
STATUTORY INSTRUMENTS

2018 No. 1357

PROTECTION OF TRADING INTERESTS

The Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) (Amendment) Order 2018

Made - - - - *12th December 2018*
Laid before Parliament *19th December 2018*
Coming into force - - *1st February 2019*

At the Court at Buckingham Palace, the 12th day of December 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(1), is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) (Amendment) Order 2018 and shall come into force on 1st February 2019.

(2) In this Order, references to the “1996 Order” are to the Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996(2).

Amendment of the 1996 Order

2. For Article 1(2) of the 1996 Order, substitute—

“(2) In this Order—

(a) references to the “EC Counter-measures Regulation” are references to Council Regulation (EC) No. 2271/96(3) protecting against the effects of the

(1) 1972 c.68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(2) S.I. 1996/3171.

(3) OJ No. L 309, 29.11.1996. p. 1.

extraterritorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, as last amended by Commission Delegated Regulation (EU) 2018/1100(4);

- (b) unless the context otherwise requires, expressions used shall have the same meaning as in that Regulation.”

3. After Article 3 of the 1996 Order, insert—

“4.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in this Order;
(b) set out the conclusions of the review in a report; and
(c) publish the report.

(2) The first report under this Order must be published before 1st February 2024.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(5) requires that a review carried out under this article must, so far as is reasonable, have regard to the rules on penalties applicable to infringements of the EC Counter-measures Regulation and the measures taken to implement them in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this article must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph (1)(a);
(b) assess the extent to which those objectives are achieved;
(c) assess whether those objectives remain appropriate; and
(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provisions.”

Richard Tilbrook
Clerk of the Privy Council

(4) OJ L 199 I, 7.8.2018, p. 1.

(5) 2015 c.26. Section 30(3) was amended by the Enterprise Act 2016 (c.12), section 19.

EXPLANATORY NOTE

(This note is not part of the Order)

Criminal offences in respect of breaches by United Kingdom entities and nationals of Council Regulation (EC) No.2271/96 protecting against the effects of the extraterritorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJNo. L 309, 29.11.1996, p.1) (“the Regulation”) were created by the Extraterritorial US Legislation (Sanctions against Cuba, Iran and Libya) (Protection of Trading Interests) Order 1996 ([S.I. 1996/3171](#)).

This Order amends [S.I. 1996/3171](#) so that it refers to the Regulation as last amended by Commission Delegated Regulation (EU) 2018/1100 (OJ L I 199, 7.8.2018, p. 1), thereby ensuring that the criminal offences extend to conduct within scope of the Regulation as amended.