EXPLANATORY MEMORANDUM TO

THE SOUTH SUDAN (SANCTIONS) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2015

2015 No. 1527

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 Order amends the South Sudan (Sanctions) (Overseas Territories) Order 2014 (S.I. 2014/2703) ("the principal Order") to give effect to an amendment to the restrictive measures imposed on South Sudan by the Council of the European Union in EU Council Regulation (EU) 2015/735 of 7th May 2015. The Order amends the definition of "the Council Regulation" contained in the principal Order following the repeal of Council Regulation 748/2014 of 10th July 2014 and its replacement by Council Regulation 2015/735 of 7th May 2015.

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

3.1 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 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, the Turks and Caicos Islands and the Virgin Islands.

5. Territorial Extent and Application

5.1 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 EU sanctions. The measures are implemented in Gibraltar by Council Regulation (EU) No. 2015/735 and local legislation.

6. European Convention on Human Rights

6.1 As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The UK supports the imposition of EU sanctions measures in relation to South Sudan. Despite agreeing to cease hostilities on 23rd January 2014 and making subsequent commitments, both sides in South Sudan's conflict have failed to abide by their commitments to cease hostilities and negotiate peacefully. Balanced and incremental pressure, including through targeted EU sanctions, is intended to influence both sides to resolve the conflict through dialogue.

8. Consultation

8.1 The Overseas Territories have been consulted on the Order in draft.

9. Guidance

9.1 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

11.1 The legislation does not apply to small business in the United Kingdom.

12. Monitoring and Review

12.1 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

Chris Stephen at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 2740. Email: christopher.stephen@fco.gov.uk