

**EXPLANATORY MEMORANDUM TO**  
**THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (SANCTIONS)**  
**(OVERSEAS TERRITORIES) (AMENDMENT) (NO. 2) ORDER 2013**

**2013 No. 2599**

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 further amends the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3066). This Order extends the application of the sanctions to the persons, entities or bodies set out in Annex Va of Council Regulation No 696/2013. Annex Va of the Council Regulation lists persons, entities or bodies working on behalf of or at the direction of a person, entity or body that have themselves been designated for engaging in or supplying DPRK’s nuclear, ballistic missile or other WMD programmes or for supplying arms to or from DPRK or persons assisting in the evasion of sanctions or violating the provisions of Council Regulation No 329/2007 or of Council Decision 2013/183/CFSP.

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) No. 696/2013, which is directly applicable in Gibraltar and by 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**

The European Union has determined that sanctions should be made more effective by also being applied to persons, entities or bodies working on behalf of or at the direction of persons, entities or bodies designated under Annex IV or V of Council Regulation (EU) No. 696/2013 that have themselves been designated under EU

sanctions for engaging in or supporting the DPRK's nuclear, ballistic missile or other WMD programmes, or being involved in supplying arms to or from the DPRK.

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## **8. Consultation outcome**

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

## **9. Guidance**

No guidance will be issued.

## **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**

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

## **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)