

**2023 No. 846**

**OVERSEAS TERRITORIES**

**SANCTIONS**

**The Russia (Sanctions) (Overseas Territories) (Amendment)  
(No. 2) Order 2023**

*Made* - - - - *19th July 2023*

*Coming into force in accordance with article 1*

At the Court at Buckingham Palace, the 19th day of July 2023

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred by section 63(3)(c) and (4) of the Sanctions and Anti-Money Laundering Act 2018(a), 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 Russia (Sanctions) (Overseas Territories) (Amendment) (No. 2) Order 2023 and, subject to paragraph (2), comes into force on 20th July 2023.

(2) Article 4 comes into force on 30th September 2023.

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

**Amendment of the Russia (Sanctions) (Overseas Territories) Order 2020**

**2.** Schedule 2 (modifications to be made in the extension of the Russia (Sanctions) (EU Exit) Regulations 2019(b) to each British overseas territory listed in Schedule 1) to the Russia (Sanctions) (Overseas Territories) Order 2020(c), is amended as set out in articles 3 to 22.

**3.** For paragraph 20A, substitute—

“**20A.** For regulation 30B (export of relevant restricted goods), substitute—

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(a) 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).

(b) S.I. 2019/855, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2022/123; S.I. 2022/194; S.I. 2022/195; S.I. 2022/203; S.I. 2022/205; S.I. 2022/241; S.I. 2022/395; S.I. 2022/452; S.I. 2022/477; S.I. 2022/792; S.I. 2022/801; S.I. 2022/814; S.I. 2022/818; S.I. 2022/850; S.I. 2022/1110; S.I. 2022/1122; S.I. 2022/1331; S.I. 2023/149; S.I. 2023/440; and S.I. 2023/665.

(c) S.I. 2020/1571, as amended by S.I. 2021/288; S.I. 2022/453; S.I. 2022/843; S.I. 2022/1167; S.I. 2022/1338; S.I. 2023/291; and S.I. 2023/713.

**“30B.—**(1) The export of relevant restricted goods to, or for use in, non-government controlled Ukrainian territory, is prohibited.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, non-government controlled Ukrainian territory.””

4. After paragraph 26D, insert—

**“26DA.** In regulation 46IA (interpretation), in paragraph (1), in the definition of “third country”, for “United Kingdom, the Isle of Man” substitute “Territory”.

**26DB.** In regulation 46IB (import of relevant processed iron or steel products), after paragraph (2) insert—

“(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the goods were relevant processed iron or steel products.””

5. Omit paragraph 26J.

6. In paragraph 26K, omit “, in both places it occurs,”.

7. In paragraph 26L, omit “, in both places it occurs,”.

8. After paragraph 26L, insert—

**“26LA.** In regulation 46XA (interpretation), in the definition of “third country” for “United Kingdom, the Isle of Man” substitute “Territory”.

**26LB.** In regulation 46XB (import of Schedule 3DA revenue generating goods), after paragraph (3) insert—

“(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—

- (a) it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the goods were consigned from Russia;
- (b) it a defence for a person charged with the offence of contravening paragraph (2) to show that the person did not know and had no reasonable cause to suspect that the goods originated in Russia.””

9. Omit paragraph 26Q.

10. In paragraph 26R, omit “, in both places it occurs,”.

11. In paragraph 26S, omit “, in both places it occurs,”.

12. Omit paragraph 26V.

13. In paragraph 26W, omit “, in both places it occurs,”.

14. In paragraph 26X, omit “, in both places it occurs,”.

15. Omit paragraph 26Z1.

16. In paragraph 26Z2, omit “ in both places it occurs,”.

17. In paragraph 26Z3, omit “ in both places it occurs,”.

18. For paragraph 28, substitute—

“28. For regulation 48 (export of infrastructure-related goods to non-government controlled Ukrainian territory), substitute—

“48.—(1) The export of infrastructure-related goods to, or for use in, non-government controlled Ukrainian territory, is prohibited.

(2) Paragraph (1) is subject to Part 7 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with the offence of contravening paragraph (1) to show that the person did not know and had no reasonable cause to suspect that the export was to, or the goods were for use in, non-government controlled Ukrainian territory.”

