

**THE UNITED NATIONS SECURITY
COUNCIL RESOLUTIONS
IMPLEMENTATION ACT, 2013**
(Act 29 of 2013)

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SCHEDULE.

JAMAICA

No. 29 - 2013

I assent,

[L.S.]

(Sgd.) P. L. Allen

Governor-General.

15th day of November, 2013

AN ACT to Facilitate the implementation of United Nations Security Council Resolutions under Chapter VII of the Charter of the United Nations and which Article 25 of the Charter requires Jamaica, as a Member State of the United Nations, to carry out; and for connected matters.

[15th day of November, 2013]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I. *Preliminary*

1. This Act may be cited as the United Nations Security Council Resolutions Implementation Act, 2013. Short title.

Interpretation.

2. In this Act—**“asset” means—**

(a) property of any kind—

(i) whether tangible or intangible, movable or immovable, however acquired; and

(ii) owned wholly or jointly, directly or indirectly, by a person or entity proscribed under section 3(2)(a) or by a person or entity acting on behalf of, or at the direction of, a person or entity proscribed under section 3(2)(a); or

(b) a legal document or instrument in any form, including electronic or digital, evidencing title to, or interest in, property as described in paragraph (a), including (but not limited to) bank credits, traveller’s cheques, bank cheques, money orders, shares, securities, bonds, debt instruments, drafts and letters of credit;

“CEO”, in relation to a Government entity, means the chief executive officer (however described) of the Government entity;**“Charter” means the Charter of the United Nations, done at San Francisco on the 26th day of June, 1945, as amended from time to time in conformity with Article 108 of the Charter;****“designated non-financial institution” means a person who is—**

(a) not primarily engaged in carrying on financial business; and

(b) designated as—

- (i) a non-financial institution pursuant to the Proceeds of Crime Act; or
- (ii) an entity to which the provisions of section 15 of the Terrorism Prevention Act applies;

“financial institution” means—

- (a) a bank licensed under the Banking Act;
- (b) a financial institution licensed under the Financial Institutions Act;
- (c) a building society registered under the Building Societies Act;
- (d) a society registered under the Co-operative Societies Act, and which carries on credit union business;
- (e) a person who—
 - (i) engages in insurance business within the meaning of the Insurance Act; or
 - (ii) performs services as an insurance intermediary within the meaning of the Insurance Act,

but does not include an insurance consultant or an adjuster;

- (f) a person licensed under the Bank of Jamaica Act to operate an exchange bureau;
- (g) a person licensed under the Securities Act as a dealer or investment adviser;
- (h) approved money transfer and remittance agents and agencies as defined in section 2 of the Bank of Jamaica Act;

- (i) any other person or category of persons declared by the Minister, by order subject to affirmative resolution, to be a financial institution for the purposes of this Act;

“Government entity” means—

- (a) an agency or department of Government;
- (b) a body corporate—
 - (i) established by an Act of Parliament; and
 - (ii) over which the Government or an agency of the Government exercises control; or
- (c) an executive agency within the meaning of the Executive Agencies Act;
- (d) a Parish Council;
- (e) the Council of the Kingston and St. Andrew Corporation; or
- (f) a Municipal Council established under the Municipalities Act;

“implementing regulations” means regulations made under section 3;

“legislative instrument” means any regulations, rules, by-laws, proclamations, orders, schemes, notifications, directions, notices, forms, or other instruments, made in the exercise of a power delegated by any enactment in force in Jamaica;

“officer of a Government entity” includes—

- (a) the CEO of the Government entity;
- (b) any other employee of the Government entity;
- (c) any other person engaged by the Government entity, under contract or otherwise, to exercise powers, or perform duties or functions, of the Government entity;

“public international organisation” means—

- (a) an organisation—
 - (i) of which two or more countries, or the governments of two or more countries, are members; or
 - (ii) that is constituted by persons representing two or more countries, or representing the governments of two or more countries;
- (b) an organisation established by, or a group of organisations constituted by—
 - (i) organisations of which two or more countries, or the governments of two or more countries, are members; or
 - (ii) organisations that are constituted by the representatives of two or more countries, or the governments of two or more countries; or
- (c) an organisation that is—
 - (i) an organ of, or office within, an organisation described in paragraph (a) or (b);
 - (ii) a commission, council or other body established by an organisation described in paragraph (a) or (b) or an organ described in sub-paragraph (i); or
 - (iii) a committee, or subcommittee of a committee, of an organ, council or body described in sub-paragraph (i) or (ii), or of an organisation described in paragraph (a) or (b);

