



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

763

Vol. CXLIX

MONDAY, MARCH 16, 2026

No. 123

No. 173

Extract from the Minutes of the meeting of the Senate held on Friday, November 19, 2021:

PUBLIC BUSINESS

Senator the Honourable Kamina Johnson Smith, Minister of Foreign Affairs and Foreign Trade
Leader of Government Business, moved:

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SANCTIONS REGIME)
REGULATIONS, 2021, RESOLUTION

WHEREAS by virtue of section 3 of the United Nations Security Council Resolutions
Implementation Act (hereinafter referred to as the Act) the Minister may, subject to affirmative
resolution, make regulations to give effect to decisions—

- (a) of the Security Council under Chapter VII of the Charter of the United Nations; and

-
-
- (b) which Article 25 of the Charter requires Jamaica to carry out, in so far as those decisions require Jamaica to apply measures not involving the use of armed force:

AND WHEREAS decisions of the Security Council under Chapter VII of the Charter of the United Nations require Jamaica to apply certain measures, not involving the use of armed force, in respect of the Democratic People's Republic of Korea:

AND WHEREAS on the 8th day of November, 2021, the Minister made the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021:

NOW THEREFORE, BE IT RESOLVED by this Honourable Senate as follows:—

1. This Resolution may be cited as the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, Resolution.
2. The United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, which were laid on the Table of the Senate on the 12th day of November, 2021, are hereby affirmed.

Seconded by: Natalie Campbell Rodriques

Agreed to

I certify that the above is a true extract from the Minutes.

VALRIE A. CURTIS, CD, BH(M), JP
Clerk to the Houses.

No. 174

Extract from the Minutes of the meeting of the Honourable House of Representatives held on Tuesday, December 14, 2021:

PUBLIC BUSINESS

Dr. the Honourable Horace Chang, CD, MP, Deputy Prime Minister and Minister of National Security, having obtained suspension of Standing Orders, moved:

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SANCTIONS REGIME)
REGULATIONS, 2021, RESOLUTION

WHEREAS by virtue of section 3 of the United Nations Security Council Resolutions Implementation Act (hereinafter referred to as the Act) the Minister may, subject to affirmative resolution, make regulations to give effect to decisions—

- (a) of the Security Council under Chapter VII of the Charter of the United Nations; and
- (b) which Article 25 of the Charter requires Jamaica to carry out, in so far as those decisions require Jamaica to apply measures not involving the use of armed force:

AND WHEREAS decisions of the Security Council under Chapter VII of the Charter of the United Nations require Jamaica to apply certain measures, not involving the use of armed force, in respect of the Democratic People's Republic of Korea:

AND WHEREAS on the 8th day of November, 2021, the Minister made the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, Resolution.
2. The United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, which were laid on the Table of the Senate on the 23rd day of November, 2021, are hereby affirmed.

Mr. Mark Golding also spoke on the motion.

Seconded by: Miss Tamika Davis

Agreed to

I certify that the above is a true extract from the Minutes.

VALRIE A. CURTIS, CD, BH(M), JP
Clerk to the Houses.

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SANCTIONS REGIME)
REGULATIONS, 2021, RESOLUTION

WHEREAS by virtue of section 3 of the United Nations Security Council Resolutions implementation Act (hereinafter referred to as the Act) the Minister may, subject to affirmative resolution, make regulations to give effect to decisions—

- (a) of the Security Council under Chapter VII of the Charter of the United Nations; and
- (b) which Article 25 of the Charter requires Jamaica to carry out, in so far as those decisions require Jamaica to apply measures not involving the use of armed force:

AND WHEREAS decisions of the Security Council under Chapter VII of the Charter of the United Nations require Jamaica to apply certain measures, not involving the use of armed force, in respect of the Democratic People's Republic of Korea:

AND WHEREAS on the 8th day of November, 2021, the Minister made the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, Resolution.
2. The United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021, are hereby affirmed.

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SANCTIONS REGIME)
REGULATIONS, 2021

In exercise of the power conferred upon the Minister by section 3 of the United Nations Security Council Resolutions Implementation Act, the following Regulations are hereby made:—

PART I—*Preliminary*

Citation. 1. These Regulations may be cited as the United Nations Security Council Resolutions Implementation (Democratic People's Republic of Korea Sanctions Regime) Regulations, 2021.

Interpretation. 2. In these Regulations—
“aircraft” has the meaning assigned to it by section 2 of the Civil Aviation Act;

“arms or related material” includes—

- (a) weapons;
- (b) ammunition;
- (c) military vehicles and equipment;
- (d) spare parts and accessories for the things mentioned in paragraphs (a) to (c); and
- (e) paramilitary equipment;

“Authorised”, in respect of any activity, means authorised by a permit issued under Part III, and “Authorisation” shall be construed accordingly;

“authorised supply” means a sanctioned supply that—

- (a) is Authorised; or
- (b) if the supply takes place in or from a foreign country, is authorised by a permit granted by the foreign country in consistence with Resolution 1718 and Resolution 1874;

“aviation fuel” includes aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

“bunkering service” for a vessel includes—

- (a) the provision of fuel to the vessel; and

- (b) other servicing of the vessel;

“Committee” means the committee established by paragraph 12 of Resolution 1718;

“designated” entity means a person or entity—

- (a) designated under regulation 4;
- (b) designated by the Security Council or the Committee, for the purposes of paragraph 8(d) of Resolution 1718; or
- (c) to whom the measures mentioned in paragraph 8(d) of Resolution 1718 apply under a decision of the Security Council or Committee;

“DPRK” means the Democratic People’s Republic of Korea;

