

This Statutory Instrument has been made to update [S.I. 2020/773](#) and [S.I. 2020/1124](#) in accordance with the revised policy and practice used in subsequent sanctions instruments, and therefore is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2020 No. 1582

**OVERSEAS TERRITORIES
SANCTIONS**

The Sanctions (Overseas Territories) (Amendment) Order 2020

Made - - - - 16th December 2020

Coming into force in accordance with article 1(1)

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 63(3)(c) and (4) of the Sanctions and Anti-Money Laundering Act 2018(1), is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Sanctions (Overseas Territories) (Amendment) Order 2020 and comes into force immediately after the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020(2) have come into force in the United Kingdom.

(2) This Order extends to each British overseas territory listed in the Schedule.

Amendment of the Global Human Rights Sanctions (Overseas Territories) Order 2020

2.—(1) The Global Human Rights Sanctions (Overseas Territories) Order 2020(3) is amended as follows.

(2) In Schedule 2 (modifications to be made in the extension of the Global Human Rights Sanctions Regulations 2020(4) to each British overseas territory listed in Schedule 1)—

(1) 2018 c.13.
(2) [S.I. 2020/950](#).
(3) [S.I. 2020/773](#).
(4) [S.I. 2020/680](#).

- (a) in paragraph 8—
 - (i) for sub-paragraph (d) substitute—
 - “(d) in paragraph (7)—
 - (i) for “High Court (in Scotland, the Court of Session)” substitute “Supreme Court of the Territory”;
 - (ii) omit “(in Scotland, an interdict)”;
 - (ii) after sub-paragraph (d) insert—
 - “(e) at the end, insert—
 - “(9) In this regulation, “Supreme Court of the Territory” means—
 - (a) in relation to Anguilla, Montserrat and the Virgin Islands, the High Court of the Eastern Caribbean Supreme Court;
 - (b) in relation to the Cayman Islands, the Grand Court of the Cayman Islands;
 - (c) in relation to the British Antarctic Territory, the British Indian Ocean Territory, the Falkland Islands, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands and the Turks and Caicos Islands, the Supreme Court of that territory;
 - (d) in relation to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, the Senior Judges’ Court of those Areas.”
- (b) for paragraph 10 substitute—
 - “**10.** For regulation 17 (immigration) substitute—
 - “**17.**—(1) A person who is designated from time to time by the Secretary of State under regulation 5 (as it has effect in the United Kingdom) for the purposes of regulation 17 (as it has effect in the United Kingdom) must not enter, transit or remain in the Territory.
 - (2) Paragraph (1) does not apply to a person who—
 - (a) belongs to the Territory, or
 - (b) in respect of the Sovereign Base Areas, is permitted to reside in the Sovereign Base Areas under the law applicable to the Sovereign Base Areas.
 - (3) Paragraph (1) does not apply to a person if the application of that paragraph to that person would be contrary to the United Kingdom’s obligations under—
 - (a) the European Convention on Human Rights, or
 - (b) the Refugee Convention.
 - (4) Paragraph (1) is subject to regulation 24 (immigration directions).
 - (5) For the purposes of this regulation, a person (“P”) belongs to the Territory if—
 - (a) in respect of Anguilla, P is an Anguillian (within the meaning given to that term in the law of Anguilla);
 - (b) in respect of the Cayman Islands, P is a Caymanian (within the meaning given to that term in the law of the Cayman Islands);

