

**EXPLANATORY MEMORANDUM TO**  
**THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (SANCTIONS)**  
**(OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2013**

**2013 No. 1718**

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

This Order amends the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3066). It gives effect in specified Overseas Territories to United Nations Security Council Resolution 2094 (2013) and Council Decision 2013/183/CFSP, which apply additional sanctions to North Korea.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Context**

4.1 This Order is made in exercise of statutory powers under the United Nations Act 1946, the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945 and the legislative power of the Royal Prerogative (in the absence of statutory powers).

4.2 The statutory and prerogative powers to legislate for the Overseas Territories are applicable to the Overseas Territories as follows:

- (i) The United Nations Act 1946 applies to all Overseas Territories;
- (ii) The Saint Helena Act 1833 applies to St Helena;
- (iii) The British Settlements Acts 1887 and 1945 are applicable to Ascension and Tristan da Cunha, British Antarctic Territory, the Falkland Islands, Pitcairn

(including Henderson, Ducie and Oeno Islands), and South Georgia and the Sandwich Islands);

(iv) The prerogative legislative power is applicable to Anguilla, British Indian Ocean Territory, Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

## **5. Territorial Extent and Application**

This Order applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including Henderson, Ducie and Oeno Islands), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, the Turks and Caicos Islands and the Virgin Islands. Bermuda legislates independently to impose restrictive measures. The EU restrictive measures are given effect in Gibraltar by Council Regulation (EU) 329/2007 as amended, which is directly applicable in Gibraltar and local legislation.

## **6. European Convention on Human Rights**

As this Order is not subject to Parliamentary procedure and does not amend primary legislation no statement is required.

## **7. Policy background**

7.1. The United Nations Security Council has determined that additional sanctions should be introduced in response to North Korea's further activity in regard to nuclear and ballistic missile activities. The Security Council (in UNSCR 2094 (2013)) has introduced a prohibition on banks established in North Korea opening branches in other States, acquiring a joint venture, establishing correspondent banking relationships, or maintaining correspondent banking relationships in certain circumstances, with banks and financial institutions established in other States.

7.2. The European Union has also introduced additional sanctions in response to North Korea's recent nuclear and ballistic missile activity. These are prohibitions on the sale or purchase of gold, precious metals or diamonds, the sale or purchase of North Korean bonds, and the movement of North Korean bank notes.

## **8. Consultation outcome**

The Overseas Territories to which the Order applies were consulted about the Order.

## **9. Guidance**

Guidance may be sought from the contact below.

## **10. Impact**

10.1 There is no impact on business, charities or the voluntary sector in the United Kingdom.

10.2 There is no impact on the public sector in the United Kingdom.

10.3 An impact assessment has therefore not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small business in the United Kingdom.

## **12. Monitoring & review**

12.1 UN sanctions are monitored and reviewed by the UN Security Council, and by a Sanctions Committee and a Group of Experts.

12.2 EU sanctions are monitored and reviewed by the Council of the European Union.

12.3 If the UN sanctions are suspended or lifted by the Security Council, or the EU autonomous sanctions are suspended or lifted, this Order will be reviewed and suspended or revoked as necessary.

### **13. Contact**

Gerry Regan at the Foreign and Commonwealth Office can answer queries regarding the instrument. Telephone: 020 7008 6207. E-mail: [Gerry.regan@fco.gov.uk](mailto:Gerry.regan@fco.gov.uk)