“relevant authority” means—

(a) any entity responsible, under any law of Jamaica, for—

(i) the regulation of financial institutions or financial services;

(ii) the regulation of designated non-financial institutions or activity designated by a competent authority as non-financial business activity;

(iii) border control or defence; or

(iv) foreign relations; or

(b) the Jamaica Constabulary Force; or

(c) any other entity to whom a UN sanction enforcement law requires information or a document to be given;

“Security Council” means the Security Council constituted under Chapter V of the Charter;

“UN sanction enforcement law” means a provision designated under section 9 to be a UN sanction enforcement law.

PART II. Making and Effect of Implementing Regulations

Power to make regulations applying Security Council resolutions.

3.—(1) 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; 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.

(2) Without limit to the generality of subsection (1), regulations made under that subsection may give effect to a decision of the Security Council by any or all of the following means—

- (a) proscribing persons or entities;
- (b) restricting or preventing the supply, sale or transfer of goods or services;
- (c) restricting or preventing uses of, dealings with, and making available, assets;
- (d) restricting or preventing the procurement of goods or services;
- (e) providing for indemnities for acting in compliance or purported compliance with those regulations;
- (f) providing for compensation for owners of assets;
- (g) authorising the making of legislative instruments.

(3) Implementing regulations may make provision in relation to a matter by applying, adopting or incorporating any matter contained in any legislative instrument as in force or existing from time to time.

(4) Implementing regulations shall have extra-territorial effect if so expressed in the regulations, and in that case the provisions of Part III shall also have extra-territorial effect as applied to those regulations.

(5) Where the Minister is satisfied that any person or entity has been proscribed in error in any regulations made under this section, the Minister shall by order published in the *Gazette* amend the regulations so as to delete the provisions proscribing that person or entity.

(6) Until varied or revoked by regulations made under subsection (1) the Regulations contained in the Schedule shall have effect.

(7) For the avoidance of doubt, all regulations made under subsection (1) shall have the same force and effect as Regulations contained in the Schedule.

Duration of
implementing
regulations.

4.—(1) In so far as implementing regulations give effect to a particular decision of the Security Council, the regulations—

- (a) cease to have effect when Article 25 of the Charter ceases to require Jamaica to carry out the decision; and
- (b) do not revive, even if Jamaica again becomes required to carry out the decision.

(2) For the avoidance of doubt, nothing in this section prevents the repeal of regulations or the making of regulations that are the same in substance as regulations that have ceased to have effect because of this section.

Duty of
entities to
report.

5.—(1) In this section, “the designated authority” means the Chief Technical Director of the Financial Investigations Division established under the Financial Investigations Division Act.

(2) The following entities shall determine on a continuing basis whether they are in possession or control of assets owned or controlled by or on behalf of a person or entity proscribed by regulations made under section 3(2)(a)—

- (a) foreign companies in respect of their business in Jamaica relating to banking, securities, insurance, investment advice or trusts;
- (b) financial institutions;
- (c) designated non-financial institutions;
- (d) any entity or category of entity designated by the Minister, by order subject to affirmative resolution, as an entity to which the provisions of this section shall apply.

(3) Every entity referred to in subsection (2) shall report to the designated authority in the prescribed form, at least once in every four calendar months, or in response to a request made to it by the designated authority, either—

- (a) that it is not in possession or control of any assets referred to in subsection (2); or

- (b) that it is in possession or control of assets referred to in subsection (2), in which case it shall also report the number of persons, contracts or accounts (as the case may require) involved and the total value of the assets.
- (4) In making a report under subsection (3), the entity shall comply with such directions as may be given by the designated authority.
- (5) No criminal or civil liability shall be incurred by a person for having made a report in good faith under subsection (3).
- (6) An entity that makes a report under subsection (3) to the designated authority shall not disclose the existence of that report to any other person.
- (7) A person who contravenes any of the provisions of this section commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to—
- (a) in the case of an individual, a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
- (b) in the case of a body corporate, a fine not exceeding three million dollars.
- (8) In proceedings against a person for contravening subsection (3), it is a defence for the person charged that he had a reasonable excuse for not making the report required under that subsection.
- (9) The Minister may, by order published in the *Gazette*, amend subsection (1) so as to substitute a different designated authority.