19. After paragraph 30, insert—

“30A. In regulation 53A (application of prohibitions and requirements in Chapter 2 of Part 5 to non-government controlled Ukrainian territory) omit paragraphs (2) and (3).

30B. In regulation 54D (legal advisory services)—

(a) in paragraph (1)—

(i) for “United Kingdom person” substitute “Territory person”;

(ii) for “United Kingdom”, in the second place it occurs, substitute “Territory”;

(b) in paragraph (2)(a)(i) and (2)(b)(i), for “United Kingdom person” substitute “Territory person”;

(c) in paragraph (2)(a)(ii) and (2)(b)(ii), for “United Kingdom” substitute “Territory”.

20. In paragraph 34C—

(a) after sub-paragraph (c) insert—

“(ca) in paragraph (5)(a), for “UK subsidiary undertaking” substitute “Territory subsidiary undertaking”;

(b) after sub-paragraph (d) insert—

“(da) in paragraph (5A), in sub-paragraph (a)—

(i) for “UK undertaking” substitute “Territory undertaking”;

(ii) for “UK statutory or regulatory obligations” substitute “applicable statutory or regulatory obligations in the Territory”;

(c) in sub-paragraph (e), after paragraph (ii) insert—

“(iii) for the definition of “UK subsidiary undertaking” substitute—

““Territory subsidiary undertaking” means a subsidiary undertaking that is incorporated or formed under the law of the Territory;”;

(iv) for the definition of “UK undertaking” substitute—

““Territory undertaking” means an undertaking within the meaning given in section 1161 of the Companies Act 2006 (as it applies in the United Kingdom)(a) that is incorporated or formed under the law of the Territory.”

21. After paragraph 34C, insert—

“34CA. In regulation 60DB (trade: exception relating to legal advisory services), in paragraph (2) for “UK statutory or regulatory obligations” substitute “applicable statutory or regulatory obligations in the Territory”.

22. After paragraph 34D, insert—

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(a) 2006 c. 46.

**34DA.** In regulation 60G (trade: exception in relation to certain goods consigned from Russia), in paragraph (1A)(b), for “United Kingdom” substitute “Territory”.

**34DB.** In regulation 60GA (trade: exception in respect of the acquisition of iron and steel products), in paragraph (1), for “United Kingdom or the Isle of Man” substitute “Territory”.

**34DC.** In regulation 60GB (trade: exception in respect of the acquisition of Schedule 3DA revenue generating goods), in paragraph (1)—

- (a) for “United Kingdom or the Isle of Man” substitute “Territory”;
- (b) for “United Kingdom national”, in both places it occurs, substitute “Territory person, who is an individual,”.

*Ceri King*  
Deputy Clerk of the Privy Council

## SCHEDULE

Article 1(3)

### 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 Russia (Sanctions) (Overseas Territories) Order 2020 (S.I. 2020/1571) (“the Principal Order”).

The Principal Order extends with modifications the Russia (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/855) (“the Russia sanctions regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar (which implement sanctions under their own legislative arrangements). The Russia sanctions regulations established a sanctions regime in relation to Russia for the purpose of encouraging Russia to cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine.

The Russia sanctions regulations have recently been amended by the Russia (Sanctions) (EU Exit) (Amendment) Regulations 2023 (S.I. 2023/440); the Russia (Sanctions) (EU Exit) (Amendment)

(No. 2) Regulations 2023 (S.I. 2023/665) and the Russia (Sanctions) (EU Exit) (Amendment) (No. 3) Regulations 2023 (S.I. 2023/713) (together “the amending regulations”). This Order makes the necessary amendments to the Principal Order to give effect in the relevant British overseas territories to the changes made to the Russia sanctions regime by the amending regulations:

- to modify offences in relation to export of goods to non-government controlled Ukrainian territory;
- to modify relevant offences in relation to import of relevant processed iron or steel products and revenue generating goods from Russia;
- to modify certain provision in relation to prohibitions on the provision of professional and business services.

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.

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