

2017 No. 319

UNITED NATIONS

**The North Korea (United Nations Sanctions) (Amendment)
Order 2017**

Made - - - - - *8th March 2017*

Laid before Parliament *15th March 2017*

Coming into force - - - *5th April 2017*

At the Court at Buckingham Palace, the 8th day of March 2017

Present,

The Queen's Most Excellent Majesty in Council

Under article 41 of the Charter of the United Nations, the Security Council of the United Nations has, by resolution 2321 adopted on 30th November 2016, called upon Her Majesty's Government in the United Kingdom to apply certain measures to give effect to decisions of the Council in relation to the Democratic People's Republic of Korea (North Korea):

Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the North Korea (United Nations Sanctions) (Amendment) Order 2017 and comes into force on 5th April 2017.

(2) In this Order, “the principal Order” means the North Korea (United Nations Sanctions) Order 2009(b).

(3) This Order extends to the United Kingdom.

Amendment of the principal Order

2. The principal Order is amended in accordance with articles 3 to 7.

3. In article 2(c), insert in the appropriate places—

““the Committee” means the Committee of the United Nations Security Council established under paragraph 12 of United Nations Security Council resolution 1718 adopted on 14th October 2006(d);”

(a) 1946 c.45.

(b) S.I. 2009/1749.

(c) As amended by S.I. 2009/3213, S.I. 2015/2014 and S.I. 2016/1119.

(d) S/RES/1718 (2006).

““copper, nickel, silver and zinc” means items listed in Annex I^h to the Council Regulation;”,

““designated vessel” means a vessel designated by the Committee pursuant to paragraph 12 of United Nations Security Council resolution 2321 adopted on 30th November 2016^(a);”,

““helicopters and vessels” means items listed in Annex III^b to the Council Regulation;”,
, and

““statues” means items listed in Annex III^a to the Council Regulation;”.

4. For article 3(3)(b), substitute—

“(3) The goods to which this article applies are—

- (a) military goods;
- (b) WMD goods;
- (c) luxury goods;
- (d) aviation fuel;
- (e) helicopters and vessels;
- (f) coal, iron and iron ore;
- (g) copper, nickel, silver and zinc;
- (h) statues; and
- (f) any other goods, excluding food and medicine, which the relevant person has been informed by the Secretary of State could contribute to the development of the operational capabilities of armed forces of North Korea.”.

5. For article 5(2)(c), substitute—

“(2) The goods to which this article applies are—

- (a) military goods;
- (b) WMD goods;
- (c) coal, iron and iron ore;
- (d) gold and ores;
- (e) copper, nickel, silver and zinc;
- (f) statues; and
- (g) any other goods, excluding food and medicine, which the relevant person has been informed by the Secretary of State could contribute to the development of the operational capabilities of armed forces of North Korea.”.

6. In article 6C(d), after paragraph (2), insert—

“(3) Except under the authority of a licence granted by the Secretary of State under this article, it is an offence for a person (“P”) to provide access to a port in the United Kingdom to any vessel that P knows or has reasonable cause to suspect is a designated vessel which the Committee has required to be prohibited from entering the ports of United Nations Member States.

(4) Paragraph (3) does not apply if—

- (a) access to a port is needed by the vessel in a case of emergency; or
- (b) the vessel is returning to its port of origin.

(a) S/RES/2321 (2016).

(b) As inserted by S.I. 2016/1119.

(c) As inserted by S.I. 2016/1119.

(d) As inserted by S.I. 2016/1119.

(5) When so required by the Committee, the Secretary of State may de-flag a United Kingdom flagged designated vessel.

(6) When so required by the Committee, the Secretary of State may direct the master of a United Kingdom flagged designated vessel to take that vessel to a port identified by the Committee, such direction to be given in co-ordination with the port State.

(7) A person (“P”) commits an offence if P fails to comply with a direction given by the Secretary of State under paragraph (6).”.

7. In article 14(a)—

- (a) in paragraph (1), after “or 6C(1)” insert “or (3)”; and
- (b) in paragraph (4), for “article” substitute “articles 6C(7) or”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 3 to 7 of this Order amend the North Korea (United Nations Sanctions) Order 2009 (S.I. 2009/1749), as amended, giving effect to certain aspects of further United Nations sanctions imposed against North Korea by the United Nations Security Council in resolution 2321, adopted on 30th November 2016.

In particular, this Order amends the offences related to carriage of goods to and from North Korea to broaden the categories of goods to which the offences apply. It also:

- (a) creates a new offence relating to port access for designated vessels where the Committee of the United Nations Security Council established under resolution 1718, adopted on 14th October 2006, requires port access to be denied to those vessels;
- (b) empowers the Secretary of State to de-flag United Kingdom flagged designated vessels, when required to do so by the Committee; and
- (c) empowers the Secretary of State to direct United Kingdom flagged designated vessels to a port identified by the Committee, and creates an offence of failing to comply with such a direction.

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(a) As amended by S.I. 2009/3213 and S.I. 2016/1119.

£4.25

UK2017030139 03/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/319>

ISBN 978-0-11-115585-1



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