EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (REVOCATION) ORDER 2011

2011 No. 2990

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

2.1 This instrument, The International Criminal Tribunal for the former Yugoslavia (Restrictive Measures) (Overseas Territories) (Revocation) Order 2011 ("the Order") revokes The International Criminal Tribunal for the Former Yugoslavia (Restrictive Measures) (Overseas Territories) Order 2004 (S.I. 2004 No. 3039) ("the principal Order").

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

3.1 None. The Order will be made at the Privy Council meeting on 14 December 2011. The Order will be laid before Parliament on 21 December 2011 and will come into force on 18 January 2012.

4. Legislative Context

4.1 The principal Order was made to give effect, in the overseas territories to which it extended, to Council Common Position 2004/694/CFSP which was adopted by the Council of the European Union on 11th October 2004. Council Common Position 2004/694/CFSP provided for certain restrictive measures with the aim of freezing all funds and economic resources belonging to persons who had been indicted by the International Criminal Tribunal for the Former Yugoslavia for war crimes but were still at large. That Common Position was extended by Common Position 2009/717/CFSP until 10th October 2010. Council Decision 2010/603/CFSP extended the restrictive measures until 10 October 2011.

4.2 The restrictive measures extended in Council Decision 2010/603/CFSP expired on 10 October 2011 as the last indictee still at large had been arrested and

transferred to the custody of the International Criminal Tribunal for the Former Yugoslavia. To give effect to the expiry of the Decision imposing restrictive measures in the overseas territories, this Order revokes the principal Order in the overseas territories to which the principal Order extended.

5. Territorial Extent

5.1 This Order extends to the following Overseas Territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, 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 in the Island of Cyprus, Turks and Caicos Islands and the Virgin Islands ("the territories"). All the territories were consulted.

6. European Convention on Human Rights

6.1 This Order is made under statutory powers and under the Royal Prerogative and although laid is not subject to any Parliamentary procedure. As the instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The UK fully supported the decision not to extend Council Decision 2010/603/CFSP owing to the taking into custody of the last International Criminal Tribunal for the Former Yugoslavia indictee still at large.

8. Consultation

8.1 The Overseas Territories to which the Order applies have been consulted on the initial draft Order.

9. Guidance

9.1 Guidance may be sought from the contact below.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

11. Regulating small business

11.1 The legislation applies to small business, as it does to all persons and businesses in the Territories.

12. Monitoring & review

12.1 Monitoring and review mechanisms are not applicable.

13. Contact

Andrew Murdoch at the Foreign and Commonwealth Office, Tel: 020 7008 1692 or email: andrew.murdoch@fco.gov.uk can answer any queries regarding the instrument.