
STATUTORY INSTRUMENTS

2022 No. 1339

**OVERSEAS TERRITORIES
SANCTIONS**

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

Made - - - - 14th December 2022

Coming into force - - 15th December 2022

At the Court at Buckingham Palace, the 14th day of December 2022

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by section 63(3)(c) and (4) of the Sanctions and Anti-Money Laundering Act 2018(1), is pleased, by and with the advice of His Privy Council, to make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Republic of Belarus (Sanctions) (Overseas Territories) (Amendment) Order 2022 and comes into force on 15th December 2022.

(2) This Order extends to each British overseas territory listed in the Schedule.

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

2. Schedule 2 (modifications to be made in the extension of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019(2) to each British overseas territory listed in Schedule 1) to the Republic of Belarus (Sanctions) (Overseas Territories) Order 2020(3) is amended as set out in articles 3 to 31.

3. In paragraph 2(b)(i) (regulation 2 (interpretation)), in sub-paragraph (c) of the definition of “authorised officer”, at the beginning of the list, insert—

(1) 2018 c. 13. Amendments have been made by the Sentencing Act 2020 (c. 17) and the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10).

(2) S.I. 2019/600, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2021/1146; S.I. 2022/748; and by the Sentencing Act 2020 (c. 17).

(3) S.I. 2020/1271, amended by S.I. 2021/1256. That instrument extends with modifications the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600) as amended from time to time to the British overseas territories named in Schedule 1 to that instrument.

- “(ai) regulation 29I (detention of ships),”.
4. At the end of paragraph 3 (regulation 3: application of prohibitions and requirements outside the United Kingdom)—
- (a) for “.” substitute “;”;
 - (b) insert—
 - “(f) at the beginning of paragraph (3)(a), insert “by”.”
5. After paragraph 6 insert—
- “6A. Omit regulation 5A (conditions for the designation of persons by name) (including the heading).
- 6B. Omit regulation 5B (conditions for the designation of persons by description) (including the heading).”
6. In paragraph 8 (regulation 8 (notification and publicity where designation power used))—
- (a) in the heading, for “list of designated persons” substitute “list of persons designated by name”;
 - (b) in paragraph (4)—
 - (i) after “for the time being designated” insert “by name”;
 - (ii) for “regulation 5 (power to designate persons)” substitute “regulation 5(1) (power to designate persons by name)”.
7. After paragraph 9 insert—
- “9A. For regulation 9A (notification and publicity where power to designate by description is used), substitute—

“Requirement to publish a list of designations by description

- 9A.—(1) Subject to paragraph (2), the Governor must—
- (a) publish a list of designations by description, and
 - (b) keep the list up to date.
- (2) Where, in accordance with regulation 9A (notification and publicity where power to designate by description is used) (as it has effect in the United Kingdom) the Secretary of State is not required to publicise generally a designation, variation or revocation, the Governor must not include in the list under paragraph (1) any details of that designation, variation 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.
- (4) For the purposes of this regulation, “designations by description” means designations where the Secretary of State has for the time being provided that persons of a specified description are designated persons under regulation 5(1A) (power to designate persons by description) (as it has effect in the United Kingdom).”
8. In paragraph 13, for “regulation 21 (export of restricted goods)” substitute “regulation 21 (export of goods to, or for use in, Belarus)”.
9. In paragraph 14, for “regulation 22 (supply and delivery of restricted goods)” substitute “regulation 22 (supply and delivery of goods from a third country to Belarus)”.

10. In paragraph 15, for “regulation 27 (brokering services: non-UK activity relating to restricted goods and restricted technology)” substitute “regulation 27 (brokering services: certain arrangements relating to non-UK activities)”.

11. Omit paragraph 15A (regulation 27C (supply and delivery of dual-use goods)).

12. Omit paragraph 15B (regulation 27H (brokering services: non-UK activity relating to dual-use goods and dual-use technology)).

