
STATUTORY INSTRUMENTS

2019 No. 411

The Democratic People's Republic of Korea
(Sanctions) (EU Exit) Regulations 2019

PART 6

Trade

CHAPTER 1

Military, dual-use and other arms- and WMD-related goods and
military, dual-use and other arms- and WMD-related technology

Exports of restricted goods

- 35.**—(1) The export of restricted goods to, or for use in, the DPRK is prohibited.
(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

Imports of restricted goods

- 36.**—(1) The import of goods to which this paragraph applies which are consigned from the DPRK is prohibited.
(2) The import of goods to which this paragraph applies which originate in the DPRK is prohibited.
(3) Paragraphs (1) and (2) apply to—
(a) arms and related materiel,
(b) dual-use goods, and
(c) other arms- and WMD-related goods.
(4) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
(5) In this regulation, “arms and related materiel” means—
(a) military goods, and
(b) any thing which falls within Chapter 93 of the Harmonized Commodity Description and Coding System, other than military goods.
(6) In the definition of “arms and related materiel”, “the Harmonized Commodity Description and Coding System” means the harmonized commodity description and coding system provided for under the International Convention on the Harmonized System as done in Brussels on 14 June 1983(1).

Supply and delivery of restricted goods

- 37.**—(1) A person must not—
- (a) directly or indirectly supply or deliver restricted goods from a third country to a place in the DPRK;
 - (b) directly or indirectly supply or deliver restricted goods from a place in the DPRK to a third country.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was from a place in the DPRK, whether directly or indirectly.
- (4) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Sale and purchase etc. of restricted goods and restricted technology

- 38.**—(1) A person must not—
- (a) directly or indirectly make restricted goods or restricted technology available to a person connected with the DPRK;
 - (b) directly or indirectly make restricted goods or restricted technology available for use in the DPRK;
 - (c) directly or indirectly acquire restricted goods or restricted technology from a person connected with the DPRK;
 - (d) directly or indirectly acquire restricted goods or restricted technology which originates in the DPRK;
 - (e) directly or indirectly acquire restricted goods or restricted technology located in the DPRK.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a) or (c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in the DPRK;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(d) to show that the person did not know and had no reasonable cause to suspect that the goods or technology originated in the DPRK;
 - (d) it is a defence for a person charged with the offence of contravening paragraph (1)(e) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were located in the DPRK.

Transfer of restricted technology

- 39.**—(1) A person must not—

- (a) transfer restricted technology to a place in the DPRK;
 - (b) transfer restricted technology to a person connected with the DPRK;
 - (c) transfer restricted technology to persons outside the United Kingdom or to a place outside the United Kingdom, where the transfer is from a place in the DPRK.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) to show that the person did not know and had no reasonable cause to suspect that the transfer was to a place in the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) to show that the person did not know and had no reasonable cause to suspect that the transfer was from a place in the DPRK.

Technical assistance relating to restricted goods and restricted technology

- 40.**—(1) A person must not—
- (a) directly or indirectly provide technical assistance relating to restricted goods or restricted technology—
 - (i) to a person connected with the DPRK, or
 - (ii) for use in the DPRK;
 - (b) directly or indirectly procure technical assistance relating to restricted goods or restricted technology—
 - (i) from a person connected with the DPRK, or
 - (ii) for use in the DPRK.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a)(i) or (b)(i) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (b) it is a defence for a person charged with an offence of contravening paragraph (1)(a)(ii) or (b)(ii) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were for use in the DPRK.

Financial services and funds relating to restricted goods and restricted technology

- 41.**—(1) A person must not directly or indirectly provide financial services to a person connected with the DPRK in pursuance of or in connection with an arrangement whose object or effect is—
- (a) the export of restricted goods,
 - (b) the direct or indirect supply or delivery of restricted goods,
 - (c) directly or indirectly making restricted goods or restricted technology available to a person,
 - (d) the transfer of restricted technology, or
 - (e) the direct or indirect provision of technical assistance relating to restricted goods or restricted technology.

