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UNITED NATIONS ACT
(CHAPTER 339)

UNITED NATIONS
(SANCTIONS — DEMOCRATIC PEOPLE’S REPUBLIC OF
KOREA) (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred by section 2(1) of the United Nations Act, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the United Nations (Sanctions — Democratic People’s Republic of Korea) (Amendment) Regulations 2017 and come into operation on 20 October 2017.

Amendment of regulation 2

2. Regulation 2 of the United Nations (Sanctions — Democratic People’s Republic of Korea) Regulations 2010 (G.N. No. S 570/2010) (called in these Regulations the principal Regulations) is amended by deleting the words “and 1874 (2009)” and substituting the words “, 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2371 (2017)”.

Amendment of regulation 4

3. Regulation 4(1) of the principal Regulations is amended —
- (a) by inserting, immediately after the words “(Cap. 272A, Rg 1)” in paragraph (a) of the definition of “designated export item”, the words “, as in force on 20 October 2017,”;
 - (b) by deleting the words “or transiting through Singapore of which is prohibited under regulation 6(2)(d)” in paragraph (b) of the definition of “designated export item” and substituting the words “, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(ii)”;

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- (c) by inserting, immediately after the words “Regulation of Imports and Exports Regulations” in paragraph (a) of the definition of “designated import item”, the words “, as in force on 20 October 2017,”;
- (d) by deleting the words “Singapore of which is prohibited under regulation 6(2)(d)” in paragraph (b) of the definition of “designated import item” and substituting the words “, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(i)”;
- (e) by deleting the definition of “designated luxury item” and substituting the following definition:
- “ “designated luxury item” means any luxury item specified in item (5) in the third column of Part 1 of the Seventh Schedule to the Regulation of Imports and Exports Regulations, as in force on 20 October 2017, in relation to the Democratic People’s Republic of Korea (specified in the first column of that Schedule);”;
- (f) by inserting, immediately after the definition of “Director of Marine”, the following definition:
- “ “economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods or services, including vessels;” and
- (g) by deleting the definition of “UN List” and substituting the following definition:
- “ “UN List” means collectively the lists of individuals or entities identified by the Security Council of the United Nations or the Committee as individuals or entities to whom or which any of the measures specified in paragraph 8(d) of Resolution 1718 (2006) apply, whether by virtue of —
- (a) paragraph 8(d) of Resolution 1718 (2006);
 - (b) paragraph 5(a) of Resolution 2087 (2013);
 - (c) paragraph 8 of Resolution 2094 (2013);
 - (d) paragraph 10 of Resolution 2270 (2016); or

(e) paragraph 3 or 12(d) of Resolution 2321 (2016), and includes any such list as updated from time to time by the Security Council of the United Nations or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.”.

New regulation 5A

4. The principal Regulations are amended by inserting, immediately after regulation 5, the following regulation:

“Prohibition against shipping designated item for purposes of repair, servicing, refurbishing, etc.

5A. A person in Singapore or a citizen of Singapore outside Singapore must not ship, to or from the Democratic People’s Republic of Korea, any designated item for the purpose of repair, servicing, refurbishing, testing, reverse-engineering or marketing, regardless of whether the ownership or control of such designated item is transferred.”.

Deletion and substitution of regulations 7 and 8 and new regulations 8A to 8E

5. Regulations 7 and 8 of the principal Regulations are deleted and the following regulations substituted therefor:

“Prohibition against provision of technical training, advice, services or assistance, etc.

7. A person in Singapore or a citizen of Singapore outside Singapore must not provide technical training, advice, services or assistance relating to —

- (a) the provision, manufacture, maintenance or use of any designated item to any person in the Democratic People’s Republic of Korea or any national of the Democratic People’s Republic of Korea; or
- (b) the shipment of any designated item, to or from the Democratic People’s Republic of Korea, for repair, servicing, refurbishing, testing, reverse-engineering or marketing, regardless of whether the ownership or control of such designated item is transferred.

Prohibition against receipt of technical training, advice, services or assistance, etc.

8. A person in Singapore or a citizen of Singapore outside Singapore must not receive or facilitate the receipt of technical training, advice, services or assistance relating to —

- (a) the provision, manufacture, maintenance or use of any designated item from any person in the Democratic People's Republic of Korea or any national of the Democratic People's Republic of Korea; or
- (b) the shipment of any designated item, to or from the, Democratic People's Republic of Korea, for repair, servicing, refurbishing, testing, reverse-engineering or marketing, regardless of whether the ownership or control of such designated item is transferred.

Prohibition against hosting trainers

8A. A person in Singapore or a citizen of Singapore outside Singapore must not engage in the hosting of trainers, advisors or other officials from the Democratic People's Republic of Korea for the purpose of military, paramilitary or police-related training.

Prohibition against leasing or chartering Singapore ship or aircraft, etc.

8B.—(1) A person in Singapore or a citizen of Singapore outside Singapore must not —

- (a) lease or charter a ship registered as a Singapore ship under the Merchant Shipping Act (Cap. 179) or an aircraft registered in Singapore under the Air Navigation Act (Cap. 6) to any relevant entity or individual; or
- (b) provide crew services in respect of any ship or aircraft to any relevant entity or individual.

