

**EXPLANATORY MEMORANDUM TO
THE SYRIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES)
(AMENDMENT) ORDER 2012**

2012 No. 3069

1. This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Order amends the Syria (Restrictive Measures) (Overseas Territories) Order 2012 (S.I. 2012 No.1755) (“the principal Order”) to give effect in specified Overseas Territories to recent amendments to the EU sanctions regime against Syria contained in Council Decision 2012/420/CFSP of 23rd July 2012 and Council Decision 2012/634/CFSP of 15th October 2012. The opportunity has also been taken to update, and make minor corrections to, the drafting of the principal Order.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This Order is made in exercise of statutory powers under the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945 and the legislative power of the Royal Prerogative.

4.2 The statutory and prerogative powers to legislate for the Overseas Territories to implement sanctions measures are applicable to the Overseas Territories as follows:

- (i) The Saint Helena Act 1833 applies to St Helena.
- (ii) The British Settlements Acts 1887 and 1945 are applicable to Ascension and Tristan da Cunha, British Antarctic Territory, the Falkland Islands, Pitcairn (including Henderson, Ducie and Oeno Islands), and South Georgia and the South Sandwich islands).

- (iii) The prerogative legislative power is applicable to Anguilla, British Indian Ocean Territory, Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

5. Territorial Extent and Application

This Order extends to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including Henderson, Ducie and Oeno Islands), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, the Turks and Caicos Islands and the Virgin Islands. Bermuda legislate independently to impose the restrictive measures, and to make subsequent amendments. The restrictive measures are implemented in Gibraltar by Council Regulation (EU) 36/2012 and local legislation.

6. European Convention on Human Rights

As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This Order implements the following recent amendments to the EU sanctions regime: the introduction of a power to dispose of restricted goods seized from ships, aircraft or vehicles; new exemptions from the asset freeze; and a new prohibition on the purchase, import and transport of arms from, or originating in, Syria. This Order also updates, and makes minor corrections to, the drafting of the principal Order.

7.2 The UK supports the imposition of EU sanctions measures in relation to Syria. The UK has, in coordination with our close EU partners led efforts to increase the political, economic and financial pressure on the Syrian regime, through successive rounds of sanctions, to end the violence against the Syrian opposition and implement genuine political reform in line with the legitimate aspirations of the Syrian protestors. We believe EU sanctions are having an impact on the Syrian regime in tightening the regime's economic and financial position and isolating the regime from the international community.

7.3 There is no international or EU law obligation to implement EU sanctions measures in the Overseas Territories but we do so in furtherance of our policy to make sanctions as effective as possible.

8. Consultation outcome

The Overseas Territories to which the Order extends were consulted about the Order.

9. Guidance

Guidance may be sought from the contact below.

10. Impact

10.1 There is no impact on business, charities or the voluntary sector in the United Kingdom.

10.2 There is no impact on the public sector in the United Kingdom.

10.3 An Impact Assessment has therefore not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business in the United Kingdom.

12. Monitoring and Review

The EU restrictive measures are monitored and reviewed by the Council of the European Union.

13. Contact

Emily Willmott or Naomi Davey at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 6451. E-mail: willmott.davey@fco.gov.uk.