

1990 No. 1769

UNITED NATIONS

The Iraq and Kuwait (United Nations Sanctions)
(Bermuda) Order 1990

Made - - - - - 29th August 1990

Laid before Parliament 29th August 1990

Coming into force - 30th August 1990

At the Court at Balmoral, the 29th day of August 1990

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations Security Council the United Nations have, by a resolution adopted on 6th August 1990, called upon Her Majesty's Government in the United Kingdom and all other states to apply certain measures to give effect to a decision of that Council in relation to the situation between Iraq and Kuwait:

Now therefore Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Iraq and Kuwait (United Nations Sanctions) (Bermuda) Order 1990.

(2) This Order shall come into force on 30th August 1990.

Extent of the Order

2. This Order shall extend to Bermuda.

Control of Gold, Securities, Payments and Credits

3.—(1) Except with permission granted by or on behalf of the Governor, no direction given, on or after 6th August 1990, by or on behalf of the Government of Kuwait or the Government of the Republic of Iraq or by or on behalf of any person resident in Kuwait or the Republic of Iraq, shall be carried out insofar as the direction—

(i) requires the person to whom the direction is given to make any payment or to part with any gold or securities; or

(ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or security is to be held.

(2) In this article:

“gold” means gold coin or gold bullion;

“security” includes—

(a) Shares, stocks, bonds, notes, debentures, and debenture stock;

(b) a deposit receipt in respect of the deposit of securities;

- (c) a negotiable receipt or other negotiable certificate or document evidencing the deposit of a sum of money;
- (d) a promissory note;
- (e) a unit or a sub-unit of a unit trust;
- (f) an annuity or a life insurance policy or other contract entered into with an assurance company for securing a payment in the future of any capital sums or of an annuity;
- (g) a warrant conferring an option to acquire a security;
- (h) a share in an oil royalty.

(3) Any consent or permission granted by or on behalf of the Governor under this section may be granted either absolutely or subject to conditions.

Penalties

4.—(1) If any person contravenes or fails to comply with this Order, he shall be guilty of an offence and shall be liable:—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars or to both; or
- (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both.

(2) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) No proceedings for an offence against this Order shall be instituted except by or with the consent of the Attorney General of Bermuda.

R. P. Bulling
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, prohibits persons in Bermuda from giving effect to any directions to make payments or part with any gold or securities or to make any change in the persons to whose credit any sum is to stand or to whose order any gold or security is to be held if the directions are given by or on behalf of the Governments of Kuwait or the Republic of Iraq or by or on behalf of any persons resident in those countries unless the transaction is permitted by the Governor.

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