(2) In this regulation and regulation 8C, “relevant entity or individual” means —

- (a) the Democratic People's Republic of Korea;
- (b) any person in, or who is a national of, the Democratic People's Republic of Korea;
- (c) any designated person;
- (d) any other entity or individual who has assisted in the commission of any offence under paragraph (1) or regulation 5, 5A, 6, 7, 8, 8A, 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1) or 12A;

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- (e) any entity or individual acting on behalf of or under the direction of any other entity or individual mentioned in sub-paragraphs (a) to (d); or
 - (f) any entity owned or controlled, directly or indirectly, by any entity or individual mentioned in sub-paragraphs (a) to (e).

Prohibition against procuring crew services of ship or aircraft

8C. A person in Singapore or a citizen of Singapore outside Singapore must not procure crew services, in respect of any ship or aircraft, from any relevant entity or individual.

Prohibition against registering vessels in Democratic People's Republic of Korea, etc.

8D. A person in Singapore or a citizen of Singapore outside Singapore must not —

- (a) register any vessel in the Democratic People's Republic of Korea;
- (b) obtain authorisation for a vessel to use the flag of the Democratic People's Republic of Korea;
- (c) own, lease, operate or charter any vessel flagged by the Democratic People's Republic of Korea;
- (d) provide a classification or certification service, or any other related service, in respect of a vessel flagged by the Democratic People's Republic of Korea; or
- (e) provide any insurance or re-insurance services for a vessel flagged by the Democratic People's Republic of Korea, or owned, controlled, or operated, including through illicit means, by the Democratic People's Republic of Korea.

Prohibition against specialised teaching or training

8E.—(1) A person in Singapore or a citizen of Singapore outside Singapore must not provide any specialised teaching or training to any national of the Democratic People's Republic of Korea if the specialised teaching or training relates to disciplines which could contribute to the Democratic People's Republic of Korea's proliferation of sensitive nuclear activities, or to the development of nuclear weapon delivery systems.

(2) The disciplines mentioned in paragraph (1) include advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering.”.

Amendment of regulation 9

6. Regulation 9 of the principal Regulations is amended by deleting the words “any property that is” and substituting the words “any property, funds or other financial assets or economic resources that are”.

New regulation 9A

7. The principal Regulations are amended by inserting, immediately after regulation 9, the following regulation:

“Prohibition against participating in joint ventures, etc.

9A. A person in Singapore or a citizen of Singapore outside Singapore must not participate in any joint venture or any other business arrangement, whether directly or indirectly, with —

- (a) any individual or entity from the Democratic People’s Republic of Korea;
- (b) any entity owned or controlled by an individual or entity mentioned in paragraph (a); or
- (c) any individual or entity who acts on behalf of or under the direction of an individual or entity mentioned in paragraph (a).”.

Deletion and substitution of regulation 12 and new regulation 12A

8. Regulation 12 of the principal Regulations is deleted and the following regulations substituted therefor:

“Prohibition against provision of financial services and other resources contributing to prohibited activity

12.—(1) A person in Singapore or a citizen of Singapore outside Singapore must not, directly or indirectly —

- (a) provide any financial services (including the granting of export credits, guarantees or insurance); or

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- (b) transfer financial assets or resources, or other assets or resources,

that may contribute to any prohibited activity.

(2) In proceedings for an offence under this regulation, it is not necessary for the prosecution to prove that an accused knew or had reason to believe that the provision of financial services, or the transfer or financial assets or resources, or other assets or resources, may contribute to any prohibited activity.

(3) However, it is a defence to the charge for an offence under this regulation for the accused to prove, on a balance of probabilities, that the accused did not know, and could not by the exercise of due diligence have known, that the provision of financial services, or the transfer of financial assets or resources, or other assets or resources, may contribute to any prohibited activity.

(4) In this regulation, “prohibited activity” means —

- (a) any nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs or activities of the Democratic People’s Republic of Korea; or
- (b) any activity that amounts to an offence under paragraph (1) or regulation 5, 5A, 6, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11 or 12A.

Prohibition against provision of financial services and other resources for purposes of trade

12A. A person in Singapore or a citizen of Singapore outside Singapore must not, directly or indirectly —

- (a) provide any financial services (including the granting of export credits, guarantees or insurance); or
- (b) transfer financial assets or resources, or other assets or resources,

to any person in, or who is a national of, the Democratic People’s Republic of Korea for the purposes of trade.”.

Amendment of regulation 13

9. Regulation 13 of the principal Regulations is amended by deleting the words “regulation 5, 6, 7, 8, 9, 10, 11 or 12” and substituting the words “regulation 5, 5A, 6, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1) or 12A”.

New regulation 14A

10. The principal Regulations are amended by inserting, immediately after regulation 14, the following regulation:

“Power to investigate

14A. Any person designated by the Minister for the purposes of this regulation may investigate into any offence under these Regulations and may exercise, when investigating any such offence, all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to arrestable offences.”.

Amendment of regulation 16

11. Regulation 16(1) of the principal Regulations is amended by deleting the words “regulation 5, 6, 7, 8, 9, 10, 11, 12” and substituting the words “regulation 5, 5A, 6, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1), 12A”.

Made on 17 October 2017.

NG HOW YUE
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 15/007/11.2; AG/LEGIS/SL/339/2015/5 Vol. 1]

(To be presented to Parliament under section 2(4) of the United Nations Act).