

**EXPLANATORY MEMORANDUM TO
THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (SANCTIONS)
(OVERSEAS TERRITORIES) ORDER 2012**

2012 No. 3066

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

This Order gives effect in specified Overseas Territories to sanctions against the Democratic People’s Republic of Korea (DPRK), consisting of: an arms embargo; a nuclear, ballistic missiles and weapons of mass destruction programmes-related embargo; a ban on the export of luxury goods to the DPRK and the provision of supply services to DPRK ships; and financial measures against designated individuals and entities, as provided for in United Nations Security Council resolutions (UNSCR) 1718 (2006) and 1874 (2009). This Order reflects implementation by the European Union in Council Decision 2010/800 CFSP (as amended) and Council Regulation 329/2007 (as amended). The Order revokes and replaces the previous implementing measures in the North Korea (United Nations Sanctions) (Overseas Territories) Order 2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

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.

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 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. Territorial Extent and Application

This Order applies to the following territories: 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. Bermuda legislates independently to impose restrictive measures. These measures are implemented in Gibraltar by Council Regulation (EU) No 667/2010 and local legislation.

6. European Convention on Human Rights

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

7. Policy background

7.1 The United Nations Security Council has determined that the DPRK's nuclear and missile activities have increased tension in the region and beyond and constitute a clear threat to international peace and security. The Security Council (in UNSCR 1718 (2006)) introduced: an arms embargo; a nuclear, ballistic missiles and weapons of mass destruction programmes-related embargo; and a ban on the export of luxury

goods to the DPRK. The resolution also introduced an asset freeze and travel ban against individuals designated by the Sanctions Committee or the Security Council.

7.2 UNSCR 1874 (2009) broadened the scope of the embargo and prohibited the provision of supply services (such as oil bunkering) to DPRK ships.

8. Consultation

The Overseas Territories to which the Order applies were consulted about the Order.

9. Guidance

Guidance may be sought from the contact below.

10. Impact

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

10.2 There is no impact on the public sector in the United Kingdom.

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

11. Regulating small business

The legislation does not apply to small business in the United Kingdom.

12. Monitoring and Review

12.1 UN sanctions are monitored and reviewed by the UN Security Council, and by a Sanctions Committee and a Group of Experts.

12.2 If the UN sanctions are suspended or lifted by the Security Council, this Order will be reviewed and suspended or revoked as necessary.

13. Contact

Andrew Murdoch at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 1692. E-mail: andrew.murdoch@fco.gov.uk.