EXPLANATORY MEMORANDUM TO

THE IRAN (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2012

2012 No. 1389

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 Iran (Restrictive Measures) (Overseas Territories) (Amendment) Order 2012 ("the Order") amends The Iran (Restrictive Measures) (Overseas Territories) Order 2011 (S.I. 2011 No. 2989) ("the principal Order") to give effect in the Overseas Territories to amendments to the EU restrictive measures in respect of Iran implemented by 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 30 May 2012 and laid before Parliament on 7 June 2012. The Order will come into force on 28 June 2012.

4. Legislative Context

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

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 Settlement 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.

4.3 The principal Order applies in the Overseas Territories restrictive measures equivalent to those adopted by the EU in Council Decision 2011/235/CFSP ("the 2011 Decision") and implemented in Council Regulation (EU) No. 359/2011 ("the 2011 Regulation") which imposed restrictive measures on certain persons complicit in human rights violations in Iran. The 2011 Decision and Regulation were amended by Council Decision 2012/168/CFSP and Council Regulation (EU) No. 264/2012, both of 23 March 2012. The Order reflects those amendments.

5. Territorial Extent and Application

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

5.2 The EU restrictive measures are given effect in Gibraltar by the 2011 Regulation, as amended, which is directly applicable in Gibraltar. Bermuda legislates independently to impose restrictive measures equivalent to autonomous EU measures.

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 A number of UN and EU restrictive measures are in place against Iran. The UK is fully supportive of UN and EU action. The principal Order enabled the UK to comply with its commitment to implement autonomous EU restrictive measures in the Overseas Territories.

7.2 This Order is required to implement the recent amendments to the 2011 Decision and Regulation. Those amendments: (i) implement a prohibition on the export to Iran of equipment which may be used for internal repression; and (ii) introduce a prohibition on the export of telecommunication monitoring equipment to Iran and related prohibitions on technical assistance, brokering services, financing and financial assistance.

8. Consultation outcome

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

12. Monitoring & review

12.1 EU restrictive measures are monitored and reviewed by the Council of the European Union.

12.2 If the EU measures are suspended or lifted, the principal Order, as amended by this Order, will be reviewed and suspended or revoked as necessary.

13. Contact

Paul Jancar at the Foreign and Commonwealth Office, Tel: 020 7008 2558 or email: paul.jancar@fco.gov.uk can answer any queries regarding the instrument.