

**EXPLANATORY MEMORANDUM TO
THE SYRIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES)
(AMENDMENT) ORDER 2013**

2013 No. 1719

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 to give effect in specified Overseas Territories to changes to the sanctions measures adopted by the EU in Council Decision 2012/739/CFSP adopted on 29th November 2012 and in Council Decision 2013/255/CFSP adopted on 31st May 2013.

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 United Nations Act 1946, 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 applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, 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. These measures are implemented in Gibraltar by Council Regulation (EU) No 36/2012, as amended, 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 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 people.

7.2 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.

7.3 The EU decided on 31st May 2013 to lift the arms embargo in relation to arms and related materiel and internal repression items, and to return decisions on the supply of arms to Member States. This Order reflects this change by amending the principal Order to widen the licensing provisions in relation to the prohibitions on the sale, supply, transfer or export of arms and related materiel and equipment which might be used for internal repression, and to require that the Governor obtain the consent of the Secretary of State prior to issuing any such licence. It also adds new exemptions to the asset freeze provisions following Council Decision 2012/739/CFSP.

8. Consultation outcome

The Overseas Territories to which this 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 restrictive measures are monitored and reviewed by the Council of the European Union. Amendments will be made to this legislation following any further modifications to the sanctions regime 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: Tel: 020 7008 6120 or E-mail: willmott.davey@fco.gov.uk.