13. In paragraph 15C (regulation 27K (supply and delivery of potash and petroleum products))—

(a) for “regulation 27K (supply and delivery of potash and petroleum products)” substitute “regulation 27K (supply and delivery of goods to places outside the UK)”;

(b) before sub-paragraph (a), insert—

“(za) in the heading, for “UK” substitute “Territory;””.

14. In paragraph 15D, for “regulation 27L (technical assistance relating to petroleum products)” substitute “regulation 27L (technical assistance relating to certain activities)”.

15. In paragraph 15E, for “regulation 27M (financial services, funds and brokering services relating to petroleum products)” substitute “regulation 27M (financial services, funds and brokering services relating to certain arrangements)”.

16. After paragraph 15E insert—

“15EA. In regulation 27N(5) (technical assistance relating to aircraft and ships), 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 this regulation (as it has effect in the United Kingdom);”.

15EB. In regulation 27O (enabling or facilitating military activities)—

(a) in paragraph (1)(d), for “non-UK country” substitute “non-Territory country”;

(b) in paragraph (4), for ““non-UK country” means a country that is not the United Kingdom”” substitute ““non-Territory country” means a country that is not the Territory;”.”

17. In paragraph 15F (regulation 29A (movement of aircraft))—

(a) before sub-paragraph (a) insert—

“(za) in paragraph (A1), in both places it occurs, for “United Kingdom” substitute “Territory”;”;

(b) in sub-paragraph (a) insert “suspend or” at the beginning of each of sub-paragraphs (1)(c) and (d) of regulation 29A (movement of aircraft);

(c) for sub-paragraph (b), substitute—

“(b) in paragraph (2)—

(i) for “United Kingdom”, in both places it occurs, substitute “Territory”;

(ii) in sub-paragraph (b), for “.” substitute “;”;

(iii) after sub-paragraph (b) insert—

“(c) not to take off, or not to permit the aircraft to take off, from an airport in the Territory;

(d) to take off, or to require the aircraft to take off, from an airport in the Territory;

- (e) not to land, or not to permit the aircraft to land, at an airport in the Territory.”;
- (d) omit sub-paragraph (d);
- (e) for sub-paragraph (e), substitute—
- “(e) in paragraph (5), for “Secretary of State” substitute “Governor”.”;
- (f) at the end insert—
- “(9) The Secretary of State may direct the Governor to exercise any of the Governor’s powers under paragraphs (3) and (5).”
- 18.** After paragraph 15F insert—
- “**15FA.** In regulation 29(B) (directions under regulation 29A), in paragraph (6), after “Secretary of State” insert “or Governor (as the case may be)”.”
- 19.** After paragraph 15G insert—
- “**15GA.** In regulation 29CA (registration of aircraft in the United Kingdom)—
- (a) in the heading, for “United Kingdom” substitute “”Territory”;
- (b) in each place where it appears in paragraphs (1), (2) and (5), for “CAA” substitute “Governor”;
- (c) in paragraph (3), for “Part 3 (Registration and marking)” substitute “Part 2 (Registration and marking of aircraft)”;
- (d) in paragraph (5), after “in the register” insert “in relation to the Territory”;
- (e) for paragraph (6) substitute—
- “(6) In this regulation, a “designated person” means a person who is 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 regulation 29A (movement of aircraft) or this regulation (as they have effect in the United Kingdom).”
- 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)”;
- (b) in paragraph (6), after “in that section”, insert “, unless otherwise provided in this Part”.

21. In paragraph 17, in regulation 30A(1) (exceptions for authorised conduct outside the Territory)—

- (a) for “or 15C (insurance and reinsurance services)”, substitute “, 15C (insurance and reinsurance services), 15CA (provision of financial services relating to foreign reserve and asset management)”;
- (b) omit “2A,”.

22. In paragraph 18, in regulation 31(1) (exception for acts done for purposes of national security or prevention of serious crime), for “or Part 5A (Aircraft)”, substitute “, Part 5A (Aircraft) or Part 5B (Ships)”.

