EXPLANATORY MEMORANDUM TO

THE GUINEA (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2013

2013 No. 244

1. This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Order gives effect in the specified Overseas Territories to EU sanctions against Guinea decided upon by the Council of the EU and contained in Council Decision 2010/638/CFSP, as amended.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This Order is made in exercise of statutory powers under the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945 and the legislative power of the royal prerogative.

4.2 The statutory and prerogative powers to legislate for the Overseas Territories are applicable to the Overseas Territories as follows:

(i) The Saint Helena Act 1833 applies to St Helena;
(ii) The British Settlements Acts 1887 and 1945 are applicable to Ascension and Tristan da Cunha, British Antarctic Territory, the Falkland Islands, Pitcairn (including Henderson, Ducie and Oeno Islands), and South Georgia and the South Sandwich Islands;

(iii) The prerogative legislative power is applicable to Anguilla, British Indian Ocean Territory, Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

5. Territorial Extent and Application

This Order applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including Henderson, Ducie and Oeno Islands), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, the Turks and Caicos Islands and the Virgin Islands. Bermuda legislates separately to apply EU sanctions. These measures are implemented in Gibraltar by Council Regulation (EU) No. 1284/2009, as amended, and local legislation.

6. European Convention on Human Rights

As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy Background

There was a violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009. In response the EU has imposed sanctions on the persons identified as responsible for the 28 September 2009 events in Guinea, and natural or legal persons, entities or bodies associated with them. The sanctions applied are an arms embargo, a ban on exports of equipment which might be used for internal repression, an asset freeze on listed individuals and entities, and a prohibition on the supply of technical assistance, training, financial and other specified forms of assistance.

8. Consultation outcome

The Overseas Territories to which the Order applies were consulted about the Order.

9. Guidance

Guidance may be sought from the contact below.

10. Impact

10.1 There is no impact on business, charities or the voluntary sector in the United Kingdom.
10.2 There is no impact on the public sector in the United Kingdom.
10.3 An Impact Assessment has therefore not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business in the United Kingdom.

12. Monitoring & review

The EU sanctions are monitored and reviewed by the Council of the European Union. Amendments will be made to this legislation following any further modifications to the sanctions regime by the Council of the European Union.

13. Contact

Paul Scullion at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Tel: 020 7008 3601 or email: paul.scullion2@fco.gov.uk.