(2) A person must not directly or indirectly make funds available to a person connected with the DPRK in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of restricted goods to, or for use in, the DPRK;
- (b) the direct or indirect supply or delivery of restricted goods to a place in the DPRK;
- (c) directly or indirectly making restricted goods or restricted technology available—
 - (i) to a person connected with the DPRK, or
 - (ii) for use in the DPRK;
- (d) the transfer of restricted technology—
 - (i) to a person connected with the DPRK, or
 - (ii) to a place in the DPRK; or
- (e) the direct or indirect provision of technical assistance relating to restricted goods or restricted technology—
 - (i) to a person connected with the DPRK, or
 - (ii) for use in the DPRK.

(4) A person must not directly or indirectly procure financial services from a person connected with the DPRK in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(5) A person must not directly or indirectly procure financial services in pursuance of or in connection with an arrangement mentioned in paragraph (3).

(6) Paragraphs (1) to (5) are subject to Part 9 (Exceptions and licences).

(7) A person who contravenes a prohibition in any of paragraphs (1) to (5) commits an offence, but—

- (a) it is a defence for a person charged with an offence of contravening paragraph (1), (2) or (4) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
- (b) it is a defence for a person charged with the offence of contravening paragraph (3) to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph;
- (c) it is a defence for a person charged with the offence of contravening paragraph (5) to show that the person did not know and had no reasonable cause to suspect that the financial services were procured in pursuance of or in connection with an arrangement mentioned in paragraph (3).

Brokering services: non-UK activity relating to restricted goods and restricted technology

42.—(1) A person must not directly or indirectly provide brokering services to a person connected with the DPRK in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of restricted goods from a non-UK country to a different non-UK country,
- (b) directly or indirectly making restricted goods available in a non-UK country for supply or delivery to a different non-UK country,
- (c) directly or indirectly making restricted technology available in a non-UK country for transfer to a place in a different non-UK country,

- (d) the direct or indirect acquisition, in a non-UK country, of restricted goods, for supply or delivery to a different non-UK country,
 - (e) the direct or indirect acquisition, in a non-UK country, of restricted technology, for transfer to a place in a different non-UK country,
 - (f) the transfer of restricted technology from a place in a non-UK country to a place in a different non-UK country,
 - (g) the direct or indirect provision, in a non-UK country, of technical assistance relating to restricted goods or restricted technology,
 - (h) the direct or indirect procurement from a non-UK country of technical assistance relating to restricted goods or restricted technology,
 - (i) the direct or indirect provision of financial services in a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(1),
 - (j) the direct or indirect procurement of financial services from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(1), or
 - (k) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(1).
- (2) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of restricted goods from a third country to a place in the DPRK;
 - (b) directly or indirectly making restricted goods available in a third country for direct or indirect supply or delivery—
 - (i) to a person connected with the DPRK, or
 - (ii) to a place in the DPRK;
 - (c) directly or indirectly making restricted technology available in a third country for transfer—
 - (i) to a person connected with the DPRK, or
 - (ii) to a place in the DPRK;
 - (d) the transfer of restricted technology from a place in a third country—
 - (i) to a person connected with the DPRK, or
 - (ii) to a place in the DPRK;
 - (e) the direct or indirect provision, in a non-UK country, of technical assistance relating to restricted goods or restricted technology—
 - (i) to a person connected with the DPRK, or
 - (ii) for use in the DPRK;
 - (f) the direct or indirect provision, in a non-UK country, of financial services—
 - (i) to a person connected with the DPRK, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(1), or
 - (ii) where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(3);

- (g) directly or indirectly making funds available, in a non-UK country, to a person connected with the DPRK, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(1); or
 - (h) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 41(3).
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK.
- (5) A person who contravenes a prohibition in paragraph (2) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.
- (6) In this regulation—
- “non-UK country” means—
 - (a) for the purposes of paragraph (1)(a), (b) and (d), a country that is not the United Kingdom or the Isle of Man,
 - (b) for the purposes of any other provision of this regulation, a country that is not the United Kingdom;
 - “third country” means—
 - (a) for the purposes of paragraph (2)(a) and (b), a country that is not the United Kingdom, the Isle of Man or the DPRK,
 - (b) for the purposes of any other provision of this regulation, a country that is not the United Kingdom or the DPRK.

