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S T A T U T O R Y I N S T R U M E N T S

2017 No. 169

OVERSEAS TERRITORIES

The Syria (Restrictive Measures) (Overseas Territories)
(Amendment) Order 2017

(Legal Notice 9 of 2017)

Made	- - - -	15th February 2017
Laid before Parliament		22nd February 2017
Coming into force	- -	15th March 2017

At the Court at Buckingham Palace, the 15th day of February 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 112 of the Saint Helena Act 1833(a), the British Settlements Acts 1887 and 1945(b), and all of the other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Syria (Restrictive Measures) (Overseas Territories) (Amendment) Order 2017 and comes into force on 15th March 2017.

(2) In this Order, “the principal Order” means the Syria (Restrictive Measures) (Overseas Territories) Order 2012(c).

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

Amendments to the principal Order

2. The principal Order is amended as follows.

3. In article 2(1)(d)—

(a) for the definition of “financing and financial assistance”, substitute—

““financing and financial assistance” includes grants, loans and export credit insurance, insurance and reinsurance and, in articles 11 and 11A, also includes financial derivatives;”;

(a) 1833 c.85.

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

(c) S.I. 2012/1755, amended by S.I. 2012/3069, 2013/1719, 2013/2598, 2014/269, 2015/824 and 2015/1528.

(d) There have been amendments but none are relevant.

- (b) in the definition of “insurance” omit “natural or legal”; and
- (c) omit the definition of “person”.

4. For article 11(a), substitute—

“Offences related to crude oil and petroleum products listed in Annex IV

11.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

- (a) imports crude oil or petroleum products listed in Annex IV to the Council Regulation into the Territory if the products originated in Syria, or have been exported from Syria;
- (b) purchases crude oil or petroleum products listed in Annex IV to the Council Regulation which are located in or which originated in Syria;
- (c) transports crude oil or petroleum products listed in Annex IV to the Council Regulation if the products originated in Syria, or are being exported from Syria to any other country;
- (d) provides (directly or indirectly) financing or financial assistance related to the import of crude oil and petroleum products listed in Annex IV to the Council Regulation if the products originated in Syria, or have been imported from Syria; or
- (e) provides (directly or indirectly) financing or financial assistance related to the purchase or transport of crude oil and petroleum products listed in Annex IV to the Council Regulation if the products originated in Syria, or have been imported from Syria.

(2) Paragraph (1) does not apply to—

- (a) the execution of an obligation arising from a contract concluded before 12th July 2012; or
- (b) the purchase of crude oil or petroleum products which had been exported from Syria before 12th July 2012 or, where the export was made pursuant to sub-paragraph (a), on or before the date on which the relevant obligation was executed,

if the person seeking to perform the obligation concerned has notified the transaction or activity to the Governor at least 7 working days in advance.

(3) Sub-paragraphs (b), (c) and (e) of paragraph (1) also do not apply—

- (a) where paragraph (4) applies; or
- (b) if P is acting under the authority of a licence granted by the Governor under paragraph (5).

(4) This paragraph applies to—

- (a) the purchase or transport in Syria of petroleum products or the related provision of financing or financial assistance by public bodies or by persons which receive public funding from the European Union or Member States of the European Union to provide humanitarian relief or assistance to the civilian population in Syria, provided that such products are purchased or transported for the sole purposes of providing humanitarian relief in Syria or assistance to the civilian population in Syria; or
- (b) the purchase or transport in Syria of petroleum products or the related provision of financing or financial assistance by a diplomatic or consular mission, where such products are purchased or transported for official purposes of the mission.

(a) Article 11 was amended by S.I. 2013/2598.

(5) The Governor may, with the consent of the Secretary of State, grant a licence under this article for the purchase or transport in Syria of petroleum products or the provision of related financing or financial assistance provided that such purchase, transport or related financing or financial assistance—

- (a) is for the sole purpose of providing humanitarian relief in Syria or assistance to the civilian population in Syria; and
- (b) does not breach any of the other prohibitions in this Order.”.