23. In paragraph 18A (regulation 31A (exceptions relating to loans and credit arrangements))—

- (a) omit “, in paragraph (3)”;
- (b) for sub-paragraphs (a) and (b), substitute—
 - “(a) in paragraph (2), for “paragraph 1(c)” substitute “paragraph 1(b)”;

(b) in paragraph (3)(b)(i), for “United Kingdom” substitute “Territory”.”

24. In paragraph 18B (regulation 31B (exceptions relating to insurance and reinsurance services))

- (a) for “,” substitute “—”;
- (b) the words “in paragraph (1), for “United Kingdom”, in each place it occurs, substitute “Territory”” become sub-paragraph (a);
- (c) after that sub-paragraph (a) insert—
 - “(b) in paragraph (1)(b) omit “diplomatic mission or”.”

25. After paragraph 18B insert—

“18C. In regulation 31C(2) (trade: exceptions relating to mineral products for personal or humanitarian use), for “27K (supply and delivery of goods to places outside the UK)” substitute “27K (supply and delivery of goods to places outside the Territory)”.

18D. In regulation 31F(1) (trade: exceptions for emergencies in certain cases), for “Secretary of State” substitute “Governor”.

18E. In regulation 31H (aircraft: exceptions relating to the safety of persons or aircraft), in paragraphs (1) and (2), in both places where it occurs, for “United Kingdom” substitute “Territory”.”

26. In paragraph 19, in the text of regulation 32 (financial sanctions licences)—

- (a) after paragraph (1) insert—

“(1A) The prohibitions in regulation 15A (dealing with transferable securities and money market instruments) do not apply to anything done under the authority of a licence issued by the Governor under this paragraph.”;
- (b) after paragraph (3), insert—

“(3A) The prohibition in regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management) does not apply to anything done under the authority of a licence issued by the Governor under this paragraph.

(3B) Without prejudice to the generality of the powers conferred by paragraphs (1) to (3A), a licence issued by the Governor under those paragraphs may, in particular, authorise acts which would otherwise be prohibited by any of regulations 11 to 15CA (financial restrictions) for a particular period beginning with—

 - (a) the coming into force of the prohibition, or
 - (b) where the prohibition relates to a person designated for the purposes of regulations 11 to 15 (asset-freeze etc.), the date on which the person was designated.”;
 - (c) after paragraph (7), insert—

“(8) The Governor may issue a licence under regulation 32(3A) which authorises acts by a particular person only where the Governor considers that it is appropriate to issue the licence for a purpose set out in Part 4 of Schedule 3.”

27. After paragraph 20 insert—

- “20A. In regulation 33A (aircraft licences)—
 - (a) the existing text becomes paragraph (1);
 - (b) in that paragraph, for “Secretary of State” substitute “Governor”;
 - (c) at the end insert—

“(2) The Governor may issue a licence under paragraph (1) only with the consent of the Secretary of State.””

28. In paragraph 29, in regulation 43(8)(a) (trade: information powers)—

- (a) omit “2A,”;
- (b) for the words “regulation 21(1)” to the end substitute “regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus), or”.

29. In paragraph 33(b)(ii)(bb) (regulation 46(2)(d)(ii) (disclosure of information)), for the words “after “regulation 27I(1) or (2) (import of potash and petroleum)”” to the end substitute “after regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus)” insert “(as they have effect in the United Kingdom)””.

30. In paragraph 36, in regulation 48 (penalties for offences)—

- (a) in paragraphs (3) and (8), for “regulation 29D(1), (2) or (3) (aircraft: offences)” substitute “regulation 29D(A1) to (3) (aircraft offences), 29F (prohibition on port entry), 29G(4) (directions prohibiting port entry), 29H(3) (movement of ships)”;
- (b) in paragraphs (5) and (10), for “36” substitute “36 (trade: licensing offences), 36A (aircraft: licensing offences)”;
- (c) in paragraphs (6) and (11), after “29D(4) (confidentiality),” insert “29G(6) (directions prohibiting entry: confidentiality), 29H(5) (movement of ships: confidentiality),”.