PART III. *Enforcement of Implementing Regulations*

6. Implementing regulations may prescribe, in respect of offences Offences.
against the implementing regulations, penalties in excess of the

amounts stated in section 29(b) of the Interpretation Act, but in any event not exceeding—

- (a) on summary conviction in a Resident Magistrate's Court—
 - (i) in the case of an individual, a fine of one million dollars or imprisonment for a term of twelve months, or both such fine and imprisonment;
 - (ii) in the case of a body corporate, a fine of three million dollars;
- (b) on conviction in a Circuit Court—
 - (i) in the case of an individual, a fine or imprisonment for a term of ten years;
 - (ii) in the case of a body corporate, a fine.

Injunctions.

7.—(1) If a person has engaged, is engaging, or there is reasonable cause to suspect that the person is about to engage, in conduct constituting a contravention of any implementing regulations, a Judge of the Supreme Court may by order grant an injunction restraining the person from engaging in conduct specified in the order.

(2) An injunction under subsection (1) may only be granted on application by the Attorney-General.

(3) A Judge of the Supreme Court may discharge or vary an injunction under this section.

(4) The power to grant or vary an injunction under this section may be exercised—

- (a) whether or not it appears to the Judge that the person intends to engage again, or to continue to engage, in the conduct concerned; and
- (b) whether or not the person has previously engaged in such conduct.

Invalidation of
authorisation.

8. A licence, permission, consent, approval, or any other authorisation (however described) granted under implementing regulations shall be—

- (a) rescinded *ab initio*; or

(b) revoked with immediate effect,
by the entity that made the grant, in the circumstances specified in
subsection (2).

(2) The circumstances referred to in subsection (1) are
that—

(a) information contained in, or information or a document
accompanying, the application for the authorisation—

(i) is false or misleading in a material particular;
or

(ii) omits any matter or thing without which the
information or document is misleading in a
material particular; or

(b) the licence, permission, consent, approval or other
authorisation (however described) is otherwise
fraudulently obtained.

(3) A rescission under subsection (1)(a) shall be without
prejudice to any right or interest acquired by a third party without
knowledge, or reason to have knowledge, of the matters referred to
in subsection (2).

PART IV. *Offences Relating to United Nations Sanctions*

9.—(1) The Minister may, by order subject to affirmative
resolution, designate a provision of any law of Jamaica to be a UN
sanction enforcement law.

Designation
of UN
sanction
enforcement
law.

(2) For the purposes of subsection (1)—

(a) the Minister may only designate a provision to the extent
that it gives effect to a decision that—

(i) the Security Council has made under Chapter VII
of the Charter; and

(ii) Article 25 of the Charter requires Jamaica to carry
out,

in so far as that decision requires Jamaica to apply
measures not involving the use of armed force;

(b) the Minister may designate a provision in relation to particular circumstances falling within the scope of a decision referred to in paragraph (a); and

(c) a provision may be designated whether or not the provision is made for the sole purpose of giving effect to a decision of the Security Council.

(3) Notwithstanding subsection (1), a provision ceases to be a UN sanction enforcement law to a particular extent if—

(a) Article 25 of the Charter ceases to require Jamaica to carry out a decision referred to in subsection (2)(a);

(b) the provision gave effect to that decision to that extent; and

(c) the provision does not give effect to any other decision referred to in subsection (2) to that extent.

Contravention
of UN
sanction
enforcement
law by an
individual.

10.—(1) An individual commits an offence if the individual engages in conduct that contravenes a UN sanction enforcement law.

(2) An individual commits an offence if the individual engages in conduct that contravenes a condition of a licence, permission, consent, approval, or other authorisation (however described), granted under a UN sanction enforcement law.

(3) An offence—

(a) under subsection (1) or (2); or

(b) of attempting, conspiring, inciting, aiding, abetting, counselling, or procuring, the commission of any offence under subsection (1) or (2),

is punishable on conviction in a Circuit Court, by a fine or imprisonment for a term not exceeding ten years, or both such fine and imprisonment.

(4) In this section and section 11, “engages in conduct” means—

(a) does an act; or

(b) omits to perform an act.

11.—(1) A body corporate commits an offence if the body corporate engages in conduct that contravenes a UN sanction enforcement law.

Contravention of UN sanction enforcement law by bodies corporate.

(2) A body corporate commits an offence if the body corporate engages in conduct that contravenes a condition of a licence, permission, consent, approval, or other authorisation (however described), granted under a UN sanction enforcement law.

