

CAYMAN ISLANDS



Supplement No. 2 published with Extraordinary
Gazette No. 37 dated April 30, 2021.

NOTICE

**THE MYANMAR (SANCTIONS) (OVERSEAS TERRITORIES)
ORDER 2021**

SI 2021 NO. 528

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2021**

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NOTICE is hereby given that the Myanmar (Sanctions) (Overseas Territories) Order 2021 SI 2021 No. 528, was made on 28th April, 2021 and came into force at 5:00 pm on 29th April, 2021.

The full text of the Order can be viewed via the following link:

<https://www.legislation.gov.uk/ukSI/2021/528/made/data.pdf>

The Explanatory Note of the Myanmar (Sanctions) (Overseas Territories) Order 2021 SI 2021 No. 528 is as follows:

“EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends with modifications the Myanmar (Sanctions) Regulations 2021 (S.I. 2021/496) (“the Myanmar Regulations”) as amended from time to time to all British overseas territories except Bermuda and Gibraltar (which implement sanctions under their own legislative arrangements).

Section 63(3)(c) of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”) provides that Her Majesty may by Order in Council provide for any provision of Part 1 of that Act, or any regulations under Part 1 of that Act, to extend with or without modifications to any of the British overseas territories. Section 63(4) provides that this includes the power to extend any regulations as amended from time to time.

The Myanmar Regulations were made under Part 1 of the Sanctions Act to establish a sanctions regime in relation to Myanmar for the purposes of: promoting the peace, stability and security of Myanmar; promoting respect for democracy, the rule of law and good governance in Myanmar; discouraging actions, policies or activities which repress the civilian population in Myanmar; and promoting compliance with international human rights law and respect for human rights in Myanmar.

The Myanmar Regulations, as modified and extended to the British overseas territories listed in Schedule 1 by this Order (“the modified Regulations”), provide that a person designated by the Secretary of State for being, or having been, involved in certain activities, is a designated person for the purposes of the

modified Regulations. Designated persons may be excluded from the territory and may be made subject to financial sanctions, including having their funds or economic resources frozen.

The modified Regulations impose trade restrictions on military goods and technology, on dual-use goods and technology, and on specified goods and technology which may be used to repress the civilian population of Myanmar (as specified in Schedule 2) or for intercepting or monitoring their communications (as specified in Schedule 3). They also impose further trade restrictions in respect of the provision of interception and monitoring services to, or for the benefit of, the Government of Myanmar, or the provision of certain services, funds or armed personnel to, or for the benefit of, the Tatmadaw (i.e. the Myanmar Armed Forces).

The modified Regulations provide for certain exceptions to this sanctions regime (for example to allow for frozen accounts to be credited with interest or other earnings and to allow acts done for the purpose of national security or the prevention of serious crime). The Governor of a British overseas territory to which the modified Regulations extend may, with the consent of the Secretary of State issue a licence in respect of activities that would otherwise be prohibited under the modified Regulations. Schedule 4 sets out the purposes pursuant to which the Governor may issue a financial sanctions licence authorising acts by a particular person. The modified Regulations also require the Governor of the territory to publish an up-to-date list of designated persons.

The modified Regulations prescribe powers for the provision and sharing of information to enable the effective implementation and enforcement of the sanctions regime. The modified Regulations also prescribe enforcement powers in relation to suspected ships, aircraft or vehicles, or for the issue of a search warrant. The modified Regulations make it a criminal offence to contravene, or circumvent, any of the prohibitions in the modified Regulations and prescribe the penalties that apply to such offences.

This Order also extends to the territories for the purposes of the modified Regulations specific provisions of Part 1 of the Sanctions Act, namely provisions relating to protection for acts done for purposes of compliance, Crown application and saving for prerogative powers.

The Myanmar Regulations revoke and replace in the United Kingdom the existing sanctions regime established by the Burma (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/136) (“the Burma Regulations”). Therefore, this Order revokes the Burma (Sanctions) (Overseas Territories) Order 2020 (S.I. 2020/1264), which extended the Burma Regulations to the relevant British overseas territories.

An impact assessment has not been prepared for this instrument: the territorial extent of the instrument and the modified Regulations is the British overseas territories listed in Schedule 1, and no, or no significant, impact is foreseen on the private, voluntary or public sectors in the United Kingdom.”.