31. In paragraph 59 (Schedule 3 (Treasury licences: purposes))—

- (a) after sub-paragraph (c) insert—
 - “(ca) in paragraph 7(2) (diplomatic missions etc.), for “diplomatic mission or consular post of Belarus in the United Kingdom” substitute “consular post of Belarus in the Territory”;
- (b) for sub-paragraph (d) substitute—
 - “(d) in paragraph 14 (diplomatic missions etc.), for “diplomatic mission or consular post of Belarus in the United Kingdom” substitute “consular mission of Belarus in the Territory”;
- (c) after sub-paragraph (d) insert—
 - “(e) in paragraph 21(2) (financial regulation), for “United Kingdom, including the Financial Conduct Authority, the Prudential Regulation Authority and the Bank of England” substitute “Territory”;
 - (f) in paragraph 22(2) (financial stability), for “Bank of England, that is necessary or expedient in order to protect or enhance the stability of the financial system of the United Kingdom” substitute “central monetary authority of the Territory, that is necessary or expedient in order to protect or enhance the stability of the financial system of the Territory”;
 - (g) in paragraph 23 (safety and soundness of a firm), for “the relevant supervising authority or authorities, that is necessary or expedient in order to promote the safety and soundness of a firm which is supervised by the Bank of England, the Prudential Regulation Authority or the Financial Conduct Authority” substitute “the authority responsible for the regulation of financial services in the Territory that is necessary or expedient in order to promote the safety and soundness of a firm which is supervised by that authority”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Richard Tilbrook
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 1(2)

British overseas territories

Anguilla
 British Antarctic Territory
 British Indian Ocean Territory
 Cayman Islands
 Falkland Islands
 Montserrat
 Pitcairn, Henderson, Ducie and Oeno Islands
 St Helena, Ascension and Tristan da Cunha
 South Georgia and the South Sandwich Islands
 The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
 Turks and Caicos Islands
 Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Republic of Belarus (Sanctions) (Overseas Territories) Order 2020 (S.I. 2020/1271) (“the Principal Order”).

The Principal Order extends with modifications the sanctions regime established by the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600) (“the 2019 Regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar (which implement sanctions through their own domestic legislation).

The 2019 Regulations have most recently been amended by the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022 (S.I. 2022/748) (“the 2022 amending regulations”), which made a number of changes, including:

- adding new purposes and designation criteria to the 2019 regulations, targeting the role of the Government of Belarus in supporting Russia’s actions in respect of Ukraine, as well as introducing a power to designate persons by description and related changes.
- widening the existing financial sanctions relating to Belarus and introducing a new prohibition on providing financial services for the purpose of foreign exchange reserve and asset management of the Central Bank of Belarus and the Ministry of Finance of Belarus and related persons;
- widening trade sanctions relating to Belarus, imposing new export restrictions on goods and technology relating to critical industry, quantum computing and oil refining, and luxury goods, while widening prohibitions in relation to dual-use goods and technology. New import restrictions were also imposed on mineral products, arms and related materiel, iron and steel. A range of related trade activities were prohibited, including technical assistance and financial

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

services relating to certain other prohibited trade activities, and enabling or facilitating military activities. An existing prohibition on providing technical assistance to designated persons in relation to aircraft was widened to include technical assistance provided in relation to ships;

- adding new aircraft and shipping sanctions. Aircraft restrictions were widened so that it became an offence for certain Belarus-related aircraft to land in, or overfly, the UK, and for such aircraft to be registered in the UK. Part 5 also added shipping restrictions, prohibiting certain Belarus-related or other specified ships from entering UK ports or being registered in the UK, and providing powers to the Secretary of State to direct the movement and detention of such ships.
- making amendments to exceptions and licensing powers, including by adding new exceptions in respect of new trade provisions;
- making related changes to information and enforcement powers, and to Schedules.

This Order makes the necessary amendments to the Principal Order to give effect in the relevant British overseas territories to those changes made to the 2019 sanctions regime by the 2022 amending regulations.

An Impact Assessment has not been prepared for this Order: the territorial extent of both this Order and the Principal Order is the British overseas territories listed in the Schedule to this Order and no, or no significant, impact is foreseen on the private, voluntary or public sector in the United Kingdom.