(3) Subsections (1) and (2) do not apply if the body corporate proves that it took reasonable precautions, and exercised due diligence to avoid the contravention concerned.

(4) Subject to subsection (3), an offence—

- (a) under subsection (1) or (2); or
- (b) of attempting, conspiring, inciting, aiding, abetting, counselling, or procuring the commission of any offence under subsection (1) or (2),

is punishable, on conviction in a Circuit Court, by a fine.

12.—(1) A person commits an offence if—

- (a) the person gives information or a document to a relevant authority, in connection with the requirements of a UN sanction enforcement law; and
- (b) the information or document is false or misleading in a material particular or omits any matter or thing without which the information or document is misleading in a material particular.

False or misleading information given in connection with a UN sanction enforcement law.

(2) A person (“A”) commits an offence if—

- (a) “A” gives information or a document to another person (“B”);
- (b) “A” is reckless as to whether “B” or some other person will give the information or document to a relevant authority in connection with the administration of a UN sanction enforcement law; and

- (c) the information or document is false or misleading in a material particular or omits any matter or thing without which the information or document is misleading in a material particular.

(3) A person who commits an offence under subsection (1) or (2), shall be liable upon conviction in a Circuit Court to a fine or to imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

(4) An offence under subsection (1) or (2) committed in whole or in part outside of Jamaica shall be deemed to have been committed wholly inside Jamaica if any of the conditions specified in subsection (5) is met, and the person who committed the offence shall be liable to be proceeded against and punished accordingly.

(5) The conditions referred to in subsection (4) are that the conduct constituting the offence alleged occurred—

- (a) wholly or partly in Jamaica or wholly or partly on board a Jamaican aircraft or Jamaican ship;
- (b) wholly outside of Jamaica and is attributed to a Jamaican national; or
- (c) wholly outside of Jamaica and any result of the conduct occurs wholly or partly in Jamaica or wholly or partly on board a Jamaican aircraft or Jamaican ship.

(6) In subsection (5)—

“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;
- (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.

PART V. *Information Relating to UN Sanctions*

13. Notwithstanding anything contained in any other law, the CEO of a Government entity may give any information or document to a relevant authority for a purpose in connection with the administration of a UN sanction enforcement law.

CEO of Government entity may give information or document.

14.—(1) Subject to the provisions of this section, a relevant authority may for the purpose of determining whether a UN sanction enforcement law has been or is being complied with, give a person a written notice requiring the person to give the relevant authority the information or documents of the kind, by the time, and in the manner or form, specified in the notice.

Power of relevant authority to require information or document.

(2) A person to whom a notice is given under subsection (1)—

(a) shall comply with the notice notwithstanding anything contained in any other law;

(b) may, before the expiration of the time specified in the notice, apply to the relevant authority for an extension of the time so specified.

(3) The time specified in a notice under subsection (1) shall be a time which the relevant authority considers reasonable, having regard to all the circumstances.

(4) The relevant authority may, in writing given to the person to whom notice is given under subsection (1), vary the notice to specify a later time by which the information or documents shall be given.

(5) Subsection (1) shall not apply if—

- (a) the person is the Government or a Government entity;
- (b) the person—
 - (i) is an officer of a Government entity; and
 - (ii) obtained or generated the information or document in the course of carrying out his or her duties as an officer of the Government entity.

(6) Information required under this section may be required by the relevant authority to be verified by, or given on, oath or affirmation as to the truth thereof.

(7) Nothing in this section shall be construed as requiring any person to give any information or document if to do so would constitute a violation of legal professional privilege.

Failure to
comply with
notice.

15.—(1) A person commits an offence if the person is given a notice under section 14 and fails to comply with the notice.

(2) An offence under subsection (1) committed in whole or in part outside of Jamaica shall be deemed to have been committed wholly inside Jamaica and the person who committed the offence shall be liable to be proceeded against and punished accordingly.

Relevant
authority
may copy
documents.

16. Where a person gives a document to a relevant authority under section 14, the relevant authority—

- (a) may make and keep a copy of the document; and
- (b) shall return the document to the person within a reasonable time.

Further
disclosure
and use of
information or
documents.

17.—(1) An officer of a relevant authority may do any of the following for a purpose in connection with the administration of a UN sanction enforcement law, or with a decision of the Security Council referred to in section 3—

- (a) copy, make a record of or use, any information or document;

- (b) disclose any information, or give any document, to another officer of the relevant authority.

