15(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 3, is liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £5,000 or its equivalent, or to both.

4. A person guilty of an offence under article 9 or 11(3) is liable on conviction to a fine not exceeding £5,000 or its equivalent.

5. Where a body corporate is guilty of an offence under this Order and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of an officer, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.

6. Proceedings against any person for an offence under this Order may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.

7. No proceedings for an offence under this Order shall be instituted in the Territory except by or with the consent of the Attorney General and Legal Adviser.

8. Irrespective of whether consent under paragraph 7 has been obtained, paragraph 7 does not prevent —

- (a) the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence;
- (b) remand in custody or on bail of any person charged with such an offence.”

7. A new Schedule shall be added as follows:—

“SCHEDULE 4

Article 1(2)(d)

APPLICATION OF ARTICLE 17 TO THE FALKLAND ISLANDS AND TO SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS

When the Magistrate’s Court is sentencing a person following summary conviction for an offence under this Order, alternatively to the penalties applicable under article 17 to the relevant offence upon summary conviction, there shall be available to the Magistrate’s

Court any penalties which would be applicable under article 17 upon conviction for that offence on indictment.”

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Liberia (Restrictive Measures) (Overseas Territories) Order 2004 (“the 2004 Order”) by removing the prohibition in Article 6 on the importation of rough diamonds from Liberia and making the necessary consequential changes to the provisions on penalties and proceedings in Article 17.

Following the decision dated 27 April 2007 of the UN Security Council under Resolution 1753(2007) not to renew the prohibition against imports of rough diamonds originating in Liberia, which had been imposed by paragraph 6 of UNSCR 1521(2003) and implemented in the European Union by Article 3 of Council Common Position 2004/137/CFSP of 10 February 2004 and Article 6(1) of Council Regulation (EC) No. 234/2004, the European Community under Article 1 of Council Regulation (EC) No. 719/2007 of 25 June 2007 removed its prohibition on imports of rough diamonds from Liberia. This Order reflects the European Community’s decision by removing the prohibition in the Overseas Territories listed in Schedule 1 of the 2004 Order.

Schedule 2 of the 2004 Order is replaced to reflect the present court structure and procedure in the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.

Schedule 4 is added to the 2004 Order to modify the application of article 17 insofar as it applies to the Falkland Islands (including South Georgia and the South Sandwich Islands).

The 2004 Order has been amended twice previously by S.I. 2004 No. 1112 The Liberia (Restrictive Measures) (Overseas Territories) (Amendment) Order 2004 and S.I. 2007 No. 284 The Liberia (Restrictive Measures) (Overseas Territories) (Amendment) Order 2007.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

£3.00

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E1147 7/2007 171147T 19585