
STATUTORY INSTRUMENTS

2017 No. 1277

OVERSEAS TERRITORIES

**The Democratic People’s Republic of Korea (Sanctions)
(Overseas Territories) (Amendment) (No. 4) Order 2017**

Made - - - - *13th December 2017*
Laid before Parliament *20th December 2017*
Coming into force - - *21st December 2017*

At the Court at Buckingham Palace, the 13th day of December 2017

Present,

The Queen’s Most Excellent Majesty in Council

Under article 41 of the Charter of the United Nations, the Security Council of the United Nations has, by resolution 2375 adopted on 11th September 2017 called upon Her Majesty’s Government in the United Kingdom to apply certain measures to give effect to decisions of the Council in relation to the Democratic People’s Republic of Korea:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), section 112 of the Saint Helena Act 1833(2), the British Settlements Acts 1887 and 1945(3), 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 Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) (Amendment) (No. 4) Order 2017 and comes into force on 21st December 2017.

(2) In this Order, “the principal Order” means the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012(4).

(3) This Order extends to the territories listed in Schedule 1 to the principal Order.

(1) 1946 c.45.

(2) 1833 c.85.

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

(4) S.I. 2012/3066, relevant amending instruments are S.I. 2016/630, S.I. 2016/769, S.I. 2016/991, S.I. 2017/320, S.I. 2017/780 and S.I. 2017/1108.

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 14.
3. In article 3(1)—
 - (a) in the appropriate places, insert—
 - ““condensates and natural gas liquids” means items listed in Annex XIc of the Council Regulation;”;
 - ““crude oil” means items listed in Annex XIe of the Council Regulation;”;
 - ““refined petroleum products” means items listed in Annex XI d of the Council Regulation;”;
 - ““textiles” means items listed in Annex XI f of the Council Regulation;”;
 - (b) in the definition of “designated person”, for “Annex IV, V, or Va” substitute, “Annex XIII, XV, XVI, or XVII”;
 - (c) in the definition of “designated vessel”, after “2016” insert, “or listed in Annex XIV to the Council Regulation”; and
 - (d) in sub-paragraph (c) of the definition for “restricted goods”, for “Annexes I, Ia, Ib and Ig” substitute “Annex II”.
4. In article 7—
 - (a) in the heading, for “restricted goods, luxury goods, aviation fuel, coal, iron and iron ore, and gold and ores, petroleum products, copper, nickel, silver and zinc, statues, and helicopters and vessels”, substitute “certain items”;
 - (b) in paragraph (2)—
 - (i) after “aviation fuel,”, omit “or”, and
 - (ii) after “vessels” insert “, condensates and natural gas liquids, refined petroleum products or crude oil”;
 - (c) in paragraph (3)—
 - (i) at the end of sub-paragraph (g), omit “or”,
 - (ii) at the end of sub-paragraph (h), for “.”, substitute “; or”, and
 - (iii) after sub-paragraph (h), insert—
 - “(i) textiles.”;
 - (d) in paragraph (4)—
 - (i) after “aviation fuel,” omit “or”, and
 - (ii) after “vessels” insert “, condensates and natural gas liquids, refined petroleum products, or crude oil,”; and
 - (e) in paragraph (5)—
 - (i) after “zinc,” omit “or”, and
 - (ii) after “statues,” insert “ seafood, lead and lead ore or textiles,”.
5. In article 10—
 - (a) for the heading, substitute—
 - “*Ship supply services and ship-to-ship transfers*”;
 - and
 - (b) after sub-paragraph (2), insert—

“(3) It is an offence for any person (“P”) to facilitate or engage in ship-to-ship transfers of any goods or items that are being sold, supplied, transferred, or exported to or from North Korea, to or from any ship which P knows or has reasonable grounds to suspect is registered in North Korea.

(4) This article is subject to articles 11 and 12.”.

6. In sub-paragraph (1)(b) of article 10J, for “Annex IV” substitute “Annex XIII, XV, XVI, or XVII”.

7. In paragraph (4) of article 10K, after “November 2016” insert “or paragraph 8 of United Nations Security Council resolution 2375 of 11th September 2017”.

8. For article 10KA, substitute—

“Procurement of vessel or aircraft crew services from North Korea

10KA.—(1) A person (“P”) commits an offence if P knowingly procures vessel or aircraft crew services from North Korea.

(2) This article is subject to articles 11 and 12.”.

9. In article 10M—

(a) in sub-paragraph 1(a), after “establishes”, insert “, maintains, or operates”;

(b) after paragraph (2), insert—

“(3) A person (“P”) commits an offence if P does not close any existing joint venture or cooperative entity referred to in paragraph (1) over which P has sufficient control within 120 days of the adoption of United Nations Security Council Resolution 2375 (2017) of 11th September 2017.

(4) Paragraphs (1) and (3) do not apply if—

(a) the Committee has approved the joint venture or cooperative entity; or

(b) an application has been lodged with the Committee to approve the joint venture or cooperative entity and—

(i) the decision of the Committee is pending, or

(ii) the Committee has given notice that it has not approved the joint venture or cooperative entity and 120 days have not elapsed since the date of that notice.”.

10. For article 10N, substitute—

“Financing or financial assistance to North Korean persons

10N.—(1) A person (“P”) commits an offence if P grants financing or financial assistance knowing or having reasonable cause to suspect that it is granted to—

(a) a person incorporated or constituted under the law of North Korea; or

(b) a person acting on behalf or at the direction of, or a person owned or controlled by, a person referred to in sub-paragraph (a).

