

EXPLANATORY MEMORANDUM TO

THE VENEZUELA (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2018

2018 No. 179

1. Introduction

- 1.1 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 Order gives effect in specified Overseas Territories to restrictive measures adopted by the Council of the European Union on 13 November 2017 in view of the situation in Venezuela.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

- 4.1 This Order is made in exercise of statutory powers under the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945, and the legislative power of the Royal Prerogative.
- 4.2 The statutory and prerogative powers to legislate for the Overseas Territories, to implement sanctions measures, are applicable to the Overseas Territories as follows:
- (i) the Saint Helena Act 1833 applies to St Helena;
 - (ii) the British Settlements 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);
 - (iii) 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. Extent and Territorial Application

- 5.1 The extent of this instrument is: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including 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, the Turks and Caicos Islands and the Virgin Islands (“the Territories”).
- 5.2 The application of this instrument is the Territories and:

- (a) any person elsewhere who is a British citizen, a British overseas territories citizen, a British overseas citizen, a British subject, a British national (overseas) or a British protected person and is ordinarily resident in a Territory;
- (b) a body incorporated or constituted under the law of a Territory; and
- (c) any person onboard a ship or aircraft that is registered in a Territory.

6. European Convention on Human Rights

6.1 As the instrument is not subject to parliamentary procedure, no statement is required.

7. Policy background

What is being done and why

- 7.1 The European Union remains deeply concerned at the continuing deterioration of democracy, the rule of law and human rights in Venezuela.
- 7.2 On 13 November 2017 the Council of the European Union adopted Council Decision (CFSP) 2017/2074 and Council Regulation (EU) 2017/2063 imposing restrictive measures in view of the situation in Venezuela. The Council decided to impose restrictive measures in the form of an arms embargo, specific measures to place restrictions on equipment that might be used for internal repression and to prevent the misuse of communication equipment. The Council also decided to impose targeted restrictive measures against persons, entities and bodies responsible for serious human rights violations or abuses or repression of civil society and democratic opposition in Venezuela, or whose actions, policies or activities otherwise undermine democracy and the rule of law in Venezuela, and persons, entities and bodies associated with them. On 22 January 2018 the Council decided to subject seven named individuals to the measures.
- 7.3 There is no international or European law obligation to implement in the Overseas Territories restrictive measures adopted by the European Union. However, it is the policy of Her Majesty's Government to give effect to these measures in the Overseas Territories in order to make sanctions as effective as possible.

Consolidation

7.4 As this is a new sanctions regime, there is no need for consolidation. The Foreign and Commonwealth Office will keep the need for consolidation under review.

8. Consultation outcome

8.1 The Overseas Territories have been consulted on the Order in draft.

9. Guidance

9.1 No guidance will be issued.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies in the United Kingdom.

10.2 There is no impact on the public sector in the United Kingdom.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

12. Monitoring & review

12.1 European Union measures are monitored and reviewed by the Member States of the European Union. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the European Union.

13. Contact

13.1 George Howe at the Foreign and Commonwealth Office Telephone: 0207 008 1585 or email: george.howe@fco.gov.uk can answer any queries regarding the instrument.