CHAPTER 2

Other goods, technology and services

Goods and technology for armed forces of the DPRK

- 43.**—(1) The export of goods to or for the benefit of the armed forces of the DPRK is prohibited.
- (2) A person must not—
- (a) directly or indirectly supply or deliver goods from a third country to or for the benefit of the armed forces of the DPRK;
 - (b) directly or indirectly make goods or technology available to or for the benefit of the armed forces of the DPRK;
 - (c) transfer technology to or for the benefit of the armed forces of the DPRK.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (2) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (2)(a) to show that the person did not know and had no reasonable cause to suspect that it was the armed forces of the DPRK to which, or for the benefit of which, the goods were supplied or delivered;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (2)(b) to show that the person did not know and had no reasonable cause to suspect that it was the

armed forces of the DPRK to which, or for the benefit of which, the goods or technology were made available;

- (c) it is a defence for a person charged with the offence of contravening paragraph (2)(c) to show that the person did not know and had no reasonable cause to suspect that it was the armed forces of the DPRK to which, or for the benefit of which, the technology was transferred.

- (5) In this regulation—

“goods” do not include food or medicine;

“third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Armed forces goods and technology

- 44.—(1) The export of armed forces goods to the DPRK is prohibited.
- (2) The import of armed forces goods which are consigned from the DPRK is prohibited.
- (3) The import of armed forces goods which originate in the DPRK is prohibited.
- (4) A person must not—
 - (a) directly or indirectly supply or deliver armed forces goods—
 - (i) from a third country to a place in the DPRK, or
 - (ii) from a place in the DPRK to a third country;
 - (b) directly or indirectly—
 - (i) acquire armed forces goods or armed forces technology from a person connected with the DPRK, or
 - (ii) make armed forces goods or armed forces technology available to a person connected with the DPRK;
 - (c) directly or indirectly acquire armed forces goods or armed forces technology located in the DPRK;
 - (d) transfer armed forces technology to persons outside the United Kingdom or to a place outside the United Kingdom, where the transfer is from a place in the DPRK; or
 - (e) transfer armed forces technology to a place in the DPRK or to a person connected with the DPRK.
- (5) Paragraphs (1) to (4) are subject to Part 9 (Exceptions and licences).
- (6) A person who contravenes a prohibition in paragraph (4) commits an offence, but—
 - (a) it is a defence for a person charged with an offence of contravening a prohibition in any provision of paragraph (4) to show that the person did not know and had no reasonable cause to suspect that the goods were armed forces goods or (as the case may be) the technology was armed forces technology;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (4)(a) to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was to or from a place in the DPRK, whether directly or indirectly;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (4)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (d) it is a defence for a person charged with the offence of contravening paragraph (4)(c) to show that the person did not know and had no reasonable cause to suspect that the goods or technology were located in the DPRK;

- (e) it is a defence for a person charged with the offence of contravening paragraph (4)(d) to show that the person did not know and had no reasonable cause to suspect that the transfer was from a place in the DPRK;
 - (f) it is a defence for a person charged with the offence of contravening paragraph (4)(e) (“P”) to show that P did not know and had no reasonable cause to suspect either that the transfer was to a place in the DPRK or (as the case may be) that the person was connected with the DPRK.
- (7) In this regulation—
- “armed forces goods” means goods, except food or medicine, which could support or enhance the operational capability of the armed forces of any country other than the DPRK;
 - “armed forces technology” means technology which could support or enhance the operational capability of the armed forces of any country other than the DPRK;
 - “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Exports of certain goods

- 45.—(1) The export of the following goods to, or for use in, the DPRK is prohibited—
- (a) aviation fuel;
 - (b) condensates and natural gas liquids;
 - (c) crude oil;
 - (d) helicopters and vessels;
 - (e) industrial machinery, vehicles, iron, steel and other metals;
 - (f) luxury goods;
 - (g) refined petroleum products.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

Supply and delivery of certain goods to the DPRK

- 46.—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a third country to a place in the DPRK.
- (2) Paragraph (1) applies to—
- (a) aviation fuel;
 - (b) condensates and natural gas liquids;
 - (c) crude oil;
 - (d) helicopters and vessels;
 - (e) industrial machinery, vehicles, iron, steel and other metals;
 - (f) luxury goods;
 - (g) refined petroleum products.
- (3) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the goods were destined (or ultimately destined) for the DPRK.
- (5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Sale etc. of certain goods

- 47.**—(1) A person must not—
- (a) directly or indirectly make goods to which this paragraph applies available to a person connected with the DPRK;
 - (b) directly or indirectly make goods to which this paragraph applies available for use in the DPRK.
- (2) Paragraph (1) applies to—
- (a) aviation fuel;
 - (b) condensates and natural gas liquids;
 - (c) crude oil;
 - (d) helicopters and vessels;
 - (e) industrial machinery, vehicles, iron, steel and other metals;
 - (f) luxury goods;
 - (g) refined petroleum products.
- (3) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods were for use in the DPRK.

