

**2018 No. 1060**

**UNITED NATIONS**

**The North Korea (United Nations Sanctions) (Amendment) (No. 2) Order 2018**

*Made* - - - - *10th October 2018*

*Laid before Parliament* *17th October 2018*

*Coming into force* - - *7th November 2018*

At the Court at Buckingham Palace, the 10th day of October 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 2371 adopted on 5th August 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<sup>(a)</sup>, 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) (No. 2) Order 2018 and comes into force on 7th November 2018.

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

(3) This Order extends to the United Kingdom.

**Amendment of the principal Order**

**2.** The principal Order is amended in accordance with articles 3, 4, 5 and 6 of this Order.

**3.** In article 8, omit paragraph (1B).

**4.** In article 8(5), for “this article or Schedule 3” substitute “this article, article 8C, article 8D or Schedule 3”.

**5.** In article 8(5)(f), after “this article” insert “, article 8C or article 8D”.

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<sup>(a)</sup> 1946 c.45.

<sup>(b)</sup> S.I. 2009/1749; relevant amending instruments are S.I. 2009/3213, 2016/1119, 2018/523.

6. After article 8B, insert—

**“Seizure of goods on foreign ships in international waters**

**8C.**—(1) If an authorised officer identifies relevant goods on a foreign ship in international waters, the authorised officer may seize the goods, detain them and dispose of them, either by destroying them or in such other manner as the authorised officer may decide.

(2) The powers exercisable under paragraph (1) must not be exercised without the authority of the Secretary of State.

(3) The Secretary of State must not give authority pursuant to paragraph (2) unless the Secretary of State is satisfied that the home state has authorised the United Kingdom to act for the purpose of—

- (a) investigating the suspected carriage of relevant goods on the ship, or
- (b) preventing the continued carriage on the ship of goods suspected to be relevant goods.

(4) An authorised officer may use reasonable force, if necessary, in the exercise of the powers conferred by paragraph (1).

(5) Nothing in this article affects any power exercisable in relation to foreign ships by virtue of the prerogative of the Crown.

(6) In this article—

“foreign ship” means a ship which—

- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“home state”, in relation to a foreign ship, means—

- (a) the State in which the ship is registered, or
- (b) the State whose flag the ship is otherwise entitled to fly;

“international waters” means waters beyond the territorial seas of the United Kingdom or of any other State or relevant British possession;

“relevant goods” means goods—

- (a) listed in article 3(3) which the authorised officer has reasonable grounds to suspect are being carried from any place outside North Korea to any destination in North Korea in contravention of the provisions of the United Nations Security Council resolutions listed in article 6A(1)(f)(i)-(viii), or
- (b) listed in article 5(2) which the authorised officer has reasonable grounds to suspect are being carried from any place in North Korea to any destination outside North Korea in contravention of the provisions of the United Nations Security Council resolutions listed in article 6A(1)(f)(i)-(viii);

**Seizure of goods on ships without nationality in international waters**

**8D.**—(1) If an authorised officer identifies relevant goods on a ship without nationality in international waters, the authorised officer may seize the goods, detain them and dispose of them, either by destroying them or in such other manner as the authorised officer may decide.

(2) An authorised officer may use reasonable force, if necessary, in the exercise of the powers conferred by paragraph (1).

(3) Nothing in this article affects any power exercisable in relation to ships without nationality by virtue of the prerogative of the Crown.

(4) In this article—

“international waters” has the same meaning as in article 8C;

“relevant goods” has the same meaning as in article 8C;

“ship without nationality” means a ship which—

- (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant British possession, or
- (b) sails under the flags of two or more States or relevant British possessions, or under the flags of a State and relevant British possession, using them according to convenience.”

*Richard Tilbrook*  
Clerk of the Privy Council

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Articles 3, 4, 5 and 6 of this Order amend The North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), as amended (“the principal Order”), giving effect to certain aspects of the sanctions measures imposed against North Korea by the United Nations Security Council in resolution 2371 adopted on 5 August 2017.

Article 3 repeals a provision which is now superseded by the provisions inserted by Article 6.

Articles 4 and 5 apply the definition of authorised officer in article 8 of the principal Order to the provisions inserted by Article 6.

Article 6 inserts provisions enabling an authorised officer to seize and dispose of goods identified in an inspection of a foreign ship or a ship without nationality, where that ship is in international waters and where the carriage of those goods to or from North Korea is prohibited by relevant resolutions of the United Nations Security Council. This enables full implementation of the obligation contained in paragraph 21 of resolution 2371 of the United Nations Security Council to seize and dispose of prohibited goods identified during inspections of ships.

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