

2013 No. 1719

OVERSEAS TERRITORIES

**The Syria (Restrictive Measures) (Overseas Territories)
(Amendment) Order 2013**

Made - - - - - *10th July 2013*
Laid before Parliament *17th July 2013*
Coming into force - - - *7th August 2013*

At the Court at Windsor Castle, the 10th day of July 2013

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by section 112 of the Saint Helena Act 1833(a), the British Settlements Acts 1887 and 1945(b), 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 Syria (Restrictive Measures) (Overseas Territories) (Amendment) Order 2013 and comes into force on 7th August 2013.

(2) In this Order, “the principal Order” means the Syria (Restrictive Measures) (Overseas Territories) Order 2012(c).

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

Amendments to the principal Order

2. The principal Order is amended as follows.

3. For article 8 substitute—

“**8.** The Governor may, with the consent of the Secretary of State, grant a licence under articles 4 to 7.”

4. For article 9 substitute—

“Offences related to equipment, goods and technology listed in Schedule 6

9.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

(a) 1833 c.85.
(b) 1887 c.54 and 1945 c.7.
(c) S.I. 2012/1755, amended by S.I. 2012/3069.

- (a) sells, supplies, transfers or exports (directly or indirectly) equipment which might be used for internal repression listed in Schedule 6 to this Order, or
- (b) provides (directly or indirectly) technical assistance, brokering services, financing or financial assistance related to such equipment

to persons in Syria or for use in Syria.

(2) Paragraph (1) does not apply—

- (a) to protective clothing, including flak jackets and helmets, temporarily exported to Syria by United Nations personnel, personnel of the European Union or its Member States, representatives of the media or humanitarian and development workers and associated persons exclusively for their personal use, or
- (b) if P is acting under the authority of a licence granted by the Governor under this article.

(3) The Governor may, with the consent of the Secretary of State, grant a licence under this article.

(4) For the purposes of Schedule 6 to this Order “the Common Military List” means the Common Military List of the European Union^(a) as amended from time to time.

Offences related to equipment, goods and technology listed in Annex IA

9A.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

- (a) sells, supplies, transfers or exports (directly or indirectly) equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression listed in Annex IA to the Council Regulation, or
- (b) provides (directly or indirectly) technical assistance, brokering services, financing or financial assistance related to such equipment, goods or technology

to persons in Syria or for use in Syria.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.

(3) The Governor may, with the consent of the Secretary of State, grant a licence under this article to authorise a transaction—

- (a) in relation to equipment, goods and technology referred to in paragraph (1)(a), or
- (b) in relation to technical assistance, brokering services, or financing or financial assistance referred to in paragraph (1)(b)

if the equipment, goods or technology are for food, agricultural, medical or other humanitarian purposes.

Offences related to equipment, goods and technology listed in Annex IX

9B.—(1) A person to whom this Order applies (“P”) commits an offence if P knowingly—

- (a) sells, supplies, transfers or exports (directly or indirectly) equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which might be used for internal repression listed in Annex IX to the Council Regulation, or
- (b) provides (directly or indirectly) technical assistance, brokering services, financing or financial assistance related to such equipment, goods or technology

(a) O.J. C90 27.3.2013, p.1. This replaces the version of the Common Military List at O.J. C85 22.3.2012, p.1.

to persons in Syria or for use in Syria.

(2) Paragraph (1) does not apply if P is acting under the authority of a licence granted by the Governor under this article.

(3) The Governor may, with the consent of the Secretary of State, grant a licence under this article to authorise a transaction—

- (a) in relation to equipment, goods and technology referred to in paragraph (1)(a), or
- (b) in relation to technical assistance, brokering services, or financing or financial assistance referred to in paragraph (1)(b)

unless the Governor reasonably suspects that any such transaction is or may be intended to contribute to internal repression or for the manufacture and maintenance of products which might be used for internal repression.”.

5. In article 33(2)—

- (a) omit the word “or” before sub-paragraph (i);
- (b) after sub-paragraph (i) insert—
 - “(j) payments into or from an account of a diplomatic or consular mission or of an international organisation enjoying immunities in accordance with international law, intended to be used for official purposes of the diplomatic or consular mission or international organisation;
 - (k) humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuations from Syria; or
 - (l) ensuring human safety or environmental protection.”.

6. In article 43—

- (a) in paragraph 1 for “9(1)(a) to (c)” substitute “9, 9A, 9B”; and
- (b) in paragraph 2 omit “9(1)(d) to (f),”.

7. In Schedule 2—

- (a) in paragraph 1 for “9(1)(a) to (c)” substitute “9, 9A, 9B”; and
- (b) in paragraph 2 omit “9(1)(d) to (f),”.

8. In Schedule 4—

- (a) in paragraph 1 for “9(1)(a) to (c)” substitute “9, 9A, 9B”; and
- (b) in paragraph (2) omit “9(1)(d) to (f),”.

9. After Schedule 5 insert—

“SCHEDULE 6

Article 9

List of equipment which might be used for internal repression

1. Firearms, ammunition and related accessories as follows:

- (a) Firearms not controlled by ML 1 and ML 2 of the Common Military List.
- (b) Ammunition and components specially designed for the firearms listed in the above item, and specially designed components.
- (c) Weapon-sights not controlled by the Common Military List.

2. Bombs and grenades not controlled by the Common Military List.

3. Vehicles as follows:

- (a) Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control.
- (b) Vehicles specially designed or modified to be electrified to repel borders.
- (c) Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection.
- (d) Vehicles specially designed for the transport or transfer of prisoners and/or detainees.
- (e) Vehicles, including trailers, specially designed to deploy mobile barriers.
- (f) Components for such vehicles specially designed for the purposes of riot control.

4. Explosive substances and related equipment as follows:

- (a) Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and components specially designed for such equipment and devices (other than those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions e.g. car air-bag inflators, electric-surge arresters of fire sprinkler actuators).
- (b) Linear cutting explosive charges not controlled by the Common Military List.
- (c) Other explosives not controlled by the Common Military List and related substances as follows:

- amatol;
- nitrocellulose (containing more than 12,5% nitrogen);
- nitroglycol;
- pentaerythritol tetranitrate (PETN);
- picryl chloride;
- 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the Common Military List as follows:

- (a) Body armour providing ballistic and/or stabbing protection.
- (b) Helmets providing ballistic and/or fragmentation protection, ant-riot helmets, antiriot shields and ballistic shields (other than equipment specially designed for sports activities or for safety of work requirements).

6. Simulators, other than those controlled by ML 14 of the Common Military List, for training in the use of firearms, and software specially designed for such simulators.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Syria (Restrictive Measures) (Overseas Territories) Order 2012, as amended, (“the principal Order”). The principal Order gives effect in specified Overseas Territories to sanctions in respect of Syria adopted by the European Union in Council Decision 2011/782/CFSP adopted on 1st December 2011, as amended.

This Order amends the principal Order to give effect to changes to the sanctions measures adopted by the European Union in Council Decision 2012/739/CFSP adopted on 29th November 2012 and in Council Decision 2013/255/CFSP adopted on 31st May 2013. It widens the power of the Governor to license the sale, supply, transfer or export of arms and related materiel and equipment which might be used for internal repression, subject to the consent of the Secretary of State, in response to the lifting of the arms embargo under Council Decision 2013/255/CFSP; and adds new exemptions to the asset freeze provisions.

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