Imports of certain goods

- 48.**—(1) The import of goods to which this paragraph applies which are consigned from the DPRK is prohibited.
- (2) The import of goods to which this paragraph applies which originate in the DPRK is prohibited.
- (3) Paragraphs (1) and (2) apply to—
- (a) coal, iron and iron ore;
 - (b) copper, nickel, silver and zinc;
 - (c) earth and stone;
 - (d) food and agricultural products;
 - (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;
 - (f) lead and lead ore;
 - (g) luxury goods;
 - (h) machinery and electrical equipment;
 - (i) petroleum products;
 - (j) seafood;
 - (k) statues;
 - (l) textiles;
 - (m) vessels;

(n) wood.

(4) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).

Supply and delivery of certain goods from the DPRK

49.—(1) A person must not directly or indirectly supply or deliver goods to which this paragraph applies from a place in the DPRK to a third country.

(2) Paragraph (1) applies to—

- (a) coal, iron and iron ore;
- (b) copper, nickel, silver and zinc;
- (c) earth and stone;
- (d) food and agricultural products;
- (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;
- (f) lead and lead ore;
- (g) luxury goods;
- (h) machinery and electrical equipment;
- (i) petroleum products;
- (j) seafood;
- (k) statues;
- (l) textiles;
- (m) vessels;
- (n) wood.

(3) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the supply or delivery was from a place in the DPRK, whether directly or indirectly.

(5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Purchase etc. of certain goods and rights

50.—(1) A person must not—

- (a) directly or indirectly acquire goods to which this paragraph applies from a person connected with the DPRK;
- (b) directly or indirectly acquire goods to which this paragraph applies which originate in the DPRK;
- (c) directly or indirectly acquire goods to which this paragraph applies which are located in the DPRK.

(2) Paragraph (1) applies to—

- (a) coal, iron and iron ore;
- (b) copper, nickel, silver and zinc;
- (c) earth and stone;
- (d) food and agricultural products;

- (e) gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals;
 - (f) lead and lead ore;
 - (g) luxury goods;
 - (h) machinery and electrical equipment;
 - (i) petroleum products;
 - (j) seafood;
 - (k) statues;
 - (l) textiles;
 - (m) vessels;
 - (n) wood.
- (3) A person must not—
- (a) directly or indirectly acquire or transfer fishing rights from a person connected with the DPRK; or
 - (b) directly or indirectly acquire or transfer fishing rights which are exercisable in DPRK waters.
- (4) Paragraphs (1) and (3) are subject to Part 9 (Exceptions and licences).
- (5) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) to show that the person did not know and had no reasonable cause to suspect that the goods originated in the DPRK;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) to show that the person did not know and had no reasonable cause to suspect that the goods were located in the DPRK.
- (6) A person who contravenes a prohibition in paragraph (3) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (3)(a) to show that the person did not know and had no reasonable cause to suspect that the person was connected with the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (3)(b) to show that the person did not know and had no reasonable cause to suspect that the fishing rights were exercisable in DPRK waters.
- (7) In this regulation—
- “DPRK waters” means the territorial sea and inland waters of the DPRK;
- “fishing rights” includes any right to—
- (a) catch fish; or
 - (b) harvest molluscs, crustaceans or other aquatic invertebrates.

Bank notes and coinage

51.—(1) The export of bank notes or coinage to or for the benefit of the Central Bank of the DPRK is prohibited.

- (2) A person must not directly or indirectly—

- (a) supply or deliver bank notes or coinage from a third country to or for the benefit of the Central Bank of the DPRK;
- (b) make bank notes or coinage available to or for the benefit of the Central Bank of the DPRK.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (2) commits an offence, but—
 - (a) it is a defence for a person charged with the offence of contravening paragraph (2)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom, or for whose benefit, the bank notes or coinage were supplied or delivered was the Central Bank of the DPRK;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (2)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person to whom or for whose benefit the bank notes or coinage were made available was the Central Bank of the DPRK.
- (5) In this regulation “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Gold, precious metals or diamonds

52.—(1) The export of gold, precious metals or diamonds to a DPRK Government person is prohibited.