“DPRK flagged or registered vessel” means a vessel entitled to fly the flag of DPRK or registered in DPRK;

“DPRK vessel” means a vessel registered in DPRK or owned or controlled by DPRK;

“export sanctioned items” shall be construed in accordance with regulation 5(1);

“import sanctioned item” shall be construed in accordance with regulation 9;

“items” includes goods, materials, equipment, and technology;

“Jamaican aircraft” has the meaning assigned to it by section 2 of the Civil Aviation Act;

“Jamaican national” means a person who—

- (a) is a citizen of Jamaica; or
- (b) has a connection with Jamaica of a kind which entitles that person to be regarded as belonging to, or as being a native or resident of, Jamaica for the purposes of the laws of Jamaica relating to immigration;

“Jamaican ship” has the meaning assigned to it by section 2 of the Shipping Act;

“paramilitary equipment” means any of the following—

- (a) batons, clubs, riot sticks and similar devices used for law enforcement purposes;
- (b) body armour, including

-
-
- (i) bullet-resistant apparel;
 - (ii) bullet-resistant pads; and
 - (iii) protective helmets;
 - (c) handcuffs, leg-irons and other devices used for restraining prisoners;
 - (d) riot protection shields;
 - (e) whips;
 - (f) parts and accessories designed or adapted for use in, or with, equipment mentioned in paragraphs (a) to (e);

“relevant Security Council Resolution” means any resolution of the Security Council, including the Resolutions specified in Regulation 3, which concerns the imposition of sanctions or other restrictions on dealing with DPRK or with persons or entities of DPRK;

“Resolution 1718” means Resolution 1718 (2006) of the Security Council, adopted on October 14, 2006;

“Resolution 1874” means Resolution 1874 (2009) of the Security Council, adopted on June 12, 2009;

“Resolution 2087” means Resolution 2087 (2013) of the Security Council, adopted January 22, 2013;

“Resolution 2094” means Resolution 2094 (2013) of the Security Council, adopted March 7, 2013;

“Resolution 2270” means Resolution 2270 (2016) of the Security Council, adopted March 2, 2016;

“Resolution 2321” means Resolution 2321 (2016) of the Security Council, adopted November 30, 2016;

“Resolution 2345” means Resolution 2345 (2017) of the Security Council, adopted March 23, 2017;

“Resolution 2356” means Resolution 2356 (2017) of the Security Council, adopted June 2, 2017;

“Resolution 2371” means Resolution 2371 (2017) of the Security Council, adopted August , 2017;

“Resolution 2375” means Resolution 2375 (2017) of the Security Council, adopted September 11, 2017;

“Resolution 2397” means Resolution 2397 (2017) of the Security Council, adopted December 22, 2017;

“sanctioned scientific or technical co-operation” shall be construed in accordance with regulation 28;

“sanctioned services” shall be construed in accordance with regulation 13;

“sanctioned supply” shall be construed in accordance with regulation 6;

“ship” has the meaning assigned to it by section 2 of the Shipping Act;

“vessel” means a ship or aircraft.

Object and effect.

First Schedule.

3.—(1) The object of these Regulations is to give effect to Resolution 1718, Resolution 1874, Resolution 2087, Resolution 2094, Resolution 2270, Resolution 2321, Resolution 2345, Resolution 2356, Resolution 2371, Resolution 2375 and Resolution 2397, which Resolutions are set out in the First Schedule for ease of reference.

(2) These Regulations shall have effect as a United Nations sanction enforcement law for the purposes of section 9 of the Act and, accordingly, the offence provisions as set out in sections 10, 11 and 12 of the Act shall apply to a contravention of any of regulations 7, 10, 14, 16, 18, 20, 21, 22, 25, 26, 27 and 28.

(3) These Regulations have extra-territorial effect as provided in paragraph (4).

(4) A person shall be liable for—

- (a) an offence under, or contravention of, regulation 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 25, 26, 27 or 28, in respect of—
 - (i) conduct occurring—
 - (A) wholly or partly in Jamaica; or
 - (B) wholly or partly on board a Jamaican aircraft or Jamaican ship;
 - (ii) conduct occurring outside of Jamaica, where a result of the conduct occurs—
 - (A) wholly or partly in Jamaica; or
 - (B) wholly or partly on board a Jamaican aircraft or Jamaican ship; or
 - (iii) conduct occurring outside of Jamaica, where the person—
 - (A) is a national of Jamaica at the time of the offence; or

(B) is a body corporate incorporated under the laws of Jamaica at the time of the offence; or

- (b) the offence of aiding, abetting, procuring, counselling, conspiring in, or attempting, the commission of an offence under regulation 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 24, 25, 26, 27 or 28, if the conduct constituting the offence—
 - (i) occurs outside of Jamaica; and
 - (ii) the conduct constituting the offence under regulation 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 24, 25, 26, 27 or 28 (as the case may be) occurs, or is intended by the person to occur, wholly or partly in Jamaica or wholly or partly on board a Jamaican aircraft or Jamaican ship.

(5) No action shall lie against any person or entity for breach of contract, or for a failure to perform a transaction, if the performance of the contract or transaction was prevented—

- (a) under the Act or these Regulations; or
- (b) because of any relevant Security Council resolution, as existing from time to time.

PART II—*Sanctions and Restrictions Relating to items,
Services and Other Activities*

Designated
entities.

