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STATUTORY INSTRUMENTS

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**2022 No. 1338**

**The Russia (Sanctions) (Overseas Territories)  
(Amendment) (No. 4) Order 2022**

**Amendment of the Russia (Sanctions) (Overseas Territories) Order 2020**

**10.** After paragraph 64 insert—

**“64A.** In regulation 88C (Treasury: power to impose monetary penalties)—

- (a) in the heading, for “Treasury: power to impose monetary penalties” substitute “power to impose monetary penalties”;
- (b) in paragraphs (1), (3) and (10), for “The Treasury” substitute “The Governor or an authorised person”;
- (c) in paragraphs (5), (8), and 10(b), for “the Treasury” substitute “the Governor or the authorised person”;
- (d) in paragraph 6(a), after “£1,000,000,” insert “or its equivalent in the currency of the Territory.”;
- (e) in paragraph (7), after “£1,000,000” insert “, or its equivalent in the currency of the Territory.”;
- (f) omit paragraph (9);
- (g) after paragraph (10), insert—

“(11) Where a monetary penalty in this regulation is expressed to be a sum in sterling or its equivalent in the currency of the Territory, the Governor may issue guidance specifying how to calculate the amount in the currency of the Territory which is to be considered equivalent to that sum in sterling.

(12) In this regulation “authorised person” means a person authorised by the Governor for the purpose of exercising, whether generally or in a particular case, the powers and duties conferred by this regulation and regulation 88D (monetary penalties: procedural rights).”

**64B.** For regulation 88D (Treasury monetary penalties: procedural rights) substitute—

**“Monetary penalties: procedural rights**

**88D.—(1)** Before imposing a monetary penalty on a person under regulation 88C, the Governor or an authorised person must inform the person of the intention to do so.

(2) The Governor or an authorised person must also—

- (a) explain the grounds for imposing the penalty;
- (b) specify the amount of the penalty;
- (c) explain that the person is entitled to make representations; and
- (d) specify the period within which any such representations must be made.

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- (3) If (having considered any representations), the Governor or an authorised person decides to impose the penalty, the Governor or the authorised person must—
- (a) inform the person of the decision; and
  - (b) explain that the person is entitled to appeal (on any ground) to the Supreme Court.
- (4) On an appeal under paragraph 3(b), the Supreme Court may—
- (a) quash the Governor’s or the authorised person’s decision to impose the penalty;
  - (b) uphold the decision but substitute a different amount for the amount determined by the Governor or the authorised person.
- (5) In this regulation—
- “authorised person” has the same meaning as it has in regulation 88C (power to impose monetary penalties);
  - “Supreme Court” has the same meaning as it has in regulation 9 (confidential information in certain cases).”