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UNITED NATIONS ACT
(CHAPTER 339)

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

ARRANGEMENT OF REGULATIONS

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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) and 1874 (2009) of the Security Council of the United Nations.

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) in relation to the Democratic People’s Republic of Korea (specified in the first column of that Schedule); and

(b) the exporting from or transiting through Singapore of which is prohibited under regulation 6(2)(d) of

the Regulation of Imports and Exports Regulations (Cap. 272A, Rg 1) in relation to the Democratic People's Republic of Korea,

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 in relation to the Democratic People's Republic of Korea (specified in the first column of that Schedule); and

(b) the importing into Singapore of which is prohibited under regulation 6(2)(d) of the Regulation of Imports and Exports Regulations in relation to the Democratic People's Republic of Korea;

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

“designated luxury item” means any luxury item specified in the third column of the Seventh Schedule to the Regulation of Imports and Exports Regulations, the exporting from or transiting through Singapore of which is prohibited under regulation 6(2)(d) of those Regulations in relation to the Democratic People's Republic of Korea;

“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;

“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 apply the measures referred to in paragraph 8(d) of Resolution 1718 (2006), and includes any such list as updated from time to time by the Security Council or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.

(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

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- (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 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 provision of technical training, advice, services or assistance

7. No person in Singapore and no citizen of Singapore outside Singapore shall provide technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of any designated item to any person in the Democratic People's Republic of Korea or any citizen of the Democratic People's Republic of Korea.

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

8. No person in Singapore and no citizen of Singapore outside Singapore shall receive or facilitate the receipt of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of any designated item from any person in the Democratic People's Republic of Korea or any citizen of the Democratic People's Republic of Korea.

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 that is 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.

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

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

- (a) provide any financial services; or

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

that may reasonably be used to contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs or activities of the Democratic People's Republic of Korea.

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, 6, 7, 8, 9, 10, 11 or 12.

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 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, 6, 7, 8, 9, 10, 11, 12, 13, 14(1)(i) or (ii) or 15(2) shall be guilty of an offence.

(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 —

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- (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).