
STATUTORY INSTRUMENTS

2017 No. 83

CUSTOMS

The Export Control (North Korea Sanctions and Iran, Ivory Coast and Syria Amendment) Order 2017

<i>Made</i>	- - - -	<i>27th January 2017</i>
<i>Laid before Parliament</i>		<i>1st February 2017</i>
<i>Coming into force</i>	- -	<i>22nd February 2017</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 ^{M1} in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not member States ^{M2}.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes this Order in exercise of the powers conferred by section 2(2) of, and paragraph 1A ^{M3} of Schedule 2 to, the European Communities Act 1972 and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002 ^{M4}.

Marginal Citations

- M1** 1972 c.68; [section 2\(2\)](#) was amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M2** [S.I. 1994/757](#), to which there are amendments not relevant to this Order.
- M3** [Paragraph 1A](#) of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1.
- M4** [2002 c.28](#).

PART 1

Introductory

Citation and commencement

1. This Order may be cited as the Export Control (North Korea Sanctions and Iran, Ivory Coast and Syria Amendment) Order 2017 and comes into force on 22nd February 2017.

Revocation

2. The Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013 ^{M5} is revoked.

Marginal Citations

M5 [S.I. 2013/3182](#).

Application

3. An offence may be committed under this Order—
- (a) in the United Kingdom by any person;
 - (b) elsewhere by any person who is a United Kingdom person within the meaning of section 11 of the Export Control Act 2002.

Interpretation

^{F1}4.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, [25](#)

PART 2

Offences relating to prohibitions in the North Korea Regulation

Offences related to items listed in Annexes I, Ia, Ib, Ic, Id, Ie, If and Ig

^{F1}5.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, [25](#)

Offences related to any item except food and medicine destined for North Korea's or another State's armed forces

^{F1}6.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Offences related to goods and technology in the Common Military List and items listed in Annexes I, Ia and Ib

^{F1}7.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Offences related to luxury goods listed in Annex III

^{F1}8.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Offences related to gold, precious metals and diamonds listed in Annex VII

^{F1}9.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Offences related to North Korean denominated banknotes and minted coinage

^{F1}10.

Textual Amendments

F1 [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Offences related to commercial activity associated with North Korea

^{F1}11.

Textual Amendments

F1 Arts. 4-16 revoked (14.3.2018) by The Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200), arts. 1, **25**

Offences related to financing or financial assistance for trade with North Korea relating to nuclear or ballistic-missile programmes

^{F1}12.

Textual Amendments

F1 Arts. 4-16 revoked (14.3.2018) by The Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200), arts. 1, **25**

PART 3

Supplementary offences

Circumvention of prohibitions in the North Korea Regulation

^{F1}13.

Textual Amendments

F1 Arts. 4-16 revoked (14.3.2018) by The Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200), arts. 1, **25**

Offences related to an EU authorisation

^{F1}14.

Textual Amendments

F1 Arts. 4-16 revoked (14.3.2018) by The Export Control (North Korea Sanctions) Order 2018 (S.I. 2018/200), arts. 1, **25**

PART 4

Enforcement and penalties

Penalties

^{F1}15.

Textual Amendments

- F1** [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

Application of the 1979 Act

F1 16.

Textual Amendments

- F1** [Arts. 4-16](#) revoked (14.3.2018) by [The Export Control \(North Korea Sanctions\) Order 2018 \(S.I. 2018/200\)](#), arts. 1, **25**

PART 5

Miscellaneous

Amendment to the Export Control Order 2008

17. The Export Control Order 2008 ^{M6} is amended as follows—
- (a) in Part 2 of Schedule 4, omit “Ivory Coast (Côte d'Ivoire)”; and
 - (b) in Part 4 of Schedule 4—
 - (i) after “Hong Kong Special Administrative Region”, insert “Ivory Coast (Côte d'Ivoire)”; and
 - (ii) after “Sri Lanka”, insert “ Syria ”.

Marginal Citations

- M6** [S.I. 2008/3231](#), relevant amending instruments are [S.I. 2009/1305](#), 2009/2969, 2010/615, 2010/2007, 2011/825, 2011/1304, 2011/2010, 2013/3182, 2014/2357, 2015/1546, 2015/1586 and 2016/503.

Amendment to the Export Control (Iran Sanctions) Order 2016

18. In article 14(3) of the Export Control (Iran Sanctions) Order 2016 ^{M7}—
- (a) in paragraph (a), after “EU authorisation”, insert “ or licence ”; and
 - (b) in paragraph (b), after “EU authorisation”, insert “ or licence ”.

Marginal Citations

- M7** [S.I. 2016/503](#).

Amendment to the Export Control (Syria Sanctions Order) 2013

19. The Export Control (Syria Sanctions) Order 2013 ^{M8} is amended as follows—

- (a) in article 4, for “a person shall not (directly or indirectly) export, supply or transfer” substitute “a person commits an offence and may be arrested if that person (directly or indirectly) exports, supplies or transfers”; and
- (b) in article 5(1), for “a person shall not (directly or indirectly) provide” substitute “a person commits an offence and may be arrested if that person (directly or indirectly) provides”.

Marginal Citations

M8 [S.I. 2013/2012](#), to which there are amendments not relevant to this Order.

PART 6

General

Review

- 20.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of this Order;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to the rules on penalties applicable to infringements of the provisions of the North Korea Regulation and the measures taken to implement them in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the rules on penalties applicable to infringements of the provisions of the North Korea Regulation established by this Order and the measures taken to implement them;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this Order must be published before the end of the period of five years beginning with the day on which this Order comes into force.
- (5) Reports under this Order are afterwards to be published at intervals not exceeding five years.

Department for International Trade

Mark Garnier
Parliamentary Under-Secretary of State for
International Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the enforcement of trade restrictions against North Korea specified in Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ No L 88, 29.3.2007, p.1) (the “North Korea Regulation”) as last amended by Council Implementing Regulation (EU) 2017/80 (OJ No L 12, 17.1.2017, p.86). This Order revokes the Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013 (S.I. 2013/3182).

Articles 5 to 12 create offences for contravention of the trade restrictions in the North Korea Regulation.

Article 13 creates offences for the circumvention of the trade restrictions in the North Korea Regulation.

Article 14 supplements the provisions of the North Korea Regulation that allow a competent authority to authorise activities that are otherwise prohibited. Article 14(1) makes it an offence knowingly and recklessly to provide false information for the purpose of obtaining an authorisation and article 8(3) makes it an offence to fail to comply with authorisation requirements or conditions.

Article 15 sets out the penalties relating to the offences in the Order.

Article 16 applies the ancillary provisions relevant to the enforcement of customs and excise legislation to the enforcement of this Order.

Article 17 omits Ivory Coast from the list in Part 2 of Schedule 4 to the Export Control Order 2008 (S.I. 2008/3231) and inserts it into the list in Part 4 of Schedule 4 to that Order, reflecting the fact that the Ivory Coast is no longer an embargoed destination.

Article 18 makes a minor amendment to the Export Control (Iran Sanctions) Order 2016 (S.I. 2016/503).

Article 19 makes a minor amendment to the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012). This amendment, along with the amendment to the Export Control Order 2008 in article 17(b)(ii), re-enacts and therefore continues the amendments that were contained in the Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013, which is revoked by this Order.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk. Further information is available from the Export Control Organisation, Department for International Trade, 1 Victoria Street, London SW1H 0ET and on the gov.uk website (www.gov.uk).

Changes to legislation:

There are currently no known outstanding effects for the The Export Control (North Korea Sanctions and Iran, Ivory Coast and Syria Amendment) Order 2017.