

2018 No. 523

UNITED NATIONS

**The North Korea (United Nations Sanctions)
(Amendment) Order 2018**

Made - - - - - *24th April 2018*
Laid before Parliament *1st May 2018*
Coming into force - - - *22nd May 2018*

At the Court at Windsor Castle, the 24th day of April 2018

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 2397 adopted on 22nd December 2017, 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):

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), 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 North Korea (United Nations Sanctions) (Amendment) Order 2018 and comes into force on 22nd May 2018.

(2) In this Order, “the principal Order” means the North Korea (United Nations Sanctions) Order 2009(b).

(3) This Order extends to the United Kingdom.

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 9 of this Order.

3. In article 2(c)—

(a) in the appropriate places, insert—

(a) 1946 c.45.

(b) S.I. 2009/1749. Relevant amendments are detailed in subsequent footnotes.

(c) Relevant amending instruments are S.I. 2009/3213, S.I. 2015/2014, S.I. 2016/1119, S.I. 2017/319, S.I. 2017/1110, and S.I. 2017/1278.

““earth and stone, including magnesite and magnesia” means items listed in Annex XII of the Council Regulation;”;

““food and agricultural products” means items listed in Annex XIg of the Council Regulation;”;

““industrial machinery, transportation vehicles, and iron, steel and other metals” means the items listed in Part A of Annex XII of the Council Regulation;”;

““machinery and electrical equipment” means items listed in Annex XIh of the Council Regulation;”;

““ships, boats and floating structures” means items listed in Annex XIk of the Council Regulation;”;

““wood” means items listed in Annex XIj of the Council Regulation;”.

4. In article 3(a)—

(a) in paragraph 3, for sub-paragraphs (k) and (l), substitute—

“(k) crude oil;

(l) industrial machinery, transportation vehicles, and iron, steel and other metals; and

(m) 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 the armed forces of North Korea.”.

(b) in paragraph 5—

(i) after sub-paragraph (a), omit “or”,

(ii) after sub-paragraph (b)—

(aa) for “.”, substitute “; or”, and

(bb) insert—

“(c) with respect to the provision of spare parts necessary to maintain the safe operation of North Korean commercial civilian passenger aircraft.”.

5. In paragraph (2) of article 5(b), for paragraph (i) and (j) substitute—

“(i) textiles;

(j) earth and stone, including magnesite and magnesia;

(k) food and agricultural products;

(l) machinery and electrical equipment;

(m) ships, boats and floating structures; and

(n) wood.”.

6. In article 6(c)—

(a) for paragraph (3), substitute—

“(3) 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 insurance or reinsurance services to a ship that P knows or has reasonable cause to suspect is owned, controlled or operated by North Korea or has been involved in activities, or the transport of items, prohibited by the United Nations Security Council resolutions listed in article 6A(1)(f) or United Nations Security Council resolution 2397 adopted on 22nd December 2017(d).”;

(b) after paragraph (4), insert—

(a) Relevant amending instruments are S.I. 2016/1119, S.I. 2017/319, and S.I. 2017/1278.

(b) Relevant amending instruments are S.I. 2016/1119, S.I. 2017/319, S.I. 2017/1110, and S.I. 2017/1278.

(c) As substituted by S.I. 2016/1119, and amended by S.I. 2017/1278.

(d) S/RES/2397 (2017).

“(5) 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 classification services to a ship which P knows or has reasonable cause to suspect has been involved in activities, or the transport of items, prohibited by the United Nations Security Council resolutions listed in article 6A(1)(f) or United Nations Security Council resolution 2397 adopted on 22nd December 2017.”.

7. For article 6B(a), substitute—

“Registration of ships

6B. Except under the authority of a licence granted by the Secretary of State under this article, a person (“P”) commits an offence if P knowingly registers or maintains on the register a ship that—

- (a) is owned, controlled or operated by North Korea or a North Korean national;
- (b) has been de-registered by another State pursuant to paragraph 24 of United Nations Security Council resolution 2321 adopted on 30th November 2016 or paragraph 8 of United Nations Security Council resolution 2375 adopted on 11th September 2017, or paragraph 12 of United Nations Security Council resolution 2397 adopted on 22nd December 2017; or
- (c) P has reasonable cause to suspect was involved in activities, or the transport of items, prohibited by the United Nations Security Council resolutions listed in article 6A(1)(f) or United Nations Security Council resolution 2397 adopted on 22nd December 2017.”.

8. After article 6C(b), insert—

“6D. Except under the authority of a licence granted by the Secretary of State under this article, it is an offence for a person to knowingly obtain or transfer, directly or indirectly, fishing rights from North Korea.”.

9. In article 8(c)—

(a) after paragraph (1A), insert—

“(1B) An authorised officer who has reasonable grounds to suspect that the cargo of any ship in the high seas has that has been de-flagged pursuant to operative paragraph 8 of United Nations Security Council resolution 2375 adopted on 11 September 2017 contains goods listed in article 3(3) or article 5(2), may exercise the powers set out in paragraph 3 of Schedule 3.”, and

(b) in paragraph (2), for “Those powers”, substitute “The powers exercisable under paragraph 1 or 1A above”.

10. In article 14(1)(d)—

(a) after “6(4),” insert “6(5),”; and

(b) for “6B or 6C(1), (3), or 4(A)”, substitute “6B, 6C(1), (3), 4(A), or 6D”.

Richard Tilbrook
Clerk of the Privy Council

(a) Substituted by S.I. 2017/1278.

(b) Relevant amending instruments are S.I. 2016/1119, S.I. 2017/319, and S.I. 2017/1278.

(c) Relevant amending instruments are S.I. 2009/3213, and S.I. 2016/1119.

(d) Relevant amendments as made by S.I. 2017/1278.

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 3 to 9 of this Order amend the North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), as amended, giving effect to certain aspects of further United Nations sanctions imposed against North Korea by the United Nations Security Council in resolution 2397, adopted on 22nd December 2017.

This Order extends the offences related to carriage of goods to North Korea to include: industrial machinery, transportation vehicles, and iron, steel and others metals. It also extends the offences related to carriage of goods from North Korea to include: earth and stone, including magnesite and magnesia; food and agricultural products; machinery and electrical equipment; ships, boats and floating structures; and wood.

This Order adds offences of providing classification services to, or knowingly registering or maintaining on the register, a ship that the person committing the offence has reasonable grounds to believe was involved in activities, or the transport of items, prohibited by relevant United Nations Security Council resolutions.

This Order also adds an offence of knowingly obtaining or transferring, directly or indirectly, fishing rights from North Korea.

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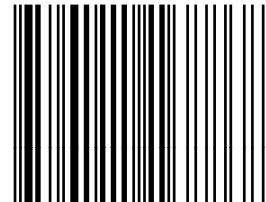
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