**EXPLANATORY MEMORANDUM TO THE**

**THE IRAQ (UNITED NATIONS SANCTIONS) (OVERSEAS TERRITORIES) (AMENDMENT) (NO. 2) ORDER 2004**

**2004 No. 2671**

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

## 2. Description

2.1 This instrument amends the United Nations sanctions regime in respect of Iraq as applied in the territories listed below to reflect more closely the provisions of Security Council Resolutions 1483 (2003) and 1518 (2003), to follow the guidance issued by the Sanctions Committee, and to improve its operation.

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

3.1 This instrument contains provisions on authorisation to search persons and suspect ships intended to address concerns of the Joint Committee on Statutory Instruments.

## 4. Legislative background

4.1 This instrument amends the Iraq (United Nations Sanctions) (Overseas Territories) Order 2003 to make the provisions on exportation of restricted goods equivalent to those in the United Kingdom, eliminating the possibility of a dual offence regime. It contains provisions on authorisation to search persons and suspect ships intended to address concerns of the Joint Committee on Statutory Instruments. It amends the Iraq (United Nations Sanctions) (Overseas Territories) Order 2000 to reflect more closely Security Council Resolutions 1483 (2003) and 1518 (2003), to follow the guidance issued by the Sanctions Committee, and to improve the operation of that Order. It is made pursuant to the United Nations Act 1946.

## 5. Extent

5.1 This instrument applies to the following territories: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, St Helena Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands, and the UK Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus.

## 6. European Convention on Human Rights

6.1 Not applicable.

## 7. Policy background

7.1 This instrument eliminates the possibility of a dual offence regime in respect of exportation of restricted goods and makes those provisions equivalent to those in the United Kingdom. It provides for the Governor of the relevant territories to authorise persons to search other persons, and for officers investigating suspect ships to provide evidence upon request of their authorisation. It provides for persons listed by the UN to become subject automatically to sanctions without the need for a direction by the

Governor, and it clarifies the Governor's powers regarding freezing of funds. It also includes various conforming and transitional measures.

## 8. Impact

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

## 9. Contact

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**30 September 2004**