EXPLANATORY MEMORANDUM TO

THE UNITED NATIONS SANCTIONS (MISCELLANEOUS AMENDMENTS) ORDER 2015

2015 No. 2014

1. Introduction

1.1 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 makes minor amendments to definitions and terminology in three Orders which implement United Nations sanctions measures in the United Kingdom, namely the Somalia (United Nations Sanctions) Order 2002 (S.I. 2002/2628), the Liberia (United Nations Sanctions) Order 2004 (S.I. 2004/348) and the North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749) (collectively referred to as the "United Nations Sanctions Orders").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

4.1 The United Nations Sanctions Orders implement United Nations-imposed trade restrictions in the United Kingdom, and contain prohibitions on the use of vessels, aircraft and vehicles to carry restricted goods to and from particular destinations. The restrictions in the Orders in relation to Somalia and Liberia apply to "restricted goods", as defined in export control legislation. The current export control legislation is the Export Control Order 2008 (S.I. 2008/3231).

4.2 The North Korea Order contains trade restrictions in relation to military goods and weapons of mass destruction goods. It includes in article 8 and Schedule 3 specific powers to stop, board, detain and search ships reasonably suspected of being used in contravention of those prohibitions. Article 8(5) provides that those powers are exercisable by, among others, general customs officials.

5. Extent and Territorial Application

5.1 The extent of this instrument is the whole of the United Kingdom.

5.2 The territorial application of this instrument is the whole of the United Kingdom.

6. European Convention on Human Rights

6.1 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 amendments to the Orders in respect of Somalia and Liberia are necessary to ensure the definition of "restricted goods" in those Orders is consistent with current export control legislation. The amendment to the Order in respect of North Korea inserts a definition of the term "general customs official, which is used in article 8(5) of that Order.

Consolidation

7.2 The Foreign and Commonwealth Office will keep the need for consolidation of the United Nations Sanctions Orders under review.

8. Consultation outcome

8.1 There was no consultation in the United Kingdom.

9. Guidance

9.1 No guidance will be issued.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

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

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 United Nations sanctions are monitored and reviewed by the Security Council. If the United Nations measures are suspended or lifted, the United Nations Sanctions Orders will be reviewed and amended as necessary.

13. Contact

13.1 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.