STATUTORY INSTRUMENTS

2017 No. 320

OVERSEAS TERRITORIES

The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) Order 2017

Made - - - -	*8th March 2017*
Laid before Parliament	*15th March 2017*
Coming into force - -	*5th April 2017*

At the Court at Buckingham Palace, the 8th day of March 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 2321 adopted on 30th November 2016 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) Order 2017 and comes into force on 5th April 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, amended by S.I. 2013/1718, S.I. 2013/2599, S.I. 2016/630, S.I. 2016/769 and S.I. 2016/991.

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 16.

3. In article 3(1)(**5**)—

(a) in the appropriate places, insert—

""the Committee" means the Committee of the United Nations Security Council established under paragraph 12 of the United Nations Security Council resolution 1718 adopted on 14th October 2006(**6**);",

""copper, nickel, silver and zinc" means items listed in Annex Ih to the Council Regulation;",

""designated vessel" means a vessel designated by the Committee pursuant to paragraph 12 of resolution 2321 (2016);",

""helicopters and vessels" means items listed in Annex IIIb to the Council Regulation;",

""real property" means land, buildings and parts therof, which are located outside the territory of North Korea;",

""resolution 2321 (2016)" means United Nations Security Council resolution 2321 adopted on 30th November 2016(**7**);", and

""statues" means items listed in Annex IIIa to the Council Regulation;";

(b) for the definition of "financing or financial assistance", substitute—

""financing or financial assistance" includes grants, loans, export credit insurance, insurance and reinsurance;"; and

(c) in the definition of "restricted goods", insert—

"(d) other goods and technology listed in Annex III to resolution 2321 (2016); and

(e) any other item listed in a conventional arms dual-use list adopted pursuant to paragraph 7 of resolution 2321 (2016).".

4. In article 7(**8**)—

(a) in the heading, for "and petroleum products" substitute "petroleum products, copper, nickel, silver and zinc, statues, and helicopters and vessels";

(b) in paragraph (2), for "or aviation fuel" substitute ", aviation fuel, or helicopters and vessels";

(c) in paragraph (3), after sub-paragraph (d), insert—

"(e) copper, nickel, silver and zinc; or

(f) statues.";

(d) in paragraph (4), for "or aviation fuel" substitute ", aviation fuel, or helicopters and vessels"; and

(e) in paragraph (5), for "or gold and ores," substitute ", gold and ores, copper, nickel, silver and zinc, or statues,".

5. In article 10E(**9**), omit paragraphs (3) to (5).

(**5**) Article 3(1) was amended by S.I. 2013/1718, S.I. 2016/630, S.I. 2016/769 and S.I. 2016/991.
(**6**) S/RES/1718 (2006).
(**7**) S/RES/2321 (2016).
(**8**) Article 7 was amended by S.I. 2016/630 and S.I. 2016/769.
(**9**) Article 10E was inserted by S.I. 2016/630.

6. In article 10J(**10**)—

(a) after sub-paragraph (1)(e), insert—

"(f) is a designated vessel that the Committee has required be denied access to the ports of United Nations Member States."; and

(b) for sub-paragraph (2), substitute—

"(2) Paragraph (1) does not apply if—

(a) access to a port is needed by the vessel in the case of emergency;

(b) in the case of a vessel referred to in paragraph (1)(a) to (e), the vessel is coming into port for inspection; or

(c) the vessel is returning to its port of origin.".

7. After Article 10J, insert—

"**10JA.**—(1) When so required by the Committee, the Governor may de-flag a designated vessel flagged to the territory.

(2) When so required by the Committee, the Governor may direct the master of a designated vessel flagged to the territory to take that vessel to a port identified by the Committee, such direction to be given in co-ordination with the port State.

(3) A person ("P") commits an offence if P fails to comply with a direction given by the Governor under paragraph (2).".

8. In article 10K(**11**)—

(a) for the heading, substitute—

"Offences related to the leasing, chartering, insuring and registering of vessels and the provision of crew services"; and

(b) for paragraph (4), substitute—

"(4) A person ("P") commits an offence if P provides insurance or re-insurance services to a vessel that P knows, or has reasonable cause to suspect, is owned, controlled, or operated by North Korea.

(5) Paragraphs (1) and (4) are subject to articles 11 and 12.".

9. After article 10K, insert—

"**Procurement of vessel or aircraft crew services from North Korea**

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

10. After article 10P(**12**), insert—

"**Provision of financing or financial assistance for trade with North Korea**

10Q.—(1) A person ("P") commits an offence if P knowingly provides financing or financial assistance for trade with North Korea, including the granting of guarantees, to any person involved in such trade.

(**10**) Article 10J was inserted by S.I. 2016/769 and amended by S.I. 2016/991.
(**11**) Article 10K was inserted by S.I. 2016/630.
(**12**) Article 10P was inserted by S.I. 2016/769.