EXPLANATORY MEMORANDUM TO

THE OVERSEAS TERRITORIES (CHANGE OF NAME) (NO. 2) ORDER 2011

2011 No. 1404

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 amends the Extradition (Protection of Nuclear Material) Order so that it uses the correct, current names of the British overseas territories of St Helena, Ascension and Tristan da Cunha and South Georgia and the South Sandwich Islands.

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

None.

4. Legislative Context

The Order is made under sections 4(1), 22(3), and 37(3) of the Extradition Act 1989, and section 7 (2) of the Nuclear Material (Offences) Act 1983, which are the legal bases of the statutory instrument it amends. Section 4 (1) of the Extradition Act 1989 requires an Order made under this power to be laid before Parliament after being made whereas there is no requirement to lay the Order under the Nuclear Material (Offences) Act 1983, section 7(2) order making power.

5. Territorial Extent and Application

This instrument applies to the British overseas territories to which the statutory instrument amended by it extends.

6. European Convention on Human Rights

The Order is made under sections 4(1), 22(3), and 37(3) of the Extradition Act 1989, and section 7 (2) of the Nuclear Material (Offences) Act 1983, 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

- ***What is being done and why***

7.1 The Order is being made to bring up to date various Orders in Council relating to extradition that extend to British overseas territories, so that they refer to the territories of St Helena, Ascension and Tristan da Cunha and South Georgia and the South Sandwich Islands by their correct, current names.

- ***Consolidation***

7.2 No consolidation of the relevant legislation is considered necessary.

8. Consultation outcome

The territories concerned have been consulted and agree with the instrument.

9. Guidance

No guidance is required.

10. Impact

10.1 No impact on business, charities or voluntary bodies in the United Kingdom.

10.2 No impact on the United Kingdom public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

None required.

13. Contact

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