
STATUTORY INSTRUMENTS

2021 No. 37

The Libya (Sanctions) (Overseas Territories) Order 2021

Exclusion of UN designated persons from the Territory

4.—(1) A person who is for the time being named for the purposes of paragraph 15 of resolution 1970 by the Security Council or the Committee must not enter, transit or remain in the Territory.

(2) Paragraph (1) does not apply to a person who—

- (a) belongs to the Territory,
- (b) in respect of the Sovereign Base Areas, is permitted to reside in the Sovereign Base Areas under the law applicable to the Sovereign Base Areas.

(3) Paragraph (1) does not apply to a person if—

- (a) the application of that paragraph to that person would be contrary to the United Kingdom's obligations under—
 - (i) the European Convention on Human Rights, or
 - (ii) the Refugee Convention, or
- (b) the person has been exempted from the application of paragraph (1) under a process applying by virtue of a resolution adopted by the Security Council.

(4) The Governor may, with the consent of the Secretary of State, direct that, in relation to any person falling within paragraph (1) whose name is specified, or who is of a specified description, that paragraph has effect subject to specified exceptions.

(5) A direction under this article—

- (a) may contain conditions;
- (b) must be of a defined duration (and that duration may be expressed in any way, including, for example, being expressed in a way such that the direction ceases to have effect on, or within a specified period after, the occurrence of a specified event).

(6) The Governor may, with the consent of the Secretary of State, vary, revoke or suspend a direction under this article at any time.

(7) On the issue, variation, revocation or suspension of a direction under this article, the Governor may take such steps as the Governor considers appropriate to publicise the issue, variation, revocation or suspension of the direction.

(8) The Governor may, to such extent and subject to such restrictions and conditions as the Governor thinks proper, delegate or authorise the delegation of any of the Governor's powers under this article to any person, or class or description of persons, and any references in this article to the Governor are to be construed accordingly.

(9) In the exercise of any power conferred on the Governor by this article, the Governor is to act in their discretion.

(10) In the application of this article to a particular British overseas territory, the expression “the Territory” means that territory.

(11) For the purposes of this article, a person (“P”) belongs to the Territory if—

- (a) in respect of Anguilla, P is an Anguillian (within the meaning given to that term in the law of Anguilla);
- (b) in respect of the Cayman Islands, P is a Caymanian (within the meaning given to that term in the law of the Cayman Islands);
- (c) in respect of the Falkland Islands, P has Falkland Islands status (within the meaning given to that term in the law of the Falkland Islands);
- (d) in respect of Montserrat, P is a Montserratian (within the meaning given to that term in the law of Montserrat);
- (e) in respect of Pitcairn, P has the right of abode in Pitcairn under the law of Pitcairn;
- (f) in respect of St Helena, P has St Helenian status (within the meaning given to that term in the law of St Helena);
- (g) in respect of Tristan da Cunha, P has the right of abode in Tristan da Cunha under the law of Tristan da Cunha;
- (h) in respect of the Turks and Caicos Islands, P is a Turks and Caicos Islander (within the meaning given to that term in the law of the Turks and Caicos Islands);
- (i) in respect of the Virgin Islands, P belongs to the Virgin Islands (within the meaning given to that term in the law of the Virgin Islands).

(12) In this article—

“the Committee” means the Committee of the Security Council established in accordance with paragraph 24 of resolution 1970;

“the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on 4 November 1950 and the Protocols to the Convention⁽¹⁾;

“the Governor” means, in relation to the Territory, the person holding or acting in the office of Governor of the Territory, or, if there is no such office, the officer for the time being administering the Territory;

“Pitcairn” means Pitcairn, Henderson, Ducie and Oeno Islands;

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention⁽²⁾;

“resolution 1970” means resolution 1970 (2011) adopted by the Security Council on 26 February 2011;

“Security Council” means the Security Council of the United Nations;

“the Sovereign Base Areas” means the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus;

“specified” means specified in a direction under this article.

(1) ETS Numbers 005, 009, 046, 114, 117, 177, 187 and CETS Numbers 194, 213 and 214.

(2) United Nations Treaty Series, vol. 189, p. 137 and vol. 606, p. 267.