

EXPLANATORY MEMORANDUM TO

THE SANCTIONS (OVERSEAS TERRITORIES) (REVOCATIONS) ORDER 2020

2020 No. 1604

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order revokes a number of Orders in Council which give effect in specified British overseas territories to EU and other sanctions regimes made prior to the end of the Transition Period (“sanctions orders”). These sanctions orders are being revoked by this Order because they will have been superseded by a new suite of Orders in Council that will come into effect from the end of the Transition Period and extend with modifications UK sanctions regulations made under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) to the specified territories.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As this instrument is not subject to parliamentary procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

- 4.1 This Order has the same extent as the sanctions orders which it revokes.
- 4.2 The British overseas territories to which the sanctions orders being revoked extend include Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the Cayman Islands, the Falkland Islands, Montserrat, Pitcairn, 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 in the Island of Cyprus, the Turks and Caicos Islands, and the Virgin Islands (together “the Territories”).

5. European Convention on Human Rights

- 5.1 As this instrument is not subject to parliamentary procedure, no statement is required.

6. Legislative Context

- 6.1 This instrument is made in exercise of statutory powers under section 1 of the United Nations Act 1946, section 112 of the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945, and the legislative power of the Royal prerogative.
- 6.2 The statutory and prerogative powers to legislate for the Territories in respect of revoking these orders are applicable to the Territories as follows:
- (i) the United Nations Act 1946 applies to all the 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.

7. Policy background

What is being done and why?

- 7.1 The purpose of the Order is to revoke the current suite of sanctions orders which give effect in the specified Territories to EU and other sanctions regimes made prior to the end of the Transition Period. This is because those sanctions orders will have been superseded by a new suite of Orders in Council extending the UK sanctions regulations that have been established under the Sanctions Act.
- 7.2 It is important to provide for a seamless transition to the new sanctions regimes established in the specified Territories by the suite of Orders in Council made under the Sanctions Act. Given that some of the sanctions regulations that will be extended to the specified Territories by these new Orders in Council are themselves subject to prospective amendments, it is provided that the revocations in this instrument come into effect immediately following the entry into force of those amending regulations. The relevant amending regulations are the Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/591), the Sanctions (EU Exit) (Miscellaneous Amendments) (No.2) Regulations 2020 (S.I. 2020/590), the Sanctions (EU Exit) (Miscellaneous Amendments) (No.3) Regulations 2020 (S.I. 2020/950), the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020 (S.I. 2020/951), the Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 (S.I. 2020/1289) and/or the Sanctions (EU Exit) (Miscellaneous Amendments) (No.5) Regulations 2020 (S.I. 2020/1397).

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union. This is because it revokes the sanctions orders that have given effect in the specified Territories to EU and other sanctions regimes while the UK was a member of the European Union and subsequently during the Transition Period.

9. Consolidation

9.1 This instrument does not consolidate previous instruments.

10. Consultation outcome

10.1 Officials at the Foreign, Commonwealth and Development Office have engaged with the Territories on the approach to the extension to the Territories of sanctions regimes established under the Sanctions Act. This has included notifying the Territories in relation to the overall approach to the revocation of the current suite of sanctions orders.

11. Guidance

11.1 No guidance will be issued.

12. Impact

12.1 The territorial extent of this instrument corresponds to the extent of the sanctions orders being revoked, namely to the specified Territories. Therefore, there is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector in the United Kingdom.

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

13. Regulating small business

13.1 The territorial extent of this instrument corresponds to the extent of the sanctions orders being revoked, namely to the specified Territories. Therefore, the legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

14. Monitoring & review

14.1 This instrument revokes legislation which is no longer required. Therefore, no review clause is required.

15. Contact

15.1 Catherine Cherag-zade at the Foreign, Commonwealth and Development Office, email: Sanctions.SIs@fcdo.gov.uk, can be contacted with any queries regarding this instrument.

15.2 Lisa Maguire, Deputy Director and Head of the Sanctions Unit at the Foreign, Commonwealth and Development Office, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Lord Ahmad of Wimbledon, Minister of State for South Asia and the Commonwealth at the Foreign, Commonwealth and Development Office, can confirm that this Explanatory Memorandum meets the required standard.