Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The North Korea and Iran (United Nations Sanctions) (Amendment) Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 1119

UNITED NATIONS

The North Korea and Iran (United Nations Sanctions) (Amendment) Order 2016

Made - - - -	*16th November 2016*
Laid before Parliament	*23rd November 2016*
Coming into force - -	*14th December 2016*

At the Court at Buckingham Palace, the 16th day of November 2016

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 2231 adopted on 20th July 2015 and by resolution 2270 adopted on 2nd March 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 (North Korea) and Iran respectively:

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946 [F1], is pleased, by and with the advice of Her Privy Council, to order as follows:

F1 1946 c.45.

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the North Korea and Iran (United Nations Sanctions) (Amendment) Order 2016 and comes into force on 14th December 2016.

(2) In this Order—

"the North Korea Order" means the North Korea (United Nations Sanctions) Order 2009 [F2]; and

"the Iran Order" means the Iran (United Nations Sanctions) Order 2009 [F3].

(3) This Order extends to the United Kingdom.

F2 S.I. 2009/1749, as amended by S.I. 2009/3213, **S.I**. 2012/362 and S.I. 2015/2014.
F3 S.I. 2009/886, amended by S.I. 2010/2978, **S.I**. 2011/2985, S.I. 2012/362 and S.I. 2016/378.

Amendment of the North Korea Order

2. The North Korea Order is amended in accordance with articles 3 to 19.

3. In article 2—

(a) insert in the appropriate places—

""aviation fuel" means items listed in Annex Ie to the Council Regulation;",

""coal, iron and iron ore" means items listed in Annex Id to the Council Regulation;",

""the Council Regulation" means Council Regulation (EC) No. 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea [F4], as amended from time to time;",

""gold and ores" means items listed in Annex Ic to the Council Regulation;",

""luxury goods" means luxury goods listed in Annex IV to United Nations Security Council Resolution 2087 adopted on 7th March 2013 and Annex IV to United Nations Security Council Resolution 2270 adopted on 2nd March 2016;",

""relevant person"—

(a) in relation to a ship, aircraft or vehicle falling within article 3(2)(a) or (b) means—

(i) the owner, charterer or master of the ship,

(ii) the owner, charterer, operator or commander of the aircraft, or

(iii) the owner, driver or operator of the vehicle;

(b) in relation to a ship or aircraft falling within article 3(2)(c) means—

(i) the charterer of the ship or aircraft, or

(ii) the master of the ship, or operator of the aircraft;", and

""United Kingdom ship" means a ship which—

(a) is registered under Part 2 of the Merchant Shipping Act 1995 [F5], or

(b) is not registered under the law of any state but is wholly owned by persons each of whom is—

(i) a British citizen, or

(ii) a body incorporated or constituted under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom;"; and

(b) in the definition of "WMD goods", for "paragraph 8(a)(ii) of resolution 1718 adopted by the United Nations Security Council on 14 October 2006 or pursuant to paragraph 23 of resolution 1874 adopted by the Security Council on 12 June 2009 or as provided in paragraph 24 of resolution 1874" substitute " the provisions of paragraph 8(a), 8(b) and 8(c) of resolution 1718 adopted by the United Nations Security Council on 14th October 2006 or pursuant to the provisions of resolution 2087 adopted by the United Nations Security Council on 22nd January 2013 or pursuant to the provisions of resolution 2270 adopted by the United Nations Security Council on 2nd March 2016 ".

F4 OJ No L 88, 29.3.2007, p1.
F5 1995 c.21.

4. Omit the general headings above article 3, article 4, article 6 and article 7.

5. For article 3, substitute—

"**Use of ships, aircraft and vehicles: carriage of goods to North Korea**

3.—(1) Except under the authority of a licence granted by the Secretary of State under this article, it is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (2) for the carriage of goods to which this article applies if the carriage is, or forms part of, carriage from any place outside North Korea to any destination in North Korea.

(2) The following fall within this paragraph—

(a) a ship, aircraft or vehicle within the United Kingdom;

(b) an aircraft registered in the United Kingdom; and

(c) any other ship or aircraft that is for the time being chartered to a person who is listed in article 1(3)(a) or (b).

(3) The goods to which this article applies are—

(a) military goods;

(b) WMD goods;

(c) luxury goods;

(d) aviation fuel; or

(e) any other goods, excluding food and medicine, which the relevant person has been informed by the Secretary of State could contribute to the development of the operational capabilities of armed forces of North Korea.

(4) This article is without prejudice to any other provision of law prohibiting or restricting the use of a ship, aircraft or vehicle.

(5) Paragraph (1) does not apply—

(a) in relation to the carriage of aviation fuel for civilian aircraft outside North Korea exclusively for consumption during the aircraft's flight to North Korea and its return flight; or

(b) where the supply, delivery or exportation from the United Kingdom of the goods concerned to North Korea was authorised by a licence or authorisation granted by the Secretary of State under any other enactment or instrument.".

6. Omit article 4.

7. For article 5, substitute—

"**Use of ships, aircraft and vehicles: carriage of goods from North Korea**

5.—(1) Except under the authority of a licence granted by the Secretary of State under this article, it is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within article 3(2) for the carriage of goods to which this article applies if the carriage is, or forms part of, carriage from any place in North Korea to any destination outside North Korea.

(2) The goods to which this article applies are—

(a) military goods;

(b) WMD goods;

(c) coal, iron and iron ore;

(d) gold and ores; or

(e) any other goods, excluding food and medicine, which the relevant person has been informed by the Secretary of State could contribute to the development of the operational capabilities of armed forces of North Korea.

(3) Paragraph (1) does not apply where the procurement of the goods concerned was authorised by a licence or authorisation granted by the Secretary of State under any other enactment or instrument.

(4) This article is without prejudice to any other provision of law prohibiting or restricting the use of a ship, aircraft or vehicle.".

8. For article 6, substitute—

"**Services to North Korean ships**

6.—(1) Except under the authority of a licence granted by the Secretary of State under this article, a person ("P") commits an offence if P provides ship supply services to any ship which P knows or has reasonable cause to suspect is—

(a) registered in North Korea; and

(b) is carrying military goods, WMD goods or luxury goods.

(2) Except under the authority of a licence granted by the Secretary of State under this article, a person ("P") commits an offence if P—

(a) owns, leases, operates or insures; or

(b) provides certification or classification services, or associated services, to

a ship which P knows or has reasonable cause to suspect is registered in North Korea.".

9. After article 6, insert—

"**Leasing, chartering or provision of crew services**

6A. Except under the authority of a licence granted by the Secretary of State under this article, a person ("P") commits an offence if P leases or charters a ship or aircraft, or provides crew services, with knowledge or reasonable cause to suspect that the lease, charter or provision of crew services is to—

(a) North Korea;

(b) a person listed in Annex IV to the Council Regulation; or

(c) any person acting on behalf of, or at the direction of, North Korea or a person listed in Annex IV to the Council Regulation.