- (c) in respect of the Falkland Islands, P has Falkland Islands status (within the meaning given to that term in the law of the Falkland Islands);
 - (d) in respect of Montserrat, P is a Montserratian (within the meaning given to that term in the law of Montserrat);
 - (e) in respect of Pitcairn, P has the right of abode in Pitcairn under the law of Pitcairn;
 - (f) in respect of St Helena, P has St Helenian status (within the meaning given to that term in the law of St Helena);
 - (g) in respect of Tristan da Cunha, P has the right of abode in Tristan da Cunha under the law of Tristan da Cunha;
 - (h) in respect of the Turks and Caicos Islands, P is a Turks and Caicos Islander (within the meaning given to that term in the law of the Turks and Caicos Islands);
 - (i) in respect of the Virgin Islands, P belongs to the Virgin Islands (within the meaning given to that term in the law of the Virgin Islands).
- (6) In this regulation—
- “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on 4th November 1950 and the Protocols to the Convention⁽⁵⁾;
 - “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to the Convention⁽⁶⁾;
 - “Pitcairn” means Pitcairn, Henderson, Ducie and Oeno Islands;
 - “the Sovereign Base Areas” means the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.”
- (c) for paragraph 17 substitute—
- “17. For regulation 24 (section 8B(1) to (3) of the Immigration Act 1971: directions) substitute—

“Immigration directions

24.—(1) The Governor may, with the consent of the Secretary of State, direct that, in relation to any person falling within regulation 17 (immigration) whose name is specified, or who is of a specified description, that regulation has effect subject to specified exceptions.

(2) A direction under this regulation—

- (a) may contain conditions;
- (b) must be of a defined duration (and that duration may be expressed in any way, including, for example, being expressed in a way such that the direction ceases to have effect on, or within a specified period after, the occurrence of a specified event).

(3) The Governor may, with the consent of the Secretary of State, vary, revoke or suspend a direction under this regulation at any time.

⁽⁵⁾ ETS Numbers 005, 009, 046, 114, 117, 177, 187 and CETS Numbers 194, 213 and 214.

⁽⁶⁾ United Nations Treaty Series, vol. 189, p. 137 and vol. 606, p. 267.

(4) On the issue, variation, revocation or suspension of a direction under this regulation, the Governor may take such steps as the Governor considers appropriate to publicise the issue, variation, revocation or suspension of the direction.

(5) In this regulation, “specified” means specified in a direction under this regulation.””

Amendment of the Lebanon (Sanctions) (Overseas Territories) Order 2020

3.—(1) The Lebanon (Sanctions) (Overseas Territories) Order 2020(7) is amended as follows.

(2) In Schedule 2 (modifications to be made in the extension of the Lebanon (Sanctions) (EU Exit) Regulations 2020(8) to each British overseas territory listed in Schedule 1)—

(a) in paragraph 2(b)(i), for the inserted definition of “authorised officer” substitute—

““authorised officer” means, in relation to the Territory—

- (a) a member of Her Majesty’s forces in the Territory,
- (b) a police or customs officer of the Territory,
- (c) a person authorised by the Governor for the purposes of exercising, whether generally or in a particular case, any power conferred by—
 - (i) regulation 19 (information powers),
 - (ii) regulation 21 (general trade licences: inspection of records),
 - (iii) regulation 22 (disclosure of information),
 - (iv) regulation 23A (suspected ships, aircraft or vehicles), or
 - (v) regulation 23B (search warrants), or
- (d) any person acting under the authority of a person falling within any of paragraphs (a) to (c);”;

(b) for paragraph 7 substitute—

“7. In regulation 7 (export of military goods), at the end insert—

“(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, Lebanon (as the case may be).””

(c) for paragraph 16 substitute—

“16. In regulation 21 (general trade licences: inspection of records)—

- (a) in paragraph (1), for “A person authorised by the Secretary of State or the Commissioners (an “official”)” substitute “An authorised officer”;
- (b) in paragraphs (2) to (5), for “official”, in each place it occurs, substitute “authorised officer”;
- (c) in paragraph (5)(a), for “official’s functions” substitute “authorised officer’s functions”.”;

(d) for paragraph 30 substitute—

“30. In regulation 33 (maritime enforcement officers)—

(7) S.I. 2020/1124.

(8) S.I. 2020/612, prospectively amended by S.I. 2020/950.

- (a) in paragraph (1)—
 - (i) omit sub-paragraphs (b), (d), (e), (f) and (h);
 - (ii) for sub-paragraph (c) substitute—
 - “(c) a police officer of the Territory.”;
 - (iii) for sub-paragraph (g) substitute—
 - “(g) a customs officer of the Territory.”;
- (b) omit paragraph (2).”

