

**EXPLANATORY MEMORANDUM TO**  
**THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (SANCTIONS)**  
**(OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2018**

**2018 No. 524**

**1. Introduction**

- 1.1 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**

- 2.1 This Order gives effect to certain changes to the sanctions regime against North Korea as provided for in United Nations Security Council resolution 2397 of 22nd December 2017 (“UNSCR 2397”). The sanctions are given effect in the European Union by Council Decision (CFSP) 2018/293 of 26 February 2017 (amending Council Decision 2016/849/CFSP) and Council Regulation 2018/285 of 26 February 2018 (amending Council Regulation (EU) 2017/1509). These UN sanctions are given effect in specified Overseas Territories in the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3066) (“the principal Order”). This Order amends the principal Order.

**3. Matters of special interest to Parliament**

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

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**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, to implement sanctions measures, 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 South 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. Extent and Territorial Application**

5.1 The extent of this instrument is: 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 (“the Territories”).

5.2 The application of this instrument is the Territories and:

(a) any person elsewhere who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person and is ordinarily resident in a Territory;

(b) a body incorporated or constituted under the law of a Territory; and

(c) any person onboard a ship or aircraft that is registered in a Territory.

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

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

## **7. Policy background**

### *What is being done and why*

7.1 In response to the ballistic missile tests by North Korea on 28 November 2017, which was a serious violation of a number of previous United Nations Security Council regulations, the United Nations Security Council imposed further sanctions on North Korea on 22 December in UNSCR 2397.

7.2 UNSCR 2397 includes restrictions on exports to North Korea of: industrial machinery; transportation vehicles; and iron, steel and other metals. UNSCR 2397 also includes restrictions on the imports from North Korea of: earth and stone, including magnesite and magnesia; food and agricultural products; machinery and electrical equipment; ships, boats and floating structures; and wood.

7.3 UNSCR 2397 includes restrictions on obtaining or transferring fishing rights from North Korea, and the registration, insurance or reinsurance of, or provision of classification services for, certain vessels.

7.4 This Order gives effect to these new sanctions measures in the Overseas Territories.

### *Consolidation*

7.5 The Foreign and Commonwealth Office will keep the need for consolidation of the principal Order under review.

## **8. Consultation outcome**

8.1 The Overseas Territories have been consulted on the Order in draft.

## **9. Guidance**

9.1 No guidance will be issued.

## **10. Impact**

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

## **12. Monitoring & review**

12.1 United Nations sanctions are monitored and reviewed by the United Nations Security Council. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the United Nations.

## **13. Contact**

13.1 Ben Brzezicki at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 0460. Email: Ben.Brzezicki@fco.gov.uk