EXPLANATORY MEMORANDUM TO

THE IRAN (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2013

2013 No. 786

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 further amends the Iran (Restrictive Measures)(Overseas Territories) Order 2011 to give effect in specified Overseas Territories to Council Decision 2012/810/CFSP of 20 December 2012. That Regulation introduces new exemptions to the sanctions regime in respect of human rights in Iran.

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, to implement sanctions measures, 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, 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 independently to impose restrictive measures. These measures are implemented in Gibraltar by Council Regulation (EU) No 1245/2012 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

EU Council Decision 2011/235/CFSP of 12 April 2011 imposed sanctions on Iran as a response to its poor record on human rights. Council Decision 2012/810/CFSP of 20 December 2012 amends Council Decision 2011/235/CFSP by introducing new exemptions to the prohibitions related to equipment which might be used for internal repression. It allows Member States to authorise the sale, supply, transfer or export of such goods, or the provision of technical assistance, brokering services, financing or financial assistance related to such equipment, provided that it is intended solely for the protective use of the personnel of the European Union or European Union

Member States in Iran. This Order implements these exemptions in the specified Overseas Territories.

8. Consultation outcome

The Overseas Territories to which this 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

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

13. Contact

Hester Waddams at the Foreign and Commonwealth Office can answer any queries regarding the instrument: Tel: 020 7008 3068 or E-mail: hester.waddams@fco.gov.uk.