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STATUTORY INSTRUMENTS

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**2018 No. 200**

**The Export Control (North Korea Sanctions) Order 2018**

**PART 3**

**Offences**

*Penalties*

**Offences under this Order: Penalties**

**22.**—(1) A person guilty of an offence under a provision of this Order mentioned in paragraph (2) is liable—

- (a) on summary conviction in England and Wales, to a term of imprisonment not exceeding three months or a fine (or both);
- (b) on summary conviction in Scotland, to a term of imprisonment not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to a term of imprisonment not exceeding three months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to a term of imprisonment not exceeding two years or a fine (or both).

(2) The provisions are—

- (a) article 4(7) or (9);
- (b) article 7(3).

(3) A person guilty of an offence under any other provision of this Order is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

(4) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003<sup>(1)</sup> comes into force, the reference in paragraph (3)(a) to 12 months is to be read as a reference to six months.

**Offences under the 1979 Act in connection with the North Korea Regulation: Penalties**

23.—(1) Paragraph (2) applies where a person is guilty of an offence under section 50(2) of the 1979 Act in connection with a DPRK import prohibition.

(2) Where this paragraph applies, the reference to 7 years in section 50(4)(b) of the 1979 Act(2) is to be read as a reference to 10 years.

(3) Paragraph (4) applies where a person is guilty of an offence under section 68(2) of the 1979 Act in connection with a DPRK export prohibition.

(4) Where this paragraph applies, the reference to 7 years in section 68(3)(b) of the 1979 Act(3) is to be read as a reference to 10 years.

(5) Paragraph (6) applies where a person is guilty of an offence under section 170(2) of the 1979 Act in connection with a DPRK export prohibition or a DPRK import prohibition.

(6) Where this paragraph applies, the reference to 7 years in section 170(3)(b) of the 1979 Act(4) is to be read as a reference to 10 years.

(7) In this article—

“DPRK export prohibition” means a prohibition on exportation imposed by any of the following provisions of the North Korea Regulation—

- (a) Article 3(1)(a) or (b);
- (b) Article 5(1);
- (c) Article 10(1)(a);
- (d) Article 11(a);
- (e) Article 12;
- (f) Article 15;
- (g) Article 16c;
- (h) Article 16d;
- (i) Article 16f;

“DPRK import prohibition” means a prohibition on importation imposed by any of the following provisions of the North Korea Regulation—

- (a) Article 3(1)(c), (d), (e), (f) or (g);
- (b) Article 5(2);
- (c) Article 10(1)(b);
- (d) Article 11(b);
- (e) Article 13;
- (f) Article 16a;
- (g) Article 16b;
- (h) Article 16h.

(2) The words “7 years” were inserted in section 50(4)(b) of the Customs and Excise Management Act 1979 by the Finance Act 1988, section 12.

(3) The words “7 years” were inserted in section 68(3)(b) of the Customs and Excise Management Act 1979 by the Finance Act 1988, section 12.

(4) The words “7 years” were inserted in section 170(3)(b) of the Customs and Excise Management Act 1979 by the Finance Act 1988, section 12.