4. The Minister may by order published in the *Gazette* designate an entity to be a designated entity for the purposes of these Regulations, if the Minister is satisfied that the entity is—

- (a) an entity of—
 - (i) the government of the Democratic People’s Republic of Korea; or
 - (ii) the Workers’ Party of the Democratic People’s Republic of Korea; and
- (b) the entity is associated with either or both of the following—
 - (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK;
 - (ii) activities prohibited by any relevant Security Council Resolution.

-
-
- Export sanctioned items.
- 5.—(1) The following are export sanctioned items, whether or not they originate in Jamaica—
- (a) arms or related material;
 - (b) aviation fuel;
 - (c) goods on the luxury goods list specified by the Minister under paragraph (2);
 - (d) items mentioned in any of the following Security Council or International Atomic Energy Agency documents (which documents are set out in the Second Schedule for ease of reference)—
 - (i) S/2006/814, S/2006/815 and S/2006/853;
 - (ii) S/2017/728, S/2017/760, S/2017/822 and S/2017/829;
 - (iii) INFCIRC/254/Rev.9/Part 1a;
 - (iv) INFCIRC 254/Rev.7/Part 2a;
 - (e) items determined by the Security Council or the Committee for the purposes of paragraph 8(a)(i) or (ii) of Resolution 1718;
 - (f) items to which the measures mentioned in paragraph 8 (a), (b) and (c) of Resolution 1718 apply under a decision of the Security Council or the Committee;
 - (g) items specified by the Minister by order published in the *Gazette* as being goods that could contribute to—
 - (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or
 - (ii) activities prohibited, or the evasion of measures imposed, by any relevant Security Council Resolution; and
 - (h) a new helicopter, or any other new vessel, that is not arms or arms related material;
 - (i) crude oil and refined petroleum products; and
 - (j) condensates and natural liquid gas.
- (2) The Minister may, by order published in the *Gazette*, specify the goods comprising the luxury goods list for the purposes of paragraph (1)(c).
- Second Schedule.

Sanctioned supply. 6.—(1) For the purposes of these Regulations, a person makes a sanctioned supply—

- (a) the person supplies, sells or transfers export sanctioned items and, as a direct or indirect result of the supply, sale or transfer, the items are transferred to DPRK, or are incorporated into items that are transferred to DPRK; or
- (b) the person transfers to another person gold (including through gold couriers) or any other assets or resources (financial or otherwise), and that transfer could contribute to—
 - (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or
 - (ii) activities prohibited, or the evasion of measures imposed, by any relevant Security Council Resolution.

(2) Notwithstanding paragraph (1), a person does not make a sanctioned supply merely because the person supplies, sells or transfers an amount of aviation fluid for—

- (a) a flight of a civil passenger aircraft flagged or registered in DPRK, so long as the amount does not exceed the amount necessary for that flight (including a standard margin for safety); or
- (b) a flight to DPRK of a civil passenger aircraft not flagged or registered in DPRK, so long as the amount does not exceed the amount necessary for that flight and the subsequent flight out of DPRK (including a standard margin for safety).

Prohibitions in respect of sanctioned supply. 7.—(1) A person shall not make a sanctioned supply that is not Authorised.

(2) A person, whether or not a citizen of Jamaica and whether or not in Jamaica, shall not use the services of a Jamaican ship or Jamaican aircraft to transport, or export, export sanctioned items in the course of, or for the purpose of, making a sanctioned supply that is not Authorised.

Offence of exporting other items to DPRK. 8. A person commits an offence if the person, without, or otherwise than in accordance with, an Authorisation, exports to DPRK or a person or entity in DPRK any item that is not—

- (a) food or medicine; or
- (b) an export sanctioned item.

-
-
- | | |
|---|---|
| Import sanctioned items. | <p>9. The following are import sanctioned items, whether or not they originate in DPRK—</p> <ul style="list-style-type: none"> (a) arms or related material; (b) lead, lead ore, copper, nickel, silver, zinc, gold, titanium ore, vanadium ore or rare earth minerals; (c) items mentioned in regulation 5(l)(d); (d) items determined by the Security Council or the Committee for the purposes of paragraph 8(a) (i) or (ii) of Resolution 1718; (e) items to which the measures mentioned in paragraphs 8(a), (b), or (c) of Resolution 1718 apply under a decision of the Security Council or Committee; (f) items specified by the Minister by order published in the <i>Gazette</i> as being items that could contribute to— <ul style="list-style-type: none"> (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or (ii) activities prohibited, or the evasion of measures imposed, by any relevant Security Council Resolution; (g) seafood, including fish, crustaceans, mollusks and other aquatic invertebrates, or the acquisition of fishing rights related to such products (by transfer or other means) from the DPRK or a person or entity in DPRK; (h) statues; and (i) textiles, including fabrics and partially or fully assembled apparel products. |
| Prohibitions in respect of imported sanctioned items. | <p>10.—(1) A person shall not, without Authorisation, procure import sanctioned items from DPRK or from a person or entity in DPRK.</p> <p>(2) A person shall not, without Authorisation, receive import sanctioned items from DPRK, or a person or entity in DPRK, for the purpose of the repair, servicing, refurbishing, testing, reverse-engineering or marketing of those items by the receiving person or another person.</p> |
| Offence of importing other items from DPRK. | <p>11. A person commits an offence if the person, without or otherwise than in accordance with an Authorisation, imports from DPRK or from a person or entity in DPRK, any item that is not—</p> <ul style="list-style-type: none"> (a) food or medicine; |

