

EXPLANATORY MEMORANDUM TO
THE UZBEKISTAN (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES)
(REVOCATION) ORDER 2010

2010 No.767

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Description

This instrument, the Uzbekistan (Restrictive Measures) (Overseas Territories) (Revocation) Order 2010 (“the Order”) revokes the Uzbekistan (Restrictive Measures) (Overseas Territories) Order 2006 (“the principal Order”).

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

None. The Order will be made at the Privy Council meeting on 17th March 2010. The Order will be laid before Parliament on 18th March and will come into force on 8th April 2010.

4. Legislative Background

4.1 The principal Order was made to give effect, in the overseas territories to which it extended, to Council Common Position 2005/792/CFSP which was adopted by the Council of the European Union on 14th November 2005 to provide for certain restrictive measures against Uzbekistan.

4.2 The principal Order established a framework in the overseas territories for the prohibition of (a) the delivery or supply of arms and related material to Uzbekistan by any person within the overseas territories or using a ship or aircraft registered in the overseas territories; (b) the provision of technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related material to any person, entity or body in, or for the use in Uzbekistan; and (c) the provision of financing or financial assistance related to military activities to any person, entity or body, in or for the use in, Uzbekistan.

4.3 On 27th October 2009 the Council decided that the Council Common Position 2005/792/CFSP (as amended) should not be extended beyond its expiry date of 13th November 2009. To give effect to that decision in the overseas territories, this Order revokes the principal Order in the overseas territories to which the principal Order extended.

5. Extent

This instrument applies to the following territories: Anguila, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands,

Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, Ascension and Tristan da Cunha, the Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus, the Turks and Caicos Islands and the Virgin Islands. All the overseas territories were consulted.

6. European Convention on Human Rights

This Order is made under section 112 of the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945, and the Royal Prerogative and 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

The UK fully supported the decision of the Council not to extend the Council Common Position 2005/792/CFSP (as amended).

8. Consultation outcome

The overseas territories were consulted, and those which require and are included in this Order have no objections to this Order applying to them.

9. Guidance

Guidance may be sought from the contact below.

10. Impact

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

10.2 The impact on the public sector is negligible.

11. Regulating small business

The legislation applies to small business, as it does to all persons and entities in the territories, but has no impact on business.

12. Monitoring & review

Monitoring and review mechanisms are not applicable.

13. Contact

Martin Kuzmicki at the Foreign and Commonwealth Office, Tel: 020 70081585 or e-mail: martin.kuzmicki@fco.gov.uk, can answer queries regarding the instrument.