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UNITED NATIONS ACT (CHAPTER 339)

UNITED NATIONS (SANCTIONS — DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) REGULATIONS 2010

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

Citation and commencement

1. These Regulations may be cited as the United Nations (Sanctions — Democratic People’s Republic of Korea) Regulations 2010 and shall come into operation on 1st November 2010.

Object

2. The object of these Regulations is to assist in giving effect to Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017) of the Security Council of the United Nations.

[S 590/2017 wef 20/10/2017]

[S 393/2018 wef 11/06/2018]

Application

3. These Regulations shall not apply to any financial institution or class of financial institutions to the extent that the financial institution or class of financial institutions is or may be subject to the directions of the Monetary Authority of Singapore under section 27A of the Monetary Authority of Singapore Act (Cap. 186).

Definitions

4.—(1) In these Regulations, unless the context otherwise requires —

“Committee” means the Committee of the Security Council of the United Nations established under paragraph 12 of Resolution 1718 (2006);

“designated export item” means any item, material, equipment, goods or technology —

- (a) falling within the class or description specified in the third column of the Seventh Schedule to the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1), as in force on 14 December 2018, in relation to the Democratic People’s Republic of Korea (specified in the first column of that Schedule); and

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[S 810/2018 wef 14/12/2018]

- (b) the exporting from, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(ii) of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1) in relation to the Democratic People’s Republic of Korea,

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but does not include a designated luxury item;

“designated import item” means any item, material, equipment, goods or technology —

- (a) falling within the class or description specified in the second column of the Seventh Schedule to the Regulation of Imports and Exports Regulations, as in force on 14 December 2018, in relation to the Democratic People’s Republic of Korea (specified in the first column of that Schedule); and

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(b) the importing into, transshipment in, or transit through, Singapore of which is prohibited under regulation 6(2)(c)(i) of the Regulation of Imports and Exports Regulations in relation to the Democratic People's Republic of Korea;

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“designated item” means a designated export item or designated import item;

“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 14 December 2018, in relation to the Democratic People's Republic of Korea (specified in the first column of that Schedule);

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“designated person” means any individual or entity set out in the UN List subject to the conditions set out in paragraph (2);

“Director-General” means the Director-General of Customs appointed under section 4(1) of the Customs Act (Cap. 70);

“Director of Marine” means the Director of Marine appointed under section 4(1) of the Merchant Shipping Act (Cap. 179) and includes the Deputy Director of Marine appointed under that subsection and such other officers appointed under section 4(3) of that Act as the Director of Marine may authorise to carry out any of his duties under these Regulations;

“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;

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“funds” includes cheques, bank deposits and other financial resources;

“officer of customs” has the same meaning as in the Customs Act;

“property” means real or personal property, movable or immovable property, and includes a lease of immovable property as well as a right or an interest in such property;

“Resolution” means a Resolution of the Security Council of the United Nations;

“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/>.

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(2) The conditions referred to in the definition of “designated person” in paragraph (1) are —

(a) where any individual or entity is added to the UN List on or after 1st November 2010, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the UN List;

(b) where any individual or entity is removed from the UN List, the individual or entity ceases to be a designated person with effect from the date of removal from the UN List; and

- (c) where the particulars of any individual or entity in the UN List are modified on or after 1st November 2010, the particulars of the individual or entity are taken to be modified for the purposes of these Regulations with effect from the date immediately following the date of modification in the UN List.

Prohibition against supplying or procuring certain items

5. No person in Singapore and no citizen of Singapore outside Singapore shall —

- (a) supply, sell or transfer, directly or indirectly, any designated export item or designated luxury item to any person in the Democratic People's Republic of Korea, whether or not the item originated in Singapore; or
- (b) procure any designated import item from any person in the Democratic People's Republic of Korea, whether or not the item originated in the Democratic People's Republic of Korea.

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.

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Prohibition against using Singapore ship or aircraft to supply or procure certain items

6. No —

- (a) owner or master of a ship registered as a Singapore ship under the Merchant Shipping Act (Cap. 179); or
- (b) owner or operator of an aircraft registered in Singapore under the Air Navigation Act (Cap. 6),

shall carry, or cause or permit to be carried, on board or on or in any part of the ship or aircraft —

- (i) any designated export item or designated luxury item for supply, sale or transfer to any person in the Democratic People's Republic of Korea; or
- (ii) any designated import item which has been procured from any person in the Democratic People's Republic of Korea.

Prohibition against ship-to-ship transfer

6A. A person in Singapore, a citizen of Singapore outside Singapore, or an owner or master of a ship registered as a Singapore ship under the Merchant Shipping Act (Cap. 179), must not facilitate or engage in any ship-to-ship transfer, to or from a vessel flagged by the Democratic People's Republic of Korea, of anything that is —

- (a) supplied to or by a person in the Democratic People's Republic of Korea;
- (b) sold to or by a person in the Democratic People's Republic of Korea; or
- (c) transferred to or by a person in the Democratic People's Republic of Korea.