-
-
- (b) coal iron or iron ore; or
- (c) an import sanctioned item.
- Offence of
procuring
coal, iron or
iron ore.
- Sanctioned
services.
12. A person commits an offence if the person, without, or otherwise than in accordance with, an Authorisation, procures coal, iron or iron ore from DPRK or from a person or entity in DPRK.
- 13.—(1) A service is a sanctioned service if—
- (a) it is the provision to any person or entity of any technical training, advice, assistance or other service, that—
- (i) assists with or is provided in relation to the supply of items mentioned in regulation 5(1)(a), (d), (e), (f) or (g), for the benefit of DPRK;
- (ii) assists with the manufacture, maintenance or use of items mentioned in regulation 5(1)(a), (d), (e), (f) or (g); or
- (iii) could contribute to proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems in DPRK;
- (b) it is the transportation of items that—
- (i) are a sanctioned supply;
- (ii) are import sanctioned items in the course of being procured from DPRK or from a person or entity in DPRK;
- (c) it is a financial transaction related to the supply, manufacture, maintenance or use of arms or related material;
- (d) it is a lease or charter of a Jamaican ship or Jamaican aircraft or the provision of vessel crewing services, to—
- (i) DPRK;
- (ii) a person who is a resident or national of DPRK;
- (iii) a designated entity;
- (iv) a person or entity designated by the Minister, by order published in the *Gazette*, to have assisted in the evasion of sanctions or in violating any relevant Security Council Resolution;
- (v) any other person acting on behalf, or at the direction, of a person or entity mentioned in sub-paragraph (i), (ii), (iii) or (iv); of

-
-
- (vi) any other entity owned or controlled by a person or entity mentioned in sub-paragraph (i), (ii), (iii) or (iv);
 - (e) it is a brokering service, or other intermediary service, in respect of export sanctioned items (including arranging for the provision, maintenance or use of export sanctioned items);
 - (f) it is the provision of financial services that could contribute to—
 - (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or
 - (ii) another activity prohibited, or the evasion of measures imposed, by any relevant Security Council Resolution;
 - (g) it is the provision of public or private financial support for the purposes of trade with DPRK;
 - (h) it is the provision of vessel crewing services from DPRK;
 - (i) it is the provision of an investment service in relation to, or that assists with, a sanctioned commercial activity; or
 - (j) it is the provision of a grant of money or other financial assistance, or a concessional loan, to a person or entity mentioned in paragraph (d)(i), (ii), (iii) or (iv), other than for—
 - (i) humanitarian or developmental purposes directly addressing the needs of the civilian population of DPRK; or
 - (ii) the promotion of denuclearization; or
 - (k) it is the provision to DPRK, or any person or entity in DPRK, of any geological, geophysical, geochemical or other scientific consulting services as they relate to the location, mining, or extraction, of mineral deposits, oil or gas.

(2) In this regulation—

“brokering service” means—

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of items or technology, or of financial or technical services, including from a third country or to any other third country; or
- (b) the selling or buying of items, or of financial or technical services, including where they are located

in third countries for their transfer to another third country;

“financial services” includes—

- (a) the acceptance of deposits and other repayable funds from the public;
- (b) the lending of money;
- (c) financial leasing, other than the financial leasing of a consumer product;
- (d) the transfer of money or value, other than the provision of message or other support for the purpose of transmitting money;
- (e) the giving of financial guarantees and commitments;
- (f) trading in money market instruments;
- (g) trading in foreign exchange;
- (h) trading in exchange instruments;
- (i) trading in interest rate instruments;
- (j) trading in interest index instruments;
- (k) trading in transferable securities;
- (l) trading in commodity futures;
- (m) participation in the issue of securities and the provision of financial services in relation to the issue of securities;
- (n) the management of individual or collective portfolios;
- (o) the safekeeping and administration of cash or liquid securities;
- (p) the investment, administration or management of funds or money;
- (q) life insurance business and other insurance business that is related to investments;
- (r) money changing and other currency changing;
- (s) the issue and management of means of payment (such as credit and debit cards, cheques, money orders, bankers’ drafts, and electronic money);

“insurance business” and “life insurance business” have the meanings assigned to them, respectively, under the Insurance Act;

“investment service” means the following services and activities—

- (a) reception and transmission of orders in relation to one or more financial instruments;
- (b) execution of orders on behalf of clients;
- (c) dealing on own account;
- (d) portfolio management;
- (e) investment advice;
- (f) either or both of the following—
 - (i) underwriting of financial instruments;
 - (ii) placing of financial instruments on a firm commitment basis;
- (g) placing of financial instruments without a firm commitment basis;
- (h) any service in relation to the admission to trading on a regulated market or trading on a multilateral trading facility;

“public or private financial support” includes the granting of export credits, the funding of shares, the issue of guarantees, and the provision of insurance business.

Prohibition in respect of sanctioned services. 14.—(1) A person shall not provide a sanctioned service unless the service is provided in relation to an Authorised supply.

(2) A person shall not procure a sanctioned service from—

- (a) DPRK;
- (b) a person in DPRK; or
- (c) a national of DPRK.

