

2013 No. 1443

OVERSEAS TERRITORIES

The Somalia (Sanctions) (Overseas Territories) (Amendment)
Order 2013

(Legal Notice 28 of 2013)

Made	- - - -	13th June 2013
Laid before Parliament		20th June 2013
Coming into force	- -	11th July 2013
At the Court at Buckingham Palace, the 13th day of June 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 6th 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 Somalia:

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 Somalia (Sanctions) (Overseas Territories) (Amendment) Order 2013.

(2) It comes into force on 11th July 2013.

(3) In this Order, "the principal Order" means the Somalia (Sanctions) (Overseas Territories) Order 2012(d).

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

Amendment of the principal Order

2. The principal Order is amended as follows.

3. In article 3, at the appropriate place insert—

(a) 1946 c.45.
(b) 1833 c.85.
(c) 1887 c.54 and 1945 c.7.
(d) S.I. 2012/3065.

““prohibited items” means items listed in Annex III to Council Regulation (EC) No. 147/2003 adopted by the Council of the European Union on 27th January 2003(a) concerning restrictive measures in respect of Somalia;”.

4. In article 4(10), delete “and 10” and substitute “, 10 and 11”.
5. In article 7(10), delete “article 10” and substitute “articles 10 and 11”.
6. In article 8(4), delete “article 10” and substitute “articles 10 and 11”.
7. In article 9(2), delete “article 10” and substitute “articles 10 and 11”.
8. For article 10(3), substitute—
 - “(3) A licence may, in particular, relate to—
 - (a) protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;
 - (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use;
 - (c) supplies of restricted goods and assistance, intended solely for the support of or use by United Nations personnel, including the United Nations Political Office for Somalia or its successor mission;
 - (d) supplies of restricted goods and the provision of assistance related to military activities, intended—
 - (i) solely for the support of or use by the African Union Mission In Somalia (AMISOM),
 - (ii) for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of United Nations Security Council resolution 1851 (2008) and paragraph 10 of United Nations Security Council resolution 1846 (2008), or
 - (iii) solely for the support of or use by AMISOM’s strategic partners operating in cooperation and coordination with AMISOM under the African Union Strategic Concept of 5 January 2012;
 - (e) supplies of restricted goods and technical advice, intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of United Nations Security Council resolution 1744 (2007);
 - (f) supplies of restricted goods excluding prohibited items and the provision of assistance related to military activities, intended solely for the development of the security forces of the Federal Government of Somalia and to provide security for the Somali people;
 - (g) payment of basic expenses of designated persons and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines, medical treatment, taxes, insurance premiums and public utility charges;
 - (h) payment of reasonable professional fees and expenses associated with the provision of legal services;
 - (i) payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
 - (j) payment of necessary extraordinary expenses;

(a) O.J. L.24 29.1.2003, p.2, as amended by Council Regulation (EC) No 631/2007, Council Regulation (EU) No 1137/2010, Council Regulation (EU) No 642/2012, Council Regulation (EU) No 941/2012, and Council Regulation (EU) No 431/2013.

- (k) satisfaction of a judicial, administrative or arbitral lien or judgment entered into prior to the date on which this Order comes into force and not for the benefit of a designated person.”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Somalia (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3065), which gave effect in specified Overseas Territories to sanctions in respect of Somalia contained in United Nations Security Council resolutions (UNSCR) 733 (1992), 1356 (2001), 1425 (2002), 1772 (2007), 1844 (2008), 1851 (2008), 2036 (2012) and 2060 (2012). This Order reflects amendments to the arms embargo introduced in UNSCR 2093 (2013) and implementation of these changes by the European Union in Council Decision 2010/231 CFSP (as amended) and Council Regulation 147/2003 (as amended).

The Order amends the article which provides for Governors of Overseas Territories to license certain activities in line with exemptions under the sanctions regime.

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STATUTORY INSTRUMENTS

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