

2012 No. 2596

OVERSEAS TERRITORIES

The Burma (Restrictive Measures) (Overseas Territories)
(Suspension) Order 2012

(Legal Notice 61 of 2012)

Made	- - - -	17th October 2012
Laid before Parliament		18th October 2012
Coming into force	- -	19th October 2012

At the Court at Buckingham Palace, the 17th day of October 2012

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 and extent

1.—(1) This Order may be cited as the Burma (Restrictive Measures) (Overseas Territories) (Suspension) Order 2012 and comes into force on 19th October 2012.

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

Interpretation

2. In this Order, “the principal Order” means the Burma (Restrictive Measures) (Overseas Territories) Order 2009(c) and the expressions “prohibited imports” and “the Regulation” have the same meaning as in the principal Order.

Amendment of the principal Order

3.—(1) The principal Order is amended as follows.

(2) In article 2(1)—

for the definition of “restricted goods” substitute—

““restricted goods” means—

(a) 1833 c.85.

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

(c) S.I. 2009/3008.

- (a) the goods, software and technology specified in Schedule 2 to the Export Control Order 2008(a) as amended from time to time,
- (b) so far as not covered by paragraph (a), the goods, software and technology specified in the Common Military List of the European Union(b) as amended from time to time,
- (c) any equipment which might be used for internal repression listed in Annex II to the Regulation, and
- (d) equipment and technology used in logging and timber processing, mining of various commodities, and mining and processing of precious and semi-precious stones, listed in Annex III to the Regulation.”.

Suspension of provisions in the principal Order

4.—(1) Articles 4, 5, and 6 of the principal Order are to have no effect in relation to anything done or omitted to be done on or after the coming into force of this Order in relation to equipment and technology listed in Annex III to the Regulation.

(2) Article 7 of the principal Order is to have no effect in relation to anything done or omitted to be done on or after the coming into force of this Order in relation to equipment and technology listed in Annex III to the Regulation, or to prohibited imports.

(3) Articles 8 to 19 of the principal Order are to have no effect in relation to anything done or omitted to be done on or after the coming into force of this Order.

Richard Tilbrook
Clerk of the Privy Council

(a) S.I. 2008/3231.
(b) O.J.C.86 18.3.2011, p.1.

EXPLANATORY NOTE

(This note is not part of the Order)

The Burma (Restrictive Measures) (Overseas Territories) Order 2009 gave effect in certain United Kingdom overseas territories to sanctions against Burma decided upon by the Council of the European Union in Council Common Position 2007/750/CFSP of 19th November 2007 and implemented in Council Regulation (EC) No 194/2008 of 25th February 2008. These measures comprised an arms embargo, a prohibition on the supply of equipment which might be used for internal repression or for use in the logging, timber processing or various mining industries, the provision of technical assistance relating to such goods, a prohibition on imports of timber products, coal, certain metals, precious and semi-precious stones, and financial sanctions directed against certain persons and entities connected with the Burmese regime.

On 26th April 2012, by Decision 2012/225/CFSP, in view of positive political developments in Burma, the Council of the European Union decided to suspend the application of all of these measures except for the embargoes on the supply of arms and related materiel and equipment which might be used for internal repression, together with the prohibition on the provision of technical assistance related to such goods. The EU suspension took effect on 16th May 2012. The Council of the European Union will decide before 30th April 2013 whether to extend the suspension. This Order gives effect to that suspension and provides an updated definition of restricted goods.

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STATUTORY INSTRUMENTS

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