

**2022 No. 1338**

**OVERSEAS TERRITORIES**

**SANCTIONS**

**The Russia (Sanctions) (Overseas Territories) (Amendment)  
(No. 4) 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 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. 4) 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 Russia (Sanctions) (Overseas Territories) Order 2020**

**2.** Schedule 2 (modifications to be made in the extension of the Russia (Sanctions) (EU Exit) Regulations 2019 to each British overseas territory listed in Schedule 1) to the Russia (Sanctions) (Overseas Territories) Order 2020(b), is amended as set out in articles 3 to 10.

**3.** After paragraph 26S, insert—

“**26SA.** In regulation 46Z9A (interpretation), in paragraph (1), in the definition of “third country”, for “United Kingdom, the Isle of Man” substitute “Territory”.”

**4.** After paragraph 26X, insert—

“**26XA.** In regulation 46Z16A (interpretation), in paragraph (1), in the definition of “third country”, for “United Kingdom, the Isle of Man” substitute “Territory”.”

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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. 2020/1571, as amended by S.I. 2021/288; S.I.2022/453; S.I. 2022/843; and S.I. 2022/1167.

**26XB.** In regulation 46Z16B (prohibition on the import of gold jewellery from Russia), after paragraph (2) insert—

“(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 gold jewellery originated in Russia.”

**26XC.** In regulation 46Z16C (prohibition on the import of relevant processed gold), after paragraph (2) insert—

“(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 goods were relevant processed gold.”

**26XD.** In regulation 46Z16D (acquisition of gold jewellery from Russia), in paragraphs (1) and (2), for “United Kingdom”, in both places it occurs, substitute “Territory”.

**26XE.** In regulation 46Z16E (technical assistance relating to gold jewellery), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26XF.** In regulation 46Z16G (financial services and funds relating to gold jewellery), in paragraph (1), for “United Kingdom” substitute “Territory”.

5. After paragraph 26Z3, insert—

**26Z4.** In regulation 46Z25 (import of liquefied natural gas), 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 that the liquefied natural gas was consigned from Russia;
- (b) it is 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 liquefied natural gas originated in Russia.”

**26Z5.** In regulation 46Z26 (acquisition of liquefied natural gas), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26Z6.** In regulation 46Z27 (technical assistance relating to liquefied natural gas), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26Z7.** In regulation 46Z28 (financial services and funds relating to liquefied natural gas), in paragraph (1), for “United Kingdom” substitute “Territory”.

**26Z8.** In regulation 46Z30 (Russia’s vulnerable goods)—

(a) after paragraph (3), insert—

“(3A) A person who contravenes 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, Russia.”;

(b) in paragraph (5), for “United Kingdom, the Isle of Man” substitute “Territory”.

**26Z9.** In regulation 46Z33 (brokering services relating to Russia’s vulnerable goods)—

- (a) in paragraph (1), for “non-UK country”, in each place it occurs, substitute “non-Territory county”;
- (b) for paragraph (4) substitute—

“(4) In this regulation, “non-Territory country” means a country that is not the Territory.””

**6.** After paragraph 34A, insert—

“**34AA.** In regulation 60A (trade: exceptions in relation to personal effects etc.), in paragraph (1D), for “United Kingdom” substitute “Territory”.”

**7.** For paragraph 35 substitute—

“**35.** In regulation 61 (trade: exception for emergencies in certain cases)—

- (a) in paragraph (1), for “Secretary of State” substitute “Governor”;
- (b) in paragraph (1B), for “Treasury” substitute “Governor”.”

**8.** In paragraph 38 (regulation 64 (financial sanctions licences))—

- (a) in paragraph (1) of the substituted text, after “Part 3 (Finance)” insert “and regulations 46Z9B to 46Z9D (maritime transportation of certain oil and oil products)”;
- (b) in paragraph (2) of the substituted text, after “18B (financial restrictions)” insert “or 46Z9B to 46Z9D (maritime transportation of certain oil and oil products)”;
- (c) in paragraph (3) of the substituted text—
  - (i) omit the “and” after sub-paragraph (f);
  - (ii) in sub-paragraph (g), at the end insert “, and”;
  - (iii) after sub-paragraph (g), insert—
    - “(h) in the case of acts which would otherwise be prohibited by regulations 46Z9B to 46Z9D (maritime transportation of certain oil and oil products), where the Governor considers that it is appropriate to issue the licence for the purpose set out in Part 4 (maritime transportation of certain oil and oil products) of Schedule 5.”

