
STATUTORY INSTRUMENTS

2020 No. 282

OVERSEAS TERRITORIES

The Somalia (Sanctions) (Overseas Territories) (Amendment) Order 2020

<i>Made</i>	- - - -	<i>11th March 2020</i>
<i>Laid before Parliament</i>		<i>18th March 2020</i>
<i>Coming into force</i>	- -	<i>8th April 2020</i>

At the Court at Buckingham Palace, the 11th day of March 2020

Present,

The Queen's Most Excellent Majesty in Council

Under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution adopted on 15th November 2019, called upon Her Majesty's Government in the United Kingdom to apply certain measures to give effect to decisions of that Council in relation to Somalia:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946⁽¹⁾, section 112 of the Saint Helena Act 1833⁽²⁾, the British Settlements Acts 1887 and 1945⁽³⁾, and in exercise of all the other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Somalia (Sanctions) (Overseas Territories) (Amendment) Order 2020 and comes into force on 8th April 2020.

(2) In this Order, "the principal Order" means the Somalia (Sanctions) (Overseas Territories) Order 2012⁽⁴⁾.

(3) This Order extends to the territories listed in Schedule 1 to the principal Order.

(1) 1946 c.45.

(2) 1833 c.85.

(3) 1887 c.54 and 1945 c.7.

(4) S.I. 2012/3065, as amended by S.I. 2013/472, 2013/1443, 2018/1076, 2018/1351.

Amendment of the principal Order

2. The principal Order is amended as follows.
3. In article 3(1) (interpretation), at the appropriate places, insert—
 - ““IED components” means the improvised explosive device components listed in Annex III to the Somalia Regulation;”;
 - ““the Somalia Regulation” means Council Regulation (EC) No 147/2003(5) adopted by the Council of the European Union on 27th January 2003 concerning certain restrictive measures in respect of Somalia;”.
4. In article 7 (providing, importing or carrying restricted goods or charcoal)—
 - (a) in the heading, after “restricted goods” insert “, IED components”;
 - (b) after paragraph (1) insert—
 - “(1A) It is an offence for a person to knowingly sell, supply, transfer or export (directly or indirectly) IED components—
 - (a) to any person in Somalia, or
 - (b) for use in Somalia.”;
 - (c) in paragraph (3), after “restricted goods” insert “or IED components”.
5. In article 10(3) (licences granted by the Governor)—
 - (a) In sub-paragraph (c), for “United Nations Political Office for Somalia or its successor mission” substitute “United Nations Assistance Mission in Somalia (UNSOM)”;
 - (b) for sub-paragraph (d) substitute—
 - “(d) supplies of restricted goods and assistance intended solely for the support of or use by—
 - (i) the African Union Mission in Somalia (AMISOM),
 - (ii) AMISOM’s strategic partners operating solely under the African Union Strategic Concept of 5th January 2012 (or subsequent African Union Strategic Concepts) and in cooperation and coordination with AMISOM, or
 - (iii) the European Union Training Mission (EUTM) in Somalia;”;
 - (c) after sub-paragraph (d) insert—
 - “(da) supplies of restricted goods intended solely for the use of States or international, regional or sub-regional organisations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, upon the request of the Federal Government of Somalia;”;
 - (d) for sub-paragraph (e) substitute—
 - “(e) supplies of restricted goods and assistance intended solely for the development of the Somali National Security Forces, or Somali security sector institutions other than those of the Federal Government of Somalia, to provide security for the Somali people;”;
 - (e) omit sub-paragraph (f);
 - (f) after sub-paragraph (e) insert—
 - “(fa) supplies of IED components, provided that there is no significant risk that such items may be used in the manufacture in Somalia of improvised explosive devices;”.

(5) OJ L 24, 29.1.2003, p.2.

6. In article 12 (requirement to publish a list of designated persons and restricted goods)—
 - (a) in the heading, for “and restricted goods” substitute “, restricted goods and IED components”;
 - (b) in paragraph (1)(a), for “and restricted goods” substitute “, restricted goods and IED components”.
7. In Schedule 2 (customs powers and investigations)—
 - (a) in paragraph 1 (power to demand evidence of destination of restricted goods)—
 - (i) in the heading, after “restricted goods” insert “or IED components”;
 - (ii) in sub-paragraph (1)—
 - (aa) after “restricted goods” insert “or IED components”;
 - (bb) for “the goods” substitute “the restricted goods or IED components”;
 - (iii) in sub-paragraph (2), for “the goods” substitute “the restricted goods or IED components”;
 - (iv) in sub-paragraph (3), for “the goods” substitute “the restricted goods or IED components”;
 - (b) in paragraph 2 (requirement for declaration as to carriage of restricted goods)—
 - (i) in the heading, after “restricted goods” insert “or IED components”;
 - (ii) in sub-paragraph (1)—
 - (aa) in paragraph (a), after “restricted goods” insert “or IED components”;
 - (bb) in paragraph (b), for “such goods” substitute “such restricted goods or IED components”;
 - (iii) in sub-paragraph (3), after “restricted goods” insert “or IED components”;
 - (c) in paragraph 3 (investigation of suspected ships, aircraft or vehicles)—
 - (i) in sub-paragraph (4), after “restricted goods” insert “, IED components”;
 - (ii) in sub-paragraph (5), after “restricted goods” insert “, IED components”.

Richard Tilbrook
Clerk of the Privy Council

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Somalia (Sanctions) (Overseas Territories) Order 2012 ([S.I. 2012/3065](#)), which gives effect in all Overseas Territories except Bermuda and Gibraltar (which implement sanctions through their own domestic legislation) to the sanctions regime established by the United Nations Security Council in respect of Somalia.

This Order gives effect to amendments to the sanctions regime made by resolution 2498 (2019) which was adopted by the United Nations Security Council on 15th November 2019. It establishes a prohibition on the sale, supply, transfer or export of certain components for improvised explosive devices, and makes amendments to the related licensing and enforcement provisions. It also amends the article (namely, article 10) which provides for the Governor of a Territory to license certain activities in line with the updated exemptions and derogations relating to the arms embargo as provided for in resolution 2498 (2019).

This Order reflects the implementation of those provisions by the European Union in Council Decision (CFSP) 2020/170 of 6 February 2020 and Council Regulation (EU) 2020/169 of the same date, which amend the provisions of Council Decision 2010/231/CFSP and Council Regulation ([EC](#)) [No 147/2003](#) respectively.

An Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on business in the United Kingdom.