

EXPLANATORY MEMORANDUM TO
THE SYRIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES)
(AMENDMENT) ORDER 2017

2017 No. 169

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.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The Order amends the Syria (Restrictive Measures) (Overseas Territories) Order 2012 (S.I. 2012/1755) (“the principal Order”) to reflect amendments to the EU sanctions regime against Syria in respect of the purchase and transport (and associated financing) of petroleum products in Syria. It makes related amendments to offences in the principal Order relating to making available funds or economic resources to designated persons, as well as other minor amendments to the definition, licensing and offence provisions.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The need for the amendments in articles 2(1)(b) and (c), 43(7), 44 and Schedules 2, 3 and 4 of the Order were identified in the context of identical wording in similar Orders in the Committee’s fifth report of session 2015-16 (HL Paper 39; HC 352-v). For consistency, the department considers it appropriate to correct the wording in the principal Order, and accordingly this Order will be issued free of charge to all known recipients of S.I. 2012/1755.

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 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. Extent and Territorial Application

- 5.1 The extent and application of this Order is the same as that of the Principal Order: 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 EU sanctions regime against Syria is implemented in the Union by Council Regulation (EU) No 36/2012 (as amended) (“the Council Regulation”), and is given effect in the Overseas Territories in the principal Order. The sanctions include restrictions on the purchase and transport (and associated financing) of oil and petroleum products in or from Syria.
- 7.2 In view of the continuing humanitarian crisis in Syria and the importance of humanitarian and civilian assistance activities continuing in Syria, the EU sanctions regime was amended to exclude certain organisations from the restrictions on the purchase and transport (and associated financing) of oil and petroleum products, namely, EU institutions, Member State governments and other bodies and organisations that have been provided with public money to implement humanitarian

and civilian assistance projects in Syria. Changes to the existing licensing provisions were also simplified to better reflect operational conditions.

- 7.3 This Order reflects these changes and makes related amendments to offences relating to making available funds or economic resources to designated persons

Consolidation

- 7.4 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 European Union measures are monitored and reviewed by the Member States of the European Union. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the European Union.

13. Contact

- 13.1 Ruth Tomlinson at the Foreign and Commonwealth Office Telephone: 020 7008 6139 or email: ruth.tomlinson@fco.gov.uk can answer any queries regarding the instrument.