

2023 No. 1383

OVERSEAS TERRITORIES

SANCTIONS

**The Haiti (Sanctions) (Overseas Territories) (Amendment)
Order 2023**

Made - - - - *13th December 2023*

Coming into force - - *28th December 2023*

At the Court at Buckingham Palace, the 13th day of December 2023

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(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 Haiti (Sanctions) (Overseas Territories) (Amendment) Order 2023 and comes into force on 28th December 2023.

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

Amendment of the Haiti (Sanctions) (Overseas Territories) Order 2022

2. Schedule 2 (modifications to be made in the extension of the Haiti (Sanctions) Regulations 2022(b) to each British overseas territory listed in Schedule 1) to the Haiti (Sanctions) (Overseas Territories) Order 2022(c), is amended as follows.

3. In paragraph 2, in the definition of “authorised officer”, in sub-paragraph (c), after paragraph (iii), insert—

“(iiia) regulation 36B (general trade licences: inspection of records).”

4. For paragraph 8 substitute—

“**8.** In regulation 15 (export of small arms, light weapons and ammunition), at the end insert—

(a) 2018 c. 13. Amendments have been made by the Sentencing Act 2020 (c. 17), the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10) and the Economic Crime and Corporate Transparency Act 2023 (c. 56).
(b) S.I. 2022/1281, as amended by S.I. 2023/121; and S.I. 2023/1320.
(c) S.I. 2022/1347.

“(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) (“P”) to show that P did not know and had no reasonable cause to suspect that the export was to, or for use in, Haiti.””.

5. In paragraph 9, for “military goods” substitute “small arms, light weapons and ammunition”.

6. Omit paragraphs 10 and 11.

7. In paragraph 13, in the substituted text, in paragraph (1), after “regulation 29 (Treasury licences) (as it has effect in the United Kingdom)” insert “or regulation 29A (trade licences) (as it has effect in the United Kingdom)”.

8. After paragraph 15 insert—

“15A. In regulation 29A (trade licences)—

- (a) the existing text become 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.””.

9. In paragraph 22, in the substituted text, in paragraph (8) after “would” insert “, unless done under the authority of a trade licence,”.

10. In paragraph 23, renumber the inserted regulation 36A (trade: information offences) as “36ZA”.

11. After paragraph 23, insert—

“23A. In regulation 36A(4) (general trade licences: records), for “Secretary of State” substitute “Governor”.

23B. In regulation 36B (general trade licences: inspection of records)—

- (a) in paragraph (1), for “A person authorised by the Secretary of State or the Commissioners (an “official”)” substitute “An authorised officer”;
- (b) in paragraphs (2) to (5), for “official”, in each place it occurs, substitute “authorised officer”;
- (c) in paragraph (5)(a), for “official’s functions” substitute “authorised officer’s functions”.”.

12. In paragraph 24, in paragraph (b)(ii)(bb), for “military goods” substitute “small arms, light weapons and ammunition”.

13. In paragraph 26, before sub-paragraph (a) insert—

“(za) in paragraph (1) for “finance: disclosure to the Treasury” substitute “finance: disclosure to the Governor”.”.

14. In paragraph 27, in the inserted text, in regulation 39B (search warrants), for paragraph (5)(b) substitute—

“(b) where that thing is small arms, light weapons or ammunition and is not authorised by a trade licence, may be forfeited, disposed of or transferred as appropriate.”.

15. In paragraph 28, in the substituted text—

- (a) after paragraph (4), insert—

“(4B) A person who commits an offence under regulation 30A, 36A(6) or 36B(5) (offences in connection with trade licences) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding £5,000 or its equivalent in the currency of the Territory, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”;
- (b) in paragraph (6), for “36A” substitute “36ZA”;
- (c) after paragraph (8), insert—
 - “(8B) A person who commits an offence under regulation 30A, 36A(6) or 36B(5) (offences in connection with trade licences) is liable on conviction to imprisonment for a term not exceeding 2 years, or a fine, or both.”;
- (d) in paragraph (10), for “36A” substitute “36ZA”.

Ceri King
Deputy 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 amends the Haiti (Sanctions) (Overseas Territories) Order 2022 (“the Principal Order”) in consequence of amendments made to the Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281) by the Haiti (Sanctions) (Amendment) Regulations 2023 (S.I. 2023/1320). Those amendments are made further to the changes to the UN arms embargo made by paragraph 14 of resolution 2699 (2023) adopted by the Security Council on 2nd October 2023, and by paragraph 6 of resolution 2700 (2023) adopted by the Security Council on 19th October 2023.

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.

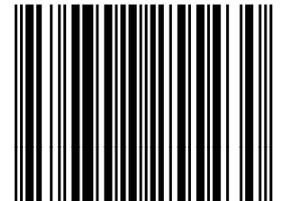
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£5.78

<http://www.legislation.gov.uk/id/uksi/2023/1383>

ISBN 978-0-34-825543-0



9 780348 255430