Sanctioned commercial activity. 15.—(1) An activity is sanctioned commercial activity if the activity is—

- (a) the opening in Jamaica of a representative office of a person, or entity, mentioned in paragraph (2);
- (b) the establishment in Jamaica of a branch or subsidiary of an entity mentioned in paragraph (2);

-
-
- (c) the conclusion by a person of an agreement, for or on behalf of a person, or entity, mentioned in paragraph (2), related to—
 - (i) the opening in Jamaica of a representative office of the person, or entity, mentioned in paragraph (2); or
 - (ii) the establishment in Jamaica of a branch or subsidiary of an entity mentioned in paragraph (2);
 - (d) the establishment or operation of a joint venture, or co-operative entity, with DPRK or a person or entity in DPRK;
 - (e) the establishment, by a financial institution, of a correspondent banking relationship with a person, or entity, mentioned in paragraph (2);
 - (f) the opening, by a financial institution, of a representative office in DPRK;
 - (g) the establishment, by a financial institution, of a branch or subsidiary in DPRK;
 - (h) the opening, by a financial institution, of a bank account with a person, or entity, mentioned in paragraph (2);
 - (i) the acquisition or extension of an interest, in an entity mentioned in paragraph (2), by a Jamaican financial institution;
 - (j) the sale by a person of a financial interest, in an entity mentioned in paragraph (2), to a Jamaican financial institution;
 - (k) the making available by a person (other than by sale) of an interest in an entity mentioned in paragraph (2), to a Jamaican financial institution;
 - (l) leasing, or otherwise making available real property, directly or indirectly, to DPRK or to a person or entity in DPRK, for any purpose other than diplomatic or other consular activities, pursuant to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention Consular Relations; or
 - (m) leasing real property, directly or indirectly, from DPRK or to a person or entity in DPRK, other than for the purpose of diplomatic or consular activities as described in sub-paragraph (k).
- (2) For the purposes of paragraph (1), the persons and entities are—
- (a) a financial institution domiciled in DPRK;
 - (b) a branch or subsidiary, wherever located, of a financial institution domiciled in DPRK;
 - (c) a financial institution, wherever domiciled, that is controlled by a person, or entity, domiciled in DPRK.

(3) In this regulation—

“correspondent banking relationship” means a relationship that involves the provision by a financial institution (financial institution “A”) of banking services to another financial institution (financial institution “B”), where—

- (a) financial institution A carries on an activity or business at or through a permanent establishment of that financial institution in a particular country;
- (b) financial institution B carries on an activity or business at or through a permanent establishment of that financial institution in another country; and
- (c) the correspondent banking relationship relates, in whole or in part, to those permanent establishments;

“real property” means land, buildings and parts thereof, located outside of DPRK.

Prohibition
in respect of
sanctioned
commercial
activity.

16. A person shall not, without Authorisation, knowingly engage in any sanctioned commercial activity.

Freezable
assets.

17.—(1) An asset is freezable if it is—

- (a) owned or controlled by an entity designated in Annex I or Annex II of—
 - (i) Resolution 2087;
 - (ii) Resolution 2094;
 - (iii) Resolution 2270;
 - (iv) Resolution 2321;
 - (v) Resolution 2356;
 - (vi) Resolution 2371;
 - (vii) Resolution 2375; or
 - (viii) Resolution 2397;
- (b) derived or generated from any asset mentioned in paragraph (a); or
- (c) a vessel designated by the Committee under paragraph 12(d) of Resolution 2321, or any cargo contained in that vessel.

(2) The Minister shall cause a notice of a designation referred to in paragraph (1)(c) in respect of a Jamaican ship to be given to the Director-

General of the Maritime Authority who shall on receipt of the notice, inform the Registrar-General of ships in terms of section 29(1)(a) of the Shipping Act with a view to the cancellation of the ship's registration in accordance with that section.

Prohibitions in respect of freezable assets. 18.—(1) A person who holds a freezable asset shall not, without Authorisation, knowingly—

- (a) use or deal with the asset;
- (b) allow the asset to be used or dealt with; or
- (c) facilitate any use of, or dealing with, the asset.

(2) It is a defence against a charge of contravening paragraph (1) if the person charged proves that the use or dealing was solely for the purpose of preserving the value of the freezable asset.

(3) A person shall not knowingly, directly or indirectly, make a freezable asset available to a designated entity without Authorisation or otherwise than as permitted by an Authorisation.

Notice requiring closure of bank account. 19.—(1) Subject to paragraph (2), the Minister may by written notice direct a person to close the person's bank account if the account provider is—

- (a) a financial institution resident in DPRK;
- (b) a branch or subsidiary, wherever located, of a financial institution domiciled in DPRK; or
- (c) a financial institution, wherever resident, that is controlled by a person, or entity, domiciled in DPRK.

(2) The Minister need not give a notice under paragraph (1) in respect of any bank account which the Committee has determined—

- (a) is used to pay funds to ensure the delivery of humanitarian assistance;
- (b) involves the activities of a diplomatic mission in DPRK under the Vienna Convention on Diplomatic Relations;
- (c) involves the activities of the United Nations, or a specialised agency or related organisation of the United Nations; or
- (d) is for a purpose that is consistent with Resolution 2321 or any other relevant Security Council Resolution.

Prohibition on holding bank account. 20.—(1) A person who holds a bank account referred to in regulation 19(1) and who fails to comply with a notice issued to that person under regulation 19(1) contravenes this regulation.

(2) Strict liability applies to a contravention of this regulation.