(2) Notwithstanding anything contained in any other law, a relevant authority may disclose any information or give any document to any of the following for a purpose in connection with the administration of a UN sanction enforcement law or with the decision of the Security Council referred to in section 3—

- (a) a Minister;
- (b) the CEO of a Government entity;
- (c) the government of another country, or of part of another country, or a government entity in a foreign country carrying out functions analogous to those of a relevant authority under this Act;
- (d) a public international organisation;
- (e) a person specified in an order under subsection (3).

(3) The Minister may by order published in the *Gazette*, specify a person or persons for the purposes of subsection (2)(e).

18.—(1) Any—

- (a) director or employee of an entity, who transmits information requested by a relevant authority under this Act or submits reports to the designated authority; or
- (b) person referred to in paragraph (a) or any other person who, in good faith, gives, discloses, copies, makes a record of, or uses, information or a document under section 13, 14, 16 or 17,

Protection
from liability.

is not liable—

- (i) to any civil or criminal proceedings, or any professional sanction, for breach of confidentiality or for contravening any other law because of that conduct; or
- (ii) to civil proceedings for loss, damage or injury of any kind suffered by another person because of that conduct.

(2) No action, suit or other proceedings may be brought or instituted—

- (a) personally against the designated authority, or any officer of a relevant authority; or
- (b) against any financial institution, or any employee thereof, in respect of any act done or omission made in good faith, in the course of carrying out the provisions of this Act.

(3) Subsections (1) and (2) do not prevent a person from being liable to proceedings in respect of any specified conduct of that person which is revealed by the information or document.

(4) For the purposes of subsection (3) the specified conduct is that the person gives the information or document, or omits any information or document, in circumstances which would constitute an offence under section 12(1) or (2) or section 15.

Retention of records and documents.

19.—(1) A person who applies for a licence, permission, consent, approval, or any other authorisation (however described) under a UN sanction enforcement law shall retain all records and documents relating to that application for a period of seven years beginning on—

- (a) if the application was granted, the last day on which occurred any act or omission, to which the licence, permission, consent, approval or other authorisation relates; or
- (b) if the application was not granted, the day on which the application was made.

(2) A person who is granted a licence, permission, consent, approval or other authorisation (however described) under a UN sanction enforcement law, shall retain all records and documents relating to the person's compliance with any conditions to which the grant is subject, for a period of seven years beginning on the last day on which occurs any act or omission, to which the licence, permission, consent, approval or other authorisation relates.

20.—(1) The CEO of a Government entity may, by written instrument, delegate all or any of the CEO's powers or functions under this Part to any employee of the Government entity who is a public officer appointed under section 125 of the Constitution of Jamaica. Delegation.

(2) In exercising powers or performing functions delegated under subsection (1), the delegate shall comply with the directions of the CEO.

PART VI. *Miscellaneous*

21.—(1) The Minister may make regulations prescribing matters Regulations.
(other than the matters specified in section 3)—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), regulations made under this section may make provisions as to—

- (a) the programmes, policies, procedures and controls to be established and implemented by the entities mentioned in section 5(2) for the purposes of enabling compliance with this Act; and
- (b) the forms of any report or other return required to be made under this Act.

(3) Regulations made under this section may—

- (a) provide for penalties, in respect of offences under those regulations, in excess of the amounts specified in section 29(b) of the Interpretation Act but in any event not exceeding—
 - (i) in the case of a fine, one million dollars; or
 - (ii) in the case of imprisonment, a term of six months;
- (b) subject to affirmative resolution, amend any monetary penalty under this Act.

SCHEDULE

(Section 3)

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION (ASSET FREEZE-DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA) REGULATIONS, 2013.

1. These Regulations may be cited as the United Nations Security Council Resolutions Implementation (Asset Freeze-Democratic People's Republic of Korea) Regulations, 2013.

2. In these Regulations—

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

“designated entity” means—

- (a) an entity designated in Annex I or Annex II to Resolution 2087;
- (b) an entity designated by the Committee or by the Security Council for the purpose of paragraph 5(a) of Resolution 2087 which applies paragraph 8(d) of Resolution 1718);
- (c) an entity acting on behalf of, or at the direction of an entity mentioned in paragraph (a) or (b); or
- (d) an entity owned or controlled by an entity mentioned in paragraph (a) or (b);

“freezable asset” means an asset that—

- (a) is owned or controlled by an entity designated in Annex I or Annex II of Resolution 2087; or
- (b) is derived or generated from any asset mentioned in paragraph (a);

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

“Resolution 2087” means Resolution 2087 (2013) adopted by the Security Council on 22 January, 2013, and set out in the Schedule for ease of reference.