(2) The import of gold, precious metals or diamonds consigned from a DPRK Government person is prohibited.

(3) A person must not directly or indirectly—

- (a) supply or deliver gold, precious metals or diamonds from a third country to a DPRK Government person;
- (b) make gold, precious metals or diamonds available to a DPRK Government person;
- (c) supply or deliver gold, precious metals or diamonds from a DPRK Government person to a place in a non-UK country;
- (d) acquire gold, precious metals or diamonds from a DPRK Government person.

(4) Paragraphs (1) to (3) are subject to Part 9 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (3) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

(6) In this regulation—

“non-UK country” means a country that is not the United Kingdom or the Isle of Man;

“third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Technical assistance relating to gold, precious metals or diamonds

53.—(1) A person must not directly or indirectly provide technical assistance relating to gold, precious metals or diamonds to a DPRK Government person.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

Financial services and funds relating to gold, precious metals or diamonds

54.—(1) A person must not directly or indirectly provide financial services to a DPRK Government person in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of gold, precious metals or diamonds,
- (b) the import of gold, precious metals or diamonds,
- (c) the direct or indirect supply or delivery of gold, precious metals or diamonds, or
- (d) directly or indirectly making gold, precious metals or diamonds available to a person.

(2) A person must not directly or indirectly make funds available to a DPRK Government person in pursuance of or in connection with an arrangement mentioned in paragraph (1).

(3) A person must not directly or indirectly provide financial services or funds in pursuance of or in connection with an arrangement whose object or effect is—

- (a) the export of gold, precious metals or diamonds to a DPRK Government person,
- (b) the import of gold, precious metals or diamonds consigned from a DPRK Government person,
- (c) the direct or indirect supply or delivery of gold, precious metals or diamonds to a DPRK Government person or from a DPRK Government person,
- (d) directly or indirectly making gold, precious metals or diamonds available to a DPRK Government person, or
- (e) the direct or indirect acquisition of gold, precious metals or diamonds from a DPRK Government person.

(4) Paragraphs (1), (2) and (3) are subject to Part 9 (Exceptions and licences).

(5) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but it is a defence for a person charged with an offence of contravening either of those paragraphs (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.

(6) A person who contravenes the prohibition in paragraph (3) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the financial services or funds (as the case may be) were provided in pursuance of or in connection with an arrangement mentioned in that paragraph.

Brokering services: non-UK activity relating to gold, precious metals or diamonds

55.—(1) A person must not directly or indirectly provide brokering services to a DPRK Government person in relation to an arrangement (“arrangement A”) whose object or effect is—

- (a) the direct or indirect supply or delivery of gold, precious metals or diamonds from a non-UK country to a different non-UK country,
- (b) directly or indirectly making gold, precious metals or diamonds available in a non-UK country for supply or delivery to a different non-UK country,
- (c) the direct or indirect acquisition, in a non-UK country, of gold, precious metals or diamonds, for supply or delivery to a different non-UK country,
- (d) the direct or indirect procurement from a non-UK country of technical assistance relating to gold, precious metals or diamonds,
- (e) the direct or indirect procurement of financial services from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 54(1), or

- (f) the direct or indirect provision of funds from a non-UK country, where arrangement A, or any other arrangement in connection with which arrangement A is entered into, is an arrangement mentioned in regulation 54(1).
- (2) A person must not directly or indirectly provide brokering services in relation to an arrangement (“arrangement A”) whose object or effect is—
- (a) the direct or indirect supply or delivery of gold, precious metals or diamonds from a third country to a DPRK Government person,
 - (b) the direct or indirect supply or delivery of gold, precious metals or diamonds from a DPRK Government person to a place in a third country,
 - (c) directly or indirectly making gold, precious metals or diamonds available in a third country for direct or indirect supply or delivery to a DPRK Government person, or
 - (d) the direct or indirect acquisition in a third country of gold, precious metals or diamonds from a DPRK Government person.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a DPRK Government person.
- (5) A person who contravenes a prohibition in paragraph (2) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the brokering services were provided in relation to an arrangement mentioned in that paragraph.
- (6) In this regulation—
- “non-UK country” means—
- (a) for the purposes of paragraph (1)(a), (b) and (c), a country that is not the United Kingdom or the Isle of Man,
 - (b) for the purposes of any other provision of this regulation, a country that is not the United Kingdom;
- “third country” means a country that is not the United Kingdom, the Isle of Man or the DPRK.

