

**EXPLANATORY MEMORANDUM TO**  
**THE UKRAINE (SANCTIONS) (OVERSEAS TERRITORIES) (No. 3) ORDER 2014**  
**2014 No. 1098**

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 gives effect in specified Overseas Territories to sanctions contained in EU Council Decision 2014/145/CFSP. The sanctions consist of the freezing of assets of persons identified as responsible for actions which undermine or threaten the territorial integrity, sovereignty or independence of Ukraine and natural or legal persons associated with them.

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

The Order will be laid before Parliament the day after it is made and will come into force on the day after it is laid in order that the assets be frozen as soon as possible.

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 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 separately to apply the EU sanctions. These measures are implemented in Gibraltar by Council Regulation (EU) No. 269/2014, 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 In response to the unprovoked violation of Ukrainian sovereignty and territorial integrity by the Russian Federation the EU Council decided to impose sanctions, including an asset freeze, against persons responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine and persons associated with them. The EU adopted measures on 17 March 2014 to freeze any assets of these persons held in the EU.

7.2 This Order makes corresponding provision in specified Overseas Territories.

## **8. Consultation outcome**

The Overseas Territories were consulted on this Order in draft.

## **9. Guidance**

No guidance will be issued.

## **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**

EU sanctions are monitored and reviewed by Member States of the EU Council. Amendments will be made to this legislation following any further modifications to the sanctions regime by the Council of the European Union.

## **13. Contact**

Nigel Parker at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 6267. Email: [Nigel.Parker@fco.gov.uk](mailto:Nigel.Parker@fco.gov.uk)