
STATUTORY INSTRUMENTS

2022 No. 453

The Russia (Sanctions) (Overseas Territories) (Amendment) Order 2022

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

26. After paragraph 31 insert—

“31A. In regulation 57A (prohibition on port entry)—

- (a) in paragraphs (1) and (2), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (b) for paragraph (6) substitute—

“(6) In paragraph (5), a “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons)(as it has effect in the United Kingdom) for the purposes of regulations 57A and 57C to 57E (ships: prohibition on port entry etc.)(as they have effect in the United Kingdom).”

31B. In regulation 57B (directions prohibiting port entry)—

- (a) in paragraphs (2), (3), (5) and (6), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) in paragraphs (3) and (7), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (c) in paragraph (4), for “under this regulation” substitute “under paragraph (1), (2) or (3)”;
- (d) after paragraph (6) insert—

“(6A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under this regulation.”

31C. In regulation 57C (movement of ships)—

- (a) in paragraphs (1), (2), (4) and (5), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) in paragraph (3), for “under this regulation” substitute “under paragraph (1) or (2)”;
- (c) after paragraph (5) insert—

“(5A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under this regulation.”;

- (d) in paragraph (6), for the definition of “designated person” substitute—

“a “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons)(as it has effect in the United Kingdom) for the purposes of regulations 57A and 57C to 57E (ships: prohibition on port entry etc.)(as they have effect in the United Kingdom);”.

31D. In regulation 57D (detention of ships)—

- (a) in paragraphs (1), (2) and (3), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) in paragraphs (4) and (6)(b), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (c) after paragraph (7) insert—
 - “(7A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under paragraph (1) or (3).”;
- (d) for paragraph (8) substitute—
 - “(8) Where a detention direction is given under this regulation in relation to a ship, an authorised officer may detain the ship.
 - (8A) If a ship in respect of which a detention direction has been given to the master proceeds to sea in contravention of the detention direction, the master of the ship commits an offence.
 - (8B) If a ship in respect of which a detention direction has been given to the master fails to comply with any requirements imposed by the direction, the master of the ship commits an offence.
 - (8C) The owner of a ship, and any person who sends to sea a ship, in respect of which an offence is committed under paragraph (8A) or (8B), if party or privy to the offence, also commits an offence under that paragraph.
 - (8D) Any reference in this regulation to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending to sea are to be construed accordingly.”;
- (e) for paragraph (10) substitute—
 - “(10) In this regulation, “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons)(as it has effect in the United Kingdom) for the purposes of regulations 57A and 57C to 57E (ships: prohibition on port entry etc.)(as they have effect in the United Kingdom).”

31E. In regulation 57E (registration of ships in the United Kingdom)—

- (a) in the heading, for “United Kingdom” substitute “Territory”;
- (b) in paragraphs (1) and (2), for “Registrar”, in each place it occurs, substitute “Territory registrar”;
- (c) in paragraph (1), after “Secretary of State” insert “, by the Governor”;
- (d) in paragraph (2), after “Secretary of State” insert “or the Governor”;
- (e) in paragraph (3)—
 - (i) before sub-paragraph (a) insert—
 - “(za) “the Territory registrar”, in relation to the Territory, means the person responsible for the registration of ships in the Territory.”;
 - (ii) in sub-paragraph (a), for “register of British ships maintained by the Registrar” substitute “register of British ships in the Territory maintained by the Territory registrar”;
 - (iii) for sub-paragraph (b) substitute—
 - “(b) “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons)(as it has effect in the United Kingdom) for the purposes of

regulations 57A and 57C to 57E (ships: prohibition on port entry etc.) (as they have effect in the United Kingdom), and”.

31F. Omit regulation 57F (specification of ships) (including the heading).

31G. For regulation 57G (notification and publicity where specification power used) substitute—

“Requirement to publish a list of specified ships

57G.—(1) Subject to paragraph (2), the Governor must—

- (a) publish a list of specified ships, and
- (b) keep the list up to date.

(2) Where, in accordance with regulation 57G (notification and publicity where specification power used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a specification or revocation, the Governor must not include in the list under paragraph (1) any details of that specification or revocation.

(3) The Governor may publish the list under paragraph (1) in any form the Governor considers appropriate, including by means of a website.”

31H. In regulation 57H (directions under this Part: general), in paragraph (1), after “Secretary of State” insert “or Governor”.

31I. In regulation 57I (interpretation of Part 6)—

- (a) in paragraph (4), in the definition of “specified ship”, after “under regulation 57F (specification of ships)” insert “(as it has effect in the United Kingdom)”;
- (b) in paragraph (6), after “in that section” insert, unless otherwise provided in this Part”.

31J. In regulation 57J (movement of aircraft)—

- (a) in paragraph (1), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (b) in paragraph (3)—

- (i) in sub-paragraph (a), for “United Kingdom, or” substitute “Territory,”;
- (ii) in sub-paragraph (b), for “United Kingdom by a specific route.” substitute “Territory by a specific route,”;
- (iii) at the end insert—

- “(c) not to take off, or not to permit the aircraft to take off, from an airport in the Territory,
- (d) to take off, or to require the aircraft to take off, from an airport in the Territory, or
- (e) not to land, or not to permit the aircraft to land, at an airport in the Territory.”