Mining, manufacturing and computer services

- 56.**—(1) A person must not directly or indirectly provide—
- (a) services incidental to mining to a person connected with the DPRK;
 - (b) services incidental to mining where the mining is carried on in the DPRK;
 - (c) services incidental to manufacturing in the chemical, mining and refining industry to a person connected with the DPRK;
 - (d) services incidental to manufacturing in the chemical, mining and refining industry where the manufacturing is carried on in the DPRK;
 - (e) computer and related services to or for the benefit of a person connected with the DPRK.
- (2) Paragraph (1) is subject to Part 9 (Exceptions and licences).
- (3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—
- (a) it is a defence for a person charged with an offence of contravening paragraph (1)(a), (c) or (e) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK;

- (b) it is a defence for a person charged with an offence of contravening paragraph (1)(b) or (d) to show that the person did not know and had no reasonable cause to suspect that the mining or manufacturing (as the case may be) was carried on in the DPRK.

(4) In this regulation, the following terms are to be read in accordance with Annex XII of Council Regulation (EU) No 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Regulation (EC) No 329/2007, as it has effect immediately before exit day—

“services incidental to mining”;

“services incidental to manufacturing in the chemical, mining and refining industry”;

“computer and related services”.

Financial support for trade

57.—(1) A person must not provide financial services or funds for the purpose of trade with the DPRK.

(2) The prohibition in paragraph (1) does not apply to any provision of financial services or funds prohibited by Chapter 1 of this Part or in any other regulation in this Chapter.

(3) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(4) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the financial services or funds provided (as the case may be) were for the purpose of trade with the DPRK.

CHAPTER 3

Services relating to ships and aircraft

Leasing or chartering of ships and aircraft

58.—(1) A person must not lease or charter a ship or an aircraft to—

(a) a designated person,

(b) a person acting on behalf of or at the direction of a designated person,

(c) a person, other than an individual, which is owned or controlled directly or indirectly (within the meaning of regulation 7) by a designated person, or

(d) a person connected with the DPRK.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but—

(a) it is a defence for a person charged with the offence of contravening paragraph (1)(a), (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a designated person;

(b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was acting on behalf of or at the direction of a designated person;

(c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was owned or controlled by a designated person;

- (d) it is a defence for a person charged with the offence of contravening paragraph (1)(d) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK.
- (4) In this regulation a “designated person” means—
 - (a) a person who is designated under regulation 5 for the purposes of this regulation and regulation 59 (crew services), or
 - (b) a person who is a designated person for the purposes of this regulation and regulation 59 by reason of regulation 10.

Crew services for ships and aircraft

- 59.**—(1) A person must not provide crew services to—
- (a) a designated person,
 - (b) a person acting on behalf of or at the direction of a designated person,
 - (c) a person, other than an individual, which is owned or controlled directly or indirectly (within the meaning of regulation 7) by a designated person, or
 - (d) a person connected with the DPRK.
- (2) A person must not procure crew services from a person connected with the DPRK.
- (3) Paragraphs (1) and (2) are subject to Part 9 (Exceptions and licences).
- (4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence, but—
- (a) it is a defence for a person charged with the offence of contravening paragraph (1)(a) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was a designated person;
 - (b) it is a defence for a person charged with the offence of contravening paragraph (1)(b) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was acting on behalf of or at the direction of a designated person;
 - (c) it is a defence for a person charged with the offence of contravening paragraph (1)(c) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was owned or controlled by a designated person;
 - (d) it is a defence for a person charged with the offence of contravening paragraph (1)(b) or (2) (“P”) to show that P did not know and had no reasonable cause to suspect that the person was connected with the DPRK.
- (5) In this regulation “crew services” means services associated with the manning of a ship or aircraft or the provision of a crew or members of a crew for a ship or aircraft.
- (6) In this regulation a “designated person” means—
- (a) a person who is designated under regulation 5 for the purposes of regulation 58 (leasing or chartering of ships and aircraft) and this regulation, or
 - (b) a person who is a designated person for the purposes of regulation 58 and this regulation by reason of regulation 10.

