
STATUTORY INSTRUMENTS

2023 No. 846

**The Russia (Sanctions) (Overseas Territories)
(Amendment) (No. 2) Order 2023**

Citation, commencement and extent

1.—(1) This Order may be cited as the Russia (Sanctions) (Overseas Territories) (Amendment) (No. 2) Order 2023 and, subject to paragraph (2), comes into force on 20th July 2023.

(2) Article 4 comes into force on 30th September 2023.

(3) This Order extends to each British overseas territory listed in the Schedule.

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

2. Schedule 2 (modifications to be made in the extension of the Russia (Sanctions) (EU Exit) Regulations 2019(1) to each British overseas territory listed in Schedule 1) to the Russia (Sanctions) (Overseas Territories) Order 2020(2), is amended as set out in articles 3 to 22.

3. For paragraph 20A, substitute—

“**20A.** For regulation 30B (export of relevant restricted goods), substitute—

“**30B.**—(1) The export of relevant restricted goods to, or for use in, non-government controlled Ukrainian territory, is prohibited.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, non-government controlled Ukrainian territory.””

4. After paragraph 26D, insert—

“**26DA.** In regulation 46IA (interpretation), in paragraph (1), in the definition of “third country”, for “United Kingdom, the Isle of Man” substitute “Territory”.

26DB. In regulation 46IB (import of relevant processed iron or steel products), after paragraph (2) insert—

“(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the goods were relevant processed iron or steel products.””

5. Omit paragraph 26J.

(1) S.I. 2019/855, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2022/123; S.I. 2022/194; S.I. 2022/195; S.I. 2022/203; S.I. 2022/205; S.I. 2022/241; S.I. 2022/395; S.I. 2022/452; S.I. 2022/477; S.I. 2022/792; S.I. 2022/801; S.I. 2022/814; S.I. 2022/818; S.I. 2022/850; S.I. 2022/1110; S.I. 2022/1122; S.I. 2022/1331; S.I. 2023/149; S.I. 2023/440; and S.I. 2023/665.

(2) S.I. 2020/1571, as amended by S.I. 2021/288; S.I. 2022/453; S.I. 2022/843; S.I. 2022/1167; S.I. 2022/1338; S.I. 2023/291; and S.I. 2023/713.

6. In paragraph 26K, omit “, in both places it occurs,”.
7. In paragraph 26L, omit “, in both places it occurs,”.
8. After paragraph 26L, insert—
 - “**26LA.** In regulation 46XA (interpretation), in the definition of “third country” for “United Kingdom, the Isle of Man” substitute “Territory”.
 - 26LB.** In regulation 46XB (import of Schedule 3DA revenue generating goods), after paragraph (3) insert—
 - “(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—
 - (a) it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the goods were consigned from Russia;
 - (b) it a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Russia.””
9. Omit paragraph 26Q.
10. In paragraph 26R, omit “, in both places it occurs,”.
11. In paragraph 26S, omit “, in both places it occurs,”.
12. Omit paragraph 26V.
13. In paragraph 26W, omit “, in both places it occurs,”.
14. In paragraph 26X, omit “, in both places it occurs,”.
15. Omit paragraph 26Z1.
16. In paragraph 26Z2, omit “in both places it occurs,”.
17. In paragraph 26Z3, omit “in both places it occurs,”.
18. For paragraph 28, substitute—
 - “**28.** For regulation 48 (export of infrastructure-related goods to non-government controlled Ukrainian territory), substitute—
 - “**48.**—(1) The export of infrastructure-related goods to, or for use in, non-government controlled Ukrainian territory, is prohibited.
 - (2) Paragraph (1) is subject to Part 7 (Exceptions and licences).
 - (3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, non-government controlled Ukrainian territory.””
19. After paragraph 30, insert—
 - “**30A.** In regulation 53A (application of prohibitions and requirements in Chapter 2 of Part 5 to non-government controlled Ukrainian territory) omit paragraphs (2) and (3).
 - 30B.** In regulation 54D (legal advisory services)—
 - (a) in paragraph (1)—

- (i) for “United Kingdom person” substitute “Territory person”;
- (ii) for “United Kingdom”, in the second place it occurs, substitute “Territory”;
- (b) in paragraph (2)(a)(i) and (2)(b)(i), for “United Kingdom person” substitute “Territory person”;
- (c) in paragraph (2)(a)(ii) and (2)(b)(ii), for “United Kingdom” substitute “Territory”.

20. In paragraph 34C—

(a) after sub-paragraph (c) insert—

“(ca) in paragraph (5)(a), for “UK subsidiary undertaking” substitute “Territory subsidiary undertaking”;

(b) after sub-paragraph (d) insert—

“(da) in paragraph (5A), in sub-paragraph (a)—

(i) for “UK undertaking” substitute “Territory undertaking”;

(ii) for “UK statutory or regulatory obligations” substitute “applicable statutory or regulatory obligations in the Territory”;

(c) in sub-paragraph (e), after paragraph (ii) insert—

“(iii) for the definition of “UK subsidiary undertaking” substitute—

““Territory subsidiary undertaking” means a subsidiary undertaking that is incorporated or formed under the law of the Territory”;

(iv) for the definition of “UK undertaking” substitute—

““Territory undertaking” means an undertaking within the meaning given in section 1161 of the Companies Act 2006 (as it applies in the United Kingdom)⁽³⁾ that is incorporated or formed under the law of the Territory.”

21. After paragraph 34C, insert—

34CA. In regulation 60DB (trade: exception relating to legal advisory services), in paragraph (2) for “UK statutory or regulatory obligations” substitute “applicable statutory or regulatory obligations in the Territory”.

22. After paragraph 34D, insert—

34DA. In regulation 60G (trade: exception in relation to certain goods consigned from Russia), in paragraph (1A)(b), for “United Kingdom” substitute “Territory”.

34DB. In regulation 60GA (trade: exception in respect of the acquisition of iron and steel products), in paragraph (1), for “United Kingdom or the Isle of Man” substitute “Territory”.

34DC. In regulation 60GB (trade: exception in respect of the acquisition of Schedule 3DA revenue generating goods), in paragraph (1)—

(a) for “United Kingdom or the Isle of Man” substitute “Territory”;

(b) for “United Kingdom national”, in both places it occurs, substitute “Territory person, who is an individual,”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Ceri King
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