



Export Control Act 2002

2002 CHAPTER 28

9 Guidance about the exercise of functions under control orders

- (1) This section applies to licensing powers and other functions conferred by a control order on any person in connection with controls imposed under this Act.
- (2) The Secretary of State may give guidance about any matter relating to the exercise of any licensing power or other function to which this section applies.
- (3) But the Secretary of State must give guidance about the general principles to be followed when exercising licensing powers to which this section applies.
- (4) The guidance required by subsection (3) must include guidance about the consideration (if any) to be given, when exercising such powers, to—
 - (a) issues relating to sustainable development; and
 - (b) issues relating to any possible consequences of the activity being controlled that are of a kind mentioned in the Table in paragraph 3 of the Schedule;but this subsection does not restrict the matters which may be addressed in guidance.
- (5) Any person exercising a licensing power or other function to which this section applies shall have regard to any guidance which relates to that power or other function.
- (6) A copy of any guidance shall be laid before Parliament and published in such manner as the Secretary of State may think fit.
- (7) In this section “guidance” means guidance stating that it is given under this section.
- (8) The consolidated criteria relating to export licensing decisions announced to Parliament by the Secretary of State on 26th October 2000 shall (until withdrawn or varied under this section) be treated as guidance which—
 - (a) is given and published under this section; and
 - (b) fulfils the duty imposed by subsection (3) in respect of any export controls and transfer controls which may be imposed in relation to goods or technology of a description falling within paragraph 1 or 2 of the Schedule.