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 XId of the Council Regulation;"; and

""textiles" means items listed in Annex XIf 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—