- (c) in paragraph (4), for “Secretary of State” substitute “Governor”;
- (d) in paragraph (6), for “Secretary of State” substitute “Governor”;
- (e) for paragraph (9) substitute—

“(9) The Secretary of State, or the Governor (as the case may be), may—

- (a) refuse permission under article 135 of the ANO in respect of a Russian aircraft,
- (b) refuse permission under article 137 of the ANO in respect of a Russian aircraft,

- (c) suspend or revoke any permission granted under article 135 of the ANO in respect of a Russian aircraft, or
- (d) suspend or revoke any permission granted under article 137 of the ANO in respect of a Russian aircraft.”

(f) for paragraph (11) substitute—

“(11) In paragraph (10), a “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulation 57J or 57M (movement or registration of aircraft)(as they have effect in the United Kingdom).”

(g) at the end insert—

“(12) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under paragraph (4) or (6).”

31K. In regulation 57K (directions under regulation 57J), in paragraph (6), after “Secretary of State” insert “or Governor (as the case may be)”.

31L. For regulation 57L (directions under regulation 57J: supplementary) substitute—

“**57L.**—(1) Where a direction is given under regulation 57J(9)(c) or (d), to the extent that the direction conflicts with the requirements of article 12 of the ANO (revocation etc. of permissions), those requirements are to be disregarded.

(2) Where a direction is given under regulation 57J which conflicts with a permission under article 135 or 137 of the ANO, the permission is to be disregarded.

(3) In so far as a direction under regulation 57J conflicts with any requirement in the applicable law of the Territory that corresponds to the requirements of section 93 of the Transport Act 2000(1) or of an order under section 94 of that Act, the direction is to be disregarded.

(4) In so far as a direction under regulation 57J conflicts with the requirements of any other relevant law applicable to the Territory, the requirements are to be disregarded.

(5) The Secretary of State may notify a person that the existence of a direction under regulation 57J, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(6) The Governor may notify a person that the existence of a direction issued by the Governor under regulation 57J, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(7) A person must not disclose any information if the Secretary of State or the Governor (as the case may be) notifies that person under paragraph (5) or (6) that the information is to be treated as confidential.

(8) For the purposes of this regulation, a “direction” under regulation 57J includes the refusal, suspension or revocation of permission under regulation 57J(9).”

31M. For regulation 57M (registration of an aircraft in the United Kingdom) substitute—

(1) 2000 c. 38. Sections 93 and 94 were amended by the Constitutional Reform Act 2005 (c. 4), Schedule 4, paragraphs 295 and 296, and the Space Industry Act 2018 (c. 5), Schedule 12, paragraph 20.

“Registration of an aircraft in the Territory

57M.—(1) The Governor must refuse to register an aircraft if, on the basis of the information given to the Governor by the applicant, the Secretary of State or a third person, the aircraft appears to be a relevant aircraft.

(2) The Secretary of State may direct the Governor to terminate the registration of a relevant aircraft.

(3) In so far as a direction under paragraph (2) conflicts with the provisions of Part 2 (Registration and marking of aircraft) of the ANO, those provisions are to be disregarded.

(4) For the purposes of this regulation, “relevant aircraft” means—

- (a) an aircraft owned or operated by a designated person, or
- (b) an aircraft chartered by demise by a designated person.

(5) Any reference in this regulation to registering an aircraft is a reference to registering an aircraft in the register in relation to the Territory kept by the Governor.

(6) In paragraph (4), a “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons)(as it has effect in the United Kingdom) for the purposes of regulation 57J or 57M (movement or registration of aircraft)(as they have effect in the United Kingdom).”

31N. In regulation 57N (offences)—

- (a) in paragraph (2), for “Secretary of State” substitute “Governor”;
- (b) in paragraph (5), for “regulation 57L(6) (disclosure of direction)” substitute “regulation 57L(7) (disclosure of direction)”.

31O. In regulation 57O (interpretation of Part 6A)—

(a) in paragraph (1)—

(i) for the definition of “air traffic control” substitute—

““air traffic control” means a person which provides any of the following services in the Territory—

- (a) an air traffic control service (which has the meaning that it has in article 3(1) of the ANO), or
- (b) a flight information service (which has the meaning that it has in article 3(1) of the ANO);”

(ii) for the definition of “the ANO” substitute—

““the ANO” means the Air Navigation (Overseas Territories) Order 2013(2);”;

(iii) at the appropriate places insert—

““airport” means the aggregate of the land, water, buildings and works comprised in an aerodrome within the meaning of article 3(1) of the ANO;”;

““airport operator”, in relation to the Territory, means a person in charge of the operation of an airport in the Territory;”;

(b) in paragraph (4), after “in that section” insert “, unless otherwise provided in this regulation”.

(2) S.I. 2013/2870, as amended by S.I. 2014/2925; S.I. 2014/3281; S.I. 2015/1769; S.I. 2019/853; S.I. 2021/524; and S.I. 2021/755.

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