

EXPLANATORY MEMORANDUM TO
THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (SANCTIONS)
(OVERSEAS TERRITORIES) (AMENDMENT) (No. 3) ORDER 2017

2017 No. 1108

1. Introduction

1.1 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

2.1 This Order gives appropriate effect in specified Overseas Territories to additional sanctions measures adopted by the United Nations Security Council in resolution 2371 (2017) on 5 August 2017 and implemented where appropriate by the European Union in Council Decision (CFSP) 2017/1562 of 14 September 2017 (amending Council Decision 2016/849/CFSP) and Council Regulation 2017/1548 of 14 September 2017 (amending Council Regulation (EC) No 329/2007). These UN sanctions are given effect in specified Overseas Territories in the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/3066) (“the principal Order”). This Order amends the principal Order.

3. Matters of interest to the House of Commons

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 There are no matters of special interest to the JCSI.

Other matters of interest to the House of Commons

3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

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 (in the absence of statutory powers).

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 1946 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. Extent and Territorial Application

- 5.1 The extent of this instrument is: 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 (“the Territories”).
- 5.2 The application of this instrument is the Territories and:
- (a) any person elsewhere who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person and is ordinarily resident in a Territory;
 - (b) a body incorporated or constituted under the law of a Territory; and
 - (c) any person onboard a ship or aircraft that is registered in a Territory.

6. European Convention on Human Rights

- 6.1 As the instrument is not subject to parliamentary procedure, no statement is required.

7. Policy background

- 7.1 In response to the ballistic missile tests by DPRK on 3 and 28 July 2017, which were serious violations of a number of previous UNSCRs, the UNSC imposed further sanctions on DPRK on 5 August in UNSCR 2371 2017.
- 7.2 UNSCR 2371 includes restrictions on the import from DPRK of seafood, lead and lead ore, restrictions on the clearing of funds from DPRK, an amendment to existing restrictions on the import of coal from DPRK, and amendments to the licensable activities to include those relating to port access for humanitarian purposes or other purposes associated with previous UNSCRs, and the establishing of joint ventures or ownership interests in certain DPRK natural or legal persons.
- 7.3 This Order gives effect to these new sanctions measures in the Overseas Territories.

8. Consultation outcome

- 8.1 The Overseas Territories have been consulted on the Order in draft.

9. Guidance

- 9.1 No guidance will be issued.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies in the United Kingdom.
- 10.2 There is no impact on the public sector in the United Kingdom.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

12. Monitoring & review

- 12.1 United Nations sanctions are monitored and reviewed by the United Nations Security Council, and European Union measures are monitored and reviewed by the Member States of the European Union. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the United Nations and European Union.

13. Contact

- 13.1 Molly Mulready-Jones at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 3016. Email: molly.mulready-jones@fco.gov.uk