

**EXPLANATORY MEMORANDUM TO
THE BURMA (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2013**

2013 No. 1447

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 revokes and replaces the Burma (Restrictive Measures) (Overseas Territories) Order 2009 (S.I. 2009/3008) and the Burma (Restrictive Measures) (Overseas Territories) (Suspension) Order 2012 (S.I. 2012/2596). It gives effect in the Overseas Territories to Council Decision 2013/184/CFSP, which lifted certain sanctions suspended by the European Union in 2012, and maintained the remaining sanctions concerning arms and related materiel, equipment that might be used for internal repression, and related assistance.

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 Settlement Acts 1887 and 1945 and the legislative power of the Royal Prerogative (in the absence of statutory powers).

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

- (i) The Saint Helena Act 1833 applies to St Helena;
- (ii) The British Settlement 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 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 applies 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 legislates independently to impose restrictive measures. The EU restrictive measures are given effect in Gibraltar by Council Regulation (EU) 401/2013 which is directly applicable in Gibraltar 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

Our judgement is that there has been significant progress in the position in Burma, and this warrants confirming the withdrawal of sanctions except the embargo on arms and equipment that might be used for internal repression. The goal of achieving lasting change in Burma stands more chance of being realised if we and the international community engage with all parties in Burma to help embed reform.

8. Consultation outcome

The Overseas Territories to which the Order applies 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 & review

EU sanctions are monitored and reviewed by the Council of the European Union.

13. Contact

Gerry Regan at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 6207. E-mail:Gerry.regan@fco.gov.uk