3. The object of these Regulations is to give effect to Resolution 2087 by preventing persons from—

- (a) using or dealing with assets owned or controlled by a designated entity; and

- (b) making an asset available to a designated entity, otherwise than, in accordance with these Regulations.

4.—(1) These Regulations have extra-territorial effect as provided in paragraph (2).

(2) A person shall be liable for—

- (a) an offence under regulation 5 or 6, 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 5 or 6, if—

(i) the conduct constituting the offence occurs outside of Jamaica; and

(ii) the conduct constituting the offence under regulation 5 or 6 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.—(1) A person commits an offence if—

- (a) the person holds a freezable asset;

- (b) the person—
- (i) uses or deals with the freezable asset;
 - (ii) allows the freezable asset to be used or dealt with; or (iii) facilitates the use of the freezable asset or dealing with the freezable asset; and
- (c) the use or dealing mentioned in paragraph (b) is not by virtue of permission given by a notice under regulation 7.

(2) A person who commits an offence under paragraph (1) shall be liable upon summary conviction in a Resident Magistrate's Court to a fine of one million dollars or imprisonment for a term or twelve months, or both such fine and imprisonment.

(3) Subject to paragraph (4), strict liability applies to an offence under paragraph (1).

(4) It is a defence against a charge for an offence under 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.

6.—(1) A person commits an offence if the person, directly or indirectly, makes a freezable asset available to a designated entity otherwise than as permitted by a notice under regulation 7.

(2) A person who commits an offence under paragraph (1) shall be liable upon—

- (a) summary conviction in a Resident Magistrate's Court to—
- (i) in the case of an individual, a fine of one million dollars or imprisonment for a term or twelve months, or both such fine and imprisonment;
 - (ii) in the case of a body corporate, a fine of three million dollars;
- (b) conviction in a Circuit Court to—
- (i) in the case of an individual, a fine or imprisonment for a term of ten years;
 - (ii) in the case of a body corporate, a fine.

(3) For the purposes of paragraph (1), strict liability applies to the circumstance that the asset is made available otherwise than as permitted by a notice under regulation 7.

7.—(1) The owner or holder of a freezable asset may apply in writing to the Minister for permission to—

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

(2) The Minister may, by written notice—

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

(3) The Minister may issue a notice under paragraph (2) on the Minister's own initiative or upon an application under paragraph (1).

(4) In permitting a freezable asset to be—

- (a) used or dealt with in a specified way; or
- (b) made available to a designated entity,

the Minister shall have regard to Jamaica's international obligations, including those under Resolution 2087.

(5) A notice under paragraph (2)—

- (a) may be expressed to apply—
 - (i) from a date before the notice is given;
 - (ii) subject to any conditions specified in the notice;
- (b) shall be given to the owner or holder (as the case may require) of the assets concerned as soon as is practicable after the notice is made.

(6) A notice under paragraph (2) that is given by the Minister on the basis of false or misleading information shall be deemed to have no effect.

(7) The Minister may vary, suspend or revoke a notice under paragraph (2), having regard to the matters specified in paragraph (3) to which the Minister shall have regard in issuing the notice.

SCHEDULE (Regulation 2)

*Resolution 2087 (2013) adopted by the Security Council on 22 January,
2013*

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), as well as the statements of its President of 6 October, 2006 (S/PRST/2006/41), 13 April, 2009 (S/PRST/2009/7) and 16 April, 2012 (S/PRST/2012/13),

Recognizing the freedom of all States to explore and use outer space in accordance with international law, including restrictions imposed by relevant Security Council Resolutions,

1. Condemns the DPRK's launch of 12 December, 2012, which used ballistic missile technology and was in violation of resolutions 1718 (2006) and 1874 (2009);

2. Demands that the DPRK not proceed with any further launches using ballistic missile technology, and comply with resolutions 1718 (2006) and 1874 (2009) by suspending all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches;

3. Demands that the DPRK immediately comply fully with its obligations under resolutions 1718 (2006) and 1874 (2009), including that it: abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner; immediately cease all related activities; and not conduct any further launches that use ballistic missile technology, nuclear test or any further provocation;

