

1990 No. 1770

UNITED NATIONS

The Iraq and Kuwait (United Nations Sanctions)
(Dependent Territories) (Amendment) Order 1990

<i>Made - - - -</i>	<i>29th August 1990</i>
<i>Laid before Parliament</i>	<i>29th August 1990</i>
<i>Coming into force</i>	<i>30th August 1990</i>

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 the Security Council of the United Nations have, by a resolution adopted on 6th August 1990, called upon Her Majesty's Government of 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) (Dependent Territories) (Amendment) Order 1990 and shall come into force on 30th August 1990.

(2) This Order and the Iraq and Kuwait (United Nations Sanctions) (Dependent Territories) Order 1990 (b) (hereinafter referred to as "the principal Order") may be cited together as the Iraq and Kuwait (United Nations Sanctions) (Dependent Territories) Orders 1990.

(3) This Order shall be construed as one with the principal Order.

Additions of new article 6A to the principal Order

2. The following article shall be inserted in the principal Order immediately after article 6—

"Payments under bonds"

6A.—(1) Except under the authority of permission granted by or on behalf of

(a) The Governor under this Order or under the Caribbean Territories (Control of Gold, Securities, Payments and Credits: Kuwait and Republic of Iraq) Order 1990(c) or under the Iraq and Kuwait (United Nations Sanctions) (Bermuda) Order 1990(d);

(a) 1946 c.45.
(d) S.I. 1990/1769.

(b) S.I. 1990/1652.

(c) S.I. 1990/1625.

- (b) The Treasury under the Control of Gold, Securities, Payments and Credits (Republic of Iraq) Directions 1990(a) or the Control of Gold, Securities, Payments and Credits (Kuwait) Directions 1990(b); or
- (c) The Financial Secretary under the Hong Kong (Control of Gold, Securities, Payments and Credits: Kuwait and Republic of Iraq) Order 1990

no person shall make any payment to or to the order of any person in Iraq or Kuwait under or in respect of a bond to which this article applies.

(2) Except under the authority granted by the Governor under this Order no person shall do any act for the purpose of obtaining payment, or make any payment, in respect of any right to indemnity in respect of any bond to which this article applies, where payment under or in respect of the bond is, or would if payment were to be made by a person referred to in paragraph (6) below, be unlawful by virtue of paragraph (1) above.

(3) A bond to which this article applies is a bond given in respect of a contract the performance of which is unlawful wholly or in part by virtue of this Order, or the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990(c).

(4) In this article—

- (a) “bond” means an agreement under which a person (“the obligor”) agrees that, if called upon to do so, or if a third party fails to fulfil obligations owed to another the obligor will make payment to or to the order of the other party to the agreement; and
- (b) “make payment” means make payment by any method, including but not restricted to the grant, or any agreement to the exercise of any right of set off, accord and satisfaction and adjustment of any account.

(5) Any person who does any act for the purpose of obtaining payment or who makes payment in contravention of paragraph (1) or (2) of this article shall be guilty of an offence against this Order.

(6) Paragraphs (1) and (2) of this article shall apply to any person within the Territory, and to any person elsewhere who

- (a) is a British citizen, a British Dependent Territory citizen, a British overseas citizen or a British protected person; or
- (b) is a body incorporated or constituted under the law of the Territory.

(7) Any permission granted under this article may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted it.”

R. P. Bulling
Clerk of the Privy Council.

(a) S.I. 1990/1616.

(b) S.I. 1990/1591.

(c) S.I. 1990/1640.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the United Nations Act 1946 and amends the Iraq and Kuwait (United Nations Sanctions) (Dependent Territories) Order 1990 ("the principal Order").

It inserts a new article 6A which prohibits payments under any bond in respect of a contract the performance of which is unlawful by virtue of the making of or obtaining of the principal Order or the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990. It also prohibits payments under certain indemnities arising under such bonds.