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STATUTORY INSTRUMENTS

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**2022 No. 1339**

**The Republic of Belarus (Sanctions) (Overseas Territories) (Amendment) Order 2022**

**Amendment of the Republic of Belarus (Sanctions) (Overseas Territories) Order 2020**

**20.** After paragraph 15I insert—

**15J.** In regulation 29F (prohibition on port entry)—

- (a) in paragraphs (1) and (2), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (b) for paragraph (6) substitute—

“(6) In paragraph (5), a “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 29F and 29H to 29J (ships: prohibition on port entry etc.) (as they have effect in the United Kingdom).”

**15K.** In regulation 29G (directions prohibiting port entry)—

- (a) in paragraphs (2), (3), (5) and (6), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) in paragraphs (3) and (7), for “United Kingdom”, in both places it occurs, substitute “Territory”;
- (c) after paragraph (6) insert—

“(6A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under this regulation.”

**15L.** In regulation 29H (movement of ships)—

- (a) in paragraphs (1), (2), (4) and (5), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) after paragraph (5) insert—

“(5A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under this regulation.”

- (c) in paragraph (6), for the definition of “designated person” substitute—

““designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 29F and 29H to 29J (ships: prohibition on port entry etc.) (as they have effect in the United Kingdom);”

**15M.** In regulation 29I (detention of ships)—

- (a) in paragraphs (1), (2) and (3), for “Secretary of State”, in each place it occurs, substitute “Governor”;
- (b) in paragraphs (4) and (6), for “United Kingdom”, in both places it occurs, substitute “Territory”;

(c) after paragraph (7) insert—

“(7A) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under this regulation.”

(d) for paragraph (8) substitute—

“(8) Where a detention direction is given under this regulation in relation to a ship, an authorised officer may detain the ship.

(8A) If a ship in respect of which a detention direction has been given to the master proceeds to sea in contravention of the detention direction, the master of the ship commits an offence.

(8B) If a ship in respect of which a detention direction has been given to the master fails to comply with any requirements imposed by the direction, the master of the ship commits an offence.

(8C) The owner of a ship, and any person who sends to sea a ship, in respect of which an offence is committed under paragraph (8A) or (8B), if party or privy to the offence, also commits an offence under that paragraph.

(8D) Any reference in this regulation to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending to sea are to be construed accordingly.”

(e) for paragraph (10) substitute—

“(10) In this regulation, “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 29F and 29H to 29J (ships: prohibition on port entry etc.) (as they have effect in the United Kingdom).”

**15N.** In regulation 29J (registration of ships in the United Kingdom)—

(a) in the heading, for “United Kingdom” substitute “Territory”;

(b) in paragraphs (1) and (2), for “Registrar”, in each place it occurs, substitute “Territory registrar”;

(c) in paragraph (1), after “Secretary of State” insert “, by the Governor”;

(d) in paragraph (2), after “Secretary of State” insert “or the Governor”;

(e) in paragraph (3)—

(i) before sub-paragraph (a) insert—

“(za) “the Territory registrar”, in relation to the Territory, means the person responsible for the registration of ships in the Territory;”;

(ii) in sub-paragraph (a), for “register of British ships maintained by the Registrar” substitute “register of British ships in the Territory maintained by the Territory registrar”;

(iii) for sub-paragraph (b) substitute—

“(b) “designated person” means a person for the time being designated by the Secretary of State under regulation 5 (power to designate persons) (as it has effect in the United Kingdom) for the purposes of regulations 29F and 29H to 29J (ships: prohibition on port entry etc.) (as they have effect in the United Kingdom);”.

**15O.** Omit regulation 29K (specification of ships) (including the heading).

**15P.** For regulation 29L (notification and publicity where specification power used) substitute—

**“Requirement to publish a list of specified ships**

**29L.**—(1) Subject to paragraph (2), the Governor must—

- (a) publish a list of specified ships, and
- (b) keep the list up to date.

(2) Where, in accordance with regulation 29L (notification and publicity where specification power used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a specification or revocation, the Governor must not include in the list under paragraph (1) any details of that specification or revocation.

(3) The Governor may publish the list under paragraph (1) in any form the Governor considers appropriate, including by means of a website.”

**15Q.** In regulation 29N (interpretation of Part 5B)—

- (a) in paragraph (5), in the definition of “specified ship”, after “under regulation 29K (specification of ships)” insert “(as it has effect in the United Kingdom)”; and
- (b) in paragraph (6), after “in that section”, insert “, unless otherwise provided in this Part”.