4. Reaffirms its current sanctions measures contained in resolutions 1718 (2006) and 1874 (2009);

5. Recalls the measures imposed by paragraph 8 of resolution 1718 (2006), as modified by resolution 1874 (2009), and determines that:

(a) The measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply to the individuals and entities listed in Annex I and II, and the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply to the individuals listed in Annex I; and,

(b) The measures imposed in paragraph 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006) shall apply to the items in INFCIRC/254/Rev.1 I/Part 1 and INFCIRC/254/Rev.8/Part 2 and S/2012/947;

6. Recalls paragraph 18 of resolution 1874 (2009), and calls upon Member States to exercise enhanced vigilance in this regard, including monitoring the activities of their nationals, persons in their territories, financial institutions, and other entities organized under their laws (including branches abroad) with or on behalf of financial institutions in the DPRK, or of those that act on behalf or at the direction of DPRK financial institutions, including their branches, representatives, agents and subsidiaries abroad;

7. Directs the Committee established pursuant to resolution 1718 (2006) to issue an Implementation Assistance Notice regarding situations where a vessel has refused to allow an inspection after such an inspection has been authorized by the vessel's Flag State or if any DPRK-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009);

8. Recalls paragraph 14 of resolution 1874 (2009), recalls further that States may seize and dispose of items consistent with the provisions of resolutions 1718 (2006), 1874 (2009) and this resolution, and further clarifies that methods for States to dispose include, but are not limited to, destruction, rendering inoperable, storage or transferring to another State other than the originating or destination States for disposal;

9. Clarifies that the measures imposed in resolutions 1718 (2006) and 1874 (2009) prohibit the transfer of any items if a State relevant to a transaction has information that provides reasonable grounds to believe that a designated individual or entity is the originator, intended recipient or facilitator of the item's transfer;

10. Calls upon Member States which have not yet done so to report on the measures they have taken to implement the provisions of resolutions 1718 (2006) and 1874 (2009), encourages other Member States to submit, if any, additional information on implementing the provisions of resolutions 1718 (2006) and 1874 (2009);

11. Encourages international agencies to take necessary steps to ensure that all their activities with respect to the DPRK are consistent with the provisions of resolutions 1718 (2006) and 1874 (2009), and further encourages relevant agencies to engage with the Committee regarding their activities with respect to the DPRK that may relate to provisions of these resolutions;

12. Deplores the violations of the measures imposed in resolution 1718 (2006) and 1874 (2009), including the use of bulk cash to evade sanctions, underscores its concern over the supply, sale or transfer to or from the DPRK or through States' territories of any item that could contribute to activities prohibited by resolutions 1718 (2006) or 1874

(2009) and the importance of appropriate action by States in this regard, calls on States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals working on behalf or at the direction of a designated individual or entity, directs the Committee to review reported violations and take action as appropriate, including through designating entities and individuals that have assisted the evasion of sanctions or in violating the provisions of resolutions 1718 (2006) and 1874 (2009);

13. Emphasizes the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated pursuant to resolutions 1718 (2006) and 1874 (2009), or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by resolutions 1718 (2006) and 1874 (2009);

14. Reaffirms its desire for a peaceful, diplomatic and political solution to the situation, welcomes efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue, and underlines the need to refrain from any action that might aggravate tensions;

15. Reaffirms its support to the Six Party Talks, calls for their resumption, urges all the participants to intensify their efforts on the full and expeditious implementation of the 19 September, 2005 Joint Statement issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, with a view to achieving the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintaining peace and stability on the Korean Peninsula and in northeast Asia;

16. Calls upon all Member States to implement fully their obligations pursuant to resolutions 1718 (2006) and 1874 (2009);

17. Re-emphasizes that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;

18. Underlines that measures imposed by resolutions 1718 (2006) and 1874 (2009) are not intended to have adverse humanitarian consequences for the civilian population of the DPRK;

19. Affirms that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, expresses its determination to take significant action in the event of a further DPRK launch or nuclear test;