-
-
- Prohibition in respect of bunkering service.
- 21.—(1) A person shall not provide a bunkering service to a DPRK vessel, except as permitted by paragraph (2).
- (2) A bunkering service may be provided to a DPRK vessel in accordance with—
- (a) an Authorisation; or
 - (b) a permit granted, by a foreign country, in consistence with Resolution 1718, Resolution 1874 and Resolution 2375.
- Prohibition in respect of vessel ownership, registration, etc.
22. A person shall not, without Authorisation—
- (a) own a DPRK flagged or registered vessel;
 - (b) register a vessel in DPRK;
 - (c) obtain an authority that entitles a vessel to fly the flag of DPRK;
 - (d) provide a classification or certification service, or related service, in respect of a DPRK flagged or registered vessel;
 - (e) lease or operate a DPRK flagged or registered vessel;
 - (f) provide insurance or re-insurance services to a vessel—
 - (i) owned, controlled, or operated, by DPRK, a person, or entity, in DPRK or a national of DPRK; or
 - (ii) contains cargo the sale or supply of which is prohibited by any relevant Security Council Resolution; or
 - (g) sell, lease, or provide, a vessel to DPRK, a person or entity in DPRK, or a national of DPRK.
- Direction not to enter or overfly Jamaica.
- 23.—(1) Subject to paragraphs (2) and (4), the Minister shall in writing copied to—
- (a) the Director-General of Civil Aviation, in the case of aircraft; or
 - (b) the Director-General of the Maritime Authority in the case of a ship,
- direct a vessel not to enter any port in Jamaica or, in the case of aircraft, not to take off from, land in, or overfly, Jamaica, if the Minister has reasonable grounds to believe that the vessel—
- (a) is owned or controlled, directly or indirectly, by a designated entity referred to in regulation 4(a)(ii) or (b)(i); or
 - (b) contains cargo the sale or supply of which is prohibited by any relevant Security Council Resolution.

(2) The Minister shall not give a direction under paragraph (1) in respect of a vessel if satisfied that—

- (a) the vessel needs to enter a port in Jamaica—
 - (i) due to an emergency;
 - (ii) in order to return to its port of origination; or
 - (iii) for inspection; or
- (b) the vessel needs to enter a port in Jamaica for humanitarian purposes, or any other purposes consistent with the objectives of Resolution 2270, and the entry has been approved in advance by the Committee.

(3) Subject to paragraph (4), if a vessel is designated by the Committee for the purposes of paragraph 12(c) of Resolution 2321, the Minister shall, in writing direct the vessel not to enter any port in Jamaica unless the vessel does so—

- (a) due to an emergency;
- (b) in order to return to its port of origination; or
- (c) in accordance with a direction given by the Committee under paragraph 12(c) of Resolution 2321.

(4) The Minister is not required to give a direction under paragraph (1) or (3) if the Minister is satisfied that the direction would be inconsistent with Jamaica's obligations under international law.

Prohibition
in respect of
entry into
port.

24. A person contravenes this Regulation if—

- (a) the person has command or charge of a vessel;
- (b) the person is not the vessel's pilot;
- (c) a direction relating to the vessel is given under regulation 23; and
- (d) the vessel enters a port in Jamaica or, in the case of aircraft, takes off from, lands in, or overflies, Jamaica.

Prohibition
relating to
transship-
ments.

25. A person shall not knowingly transship, cause to be transhipped, or permit to be transhipped, to or from a DPRK flagged or registered vessel, any item destined to or from DPRK.

Inspection of
ships on the
high seas.

26.—(1) A Marine Officer may inspect a foreign ship on the high seas if—

- (a) the Marine Officer has reasonable grounds to believe that the ship contains cargo the sale or supply of which is prohibited by any relevant Security Council Resolution; and

(b) the State in which the ship is registered consents to the inspection.

(2) In respect of a Jamaican ship on the high seas, the Minister may—

(a) give consent for the inspection of the ship by a foreign State pursuant to any relevant Security Council Resolution; or

(b) withhold the consent referred to in paragraph (a) and direct that the ship enter a port in Jamaica, or elsewhere, for the purpose of an inspection.

(3) A person who has command or charge of a ship contravenes this section if the person fails to comply with an inspection or direction under this regulation.

(4) Where consent is not received in respect of a ship under paragraph (1), the Marine Officer shall make a report to the Director-General of the Maritime Authority, containing the relevant details regarding the incident, the vessel, and the flag State, involved and the Director-General shall cause the report to be transmitted to the Committee.

(5) The Minister shall make a report to the Committee in respect of any ship in respect of which a direction is given under paragraph (2)(b), in any case where the direction is not complied with, including the relevant details of the incident and the vessel involved.

(6) In this section—

“foreign ship” has the meaning assigned by the Shipping Act; and

“Marine Officer” has the meaning assigned by the Maritime Areas Act.

Prohibitions in respect of services relating to arms and related material.

27. A person shall not, in relation to the provision, manufacture, maintenance, or use, of arms or related material, procure technical training, advice assistance, or other services, from DPRK, a person or entity in DPRK, or a national of DPRK.

Prohibition in respect of engaging in sanctioned scientific or technical co-operation.

28.—(1) For the purposes of these Regulations, “sanctioned scientific or in technical co-operation” means co-operation—

(a) involving persons or groups officially sponsored by DPRK, or in or representing DPRK; and

(b) related to the supply, sale, transfer, manufacture, or use of, any item referred to in regulation 5(l)(a), (d) or (e),

but does not include medical exchanges.

(2) A person shall not knowingly engage in sanctioned scientific or technical co-operation without Authorisation or otherwise than in accordance with an Authorisation.

PART III—*Permits*

Grant of permits.

29.—(1) The Minister may grant a permit under this Part—

- (a) on application by a person; or
- (b) on the Minister's own initiative.

(2) A permit under this Part may be granted subject to conditions specified in the permit.

Permit to make a sanctioned supply.

30. The Minister may grant a person a permit authorising the making of a sanctioned supply only if—

- (a) the sanctioned supply is a supply, sale or transfer of—
 - (i) aviation fuel to address essential humanitarian needs; or
 - (ii) a new vessel that is not arms or related material; and
- (b) the Committee has approved the sanctioned supply in advance.

Permit to export items other than export sanctioned items.