Ship classification services

- 60.**—(1) A person must not provide classification services relating to —
- (a) a specified ship,
 - (b) a ship registered in the DPRK, or
 - (c) a ship flying the flag of the DPRK.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes a prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know, and had no reasonable cause to suspect, that the ship was a specified ship, a ship registered in the DPRK or (as the case may be) a ship flying the flag of the DPRK.

(4) In this regulation—

“classification services” means any services supplied for or in connection with the classification or certification of a ship, including—

- (a) the production and application of classification rules or technical specification concerning the design, construction, equipment or maintenance of ships and shipboard management systems;
- (b) surveys and inspections in accordance with classification rules and procedures;
- (c) the assignment of a class notation;
- (d) the delivery, endorsement or renewal of certificates of compliance with classification rules or specifications;

“specified ship” means a ship specified by the Secretary of State under regulation 11(1) or (2).

Ship supply services

61.—(1) A person must not provide bunkering or ship supply services relating to a specified ship.

(2) Paragraph (1) is subject to Part 9 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence but it is a defence for a person charged with that offence to show that the person did not know, and had no reasonable cause to suspect, that the ship was a specified ship.

(4) In this regulation—

“bunkering or ship supply services” includes—

- (a) the supply of goods for use in a ship including fuel and spare parts, whether or not for immediate use; and
- (b) any other servicing of a ship;

“specified ship” means a ship specified by the Secretary of State under regulation 11(1) or (2).

CHAPTER 4

Interpretation and further provision

Circumventing etc. prohibitions

62.—(1) A person must not intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly—

- (a) to circumvent any of the prohibitions in Chapter 1, 2 or 3 of this Part, or
- (b) to enable or facilitate the contravention of any such prohibition.

(2) A person who contravenes a prohibition in paragraph (1) commits an offence.

Defences

63.—(1) Paragraph (2) applies where a person relies on a defence under Chapter 1, 2 or 3 of this Part.

(2) If evidence is adduced which is sufficient to raise an issue with respect to the defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

Interpretation of Part 6

64.—(1) In this Part—

“aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities.

“aviation fuel” means any thing listed in Annex III of Regulation 2017/1509;

“bank notes or coinage” means newly printed or unissued DPRK-denominated bank notes or minted coinage;

“coal, iron and iron ore” means any thing listed in Annex V of Regulation 2017/1509;

“condensates and natural gas liquids” means any thing listed in Annex XIc of Regulation 2017/1509;

“copper, nickel, silver and zinc” means any thing listed in Annex VII of Regulation 2017/1509;

“crude oil” means any thing listed in Annex XIe of Regulation 2017/1509;

“DPRK Government person” means—

- (a) the Government of the DPRK or any member of that Government,
- (b) the Central Bank of the DPRK,
- (c) a person acting on behalf of or at the direction of a person falling within paragraph (a) or (b), or
- (d) a person, other than an individual, which is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person falling within paragraph (a) or (b);

“dual-use goods” means—

- (a) any thing for the time being specified in Annex I of the Dual-Use Regulation, other than any thing which is dual-use technology, and
- (b) any tangible storage medium on which dual-use technology is recorded or from which it can be derived;

“dual-use technology” means any thing for the time being specified in Annex I of the Dual-Use Regulation which is described as software or technology;

“earth and stone” means any thing listed in Annex XIIi of Regulation 2017/1509;

“food and agricultural products” means any thing listed in Annex XIg of Regulation 2017/1509;

“gold ores and concentrates, titanium ore, vanadium ore and rare-earth minerals” means any thing listed in Annex IV of Regulation 2017/1509;

“gold, precious metals or diamonds” means any thing listed in Annex IX of Regulation 2017/1509;

“helicopters and vessels” means any thing listed in Annex XI of Regulation 2017/1509;

“industrial machinery, vehicles, iron, steel and other metals” means any thing listed in Part A of Annex XII of Regulation 2017/1509;

“lead and lead ore” means any thing listed in Annex XIb of Regulation 2017/1509;

“luxury goods” means any thing listed in Annex VIII of Regulation 2017/1509;

