

EXPLANATORY MEMORANDUM TO
THE EGYPT (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) ORDER
2011

2011 No. 1679

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 Egypt (Restrictive Measures) (Overseas Territories) Order 2011 (“the Order”), gives effect in Overseas Territories to EU autonomous measures (“the EU measures”) imposed in the EU by Council Decision 2011/172/CFSP of 21st March 2011 and implemented in Council Regulation (EU) No 270/2011 (the “Regulation”) adopted on 21st March. The EU measures came into force on the date of the Regulation’s publication in the Official Journal (22nd March 2011).

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

3.1 None. The Order will be made at the Privy Council meeting on 13th July 2011 and laid before Parliament on the following day. The Order will come into force the day after it is laid so that the sanctions can be enforced immediately.

4. Legislative Context

4.1 This Order is made in exercise of statutory powers and in exercise of the legislative power of the royal prerogative, in the absence of statutory powers to implement autonomous or stand-alone EU measures in certain Overseas Territories.

4.2 The Order gives effect to EU measures adopted by the EU in Council Decision 2011/172/CFSP and implemented by the Regulation against Egypt. The Order places restrictive measures on certain persons, entities and bodies responsible for the

misappropriation of Egyptian state funds and persons associated with them. Specifically, the Order imposes an assets freeze on the individuals in Annex 1 of the Regulation.

4.4 The statutory and prerogative powers to legislate for the Overseas Territories are applicable to the territories as follows:

- The Saint Helena Act 1833 applies to Saint Helena;
- 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;
- 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

5.1 This instrument applies to the following territories: Anguilla, 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, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, Turks and Caicos Islands and the Virgin Islands. All the territories were consulted. Bermuda will make its own provision, as the UK is unable to legislate for Bermuda using prerogative powers. Gibraltar will legislate independently to give effect to equivalent asset freeze measures.

6. European Convention on Human Rights

6.1 This Order is made under statutory powers and under 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

- *What is being done and why*

7.1 The UK fully supports the EU restrictive measures against Egypt. This Order assists the UK's commitment to implement autonomous EU restrictive measures in the Overseas Territories.

7.2 In view of the seriousness of the situation in Egypt, and as a result of requests received from the interim Egyptian authorities, the EU agreed to freeze the assets of persons responsible for misappropriation of Egyptian State funds, and who are thus depriving the Egyptian people of the benefits of the sustainable development of their economy and society and undermining the development of democracy in the country. In this regard, on 21 March 2011 the EU adopted Council Decision 2011/172/CFSP, implemented by the Regulation to freeze the funds and economic resources of 19 persons having been identified as responsible for the misappropriation of Egyptian State funds, and natural or legal persons, entities or bodies associated with them.

8. Consultation

8.1 The Overseas Territories to which the Order applies have been consulted.

9. Guidance

9.1 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

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

12. Monitoring & review

12.1 EU restrictive measures are monitored and reviewed by the Council of the European Union.

12.2 If the EU measures are suspended or lifted, this Order will be reviewed and suspended or revoked as necessary.

13. Contact

Katharine Shepherd at the Foreign and Commonwealth Office, Tel: 020 7008 3940 or email: katharine.shepherd@fco.gov.uk can answer any queries regarding the instrument.