STATUTORY INSTRUMENTS

2017 No. 984

OVERSEAS TERRITORIES

The Policing and Crime Act (Financial Sanctions) (Overseas Territories) Order 2017

Made - - - - 11th October 2017
Coming into force in accordance with article 1(2) and (3)

At the Court at Buckingham Palace, the 11th day of October 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 156 of the Policing and Crime Act 2017(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Policing and Crime Act (Financial Sanctions) (Overseas Territories) Order 2017.

(2) Articles 1 to 6 of this Order come into force on 2nd November 2017.

(3) Articles 7 to 14 of this Order come into force on the day that regulations made under section 152(1) first come into force.

Extent

2.—(1) This Order extends to the territories listed in the Schedule to this Order ("the territories").

(2) In the application of this Order to any of the territories, the expression "the Territory" in this Order means that territory.

Interpretation

3.—(1) In this Order—

"the Act" means the Policing and Crime Act 2017;

(**1**) 2017 c.3.

"aircraft" means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing airborne vehicle or helicopter;

"Governor" means the Governor or other officer administering the Government of the Territory;

"ship" includes every description of vessel used in navigation;

"Temporary Regulations" means any regulations made under section 152(1) which extend to the territories by virtue of Article 7;

"the territories" has the meaning given in article 2(1);

"the Territory" has the meaning given in article 2(2).

(2) In this Order, any reference to a numbered section is to that section of the Act.

Interpretation provisions of the Act

4. Section 143 (Interpretation) extends to the territories.

Linking of UN financial sanctions Resolutions with EU financial sanctions Regulations

5. The following extend to the territories—

(a) the United Nations and European Union Financial Sanctions (Linking) Regulations 2017(**2**), as amended from time to time, and

(b) any other regulations made under section 154, as those regulations are amended from time to time.

Implementation of UN financial sanctions Resolutions: temporary listing

6. Section 155 extends to the territories.

Implementation of UN financial sanctions Resolutions: temporary regulations

7. Any regulations made under section 152(1), as those regulations are amended from time to time, extend to the territories with the modifications set out in articles 8 to 14.

Temporary Regulations: application

8. In any Temporary Regulations, any provision about application is to be read as if the Temporary Regulations apply within the Territory and to any prohibited conduct committed wholly or partly outside the Territory by—

(a) any person who is—

(i) ordinarily resident in the Territory and is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person , or

(ii) a body incorporated or constituted under the law of the Territory, and

(b) any person onboard a ship or aircraft that is registered in the Territory.

(**2**) S.I. 2017/478.

Temporary Regulations: expiry

9.—(1) Subject to paragraph (3), in any Temporary Regulations, any provision about the expiry of those Regulations is to be read as if the Temporary Regulations cease to have effect in the Territory on the earlier of—

(a) the day on which an Order in Council (other than this Order) implementing the relevant UN financial sanctions Resolution enters into force in the Territory, and

(b) the day that falls 120 days after the day on which the relevant UN financial sanctions Resolution is adopted.

(2) For the purpose of paragraph (1), a reference to the relevant UN financial sanctions Resolution in relation to Temporary Regulations is a reference to the UN financial sanctions Resolution that is implemented by those Temporary Regulations.

(3) Where any Temporary Regulations implement more than one UN financial sanctions Resolution, and make provision for different dates or times for the expiry of different regulations within those Temporary Regulations, such provision is to be read as if each regulation of the Temporary Regulations ceases to have effect in the Territory on the earlier of—

(a) the day on which an Order in Council implementing the UN financial sanctions Resolution to which that regulation relates enters into force in the Territory, and

(b) the day that falls 120 days after the day on which the UN financial sanctions Resolution to which that regulation relates is adopted.

Temporary Regulations: general modifications

10.—(1) Any Temporary Regulations are to be read as if any reference contained in them to—

(a) the Treasury is a reference to the Governor, except in relation to any notification to a Committee of the Security Council of the United Nations;

(b) payments due under judicial, administrative or arbitral decisions rendered in the United Kingdom or enforceable in the United Kingdom is a reference to payments due under such decisions rendered in the Territory or enforceable in the Territory;

(c) the High Court or, in Scotland, the Court of Session, or to an appropriate court in the United Kingdom, is in each case a reference to any appropriate court with jurisdiction in the Territory;

(d) a relevant institution is a reference to—

(i) any person who may lawfully accept deposits in or from within the Territory by way of business,

(ii) any society established lawfully in the Territory whose principal purpose is the making of loans secured on residential property where such loans are funded substantially by its members, or

(iii) any undertaking which by way of business operates a currency exchange office, transmits money (or any representations of monetary value) by any means or cashes cheques which are made payable to customers.

(2) For the purpose of the definition of "relevant institution" in paragraph (1)(d)—

(a) the activity of accepting deposits has the meaning given by section 22 of the Financial Services and Markets Act 2000(**3**), taken with Schedule 2 to that Act(**4**) and any relevant order made under section 22 of that Act(**5**); and

(**3**) 2000 c.8. Section 22 was amended by the Financial Services Act 2012 (c.21), section 7(1).