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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.

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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.

[S 590/2017 wef 20/10/2017]

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.

[S 590/2017 wef 20/10/2017]

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;
- (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).

[S 590/2017 wef 20/10/2017]

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.

[S 590/2017 wef 20/10/2017]

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;

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- (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 —
- (i) flagged by the Democratic People's Republic of Korea; or
 - (ii) that the person or citizen (as the case may be) has reasonable grounds to believe was or is involved in any activity, or the transport of anything, prohibited by this regulation or regulation 5, 5A, 6, 6A, 7, 8, 8A, 8B(1), 8C, 8E(1), 9, 9A, 10, 11, 12(1), 12A or 13; or
- [S 718/2018 wef 30/10/2018]*
- (e) provide any insurance or re-insurance services for —
- (i) a vessel flagged by the Democratic People's Republic of Korea, or owned, controlled, or operated, including through illicit means, by a person in the Democratic People's Republic of Korea; or
 - (ii) a vessel that the person or citizen (as the case may be) has reasonable grounds to believe was or is involved in any activity, or the transport of anything, prohibited by this regulation or regulation 5, 5A, 6, 6A, 7, 8, 8A, 8B(1), 8C, 8E(1), 9, 9A, 10, 11, 12(1), 12A or 13.

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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.

[S 590/2017 wef 20/10/2017]

Prohibition against dealing with property of designated person

9. No person in Singapore and no citizen of Singapore outside Singapore shall deal, directly or indirectly, in any property, funds or other financial assets or economic resources that are owned or controlled, directly or indirectly, by or on behalf of —

- (a) a designated person;
- (b) any entity owned or controlled by a designated person; or
- (c) any individual or entity who acts on behalf of or under the direction of a designated person,

including funds derived or generated from such property.

[S 590/2017 wef 20/10/2017]

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).

[S 590/2017 wef 20/10/2017]

Prohibition against provision of resources and services for benefit of designated person

10. No person in Singapore and no citizen of Singapore outside Singapore shall make available any funds or other financial assets or economic resources, directly or indirectly, to, or for the benefit of —

- (a) a designated person;
- (b) any entity owned or controlled by a designated person; or
- (c) any individual or entity who acts on behalf of or under the direction of a designated person.

Prohibition against provision of bunkering services

11. No person in Singapore and no citizen of Singapore outside Singapore shall provide bunkering services, supplies or servicing of vessels to any flag vessels of the Democratic People's Republic of Korea if the person has information from the Maritime and Port Authority of Singapore or other information that provides reasonable grounds to believe that the vessel is carrying any designated items or designated luxury goods in contravention of —

- (a) regulation 5 or 6; or
- (b) regulation 6 of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1).

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
- (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.

[S 590/2017 wef 20/10/2017]

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.

[S 590/2017 wef 20/10/2017]

General prohibition

13. No person in Singapore and no citizen of Singapore outside Singapore shall knowingly do anything that —

- (a) causes, assists or promotes; or
- (b) is intended to cause, assist or promote,

any act or thing prohibited by regulation 5, 5A, 6, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1) or 12A.

[S 590/2017 wef 20/10/2017]

Duty to provide information

14.—(1) Every person in Singapore and any citizen of Singapore outside Singapore who —

- (a) has possession, custody or control of any property belonging to a designated person or any entity owned or controlled by a designated person;
- (b) has information about any transaction or proposed transaction in respect of any property belonging to a designated person or any entity owned or controlled by a designated person; or
- (c) has information about any transaction prohibited by regulation 5, 6, 7 or 8,

shall —

- (i) immediately inform the Commissioner of Police or any authorised person of that fact or information; and
- (ii) provide such further information relating to the property, transaction or proposed transaction as the Commissioner of Police or authorised person may require.

(2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under paragraph (1).

(3) In this regulation —

“authorised person” means such person as the Minister may designate for the purposes of this regulation;

“Commissioner of Police” includes —

- (a) any police officer; and
- (b) any person authorised by the Commissioner of Police to act for him for the purposes of this 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.

[S 590/2017 wef 20/10/2017]

Power to seize, inspect, etc., vessels in certain cases

14B.—(1) Any person designated by the Minister for the purposes of this regulation —

- (a) must detain and take control and possession, and inspect any vessel within a port within the meaning of section 2 of the Maritime and Port Authority of Singapore Act (Cap. 170A); and
- (b) may detain and take control and possession, and inspect any vessel that is otherwise within the territorial waters of Singapore (but not a vessel belonging to the naval, military or air forces of any country),

if the person has reasonable grounds to believe that the vessel was or is involved in any activity, or the transport of anything, prohibited by regulation 5, 5A, 6, 6A, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1), 12A or 13.