**9.** In paragraph 52 (regulation 78 (disclosure of information)), after sub-paragraph (b)(ii)(bb), insert—

“(cc) in paragraph (v), for “Treasury: power to impose monetary penalties” substitute “power to impose monetary penalties”;

**10.** After paragraph 64 insert—

“**64A.** In regulation 88C (Treasury: power to impose monetary penalties)—

- (a) in the heading, for “Treasury: power to impose monetary penalties” substitute “power to impose monetary penalties”;
- (b) in paragraphs (1), (3) and (10), for “The Treasury” substitute “The Governor or an authorised person”;
- (c) in paragraphs (5), (8), and 10(b), for “the Treasury” substitute “the Governor or the authorised person”;
- (d) in paragraph 6(a), after “£1,000,000,” insert “or its equivalent in the currency of the Territory,”;
- (e) in paragraph (7), after “£1,000,000” insert “, or its equivalent in the currency of the Territory”;
- (f) omit paragraph (9);
- (g) after paragraph (10), insert—

“(11) Where a monetary penalty in this regulation is expressed to be a sum in sterling or its equivalent in the currency of the Territory, the Governor may issue guidance specifying how to calculate the amount in the currency of the Territory which is to be considered equivalent to that sum in sterling.

(12) In this regulation “authorised person” means a person authorised by the Governor for the purpose of exercising, whether generally or in a particular case, the

powers and duties conferred by this regulation and regulation 88D (monetary penalties: procedural rights).”

**64B.** For regulation 88D (Treasury monetary penalties: procedural rights) substitute—

**“Monetary penalties: procedural rights**

**88D.**—(1) Before imposing a monetary penalty on a person under regulation 88C, the Governor or an authorised person must inform the person of the intention to do so.

(2) The Governor or an authorised person must also—

- (a) explain the grounds for imposing the penalty;
- (b) specify the amount of the penalty;
- (c) explain that the person is entitled to make representations; and
- (d) specify the period within which any such representations must be made.

(3) If (having considered any representations), the Governor or an authorised person decides to impose the penalty, the Governor or the authorised person must—

- (a) inform the person of the decision; and
- (b) explain that the person is entitled to appeal (on any ground) to the Supreme Court.

(4) On an appeal under paragraph 3(b), the Supreme Court may—

- (a) quash the Governor’s or the authorised person’s decision to impose the penalty;
- (b) uphold the decision but substitute a different amount for the amount determined by the Governor or the authorised person.

(5) In this regulation—

“authorised person” has the same meaning as it has in regulation 88C (power to impose monetary penalties);

“Supreme Court” has the same meaning as it has in regulation 9 (confidential information in certain cases).”

*Richard Tilbrook*  
Clerk of the Privy Council

## 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 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) (No. 15) Regulations 2022 (S.I. 2022/1110) and the Russia (Sanctions) (EU Exit) (Amendment) (No. 16) Regulations 2022 (S.I. 2022/1122) (“the amending regulations”) which made a number of changes, including:

- creating new trade prohibitions relating to gold jewellery and to certain processed gold, together with related definitions, exceptions and consequential amendments;
- making provision concerning the prohibition of imports of liquefied natural gas and the export of Russia’s vulnerable goods (as defined in the amending regulations);
- creating new prohibitions concerning the supply and delivery by ship of certain oil and oil products (“the new prohibitions”) and the provision of related ancillary services;
- creating exceptions from the new prohibitions and for Treasury licences allowing maritime transportation of oil and oil products to take place notwithstanding the new prohibitions;
- allowing for the issue of monetary penalties for breaches of the new prohibitions.

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.

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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