

**2022 No. 1167**

**OVERSEAS TERRITORIES**

**SANCTIONS**

**The Russia (Sanctions) (Overseas Territories) (Amendment)  
(No. 3) Order 2022**

*Made* - - - - *9th November 2022*

*Coming into force* - - *10th November 2022*

At the Court at Buckingham Palace, the 9th day of November 2022

Present,

The King's Most Excellent Majesty in Council

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

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Russia (Sanctions) (Overseas Territories) (Amendment) (No. 3) Order 2022 and comes into force on 10th November 2022.

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

**Amendment of the Russia (Sanctions) (Overseas Territories) Order 2020**

**2.** Schedule 2 (modifications to be made in the extension of the Russia (Sanctions) (EU Exit) Regulations 2019 to each British overseas territory listed in Schedule 1) to the Russia (Sanctions) (Overseas Territories) Order 2020(b), is amended as set out in articles 3 to 17.

**3.** In paragraph 14—

(a) after paragraph (a) insert—

“(aa) after paragraph 4D insert—

“(4E) For the purposes of this Part—

(a) “export” means export from the Territory, and

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(a) 2018 c. 13. Amendments have been made by the Sentencing Act 2020 (c. 17) and the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10).

(b) S.I. 2020/1571, as amended by S.I. 2021/288; S.I. 2022/453; and S.I. 2022/843.

- (b) goods transported out of the Territory by aircraft or ship as stores within the meaning of CEMA (see section 1(1) and (4) of that Act) are to be regarded as exported.

(4F) For the purposes of this Part, “import” means import into the Territory.”;

- (b) omit paragraphs (b) and (ba).

**4.** In paragraph 15, after sub-paragraph (3) of the inserted text, insert—

“(4) A person who contravenes the prohibition in paragraph (1A) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1A) to show that the person did not know and had no reasonable cause to suspect that the export was for the placing on board of a Russian-flagged vessel.”

**5.** After paragraph 20, insert—

**20A.** In regulation 30B (export of relevant restricted goods), after paragraph (2) insert—

“(3) A person who contravenes the 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, non-government controlled Ukrainian territory.”

**20B.** In regulation 30C (supply and delivery of relevant restricted goods), in paragraph (4) for “United Kingdom or the Isle of Man” substitute “Territory”.

**6.** In paragraph 26, after “non-UK activity relating to energy-related goods” omit “and energy-related technology”.

**7.** After paragraph 26B, insert—

**26BA.** In regulation 46C (interpretation) for “United Kingdom, the Isle of Man” substitute “Territory”.

**8.** After paragraph 26D, insert—

**26E.** In regulation 46L (banknotes), in paragraph (5)—

- (a) omit the “and” after sub-paragraph (a);
- (b) in sub-paragraph (b), at the end insert “; and”;
- (c) after sub-paragraph (b), insert—

“(c) banknotes denominated in any official currency of the Territory.”

**26F.** In regulation 46N (jet fuel and fuel additives), in paragraph (5) for “United Kingdom, the Isle of Man” substitute “Territory”.

**26G.** In regulation 46R (interpretation) for “United Kingdom, the Isle of Man” substitute “Territory”.

**26H.** In regulation 46S (import of revenue generating goods), after paragraph (3), insert—

“(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

- (a) 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 goods were consigned from Russia;
- (b) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Russia.”

**26I.** In regulation 46T (acquisition of revenue generating goods), in paragraph (1) for “United Kingdom” substitute “Territory”.

**26J.** In regulation 46U (supply and delivery of revenue generating goods), in paragraph (1) for “United Kingdom” substitute “Territory”.

**26K.** In regulation 46V (technical assistance relating to revenue generating goods), in paragraph (1) for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26L.** In regulation 46W (financial services and funds relating to revenue generating goods), in paragraph (1) for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26M.** In regulation 46Y (G7 dependency and further goods list goods), in paragraph (5) for “United Kingdom, the Isle of Man” substitute “Territory”.

**26N.** In regulation 46Z2 (brokering services relating to G7 dependency and further goods list goods)—

(a) in paragraph (1) for “non-UK country”, in each place it occurs substitute “non-Territory country”;

(b) for paragraph (4), substitute—

“(4) In this regulation, “non-Territory country” means a country that is not the Territory.”

**26O.** In regulation 46Z4 (import of oil and oil products), after paragraph (3) insert—

“(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

(a) 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 goods were consigned from Russia;

(b) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Russia.”

**26P.** In regulation 46Z5 (acquisition of oil and oil products), in paragraph (1) for “United Kingdom” substitute “Territory”.

**26Q.** In regulation 46Z6 (supply and delivery of oil and oil products), in paragraph (1) for “United Kingdom” substitute “Territory”.

**26R.** In regulation 46Z7 (technical assistance relating to oil and oil products), in paragraph (1) for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26S.** In regulation 46Z8 (financial services and funds relating to oil and oil products), in paragraph (1) for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26T.** In regulation 46Z11 (prohibition on the import of gold from Russia), after paragraph (3), insert—

“(4) A person who contravenes the 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 gold originated in Russia.”

**26U.** In regulation 46Z12 (acquisition of gold from Russia), in paragraph (1) for “United Kingdom” substitute “Territory”.

**26V.** In regulation 46Z13 (supply and delivery of gold from Russia)—

(a) in paragraph (1), for “United Kingdom” substitute “Territory”;

(b) in paragraph (4), for “United Kingdom, the Isle of Man” substitute “Territory”.

