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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends with modifications the Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281) (“the Haiti Regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar (which implement sanctions under their own legislative arrangements). It also implements in those territories the travel ban in respect of UN designated persons required by paragraph 3 of resolution 2653 (2022) adopted by the Security Council on 21st October 2022 (the “resolution”)(which in the United Kingdom is implemented by way of the Immigration Act 1971 (c. 77) rather than the Haiti Regulations).

Section 63(3)(c) of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”) provides that His Majesty may by Order in Council provide for any provision of Part 1 of that Act, or any regulations under Part 1 of that Act, to extend with or without modifications to any of the British overseas territories. Section 63(4) provides that this includes the power to extend any regulations as amended from time to time.

Section 1 of the United Nations Act 1946 (c. 45) provides that His Majesty may by Order in Council make such provision as appears to Him necessary or expedient for enabling the effective application of certain measures where, under Article 41 of the Charter of the United Nations, the Security Council has called upon His Majesty’s Government in the United Kingdom to apply such measures to give effect to any decision of that Council. In accordance with subsection (2) of that section, such Orders in Council may extend to the British overseas territories.

The Haiti Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime to give effect to the United Kingdom’s international obligations resulting from the resolution. The resolution established the UN sanctions regime in view of the situation in Haiti.

The Haiti Regulations, as modified and extended to the territories by this Order (“the modified Regulations”), provide that persons designated by the UN as responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, security or stability of Haiti are designated persons for the purposes of the modified Regulations. Designated persons may be excluded from a territory and are subject to financial sanctions, including having their funds or economic resources frozen. The modified Regulations also impose trade restrictions on military goods and military technology and associated services in relation to designated persons.

The modified Regulations provide for certain exceptions to this sanctions regime (for example to allow for frozen accounts to be credited with interest or other earnings and to allow acts done for the purpose of national security or the prevention of serious crime). The Governor of a British overseas territory to which the modified Regulations extend may, with the consent of the Secretary of State, issue a licence in respect of activities that would otherwise be prohibited under the modified Regulations. Schedule 2 sets out the purposes pursuant to which the Governor may issue a financial sanctions licence. The modified Regulations also require the Governor of the territory to publish an up-to-date list of designated persons.

The modified Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime. The modified Regulations also prescribe enforcement powers in relation to suspected ships, aircraft or vehicles, or for the issue of a search warrant. The modified Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in the modified Regulations and prescribe the penalties that apply to such offences.

**Changes to legislation:** *There are currently no known outstanding effects for the The Haiti (Sanctions) (Overseas Territories) Order 2022. (See end of Document for details)*

This Order also extends to the territories for the purposes of the modified Regulations specific provisions of Part 1 of the Sanctions Act, namely provisions relating to protection for acts done for purposes of compliance, Crown application and saving for prerogative powers.

This Order also provides that, subject to certain exceptions, UN designated persons must not enter, transit or remain in the territories.

An Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on business in the United Kingdom.

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