EXPLANATORY MEMORANDUM TO

THE ZIMBABWE (SANCTIONS) (OVERSEAS TERRITORIES) (AMENDMENT AND REVOCATION) ORDER 2015

2015 No. 826

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 Zimbabwe (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/2753) to give effect to the suspension of financial sanctions decided by the Council of the European Union in Council Decision 2015/277/CFSP of 19 February 2015 ("the 2015 Council Decision"). It revokes previous provision regarding the suspension of financial sanctions contained in the Zimbabwe (Sanctions) (Overseas Territories) (Suspension and Amendment) Order 2013 (S.I. 2013/1446) ("the 2013 Order").

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

3.1 None.

4. Legislative Context

4.1 The Order gives effect in the Overseas Territories to the 2015 Council Decision, which amends Council Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe by suspending the operation of financial sanctions measures insofar as they apply to certain persons, entities or bodies.

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 The 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 (EC) 314/2004 (as amended) 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 In Council Decision 2011/101/CFSP, which replaced Common Position 2004/161/CFSP, the European Union imposed sanctions against Zimbabwe, including financial sanctions against designated persons, entities and bodies. On 27th March 2013, the European Union decided in Council Decision 2013/160/CFSP to suspend the application of the financial sanctions in respect of certain persons, entities and bodies. This was given effect in the Overseas Territories in the 2013 Order.

7.2 The suspension of financial sanctions was continued and extended to additional persons, entities and bodies in Council Decision 2014/98/CFSP, and was continued by the 2015 Council Decision. This Order gives effect to the 2015 Council Decision.

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

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