**26W.** In regulation 46Z14 (technical assistance relating to gold), in paragraph (1), for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26X.** In regulation 46Z15 (financial services and funds relating to gold)—

(a) in paragraph (1), for “United Kingdom”, in both places it occurs, substitute “Territory”;

(b) after paragraph (3), insert—

“(4) In this regulation, “third country” means a country that is not the Territory or Russia.”

**26Y.** In regulation 46Z18 (import of coal and coal products), after paragraph (3) insert—

“(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

(a) 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 goods were consigned from Russia;

(b) it is a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Russia.”

**26Z.** In regulation 46Z19 (acquisition of coal and coal products), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26Z1.** In regulation 46Z20 (supply and delivery of coal and coal products), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26Z2.** In regulation 46Z21 (technical assistance relating to coal and coal products), in paragraph (1), for “United Kingdom” in both places it occurs, substitute “Territory”.

**26Z3.** In regulation 46Z22 (financial services and funds relating to coal and coal products), in paragraph (1), for “United Kingdom” in both places it occurs, substitute “Territory”.

**9.** After paragraph 34, insert—

“**34ZA.** In regulation 60ZZA (exceptions relating to investments in relation to Russia), in paragraph (1) for “Treasury” substitute “Governor”.”

**10.** In paragraph 34B, after sub-paragraph (a), insert—

“(aa) in paragraph (2AA), for “at a UK airport” substitute “at an airport in the Territory”;

**11.** After paragraph 34B, insert—

“**34C.** In regulation 60DA (trade: exception relating to professional and business services), in paragraph (1)(a)(i), for “UK statutory or regulatory obligations” substitute “applicable statutory or regulatory obligations in the Territory”.

**34D.** In regulation 60F (trade: exceptions in relation to banknotes), in paragraph (2), after “European Union” insert “or the Territory”.

**34E.** In regulation 60I (trade: exceptions in relation to Energy-related Goods), in paragraph (1), for “non-UK” substitute “non-Territory”.

**12.** After paragraph 35, insert—

“**35ZA.** In regulation 61ZA (trade: exception for humanitarian assistance activity in non-government controlled areas of the Donetsk and Luhansk oblasts), in paragraph (2), in the definition of “relevant prohibition”, for “non-UK” substitute “non-Territory”.”

13. In paragraph 36, in paragraphs (1) and (2) of the substituted text, for “Chapters 2 to 6”, in each place it occurs, substitute “Chapters 2 to 6 and Chapter 6B”.

14. In paragraph 38—

- (a) in paragraph (2) of the substituted text, for “regulations 11 to 17A” substitute “regulations 11 to 18B”;
- (b) in paragraph (3) of the substituted text—
  - (i) omit the “and” after sub-paragraph (e);
  - (ii) in sub-paragraph (h), at the end insert “, and”;
  - (iii) after sub-paragraph (h), insert—

“(g) in the case of acts which would otherwise be prohibited by regulation 18B (investments in relation to Russia), where the Governor considers that it is appropriate to issue the licence for a purpose set out in Part 3 of Schedule 5”.

15. In paragraph 48, in paragraph (8) of the substituted text, for “Chapters 2 to 6” substitute “Chapters 2 to 6 and Chapter 6B”.

16. In paragraph 52, for paragraph (a) substitute—

- “(a) in paragraph (1), for “Secretary of State, the Treasury, OFCOM or the Commissioners” substitute “Governor or an authorised officer”;

17. In paragraph 78, in the inserted text, after sub-paragraph (n), insert—

- “(o) in paragraph 18(2) (diplomatic missions etc.), for “diplomatic mission or consular post of Russia in the United Kingdom” substitute “consular post of Russia in the Territory”;
- (p) in paragraph 19 (safety and soundness of a firm), for “the relevant supervising authority or authorities, that is necessary or expedient in order to promote the safety and soundness of a firm which is supervised by the Bank of England, the Prudential Regulation Authority or the Financial Conduct Authority” substitute “the authority responsible for the regulation of financial services in the Territory, that is necessary or expedient in order to promote the safety and soundness of a firm which is supervised by that authority;”
- (q) in paragraph 20 (space), for “United Kingdom person” substitute “Territory person”.

*Richard Tilbrook*  
Clerk of the Privy Council

## 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 Russia (Sanctions) (Overseas Territories) Order 2020 (S.I. 2020/1571) (“the Principal Order”).

The Principal Order extends with modifications the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855) (“the Russia 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 Russia sanctions regulations established a sanctions regime in relation to Russia for the purpose of encouraging Russia to cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine.

The Russia sanctions regulations have been recently amended by the Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022 (S.I. 2022/792), the Russia (Sanctions) (EU Exit) (Amendment) (No. 12) Regulations 2022 (S.I. 2022/801), the Russia (Sanctions) (EU Exit) (Amendment) (No. 13) Regulations 2022 (S.I. 2022/814) and the Russia (Sanctions) (EU Exit) (Amendment) (No. 14) Regulations 2022 (S.I. 2022/850) (“the amending regulations”).

This Order makes the necessary amendments to the Principal Order to give effect in the relevant British overseas territories to the changes made to the Russia sanctions regime by the amending regulations.

An Impact Assessment has not been prepared for this Order: the territorial extent of both this Order and the Principal Order is the British overseas territories listed in the Schedule to this Order and no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.

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