

EXPLANATORY MEMORANDUM TO
THE UKRAINE (SANCTIONS) (OVERSEAS TERRITORIES) (No. 2) ORDER 2014
2014 No. 1100

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 EU sanctions contained in EU Council Decision 2014/119/CFSP. The sanctions consist of the freezing of assets of persons identified as responsible for the misappropriation of Ukrainian State funds. This Order revokes the Ukraine (Sanctions) (Overseas Territories) Order 2014 which was adopted before the EU Council Decision and accompanying Council Regulation entered into force.

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 to prevent possible asset flight as additional persons may be designated under the EU Regulation at any time.

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. 208/2014 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 European Union received information from the Ukrainian authorities that certain individuals are to be investigated in Ukraine in relation to the misappropriation of Ukrainian State funds. The EU took measures, which were adopted on 5 March 2014, to freeze any assets of these individuals held in the EU in order to prevent the dissipation of assets whilst judicial investigations and proceedings are ongoing.

7.2 This Order makes corresponding provision in specified Overseas Territories.

7.3 The Ukrainian (Sanctions) (Overseas Territories) Order 2014 was adopted urgently to avoid asset flight at the March Privy Council meeting which took place prior to the Council Decision being adopted. This Order needs to be replaced to allow for any changes to be made to the list of persons designated by the EU.

8. Consultation outcome

The Overseas Territories have been 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