EXPLANATORY MEMORANDUM TO

THE RUSSIA, CRIMEA AND SEVASTOPOL (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2014

2014 No. 2710

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 gives effect in specified Overseas Territories to sanctions contained in EU Council Decision 2014/386/CFSP (as amended by EU Council Decision 2014/507 CFSP of 30 July 2014) and EU Council Decision 2014/512/CFSP of 31 July (as amended by EU Council Decision 2014/659/CFSP of 8 September 2014). The sanctions consist of measures in response to Russia's illegal annexation of Crimea and Sevastopol and measures in response to Russia's actions destabilising the situation in Ukraine.

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

The Order will come into force on the day after it is laid in order that the measures have effect in the Overseas Territories as soon as possible.

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, the 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 separately to apply the EU sanctions. These measures are implemented in Gibraltar by Council Regulation (EU) No. 692/2014 and Council Regulation (EU) No. 833/2014, both as amended, 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

7.1 In response to the continuing illegal annexation of Crimea and Sevastopol and the continuing unprovoked violation of Ukrainian sovereignty and territorial integrity by the Russian Federation, including its contribution to the shooting down of Malaysian Airlines flight MH17 in Ukraine on 17 July 2014, the EU Council decided to impose further sanctions on Russia. These measures included bans on the importing of goods from Crimea or Sevastopol, on investment activities in or for the benefit of Crimea or Sevastopol and on the export of certain equipment and technology to or for Crimea or Sevastopol. The sanctions also included an arms embargo on Russia, prohibition on the supply of dual-use goods and technology to military end-users in Russia, a ban on

the export of certain energy-related equipment and technology to Russia, and prohibitions of certain financial measures concerning Russia.

7.2 This Order makes corresponding provision in specified Overseas Territories.

8. Consultation outcome

The Overseas Territories were consulted on this Order in draft.

9. Guidance

No guidance will be issued.

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 and Review

EU sanctions are monitored and reviewed by Member States of the EU. Amendments will be made to this legislation following any further modifications to the sanctions regime by the Council of the European Union.

13. Contact

Nigel Parker at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 6267. Email: nigel.parker@fco.gov.uk.