EXPLANATORY MEMORANDUM TO

THE SYRIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) (No. 2) ORDER 2015

2015 No. 1528

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 Syria (Restrictive Measures) (Overseas Territories) Order 2012 (S.I. 2012/1755) ("the principal Order") to give effect to a change to restrictive measures against Syria decided by the Council of the EU in Council Decision 2015/837/CFSP.

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

3.1 None.

4. Legislative Context

4.1 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 2015/827 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 EU sanctions regime against Syria is set out in Council Decision 2013/255/CFSP, as amended, and is given effect in the Overseas Territories by the principal Order. It includes a prohibition on the importation, exportation and transfer of Syrian cultural property which was illegally removed from Syria on or after 9 May 2011. In Council Decision 2015/837/CFSP, this date was amended so that the prohibitions apply in respect of property illegally removed from Syria on or after 15 March 2011. This aligns the date from which the prohibition applies with that in United Nations Security Council resolution 2199 (2015). This Order amends the principal Order to give effect to this change in the Overseas Territories.

8. Consultation

8.1 The Overseas Territories were consulted on this 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

Louise Moreland at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 3124. Email: louise.moreland@fco.gsi.gov.uk