

**EXPLANATORY MEMORANDUM TO  
THE SYRIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) ORDER  
2012**

**2012 No. 1755**

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 instrument, The Syria (Restrictive Measures) (Overseas Territories) Order 2012 (“the Order”), implements EU sanctions measures in relation to Syria in the specified Overseas Territories. It gives effect to the measures adopted by the European Union in Council Decision 2011/782/CFSP adopted on 1st December 2011 (“the Council Decision”) and EU Council Regulation No 36/2012 adopted on 18th January 2012 (“the Council Regulation”), as amended. The measures are an asset freeze in relation to persons responsible for the violent repression against the Syrian population in Syria, persons and entities benefiting from or supporting the Assad regime, and persons and entities associated with them; an arms embargo and trade restrictions (in relation to specified equipment, goods, technology, software, crude oil, petroleum products, Syrian banknotes and coins, gold, precious metals and diamonds and luxury goods); and restrictions on financial services.

2.2 The Council Decision and Council Regulation repealed and replaced EU sanctions measures in relation to Syria originally adopted in May 2011 (EU Council Decision 2011/273/CFSP and EU Council Regulation 442/2011, as amended), which were previously given effect in the specified Overseas Territories by The Syria (Restrictive Measures) (Overseas Territories) Order 2011 (“the 2011 Order”). This

Order replaces the 2011 Order, which was automatically revoked (through operation of Article 29(1) of that Order) when Council Regulation 442/2011 was repealed.

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

The Order is being laid before Parliament and brought into force immediately after making because of the need to replace The Syria (Restrictive Measures) (Overseas Territories) Order 2011 as soon as possible and to give effect to the new sanctions measures adopted by the European Union. The Order will be made at the Privy Council meeting on 10th July 2012 and laid before Parliament on 11th July 2012. The Order will come into force on 12th July 2012.

### **4. Legislative Context**

4.1 This Order is made in exercise of statutory powers under the Saint Helena Act 1833, the British Settlement 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 EU sanctions measures, are applicable to the Overseas Territories as follows:

(i) The Saint Helena Act 1833 applies to St Helena;

(ii) The British Settlement 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 independently to impose restrictive measures as the UK is unable to legislate for Bermuda using prerogative powers. The measures are given effect in Gibraltar by Council Regulation No. 36/2012, which is directly applicable in Gibraltar.

## **6. European Convention on Human Rights**

This Order is made under statutory powers and the Royal Prerogative and although laid is not subject to any Parliamentary procedure. As the instrument 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 Syria. The UK has, in co-ordination with our close EU partners led efforts to increase the political, economic and financial pressure on the Syrian regime, through successive rounds of sanctions, to end the violence against the Syrian opposition and implement

genuine political reform in line with the legitimate aspirations of the Syrian protestors. We believe EU sanctions are having an impact on the Syrian regime in tightening the regime's economic and financial position and isolating the regime from the international community.

7.2 There is no international or EU law obligation to implement EU sanctions measures in the Overseas Territories (apart from Gibraltar) but we do so in furtherance of our policy to make sanctions as effective as possible.

## **8. Consultation**

The Overseas Territories to which the Order applies were consulted about the Order.

## **9. Guidance**

Guidance may be sought from the contact below.

## **10. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

The Order applies to small business, as it does to all persons and businesses in the Overseas Territories.

## **12. Monitoring and Review**

The EU restrictive measures against Syria are monitored and reviewed by the Council of the European Union. If the Council decides to modify, suspend or lift these measures, this Order will be reviewed and amended or revoked as necessary.

## **13. Contact**

Emily Willmott or Naomi Davey at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 6451 or 020 7008 6120. E-mail: [willmott.davey@fco.gov.uk](mailto:willmott.davey@fco.gov.uk).