“machinery and electrical equipment” means any thing listed in Annex XIIh of Regulation 2017/1509;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008(2), other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;

“other arms- and WMD-related goods” means—

- (a) any thing specified in an other arms- and WMD-related list, other than any thing which is other arms- and WMD-related technology, and
- (b) any tangible storage medium on which other arms- and WMD-related technology is recorded or from which it can be derived;

“other arms- and WMD-related list” means—

- (a) Schedule 2 to these Regulations,
- (b) any of the following, as amended from time to time—
 - (i) Annex III of resolution 2321,
 - (ii) the Annex of S/2016/308 (list approved by the Committee pursuant to paragraph 25 of resolution 2270),
 - (iii) the Annex of S/2017/728 (list approved by the Committee pursuant to paragraph 4 of resolution 2371),
 - (iv) the Annex of S/2017/760 (list approved by the Committee pursuant to paragraph 5 of resolution 2371),
 - (v) the Annex of S/2017/822 (list approved by the Committee pursuant to paragraph 4 of resolution 2375),
 - (vi) the Annex of S/2017/829 (list approved by the Committee pursuant to paragraph 5 of resolution 2375), and
- (c) any other list approved by the Committee from time to time pursuant to a paragraph of a UN Security Council Resolution mentioned in any of sub-paragraphs (ii) to (vi) of paragraph (b);

“other arms- and WMD-related technology” means any thing specified in an other arms- and WMD-related list which is described as software or technology (but see paragraph (2));

“petroleum products” means any thing listed in Annex VI of Regulation 2017/1509;

“refined petroleum products” means any thing listed in Annex XIId of Regulation 2017/1509;

“Regulation 2017/1509” means Council Regulation (EU) No 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Regulation (EC) No 329/2007, as it has effect immediately before exit day;

“restricted goods” means—

- (a) military goods,
- (b) dual-use goods, and
- (c) other arms- and WMD-related goods;

“restricted technology” means—

(2) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697 and S.I. 2018/165. There are other instruments which amend other parts of the Order.

- (a) military technology,
 - (b) dual-use technology, and
 - (c) other arms- and WMD-related technology;
- “seafood” means any thing listed in Annex XIa of Regulation 2017/1509;
- “ship” includes every description of vessel (including a hovercraft) used in navigation;
- “statues” means any thing listed in Annex X of Regulation 2017/1509;
- “technical assistance”, in relation to goods or technology, means—
- (a) technical support relating to the repair, development, production, assembly, testing, use or maintenance of the goods or technology, or
 - (b) any other technical service relating to the goods or technology;
- “technology” has the meaning given in paragraph 37 of Schedule 1 to the Act;
- “textiles” means any thing listed in Annex XIc of Regulation 2017/1509;
- “transfer” has the meaning given in paragraph 37 of Schedule 1 to the Act;
- “vessels” means any thing listed in Annex XIk of Regulation 2017/1509;
- “wood” means any thing listed in Annex XIj of Regulation 2017/1509.
- (2) The definition of “other arms- and WMD-related technology” does not include technology which is—
- (a) in the public domain;
 - (b) basic scientific research;
 - (c) the minimum necessary information for patent applications;
 - (d) the minimum necessary for the installation, operation, maintenance and repair of any goods which are not prohibited goods.
- (3) In paragraph (2)—
- (a) “prohibited goods” means goods dealt with in contravention of a prohibition—
 - (i) in any of regulations 35 to 38 (trade sanctions relating to restricted goods),
 - (ii) in any of regulations 43 to 52 (trade sanctions relating to goods other than restricted goods), or
 - (iii) imposed by a condition of a trade licence in relation to a prohibition mentioned in paragraph (i) or (ii).
 - (b) the following terms have the meaning given to them in the Dual-Use Regulation—
 - “basic scientific research”;
 - “in the public domain”.
- (4) For the purposes of regulations 42 and 55 (brokering services: non-UK activity relating to restricted goods, restricted technology, gold, precious metals or diamonds), the definition of “country” in section 62(1) of the Act does not apply.
- (5) Paragraphs 32 to 36 of Schedule 1 to the Act (trade sanctions) apply for the purpose of interpreting expressions in this Part.
- (6) In this Part any reference to the United Kingdom includes a reference to the territorial sea.