

EXPLANATORY MEMORANDUM TO

THE IRAN (SANCTIONS) (OVERSEAS TERRITORIES) (AMENDMENT) (No. 2) ORDER 2016

2016 No. 1120

1. Introduction

- 1.1 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

- 2.1 The Iran (Sanctions) (Overseas Territories) Order 2016 (S.I 2016/371) (“the principal Order”) prohibits the use of ships, aircraft and vehicles to carry certain goods to Iran. This Order extends the prohibition to include the carriage of certain goods from Iran.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The prohibitions included in this Order were inadvertently omitted from the principal Order. The Department regrets this omission and this Order will be issued free of charge to all known recipients of S.I. 2016/371.

Other matters of interest to the House of Commons

- 3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

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 United Nations Act 1946 applies to all Overseas Territories;
 - (ii) the Saint Helena Act 1833 applies to St Helena;
 - (iii) 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);
 - (iv) 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. Extent and Territorial Application

- 5.1 The extent of this instrument is: 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 (“the Territories”).

5.2 The application of this instrument is the Territories and:

(a) any person elsewhere who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person and is ordinarily resident in a Territory;

(b) a body incorporated or constituted under the law of a Territory; and

(c) any person onboard a ship or aircraft that is registered in a Territory.

6. European Convention on Human Rights

6.1 As the instrument is not subject to parliamentary procedure, no statement is required.

7. Policy background

What is being done and why

7.1 The principal Order gives effect in specified Overseas Territories to the sanctions regime against Iran as provided for in United Nations Security Council resolution 2231 (2015) and the Joint Comprehensive Plan of Action annexed to that resolution. It also reflects the implementation of those sanctions by the European Union in Council Decision 2010/413/CFSP of 26 July 2010 (as amended) and Council Regulation (EU) No. 267/2012 of 23 March 2012 (as amended).

7.2 Articles 9(2), 10(2), 12(2) and 14(2) of the principal Order prohibit the use of ships, aircraft and vehicles to carry certain goods to Iran. This Order extends the prohibition to include the carriage of certain goods from Iran.

Consolidation

7.3 The Foreign and Commonwealth Office will keep the need for consolidation under review.

8. Consultation outcome

8.1 The Overseas Territories have been consulted on the Order in draft.

9. Guidance

9.1 No guidance will be issued.

10. Impact

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

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

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

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

12. Monitoring & review

- 12.1 The principal Order will be reviewed and amended as appropriate following any modifications to the sanctions regime by the United Nations and European Union.

13. Contact

- 13.1 Louise Moreland at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 3124. Email: louise.moreland@fco.gov.uk