31.—(1) For the purposes of these Regulations, the Minister may grant a person a permit authorising the export of an item—

- (a) if the Minister is satisfied that the item is not an item that could directly contribute to the development of the operational capabilities of—
 - (i) the armed forces of DPRK; or
 - (ii) the armed forces of a member State outside of DPRK;
- (b) if the Minister is not satisfied as mentioned in paragraph (a), but all of the following conditions are met—
 - (i) the item is being exported for humanitarian purposes or exclusively for the livelihood of DPRK;
 - (ii) the item will not be used by a person, or entity, in DPRK to generate revenue;
 - (iii) the item does not relate to any activity prohibited by any relevant Security Council Resolution;
 - (iv) the Committee has been notified of the proposed export in advance; and
 - (v) the Committee has been informed of measures taken to prevent the diversion of the item for other purposes; or

- (c) the Committee has been notified in advance of the proposed export and the Committee has determined that the proposed export would not be contrary to the objectives of any relevant Security Council Resolution.

(2) In this regulation and regulation 32, “member State” means a member State of the United Nations.

Permit to import items other than import sanctioned items.

32. For the purposes of these Regulations, the Minister may grant a person a permit authorising the import of an item—

- (a) if the Minister is satisfied that the item is not an item that could directly contribute to the development of the operational capabilities of—
 - (i) the armed forces of DPRK; or
 - (ii) the armed forces of a member State outside DPRK;
- (b) if the Minister is not satisfied as mentioned in paragraph (a), but all of the following conditions are met—
 - (i) the item is being imported for humanitarian purposes or exclusively for the livelihood of DPRK;
 - (ii) the item will not be used by a person, or entity, in DPRK to generate revenue;
 - (iii) the item does not relate to any activity prohibited by any relevant Security Council Resolution;
 - (iv) the Committee has been notified in advance of the proposed import; and
 - (v) the Committee has been informed of the measures taken to prevent the diversion of the item for other purposes; or
- (c) the Committee has been notified of the proposed import and the Committee has determined that the proposed import would not be contrary to the objectives of any relevant Security Council Resolution.

Permit to procure coal, iron and iron ore.

33.—(1) For the purposes of these Regulations, the Minister may grant to a person a permit authorising the procurement of coal if—

- (a) all of the following conditions are satisfied—
 - (i) the Minister is able to confirm, on reasonable grounds, that the coal originated outside of DPRK and was transported through DPRK solely for export from the Port of Rajin (Rason);

-
-
- (ii) the procurement was notified to the Committee in advance;
 - (iii) the procurement is unrelated to generating revenue for—
 - (A) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or
 - (B) activities prohibited by any relevant Security Council Resolution; or
 - (b) the procurement is in accordance with paragraph 29(b) of Resolution 2270, as amended by paragraph 26 of Resolution 2321.
- (2) For the purposes of these Regulations, the Minister may grant a person a permit authorising the procurement of iron, or iron ore, if the procurement is—
- (a) exclusively for the livelihood of DPRK; and
 - (b) unrelated to generating revenue for—
 - (i) the nuclear or ballistic missile programmes, or other weapons of mass destruction programmes, of DPRK; or
 - (ii) activities prohibited by any relevant Security Council Resolution.

Permit to provide sanctioned commercial activity.

34. For the purposes of these Regulations, the Minister may grant a person a permit authorising the person to engage in sanctioned commercial activity specified in the permit, if the specified activity is approved in advance by the Committee.

Permit in respect of freezable assets.

35.—(1) For the purposes of these Regulations, the Minister may grant to a person a permit authorising the person to—

- (a) use or deal with a freezable asset in a specified way; or
- (b) permit the asset specified in the notice to be made available to a designated entity specified in the notice.

(2) In granting a permit under paragraph (1), the Minister shall have regard to Jamaica's international obligations, including those under Resolution 2087.

(3) A permit granted under paragraph (1)—

- (a) may be expressed to apply—
 - (i) from a date before the permit is granted;

-
-
- (ii) subject to such conditions as are specified in the notice; and
 - (b) shall be given to the owner or holder (as the case may require) of the asset concerned as soon as practicable after the permit is granted.
- (4) The Minister may vary, suspend or revoke a permit under paragraph (1) having regard to the matters specified in paragraph (2) to which the Minister shall have regard in issuing the permit.
- (5) If an application is made for a permit under this Regulation, the applicant shall specify in the application whether the permit is—
- (a) sought for the purpose of discharging basic expenses, being—
 - (i) food;
 - (ii) rent or mortgage;
 - (iii) medicines or medical treatment;
 - (iv) taxes;
 - (v) insurance premiums;
 - (vi) public utility charges;
 - (vii) reasonable professional fees (including expenses associated with the provision of legal advice or representation); or
 - (viii) fees or service charges that are in accordance with any law for the routine holding or maintenance of freezable assets;
 - (b) necessary to satisfy a judicial, administrative or arbitral lien, or judgment, made prior to the date on which the asset became a freezable asset, and is not for the benefit of a designated entity; or
 - (c) necessary for discharging expenses other than basic expenses.
- (6) If a permit is sought as referred to in—
- (a) paragraph (5)(a), the Minister shall notify the Committee of the application and may only grant the permit if five days (exclusive of Saturdays, Sundays and public general holidays) have passed since the notification and the Committee has not advised against granting the permit;
 - (b) paragraph (5)(b), the Minister shall notify the Committee before granting the permit; or

- (c) paragraph (5)(c), the Minister shall notify the Committee of the application and may grant the permit only with the approval of the committee.