5. In article 11A(1)(b)(a), omit “(including financial derivatives, insurance and reinsurance)”.

6. In articles 26(2) and 27(3), for “articles 31 and 33” substitute “articles 29A, 31 and 33”.

7. In articles 28(2) and 29(3), for “article 33” substitute “articles 29A and 33”.

8. After article 29, insert—

“Offences relating to making funds or economic resources available to or for the benefit of a designated person

29A.—(1) The prohibitions in articles 26 to 29 do not apply to—

- (a) the making available of funds or economic resources by public bodies or persons which receive public funding from the European Union or Member States of the European Union to provide humanitarian relief in Syria or assistance to the civilian population in Syria where the provision of funds or economic resources is for the activities described in article 11(4)(a); or
- (b) the making available of funds or economic resources from the account of a diplomatic or consular mission where the provision of such funds or economic resources is for the activity described in article 11(4)(b).”.

9. For article 33(2)(k)(b), substitute—

“(k) funds or economic resources necessary for the sole purposes of providing humanitarian relief in Syria or assistance to civilian population in Syria and provided that, in the case of release of frozen funds or economic resources, the funds or economic resources are released to the United Nations for the purpose of delivering or facilitating the delivery of assistance in Syria in accordance with the Syria Humanitarian Response Plan or any successor plan coordinated by the United Nations;”.

10. For article 43(7), substitute—

“(7) This article applies to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, the Falkland Islands, South Georgia and the South Sandwich Islands, and St Helena, Ascension and Tristan da Cunha as set out in Schedule 2.”.

11. In article 44, omit paragraph (6).

12. For Schedule 2(c), substitute—

(a) Article 11A was inserted by S.I. 2015/824.
(b) Subparagraph (k) of article 33(2) was inserted by S.I. 2014/269.
(c) Schedule 2 was amended by S.I. 2014/269 and 2015/824.

Application of Article 43 to Particular Territories

Application of article 43

1.—(1) Article 43 applies as follows to the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, the Falkland Islands, South Georgia and the South Sandwich Islands, and St Helena, Ascension and Tristan da Cunha.

(2) A person guilty of an offence under article 4, 5, 6, 7, 9, 9A, 9B, 10(1)(a), 11A(1)(a), 12(1)(a), 13, 14(a), 15, 15A, 16(1)(a) or 18 is liable on conviction to imprisonment for a term not exceeding seven years or to a fine or to both.

(3) A person guilty of an offence under article 8A, 10(1)(b) to (d), 11, 11A(1)(b) or (c), 12(1)(b) or (c), 14(b) or (c), 16(1)(b), 17, 25, 26, 27, 28, 29, 32, 34, 36, 37, 38, 39, 40, 40A, 41 or paragraph 4(b), (c) or (d) of Schedule 5, is liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(4) A person guilty of an offence under paragraph 4(a) or 6 of Schedule 5 is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or its equivalent or to both.

(5) If an offence under this Order committed by a body corporate is shown—

(a) to have been committed with the consent or connivance of an officer of the body corporate; or

(b) to be attributable to any neglect on the part of an officer of the body corporate, the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.”.

13. Omit Schedules 3 and 4(a).

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Syria (Restrictive Measures) (Overseas Territories) Order 2012 (S.I. 2012/1755) (as amended) (“the principal Order”). The principal Order gives effect in specified Overseas Territories to sanctions in respect of Syria adopted by the European Union (“EU”) in Council Regulation (EU) No 36/2012 (OJ No L 016, 19.1.2012, p1) (as amended).

The amendments made in this Order give effect to changes adopted by the EU in Council Regulation (EU) No 2016/2137 (OJ No L 332/3, 7.12.2016). In particular, this Order reflects amendments to the EU sanctions regime against Syria in respect of the purchase and transport (and associated financing) of petroleum products in Syria. It also makes related amendments to offences in the principal Order relating to making available funds or economic resources to designated persons, as well as other minor amendments to the definition, licensing and offence provisions.

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(a) Schedule 4 was amended by S.I. 2014/269 and 2015/824.

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