

2013 No. 3160

OVERSEAS TERRITORIES

The Libya (Restrictive Measures) (Overseas Territories)
(Amendment) Order 2013

(Legal Notice 7 of 2014)

Made	- - - -	11th December 2013
Laid before Parliament		18th December 2013
Coming into force	- -	8th January 2014

At the Court at Buckingham Palace, the 11th day of December 2013

Present,

The Queen's Most Excellent Majesty in Council

Under Article 41 of the Charter of the United Nations, the Security Council of the United Nations has, by a resolution adopted on 14th March 2013, called upon Her Majesty's Government in the United Kingdom to apply certain measures to give effect to decisions of that Council in relation to Libya:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), section 112 of the Saint Helena Act 1833(b), the British Settlements Acts 1887 and 1945(c), 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 Libya (Restrictive Measures) (Overseas Territories) (Amendment) Order 2013.

(2) It comes into force on 8th January 2014.

(3) In this Order, “the principal Order” means the Libya (Restrictive Measures) (Overseas Territories) Order 2011(d).

(4) Article 2 of this Order extends to the territories listed in Schedule 1 to the principal Order and article 3 of this Order extends to the territories listed in Schedule 2 to the principal Order.

2.—(1) Part 1 of the principal Order is amended as follows.

(2) In article 9—

(a) 1946 c.45.
(b) 1833 c.85.
(c) 1887 c.54 and 1945 c.7.
(d) S.I. 2011/1080, amended by S.I. 2011/2717 and 2012/356.

- (a) in sub-paragraph (1)(a) delete “, as approved in advance by the Sanctions Committee”;
- (b) for sub-paragraph (1)(c) substitute—
 - “(c) the supply, sale or transfer to Libya of non-lethal military equipment and assistance intended solely for security or disarmament assistance to the Libyan authorities;”;
- (c) after sub-paragraph (1)(c) insert—
 - “(cc) the supply, sale or transfer of all other arms and related materiel, as notified to the Sanctions Committee in advance and in the absence of a negative decision by the Sanctions Committee within five working days of such notification”.

(3) In article 12—

- (a) at the end of sub-paragraph (1)(a) delete “or”;
- (b) at the end of sub-paragraph (1)(b) insert “or”;
- (c) after sub-paragraph (1)(b) insert—
 - “(c) payments to a designated person under a judicial, administrative or arbitral lien or judgment entered into prior to the date on which the person was designated.”.

(4) In article 15(2), for sub-paragraph (e) substitute—

- “(e) satisfaction of a judicial, administrative or arbitral lien or judgment in respect of a designated person, provided it was entered into before the date on which the person was designated, it is not for the benefit of a designated person and the Sanctions Committee has been notified of the lien or judgment.”

3.—(1) Part 2 of the principal Order is amended as follows.

(2) In article 32—

- (a) for paragraph (1) substitute—
 - “(1) Part 1 of this Order with articles 12 and 15 as modified by paragraphs (1A) to (2) below and with the exception of article 28 shall apply to the territories listed in Schedule 2 to this Order, save that references to “designated persons” shall be to “EU listed persons” and the reference to 26th February 2011 in article 30(5)(b) shall be to 3rd March 2011.”;

(b) after paragraph (1) insert—

“(1A) In article 12(1), for paragraph (c) substitute—

- (c) payments to an EU listed person under a judicial, administrative or arbitral lien or judgment where—
 - (i) the arbitral decision was rendered before the EU listed person was listed, or
 - (ii) the judicial decision was rendered, or the administrative decision was enforceable in a Member State of the European Union prior to, on, or after the date the person was listed;”;

(c) for paragraph (2) substitute—

“(2) In article 15(2) —

- (a) for sub-paragraph (e) substitute—
 - satisfaction of a judicial, administrative or arbitral lien or judgment in respect of an EU listed person, provided that it is not for the benefit of a designated person or an EU listed person and—
 - (i) the arbitral decision was rendered before the EU listed person was listed, or
 - (ii) the judicial decision was rendered or the administrative decision was enforceable in a Member State of the European Union prior to, on, or after the date the person was listed;”

(d) after sub-paragraph (g) insert—

“(h) payment necessary for humanitarian purposes, such as the delivery and facilitation of delivery of humanitarian aid, the delivery of materials and supplies necessary for essential civilian needs, including food and agricultural materials for its production, medical products and the provision of electricity, or for evacuations from Libya.”

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect in the specified overseas territories to measures adopted by the United Nations Security Council in resolution 2095(2013) and the European Union in Council Decisions 2013/45/CFSP of 22nd January 2013 and 2013/182/CFSP of 22nd April 2013 which were implemented in Council Regulation (EU) No. 488/2013 of 27th May 2013.

Resolution 2095 and the Council Decision of 22nd April introduced changes to the Libya arms embargo. States no longer require the approval of the UN Sanctions Committee before selling, supplying or transferring arms or assistance to Libya where such activity is solely for the benefit of the Libyan Government for security or disarmament purposes. Neither do States have to notify the UN Sanctions Committee when selling, supplying or transferring to Libya non-lethal military equipment or related technical assistance when it is intended solely for humanitarian or protective use.

There is also a new exemption introduced in respect of the frozen accounts of EU listed persons. These persons may now benefit from, or make, payments in accordance with judicial or administrative decisions or liens where such decisions or liens became enforceable after the persons were listed.

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