

## Enactment of new sanctions legislation for the United Kingdom’s Overseas Territories<sup>1</sup> (as applicable to the British Virgin Islands, the Cayman Islands and Anguilla)

Following the exit of the United Kingdom from the European Union there has been an enactment of a suite of sanctions legislation that applies in the British Overseas Territories. We have summarised these new pieces of legislation below along with useful links to access the various legislation. All persons engaged in financial services sector should familiarise themselves with these new pieces of legislation and should the situation arise where a relevant entity is dealing with a sanctioned entity or individual as a part of its relevant business then the necessary steps should be taken to liaise with legal counsel and the relevant local competent authority with responsibility for the sanctions regime.

Item	The sanctions regime	Commentary
1.	The Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force immediately after both the <a href="#">Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020</a> and the <a href="#">Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations</a> have come into force in the United Kingdom. The Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications the <a href="#">Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019</a> (S.I. 2019/411) to all British Overseas Territories</li> <li>▪ Extends subject to modifications section 44 (protection for acts done for purpose of compliance), section 52(3) (Crown application) and section 53 (saving for prerogative powers) of the <a href="#">Sanctions and Anti-Money Laundering Act 2018 (SAML A)</a></li> <li>▪ Excludes certain United Nations designated persons for the purposes of paragraph 8(e) of <a href="#">resolution 1718</a> from the British Overseas Territories</li> </ul> <p>A copy of the Order can be found <a href="#">here</a>.</p>
2.	The Mali (Sanctions) (Overseas Territories) Order 2020	<p>This order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force immediately after the <a href="#">Sanctions (EU Exit) (Miscellaneous Amendments) (No. 5) Regulations</a> have come into force. The Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications the <a href="#">Mali (Sanctions) (EU Exit) Regulations 2020</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAML A (see above)</li> </ul>

<sup>1</sup> Bermuda has its own domestic legislative arrangements for implementation of sanctions legislation. For more information, please see: [gov.bm/international-sanctions-measures](https://www.gov.bm/international-sanctions-measures).

Item	The sanctions regime	Commentary
		<ul style="list-style-type: none"> <li>▪ Excludes certain United Nations designated persons for the purposes of paragraph 1 of <a href="#">resolution 2374</a> from the British Overseas Territories</li> </ul> <p>A copy of the Order can be found <a href="#">here</a>.</p>
3.	The Sanctions (Overseas Territories) Revocation Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force as follows:</p> <p>a. article 2(1) and Schedule 1 come into force immediately after:</p> <ol style="list-style-type: none"> <li>i. The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020</li> <li>ii. <a href="#">The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020</a></li> <li>iii. The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020</li> <li>iv. <a href="#">The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020</a></li> <li>v. <a href="#">The Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020</a></li> <li>vi. The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 5) Regulations 2020</li> </ol> <p>have come into force.</p> <p>The Order revoke Orders in Council which gave effect in specified British Overseas Territories to various sanctions regimes established during the United Kingdom's membership of the European Union or during the Transition Period (<b>sanctions orders</b>). These sanction orders are being revoked because they will be superseded by a new suite of Orders in Council that extend with modifications to specified British Overseas Territories the sanctions regulations made under Part I of SAMLA.</p> <p>A copy of this Order can be found <a href="#">here</a>.</p>
4.	The United Nations (Revocations) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force in the British Overseas Territories on IP completion day.<sup>2</sup> This Order revokes a number of instruments made under the United Nations Act 1946 (c 45) implementing United Nations</p>

<sup>2</sup> Schedule 1 to the Interpretation Act 1978 (c. 30) provides that "IP completion day" has the same meaning as in the [European Union \(Withdrawal Agreement\) Act 2020](#) (section 39(1) to (5) of that Act).