(2) In addition, any person designated by the Minister for the purposes of this regulation must, in the case of a vessel liable to be detained under paragraph (1)(a) and may, in the case of a vessel liable to be detained under paragraph (1)(b), by order prohibit the owner of any such vessel from doing, or allowing to be done, all or any of the following:

- (a) using, selling, mortgaging, transferring or leasing the vessel;
- (b) exchanging for funds, goods or services, the vessel;
- (c) otherwise dealing with the vessel in any other way that would result in any change in the location, ownership or possession of the vessel;

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- (d) in relation to securities in or funds of that owner which is a corporation, the sole or a substantial asset of which is that vessel —
- (i) using, altering, moving, allowing access to or transferring any of the securities or funds;
 - (ii) dealing with the securities or funds in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination of any of the securities or funds; or
 - (iii) make any other change that would enable use (including portfolio management) of the securities or funds.

(3) Sections 370, 371 and 372 of the Criminal Procedure Code (Cap. 68) relating to the handling of property seized by a police officer apply, with the necessary modifications, to any vessel detained by a person designated under paragraph (1) as if any reference in those sections to a police officer were a reference to the person designated under paragraph (1).

[S 393/2018 wef 11/06/2018]

Power to direct Singapore ship to proceed for inspection

15.—(1) Where any State, having information that provides reasonable grounds to believe that the cargo of a Singapore ship on the high seas contains designated items or designated luxury goods in contravention of regulation 5 or 6, and wishes to inspect that ship, the Director of Marine may —

- (a) consent to that inspection by the appropriate authority of that State if he is satisfied that such reasonable grounds exist; or
 - (b) direct the Singapore ship to proceed to an appropriate and convenient port for inspection by an appropriate authority at that port.
- (2) The owner and master of any Singapore ship which has been directed under paragraph (1)(b) to proceed to a port for inspection

shall each take all reasonable steps to ensure that the ship complies with that direction.

(3) No criminal or civil proceedings shall lie against the Director of Marine in respect of any granting or refusal of consent or direction given in good faith under paragraph (1).

Offences

16.—(1) Any person who contravenes regulation 5, 5A, 6, 6A, 7, 8, 8A, 8B(1), 8C, 8D, 8E(1), 9, 9A, 10, 11, 12(1), 12A, 13, 14(1)(i) or (ii) or 15(2) shall be guilty of an offence.

[S 590/2017 wef 20/10/2017]

[S 393/2018 wef 11/06/2018]

(1A) An owner of any vessel who contravenes an order of a person designated under regulation 14B(1) shall be guilty of an offence.

[S 393/2018 wef 11/06/2018]

(2) It shall be a defence for a person charged with an offence in respect of a contravention of regulation 14(1)(i) or (ii) to prove that he had a reasonable excuse for such contravention.

Forfeiture

17.—(1) A court may, on the application of the Attorney-General, order that anything which has been proven to the court's satisfaction on a balance of probabilities to be a designated item or designated luxury item that is —

- (a) the subject of a contravention of regulation 5 or carried on board any aircraft or ship in contravention of regulation 6;
or
- (b) the subject of a contravention of regulation 6 of the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1),

shall be forfeited to the Government, and either destroyed or otherwise dealt with in such manner as the court may order.

(2) In particular, the court may order —

- (a) in the case of anything seized by an officer of customs, that the thing be dealt with as the Director-General thinks fit,

and in such a case the Director-General may direct that it be destroyed or otherwise dealt with; or

(b) in any other case, that the thing be dealt with as the Commissioner of Police thinks fit, and in such a case the Commissioner of Police may direct that it be destroyed or otherwise dealt with.

(3) The court may require notice to be given to any person who, in the opinion of the court, appears to have an interest in the property to be forfeited.

(4) Where —

(a) the court proposes to order any property to be forfeited under this section; and

(b) a person claiming to have an interest in the property has applied to be heard by the court,

the court shall not order the property to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.

(5) The court may make an order of forfeiture notwithstanding that no person has been charged with or convicted of an offence of contravening regulation 5 or 6 of these Regulations or regulation 6 of the Regulation of Imports and Exports Regulations in relation to the property to be forfeited.

Exemption

18.—(1) The Minister or a person designated by the Minister may, if he considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the United Nations Security Council under paragraph 9 of Resolution 1718 (2006), by notice in writing exempt, subject to such conditions as he may specify —

(a) any person or class of persons; or

(b) any activity or class of activities,

from regulation 9 or 10 or both.

(2) The Minister or a person designated by the Minister may, if he considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the United Nations Security Council under paragraph 17 of Resolution 1874 (2009), by notice in writing exempt, subject to such conditions as he may specify —

(a) any person or class of persons; or

(b) the provision of any supplies or service,

from regulation 11.

Made this 29th day of September 2010.

PANG KIN KEONG
Permanent Secretary,
Ministry of Law,
Singapore.

[LAW 15/007/11.2 V 3; AG/LLRD/SL/339/2005/1 Vol. 3]

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