

EXPLANATORY MEMORANDUM TO THE

The Iraq (United Nations Sanctions) Order 2000 (Amendment No.2) Regulations 2004

2004 No.1779

1. This explanatory memorandum has been prepared by Her Majesty's Treasury ("the Treasury") and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations, made in exercise of the power in section 2(2) of the European Communities Act 1972, revoke regulation 3(3) of the Iraq (United Nations Sanctions) Order 2000 (Amendment) Regulations 2004 (the "Amendment Regulations") (S.I. 2004/1660) and insert into the Iraq (United Nations Sanctions) Order 2000 (the "2000 Order") (S.I. 2000/3241) a provision with the same effect as that which was to have been inserted by regulation 3(3).

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

3.1 These Regulations will come into force in breach of the "21 day rule".

The Amendment Regulations, amongst other things, amended the personal scope of the 2000 Order. This was to be done by the insertion of a new paragraph (4) into article 1. However, it came to the Treasury's attention, after the making of those Regulations, that an identically numbered paragraph would already have been inserted into the 2000 Order by the Iraq (United Nations Sanctions) Amendment Order 2004 (S.I. 2004/1498) by the date on which the Amendment Regulations are due to come into force.

3.2 The Treasury consider it necessary to correct the error referred to above before the Amendment Regulations come into force in order to avoid any confusion that may be caused by the incorrect numbering of the new provision to be inserted into the 2000 Order. In addition, the Treasury consider that it is necessary for regulation 4 of these Regulations to come into force on the same day as the remaining provisions of the Amendment Regulations. This is because regulation 4 forms part of the amendments that are required to be made in order to ensure full effect is given to certain of the provisions of Council Regulation (EC) 1210/2003.

4. Legislative Background

4.1 The Amendment Regulations will make various amendment to 2000 Order, as amended by the Iraq (United Nations Sanctions) Order 2003 (S.I. 2003/1519) and the Iraq (United Nations Sanctions) (Amendment) Order 2004 (S.I. 2004/1498), to ensure that full effect is given in the United Kingdom to the provisions of Council Regulation

(EC) 1210 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96, as amended.

Regulation 3(3) of the Amendment Regulations was to have amended the personal scope of the 2000 Order. This was to have been done by the insertion of a new paragraph (4) into article 1 of the 2000 Order. However, since the making of the Amendment Regulations, it has come to the Treasury's attention that regulation 3(3) would have inserted an incorrectly numbered provision into the 2000 Order.

Therefore these Regulations revoke regulation 3(3) of the Amendment Regulations and insert into the 2000 Order a new provision with the same effect as that which was to have been inserted by regulation 3(3).

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Financial Secretary to the Treasury, Ruth Kelly, has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The Iraq (United Nations Sanctions) Order 2000 (Amendment) Regulations 2004 are compatible with the Convention rights.

7. Policy background

7.1 HM Treasury is committed to ensuring that complex legislative amendments to the Iraq (United Nations Sanctions) Order 2000 are accurate.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

9. Contact

Robert Pollock at Her Majesty's Treasury, Tel: 0207 2705323 or e-mail: robert.pollock@hm-treasury.gsi.gov.uk, can answer any queries regarding the instrument.