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		<p>sanctions, which are no longer required. Some of these revocations relate to sanctions regimes which have been terminated or suspended by the United Nations which have expired. Some instruments relating to British Overseas Territories are revoked because they amend Orders which have already been revoked.</p> <p>A copy of this Order can be found <a href="#">here</a>.</p>
5.	The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force immediately after the Sanctions (EU Exit) (Miscellaneous Amendments) Regulations, the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020 and the Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 have come into force. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAML A</li> <li>▪ Excludes certain United Nations designated persons from British Overseas Territories for the purposes of paragraph 1(b) of <a href="#">resolution 2368</a></li> </ul> <p>A copy of the Order can be found <a href="#">here</a>.</p>
6.	The Sudan (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force on IP completion day. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Sudan (Sanctions) (EU Exit) Regulations 2020</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAML A</li> <li>▪ Excludes certain United Nations designated persons from British Overseas Territories for the purposes of paragraph 3(c) of <a href="#">resolution 1591</a></li> </ul> <p>A copy of the Order can be found <a href="#">here</a>.</p>
7.	The Yemen (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force immediately after IP completion day. The Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAML A</li> </ul>

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		<ul style="list-style-type: none"> <li>▪ Excludes certain United Nations designated persons from British Overseas Territories for the purposes of paragraph 15 of <a href="#">resolution 2140</a></li> </ul> <p>A copy of the Order can be found <a href="#">here</a>.</p>
8.	The Republic of Guinea-Bissau (Sanctions) Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020, laid before Parliament on 23 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 and the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> <li>▪ Excludes certain United Nations designated persons from British Overseas Territories for the purposes of paragraph 4 of <a href="#">resolution 2048</a></li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
9.	The Iran (Sanctions) (Nuclear) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020 and the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
10.	The Iran (Sanctions) (Human Rights) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 and the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>

Item	The sanctions regime	Commentary
11.	The Syria (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 and the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Syria (Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
12.	The Syria (United Nations Sanctions) (Cultural Property) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force on IP completion day. This Order:</p> <ul style="list-style-type: none"> <li>• Extends with modifications <a href="#">the Syria (United Nations) (Cultural Property) (EU Exit) Regulations 2020</a></li> <li>• Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
13.	The Counter-Terrorism (International Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after:</p> <ul style="list-style-type: none"> <li>▪ The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2020</li> <li>▪ The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020</li> <li>▪ The Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020</li> </ul> <p>have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>

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14.	The Counter-Terrorism (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020 and the Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> <li>▪ Extends SAMLA: Governor’s designation powers, section 22 (power to vary or revoke designation made under regulations), section 23 (right to request variation or revocation of designation), section 24 (periodic review of certain designations), section 38 (court review of decisions) and section 39 (court reviews: further provisions)</li> <li>▪ Extends with modifications <a href="#">the Sanctions Review Procedure (EU Exit) Regulations 2018</a></li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
15.	The Russia (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after both the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2020 and the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 4) Regulations have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Russia (Sanctions) (EU Exit) Regulations 2019</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
16.	The Sanctions (Overseas Territories) (Amendment) Order 2020	<p>This Order was made on 16 December 2020 and comes into force immediately after the Sanctions (EU Exit) (Miscellaneous Amendments) (No. 3) Regulations 2020 have come into force in the United Kingdom. This Order:</p> <ul style="list-style-type: none"> <li>▪ Amends (and modifies) <a href="#">the Global Human Rights Sanctions (Overseas Territories) Order 2020</a></li> <li>▪ Amends (and modifies) <a href="#">the Lebanon (Sanctions) (Overseas Territories) Order 2020</a></li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>

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17.	The Misappropriation (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force on IP completion day. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Misappropriation (Sanctions) (EU Exit) Regulations 2020</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>
18.	The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (Overseas Territories) Order 2020	<p>This Order was made on 16 December 2020 and comes into force on IP completion day. This Order:</p> <ul style="list-style-type: none"> <li>▪ Extends with modifications <a href="#">the Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020</a></li> <li>▪ Extends sections 44, 52(3) and 53 of SAMLA</li> </ul> <p>A copy of this Order can be found <a href="#">here</a>.</p>

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