
STATUTORY INSTRUMENTS

2001 No. 392

**The Afghanistan (United Nations Sanctions)
(Overseas Territories) Order 2001**

Interpretation

2. In this Order the following expressions have, except where otherwise expressly provided, the meanings hereby respectively assigned to them, that is to say:

“airport operator” means the person for the time being having the management of an airport or, in relation to a particular airport, the management of that airport;

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“export” includes shipment as stores;

“exportation” in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Territory of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

“funds” means financial assets and economic benefits of any kind, including (but not limited to) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); interest, dividends or other income on or value accruing from or generated by assets; credit, rights of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

“Governor” means the Governor or other officer administering the Government of the Territory;

“master”, in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“operator”, in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“owner”, in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

“person connected with Usama bin Laden” means:

- (a) any person designated as such by the Sanctions Committee, or
- (b) any person acting on behalf of a person covered by sub-paragraph (a);

“relevant institution” means:

- (a) the person or body responsible for carrying out in the Territory the functions of a monetary authority;
- (b) any person who may lawfully accept deposits in or from within the Territory in the course of carrying on a deposit-taking business, and for this purpose “deposit” has the meaning given to that term in section 5 of the Banking Act 1987(1) and “deposit-taking business” has the meaning given to that term in section 6 of that Act;
- (c) a European authorised institution within the meaning of the Banking Coordination (Second Council Directive) Regulations 1992(2) which has lawfully established a branch in Gibraltar for the purpose of accepting deposits or other repayable funds from the public; and
- (d) any society established lawfully in the Territory whose principal purpose is the making of loans secured on residential property where such loans are funded substantially by its members;

“restricted goods” means the goods specified in Schedule 3;

“the Sanctions Committee” means the Committee of the Security Council of the United Nations established by paragraph 6 of Resolution 1267 adopted on 15th October 1999;

“ship” includes every description of vessel used in navigation;

“shipment” includes loading into an aircraft;

“stores” means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a vessel or aircraft as merchandise for sale by retail to persons carried therein;

“the Taliban” means the Afghan political faction known as the Taliban, which also calls itself the “Islamic Emirates of Afghanistan”;

“vehicle” means land transport vehicle.

(1) 1987 c. 22.

(2) S.I.1992/3218, amended by S.I.s 1993/3225, 1995/1217, 1995/1442, 1996/1669, 1999/2094 and Chapter II of Part I of Schedule 5 to the Bank of England Act 1998 (c. 11) and sections 70(1) and 79(14) and Part II of Schedule 6 of the Criminal Justice Act 1993 (c. 36).