20. Decides to remain actively seized of the matter.

Annex I

Travel Ban/Asset Freeze

1. **PAEK CHANG-HO**
 - (a) Description: senior official and head of the satellite control center of Korean Committee for Space Technology.
 - (b) AKA: Pak Chang-Ho; Paek Ch'ang-Ho
 - (c) Identifiers: Passport: 381420754; Passport Date of Issue: 7 December 2011; Passport Date of Expiration: 7 December 2016; D.O.B. 18 June 1964; P.O.B. Kaesong, DPRK
2. **CHANG MYONG-CHIN**
 - (a) Description: General Manager of the Sohae Satellite Launching Station and head of launch center at which the 13 April and 12 December 2012 launches took place.
 - (b) AKA: Jang Myong-Jin
 - (c) Identifiers: D.O.B. 1966; Alt. D.O.B. 1965
3. **RAKY'ONG-SU**
 - (a) Description: Ra Ky'ong-Su is a Tanchon Commercial Bank (TCB) official. In this capacity he has facilitated transactions for TCB. Tanchon was designated by the Committee in April 2009 as the main DPRK financial entity responsible for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons.
4. **KIM KWANG-IL**
 - (a) Description: Kim Kwang-il is a Tanchon Commercial Bank (TCB) official. In this capacity, he has facilitated transactions for TCB and the Korea Mining Development Trading Corporation (KOMID). Tanchon was designated by the Committee in April 2009 as the main DPRK financial entity responsible for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

Annex II**Asset Freeze****1. KOREAN COMMITTEE FOR SPACE TECHNOLOGY**

- (a) *Description:* The Korean Committee for Space Technology (KCST) orchestrated the DPRK's launches on 13 April, 2012 and 12 December, 2012 via the satellite control center and Sohae launch area.
- (b) *AKA:* DPRK Committee for Space Technology; Department of Space Technology of the DPRK; Committee for Space Technology; KCST
- (c) *Location:* Pyongyang, DPRK

2. BANK OF EAST LAND

- (a) *Description:* DPRK financial institution Bank of East Land facilitates weapons-related transactions for, and other support to, arms manufacturer and exporter Green Pine Associated Corporation (Green Pine) Bank of East Land has actively worked with Green Pine to transfer funds in a manner that circumvents sanctions. In 2007 and 2008, Bank of East Land facilitated transactions involving Green Pine and Iranian financial institutions, including Bank Melli and Bank Sepah. The Security Council designated Bank Sepah in resolution 1747 (2007) for providing support to Iran's ballistic missile program. Green Pine was designated by the Committee in April 2012.
- (b) *AKA:* Dongbang BANK; TONGBANG U'NHAENG; TONGBANG BANK
- (c) *Location:* P.O. Box 32, BEL Building, Jonseung-Dung, Moranbong District, Pyongyang, DPRK

3. KOREA KUMRYONG TRADING CORPORATION

- (a) *Description:* Used as an alias by the Korea Mining Development Trading Corporation (KOMID) to carry out procurement activities. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

4. TOSONG TECHNOLOGY TRADING CORPORATION

(a) *Description:* The Korea Mining Development Corporation (KOMID) is the parent company of Tosong Technology Trading Corporation. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

(b) *Location:* Pyongyang, DPRK

5. KOREARYONHAMACHINERY JOINT VENTURE CORPORATION

(a) *Description:* Korea Ryonbong General Corporation is the parent company of Korea Ryonha Machinery Joint Venture Corporation. Korea Ryonbong General Corporation was designated by the Committee in April 2009 and is a defence conglomerate specializing in acquisition for DPRK defence industries and support to that country's military-related sales.

(b) *AKA:* CHOSUN YUNHA MACHINERY JOINT OPERATION COMPANY; KOREA RYENHA MACHINERY J/V CORPORATION; RYONHA MACHINERY JOINT VENTURE CORPORATION

(c) *Location:* Central District, Pyongyang, DPRK; Mangungdaegu, Pyongyang, DPRK; Mangyongdae District, Pyongyang, DPRK

6. LEADER (HONG KONG) INTERNATIONAL

(a) *Description:* Facilitates shipments on behalf of the Korea Mining Development Trading Corporation (KOMID). KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

(b) *AKA:* Leader International Trading Limited

(c) *Location:* Room 1610 Nan Fung Tower, 173 Des Voeux Road, Hong Kong

Passed in the Senate this 1st day of November 2013 with two (2) amendments.

FLOYD E. MORRIS

President.

Passed in the House of Representatives this 12th day of November, 2013
with one (1) amendment.

MICHAEL A. PEART

Speaker.

On the 15th day of November, 2013 the Senate agreed to the amendment
made by the House of Representatives.

FLOYD E. MORRIS

President.

*This printed impression has been carefully
compared by me with the authenticated
impression of the foregoing Act, and has been
found by me to be a true and correct printed
copy of the said Act.*

/sgd./ H. E. Cooke

Clerk to the Houses of Parliament.