(7) Paragraphs (5) and (6) do not apply to an application for a permit in respect of any use of, or dealing with, an asset—

- (a) that is required to carry out activities of—
- (i) DPRK's missions to the United Nations, or a specialised agency or related organisation of the United Nations; or
 - (ii) other diplomatic or consular missions of DPRK; or
- (b) that the Committee determines in advance is required for the delivery of humanitarian assistance, denuclearisation, or any other purpose consistent with the objectives of Resolution 2270.

Permit to provide public or private financial support for the purposes of trade.

36. For the purposes of these Regulations, the Minister may grant a person a permit authorising the person to provide public or private financial support for the purposes of trade with DPRK if the Committee in advance approves the provision of the financial support.

Permit to provide a bunkering service.

37.—(1) For the purposes of these Regulations, the Minister may grant a person a permit authorising the provision of a bunkering service to a DPRK vessel.

(2) The Minister shall not grant a permit under paragraph (1) if the Minister has reasonable grounds for believing that the vessel is carrying export sanctioned items, unless the provision of the bunkering service is—

- (a) for humanitarian purposes; or
- (b) necessary to facilitate the inspection, seizure or disposal of export sanctioned items,

and in the event that paragraph (b) applies, the permit shall be only for a period specified in the permit, being a period sufficient only to enable the carrying out of the inspection, seizure or disposal (as the case may be) of the items.

Permit to register vessel, etc.

38. For the purposes of these Regulations, the Minister may grant a person a permit authorising an action referred to in—

- (a) regulation 22(a) to (e), if the Committee in advance approves the action;
- (b) regulation 22(f), if a determination referred to in paragraph 22 of Resolution 2321 is in effect in relation to the vessel.

Permit to provide crewing services, *etc.* 39. For the purposes of these Regulations, the Minister may grant a person a permit authorising the provision of a sanctioned service if—

- (a) the service involves—
 - (i) the leasing or chartering of a Jamaican ship or Jamaican aircraft to a person or entity mentioned in regulation 13(l)(d); of
 - (ii) the provision of vessel crewing services to a person or entity mentioned in regulation 13(l)(d); and
- (b) the Committee in advance approves the proposed service.

Permit to engage in scientific or technical co-operation. 40.—(1) For the purposes of these Regulations, and subject to paragraphs (2) and (3), the Minister may grant a person a permit authorising the person to engage in sanctioned scientific or technical co-operation specified in the permit.

(2) If the sanctioned scientific or technical co-operation is any field of—

- (a) nuclear science and technology;
- (b) aerospace or aeronautical engineering and technology; or
- (c) advanced manufacturing production techniques and methods,

the Minister may grant the permit only if the Committee determines that the co-operation will not contribute to DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes.

(3) If the sanctioned scientific or technical co-operation is not in a field mentioned in paragraph (2), the Minister may grant the permit only if—

- (a) the Minister is satisfied that the co-operation will not contribute to DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes; and
- (b) the Committee is notified that the Minister is so satisfied.

Permit to procure statue. 41. For the purposes of these Regulations, the Minister may grant a person a permit authorising the person to procure, receive or transport an import sanctioned item that is a statue specified in the permit, if the Committee in advance approves the procurement, receipt or transport (as the case may be).

Permit to engage in activity exempted under paragraph 46 of Resolution 2321. 42. For the purposes of these Regulations, the Minister may grant a person a permit authorising the person to engage in activity specified in the permit, being activity which the Committee has in advance exempted under paragraph 46 of Resolution 2321.

PART IV—*General*

Revocation. 43. The United Nations Security Council Resolutions Implementation (Asset Freeze — Democratic People's Republic of Korea) Regulations, 2013, set out as the Schedule to the Act, are hereby revoked.

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SANCTIONS REGIME)
REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

PART I—*Preliminary*

1. Citation.
2. Interpretation.
3. Object and effect.

PART II—*Sanctions and Restrictions Relating to Items,
Services and Other Activities*

4. Designated entities.
5. Export sanctioned items.
6. Sanctioned supply.
7. Prohibitions in respect of sanctioned supply.
8. Offence of exporting other items to DPRK.
9. Import sanctioned items.
10. Prohibitions in respect of import sanctioned items.
11. Offence of importing other items from DPRK.
12. Offence of procuring coal, iron or iron ore.
13. Sanctioned services.
14. Prohibitions in respect of sanctioned services.
15. Sanctioned commercial activity.
16. Prohibition in respect of sanctioned commercial activity.
17. Freezable assets.
18. Prohibitions in respect of freezable assets.
19. Notice requiring closure of bank account.

20. Prohibition on holding bank account.
21. Prohibition in respect of bunkering service.
22. Prohibition in respect of vessel ownership, registration, *etc.*
23. Direction not to enter or overfly Jamaica.
24. Prohibition in respect of entry into port.
25. Prohibition relating to transshipments.
26. Inspection of ships on the high seas.
27. Prohibitions in respect of services relating to arms and related material.
28. Prohibition in respect of engaging in sanctioned scientific or technical co-operation.

PART III—*Permits*

29. Grant of permits.
30. Permit to make a sanctioned supply.
31. Permit to export items other than export sanctioned items.
32. Permit to import items other than import sanctioned items.
33. Permit to procure coal, iron or iron ore.
34. Permit to provide sanctioned commercial activity.
35. Permit in respect of freezable assets.
36. Permit to provide public or private financial support for the purposes of trade.
37. Permit to provide a bunkering service.
38. Permit to register vessel, *etc.*
39. Permit to provide crewing services, *etc.*
40. Permit to engage in scientific or technical co-operation.
41. Permit to procure statue.
42. Permit to engage in activity exempted under paragraph 46 of Resolution 2321.

PART IV—*General*

43. Revocation.

SCHEDULES.