
STATUTORY INSTRUMENTS

2016 No. 630

**The Democratic People's Republic of Korea (Sanctions)
(Overseas Territories) (Amendment) Order 2016**

Amendment of the principal Order

5. For article 7 substitute—

“Offences related to the movement of restricted goods, luxury goods, aviation fuel, coal, iron and iron ore, and gold and ores

7.—(1) It is an offence for a person to knowingly sell, supply, transfer or export (directly or indirectly) restricted goods—

- (a) to any person in North Korea; or
- (b) for use in North Korea.

(2) It is an offence for a person to knowingly sell, supply or transfer or export (directly or indirectly) luxury goods or aviation fuel—

- (a) to any person in North Korea; or
- (b) for use in North Korea.

(3) It is an offence for a person to knowingly obtain restricted goods, coal, iron and iron ore, or gold and ores from North Korea, regardless of whether the goods originated in North Korea.

(4) It is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (7) for the carriage of restricted goods, coal, iron and iron ore, gold and ores, luxury goods or aviation fuel if the carriage is, or forms part of, carriage from any place outside North Korea to any destination in North Korea.

(5) It is an offence for a relevant person to knowingly use a ship, aircraft or vehicle falling within paragraph (7) for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place in North Korea to any destination outside North Korea.

(6) Paragraphs (2) and (4) do not apply in relation to the sale or supply of aviation fuel to civilian passenger aircraft outside North Korea exclusively for consumption during its flight to North Korea and its return to the airport of origin.

(7) The following fall within this paragraph—

- (a) a ship, aircraft or vehicle within the Territory;
- (b) a ship or aircraft registered in the Territory; or
- (c) any other ship or aircraft that is for the time being chartered to a person mentioned in article 2(1)(a) or (b).

(8) Paragraphs (4) and (5) are without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

(9) Schedule 2 (which contains provision about customs powers and investigations in relation to offences under this article and article 7A) has effect.

(10) This article is subject to articles 11 and 12.

Providing, obtaining or carrying goods destined for North Korea’s armed forces

7A.—(1) It is an offence for a person (“P”) to knowingly sell, supply, transfer or export (directly or indirectly) to North Korea goods, except food or medicine, which P knows or has reasonable cause to suspect—

- (a) are destined directly or indirectly for North Korea’s armed forces; or
- (b) could support or enhance the operational capabilities of the armed forces of a State other than North Korea.

(2) It is an offence for a person (“P”) to knowingly obtain goods from North Korea, except food or medicine, which P knows or has reasonable cause to suspect—

- (a) are destined directly or indirectly for North Korea’s armed forces; or
- (b) could support or enhance the operational capabilities of the armed forces of a State other than North Korea.

(3) It is an offence for a relevant person (“P”) to knowingly use a ship, aircraft or vehicle falling within article 7(7) for the carriage of goods, except food or medicine, if—

- (a) the carriage is, or forms part of, carriage—
 - (i) from any place outside North Korea to any destination in North Korea, or
 - (ii) from any place in North Korea to any destination outside North Korea; and
- (b) P knows or has reasonable cause to suspect that—
 - (i) the goods are destined directly or indirectly for North Korea’s armed forces,
or
 - (ii) the goods could support or enhance the operational capabilities of the armed forces of a State other than North Korea.

(4) Paragraph (3) is without prejudice to any other provision of law prohibiting or restricting the use of ships, aircraft or vehicles.

(5) This article is subject to articles 11 and 12.”.