STATUTORY INSTRUMENTS

2017 No. 780

OVERSEAS TERRITORIES

The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) (No. 2) Order 2017

Made - - - -	*19th July 2017*
Laid before Parliament	*26th July 2017*
Coming into force - -	*16th August 2017*

At the Court at Buckingham Palace, the 19th day of July 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 112 of the Saint Helena Act 1833(**1**), the British Settlements Acts 1887 and 1945(**2**), 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. 2) Order 2017 and comes into force on 16th August 2017.

(2) In this Order, "the principal Order" means the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) Order 2012(**3**).

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

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 11.

3. In article 3(1)—

(a) in the appropriate place, insert—

(**1**) 1833 c.85.
(**2**) 1887 c.54 and 1945 c.7.
(**3**) S.I. 2012/3066, amended by S.I. 2013 / 472, S.I. 2013/1718, S.I. 2013/2599, S.I. 2016/630, S.I. 2016/769, S.I. 2016/991 and S.I. 2017/320.

""services incidental to" means services rendered on a fee or contract basis by units mainly engaged in the production of transportable goods, and services typically related to the production of such goods;".

4. In paragraph (2)(b) of article 10M, for "mining, refining and chemical industries" substitute "mining, refining, chemical, metallurgy and metalworking, aerospace or conventional arms-related industries".

5. In article 10O, after "directly", insert " or indirectly".

6. After article 10S, insert—

"**Provision of services in the chemical, mining and refining industry**

10T.—(1) A person ("P") commits an offence if P provides, directly or indirectly, a service falling within paragraph (2) where P knows or has reasonable cause to suspect that the services are provided—

(a) to a person in North Korea; or

(b) for use in North Korea.

(2) The services falling within this paragraph are services incidental to mining or manufacturing in the chemical, mining and refining industry, as set out in Part A of Annex VIII to the Council Regulation.

(3) Paragraph (1) does not apply if the services are provided before 16th November 2017 in accordance with—

(a) a contract or other legally binding agreement concluded before 16th August 2017; or

(b) any other legal obligation arising before 16th August 2017.

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

Provision of computer and related services

10U.—(1) A person ("P") commits an offence if P provides, directly or indirectly, services falling within paragraph (2) where P knows or has reasonable cause to suspect that the services are provided—

(a) to a person in North Korea; or

(b) for use in North Korea.

(2) The services falling within this paragraph are computer and related services as set out in Part B of Annex VIII to the Council Regulation.

(3) Paragraph (1) does not apply if the services are provided—

(a) exclusively for the official purposes of a diplomatic or consular mission or an international organisation enjoying immunities in North Korea in accordance with international law; or

(b) by a public body or a person in receipt of funding from the European Union or a Member State of the European Union for development purposes that directly address the needs of the civilian population or the promotion of denuclearisation.

(4) Paragraph (1) does not apply if the services are provided before 16th November 2017 in accordance with—

(a) a contract or other legally binding agreement concluded before 16th August 2017; or