Richard Tilbrook
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 1(2)

British overseas 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

Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Global Human Rights Sanctions (Overseas Territories) Order 2020 (S.I. 2020/773) (“the Global Human Rights Sanctions Order”) and the Lebanon (Sanctions) (Overseas Territories) Order 2020 (S.I. 2020/1124) (“the Lebanon Sanctions Order”).

The Global Human Rights Sanctions Order extends with modifications the Global Human Rights Sanctions Regulations 2020 (S.I. 2020/680) (“the Global Human Rights Sanctions Regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar (which implement sanctions under their own legislative arrangements). The Global Human Rights Sanctions Regulations were made under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c.13) (“the Sanctions Act”) to establish a sanctions regime for the purpose of deterring, and providing accountability for, activities which, if carried out by or on behalf of a State, would amount to serious violations of certain human rights by that State.

Article 2 of this Order amends the Global Human Rights Sanctions Order in order to revise the modifications to be made to the Global Human Rights Sanctions Regulation in their extension to the British overseas territories.

Article 2(2)(a) revises the modifications to regulation 9 (confidential information in certain cases) so that the Supreme Court of a territory may grant an injunction to prevent the disclosure of information relating to a designation which the Secretary of State has specified is to be treated as confidential.

Article 2(2)(b) revises the modifications to regulation 17 (immigration) so that a person designated for immigration purposes is prohibited from transiting the territory, as well as from entering or remaining in that territory. The revision also provides that the immigration prohibition in relation to

a territory does not apply to a person who belongs to that territory, or, in respect of the Sovereign Base Areas of Akrotiri and Dhekelia, a person who is permitted to reside in those Areas.

Article 2(2)(c) revises the modifications to regulation 24 (immigration directions) to clarify that the Governor may issue an immigration direction in respect of a person whose name is specified in that direction, or who is of a description specified in that direction.

The Lebanon Sanctions Order extends with modifications the Lebanon (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/612) (“the Lebanon Sanctions Regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar. The Lebanon Sanctions Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime in relation to Lebanon for the purposes of compliance with the United Kingdom’s international obligations under United Nations Security Council resolution 1701 (2006).

Article 3 of this Order amends the Lebanon Sanctions Order in order to revise the modifications to be made to the Lebanon Sanctions Regulations in their extension to the British overseas territories.

Article 3(2)(a) revises the modifications to regulation 2 (interpretation) to substitute a revised definition of authorised officer.

Article 3(2)(b) revises the modifications to regulation 7 (export of military goods) to provide that it is a defence for a person charged with the offence of contravening a prohibition on the export of military goods to, or for use in, Lebanon to show that they did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, Lebanon (as the case may be).

Article 3(2)(c) revises the modifications to regulation 21 (general trade licences: inspection of records) to provide that an authorised officer (as defined in regulation 2 (interpretation)) may exercise the functions conferred by that regulation in relation to general trade licences records.

Article 3(2)(d) revises the modifications to regulation 33 (maritime enforcement officers) to provide that, for the purposes of the Lebanon Sanction Regulations as modified and extended to the territories, the maritime enforcement powers contained in those Regulations may be exercised by a commissioned officer of any of Her Majesty’s ships or a police or customs officer of the territory.

The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020 (“the Amendment Regulations”) prospectively amend the Lebanon Sanctions Regulations, and, as a consequence, the Lebanon Sanctions Order, which is amended by this Order, does not come into force until the Amendment Regulations have come into force in the United Kingdom. Therefore, article 1(2) provides that this Order also comes into force immediately after the Amendment Regulations have come into force in the United Kingdom.

An Impact Assessment has not been prepared for this Order because the territorial extent of both the Order, and the Global Human Rights Sanctions Order and Lebanon Sanctions Order which it amends, is the British overseas territories listed in the Schedule: no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.