(2) This article is subject to articles 11 and 12.”.

11. In article 10S, after paragraph (4), insert—

“(5) This article is subject to articles 11 and 12.”.

12. In article 11—

- (a) in paragraph (1), for “article 4, 7, 7A, 8, 9, 10J, 10K(1), (2), (3) and (5), 10M, 10P, 10Q, 10R, 10T or 10U”, substitute “article 4, 7, 7A, 8, 9, 10, 10J, 10K(1), (2), (3) and (5), 10KA, 10M, 10N, 10P, 10Q, 10R, 10S, 10T or 10U”;
- (b) in paragraph (2), for “article 4, 7, 7A, 8, 9, 10J, 10K(1), (2), (3) and (5), 10M, 10P, 10Q, 10R, 10T or 10U”, substitute “article 4, 7, 7A, 8, 9, 10, 10J, 10K(1), (2), (3) and (5), 10KA, 10M, 10N, 10P, 10Q, 10R, 10S, 10T or 10U”;
- (c) for sub-paragraph (3)(w), substitute—

“(w) any activity that the Governor is satisfied is necessary to facilitate the work of international or non-governmental organisations carrying out assistance and relief activities in North Korea for the benefit of the civilian population of North Korea or for any purpose consistent with the objectives of the following United Nations Security Council resolutions—

- (i) 1718 adopted on 14 October 2006**(5)**,
- (ii) 1874 adopted on 12 June 2009**(6)**,
- (iii) 2087 adopted on 22 January 2013**(7)**,
- (iv) 2094 adopted on 7 March 2013**(8)**,
- (v) 2270 adopted on 2 March 2016**(9)**,
- (vi) 2321 adopted on 30 November 2016**(10)**,
- (vii) 2356 adopted on 2 June 2017 **(11)**,
- (viii) 2371 adopted on 5 August 2017**(12)**, or
- (ix) 2375 adopted on 11 September 2017**(13)**”;

(d) at the end of sub-paragraph (3)(z), “or”; and

(e) for sub-paragraph (3)(z1), substitute—

“(z1) the sale, supply, transfer or export of refined petroleum products which the Governor has determined to be exclusively for livelihood purposes of the civilian population of North Korea and which satisfy the requirements of the Council Resolution; or

(z2) the sale, supply, transfer or export of crude oil which the Governor determines satisfies the requirements of paragraph 15 of United Nations Security Council resolution 2375 of 11 September 2017.”.

13. In article 12, for “article 4, 7, 7A, 8, 9, 10J, 10K(1), (2), (3) and (5), 10M 10P, 10Q, 10R, 10T or 10U”, substitute “article 4, 7, 7A, 8, 9, 10, 10J, 10K(1), (2), (3) and (5), 10KA, 10M, 10N, 10P, 10Q, 10R, 10S, 10T or 10U”;

14. In Schedule 2—

(a) in paragraph 2—

- (i) in the heading, for “restricted goods, luxury goods, gold and ores, coal, iron and iron ore, aviation fuel, petroleum products, copper, nickel, silver and zinc, helicopters and vessels, or statues”, substitute “certain items”,

(5) S/RES/1718 (2007).
(6) S/RES/1874 (2009).
(7) S/RES/2087 (2013).
(8) S/RES/2094 (2013).
(9) S/RES/2270 (2016).
(10) S/RES/2321 (2016).
(11) S/RES/2356 (2017).
(12) S/RES/2371 (2017).
(13) S/RES/2375 (2017).

- (ii) in sub-paragraph (1)(a), for “or statues”, substitute “statues, seafood, lead and lead ore, condensates and natural gas liquids, refined petroleum products, crude oil, or textiles”, and
 - (iii) in sub-paragraph (3), for “or statues”, substitute “statues, seafood, lead and lead ore, condensates and natural gas liquids, refined petroleum products, crude oil, or textiles”; and
- (b) in paragraph 3—
- (i) in sub-paragraph (1), for “article 7(4), (5) or 7A(3)”, substitute “article 7(4), (5), 7A(3), or 10(3)”,
 - (ii) in sub-paragraph (4), for “or statues”, substitute “statues, seafood, lead and lead ore, condensates and natural gas liquids, refined petroleum products, crude oil, or textiles”, and
 - (iii) in sub-paragraph (5), for “or statues”, substitute “statues, seafood, lead and lead ore, condensates and natural gas liquids, refined petroleum products, crude oil, or textiles”.

Ceri King
Deputy Clerk of the Privy Council

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3066) (as amended) and gives effect in specified Overseas Territories to sanctions imposed on the Democratic People's Republic of Korea by the European Union in Council Decision (CFSP) 2017/1838 of 10 October 2017 (amending Council Decision (CFSP) 2016/849) and Council Regulation (EU) 2017/1836 of 10 October 2017 (amending Council Regulation (EU) No 2017/1509).

These sanctions include restrictions on: the export of condensates and natural gas liquids, refined petroleum products, and crude oil to North Korea; the import of textiles from North Korea; the maintenance and operation of cooperative entities; and ship-to-ship transfers involving North Korean vessels.

There are also amendments to the licensable activities, in particular those relating to the import of refined petroleum products; the export of crude oil; and activities concerned with joint ventures or cooperative entities.