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STATUTORY INSTRUMENTS

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**2013 No. 3160**

**OVERSEAS TERRITORIES**

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

*Made* - - - - *11th December 2013*  
*Laid before Parliament* *18th December 2013*  
*Coming into force* - - *8th January 2014*

Under Article 41 of the Charter of the United Nations, the Security Council of the United Nations has, by a resolution adopted on 14th March 2013, called upon Her Majesty's Government in the United Kingdom to apply certain measures to give effect to decisions of that Council in relation to Libya:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946<sup>(1)</sup>, section 112 of the Saint Helena Act 1833<sup>(2)</sup>, the British Settlements Acts 1887 and 1945<sup>(3)</sup>, 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 Libya (Restrictive Measures) (Overseas Territories) (Amendment) Order 2013.

(2) It comes into force on 8th January 2014.

(3) In this Order, "the principal Order" means the Libya (Restrictive Measures) (Overseas Territories) Order 2011<sup>(4)</sup>.

(4) Article 2 of this Order extends to the territories listed in Schedule 1 to the principal Order and article 3 of this Order extends to the territories listed in Schedule 2 to the principal Order.

2. (1) Part 1 of the principal Order is amended as follows.

(2) In article 9—

(a) in sub-paragraph (1)(a) delete " , as approved in advance by the Sanctions Committee";

(b) for sub-paragraph (1)(c) substitute—

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(1) 1946 c.45.

(2) 1833 c.85.

(3) 1887 c.54 and 1945 c.7.

(4) S.I. 2011/1080, amended by S.I. 2011/2717 and 2012/356.



- (i) the arbitral decision was rendered before the EU listed person was listed, or
  - (ii) the judicial decision was rendered or the administrative decision was enforceable in a Member State of the European Union prior to, on, or after the date the person was listed;”
- (d) after sub-paragraph (g) insert—
- “(h) “(h) payment necessary for humanitarian purposes, such as the delivery and facilitation of delivery of humanitarian aid, the delivery of materials and supplies necessary for essential civilian needs, including food and agricultural materials for its production, medical products and the provision of electricity, or for evacuations from Libya.”

*Richard Tilbrook*  
Clerk of the Privy Council

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect in the specified overseas territories to measures adopted by the United Nations Security Council in resolution 2095(2013) and the European Union in Council Decisions 2013/45/CFSP of 22<sup>nd</sup> January 2013 and 2013/182/CFSP of 22<sup>nd</sup> April 2013 which were implemented in Council Regulation (EU) No. 488/2013 of 27<sup>th</sup> May 2013.

Resolution 2095 and the Council Decision of 22<sup>nd</sup> April introduced changes to the Libya arms embargo. States no longer require the approval of the UN Sanctions Committee before selling, supplying or transferring arms or assistance to Libya where such activity is solely for the benefit of the Libyan Government for security or disarmament purposes. Neither do States have to notify the UN Sanctions Committee when selling, supplying or transferring to Libya non-lethal military equipment or related technical assistance when it is intended solely for humanitarian or protective use.

There is also a new exemption introduced in respect of the frozen accounts of EU listed persons. These persons may now benefit from, or make, payments in accordance with judicial or administrative decisions or liens where such decisions or liens became enforceable after the persons were listed.