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STATUTORY INSTRUMENTS

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**2019 No. 411**

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

PART 7

Aircraft

**Movement of aircraft**

**65.**—(1) A DPRK aircraft must not, otherwise than for the purposes of operations in respect of which a permission is required under article 250 or 252 of the ANO—

- (a) overfly the United Kingdom, or
- (b) land in the United Kingdom.

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

(3) The Secretary of State may direct the CAA to—

- (a) refuse permission under article 250 of the ANO in respect of a DPRK aircraft;
- (b) refuse permission under article 252 of the ANO in respect of a DPRK aircraft;
- (c) revoke any permission granted under article 250 of the ANO in respect of a DPRK aircraft;
- (d) revoke any permission granted under article 252 of the ANO in respect of a DPRK aircraft.

(4) Air traffic control may direct the operator or pilot in command of a DPRK aircraft—

- (a) not to enter the airspace over the United Kingdom;
- (b) to leave the airspace over the United Kingdom by a specified route.

(5) The Secretary of State may direct air traffic control to give a direction under paragraph (4).

(6) An airport operator may direct the operator or pilot in command of a DPRK aircraft—

- (a) not to take off, or not to permit the aircraft to take off, from an airport;
- (b) to take off, or to require the aircraft to take off, from an airport;
- (c) not to land, or not to permit the aircraft to land, at an airport.

(7) The Secretary of State may direct an airport operator to give a direction under paragraph (6).

(8) An airport operator giving a direction under paragraph (6)(a) must take such steps as are reasonably practicable to detain the aircraft.

(9) The Secretary of State may direct an airport operator to secure the detention of a DPRK aircraft at an airport.

(10) The Secretary of State may direct an airport operator to secure the movement of a DPRK aircraft to a specified airport.

**Directions under regulation 65: supplementary**

66.—(1) Where a direction is given under regulation 65(3)(c) or (d)—

- (a) to the extent that the direction conflicts with the requirements of article 255 of the ANO (revocation etc. of permissions), those requirements are to be disregarded, and
- (b) article 255(4) of the ANO does not apply in relation to the revocation which is the subject of the direction.

(2) Where a direction is given under regulation 65 which conflicts with a permission under article 250 or 252 of the ANO, the permission is to be disregarded.

(3) In so far as a direction under regulation 65 conflicts with the requirements of section 93 of the Transport Act 2000(1) or of an order under section 94 of that Act, the direction is to be disregarded.

(4) In so far as a direction under regulation 65 conflicts with the requirements of an enactment other than section 93 of the Transport Act 2000 or an order under section 94 of that Act, the requirements are to be disregarded.

(5) The Secretary of State may notify a person that the existence, any part of the content of a direction under regulation 65, or anything done under the direction, is to be treated as confidential.

(6) A person must not disclose any information if the Secretary of State notifies that person under paragraph (5) that the information is to be treated as confidential.

**Offences**

67.—(1) If a prohibition in regulation 65(1) is contravened by the flight or landing of a DPRK aircraft, the operator and pilot in command of the aircraft commit an offence.

(2) It is an offence for an airport operator to fail, without reasonable excuse, to comply with a direction given by the Secretary of State under regulation 65(7), (9) or (10).

(3) It is an offence for a person to whom a direction is given under regulation 65(4) (direction by air traffic control to operator or pilot of DPRK aircraft) to fail to comply with the direction.

(4) It is an offence for a person to whom a direction is given under regulation 65(6) (direction by airport operator to operator or pilot of DPRK aircraft) to fail to comply with the direction.

(5) A person who contravenes the prohibition in regulation 66(6) (disclosure of direction) commits an offence.

**Interpretation of Part 7**

68.—(1) In this Part—

“air traffic control” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);

“the ANO” means the Air Navigation Order 2016(2);

“beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;

“DPRK aircraft” means an aircraft—

- (a) owned, chartered or operated by a person connected with the DPRK,
- (b) registered in the DPRK, or
- (c) originating from the DPRK;

(1) 2000 c.38.

(2) S.I. 2016/765, as amended by S.I. 2017/1112, S.I. 2018/623, .

“specified” means specified in a direction under regulation 65.

(2) For the purposes of paragraph (a) of the definition of “DPRK aircraft”, an aircraft is “owned” by a person if—

(a) the legal title to the aircraft, or to any share in the aircraft, is vested in the person, or

(b) the person has a beneficial interest in the aircraft or in any share in the aircraft,

and the reference to a legal title or other interest includes one held jointly with any other person or persons.

(3) Any expression used in this Part and in section 6 of the Act (aircraft sanctions) has the same meaning in this Part as it has in that section.