
STATUTORY INSTRUMENTS

1995 No. 3298

CUSTOMS AND EXCISE

The Dual-Use and Related Goods (Export Control) (Amendment No. 2) Regulations 1995

<i>Made</i>	- - - -	<i>19th December 1995</i>
<i>Laid before Parliament</i>		<i>21st December 1995</i>
<i>Coming into force</i>	- -	<i>23rd January 1996</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the control of the export of goods and measures relating to trade in dual-use goods, in exercise of the powers conferred on him by that section hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Dual-Use and Related Goods (Export Control) (Amendment No. 2) Regulations 1995 and shall come into force on 23rd January 1996.

(2) In these Regulations, “the principal Regulations” means the Dual-Use and Related Goods (Export Control) Regulations 1995⁽³⁾.

2.—(1) In regulation 3(2)(a)(iii)(aa) of the principal Regulations, after the word “exporter” there shall be inserted the words “(or, if the exporter is not within the United Kingdom, any agent of his within the United Kingdom concerned in the exportation or intended exportation)”.

(2) For paragraph (4) of regulation 3 of the principal Regulations, there shall be substituted the following:

“(4) Any dual-use goods which are not of a description specified in Schedule 1 hereto, in relation to which a Community license has not been granted and which are brought to any place in the United Kingdom for the purpose of being exported to a destination outside the European Community, not being goods which pass only through the territory of the Community within the meaning of Article 3(3) of the Regulation, may be detained by the proper officer of Customs and Excise as if they were liable to forfeiture if and so long as he has reason to believe that the appropriate authorities (after, if necessary, having had the impending exportation brought to their attention) might inform the exporter (within the meaning of the Regulation) as provided in Article 4(1) of the Regulation.

(1) S.I. 1983/1706 and 1994/2791.

(2) 1972 c. 68.

(3) S.I. 1995/271; the relevant amending instrument is S.I. 1995/1424.

(4A) Any goods, other than dual-use goods, in relation to which a licence has not been granted and which are brought to any place in the United Kingdom for the purpose of being exported may be detained by the proper officer of Customs and Excise as if they were liable to forfeiture if and so long as he has reason to believe that a competent authority (after, if necessary, having had the impending exportation brought to its attention) might inform the exporter (or his agent, as the case may be) as provided in paragraph (2)(a)(iii)(aa) above.

(4B) Where either—

- (a) a Community licence has been granted by a competent authority in another member state for the export of any goods to any destination outside the European Community, or
- (b) goods of which the exporter (within the meaning of the Regulation) is established in a member state other than the United Kingdom but not in the United Kingdom are or have been detained under paragraph (4) above,

the Secretary of State may give notice to the proper officer of Customs and Excise that he considers that export of the goods would be contrary to the essential foreign policy or security interests or to the fulfilment of the international obligations or commitments of the United Kingdom; and in such a case, subject to any rights arising out of the second subparagraph of Article 10(4) of the Regulation (goods to be put at disposal of exporter), and notwithstanding, in a case falling within subparagraph (a) above, the grant of the licence therein referred to, such export is prohibited.”

(3) In regulation 11(1) of the principal Regulations, for the words “regulation 3(2) or (4)” there shall be substituted the words “regulation 3(2) or (4B)”.

(4) In regulation 12(1) of the principal Regulations, after the words “regulation 3(2)” there shall be inserted the words “or (4B)”.

(5) In regulation 13(3) of the principal Regulations, after the words “Regulation (3)(2)(a)(iii)” there shall be inserted the words “and (4A)”.

(6) Regulation 3(3) of the Dual-Use and Related Goods (Export Control) (Amendment) Regulations 1995(4) is revoked.

19th December 1995

Phillip Oppenheim
Minister for Company Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations replace paragraph (4) of regulation 3 of the Dual-Use and Related Goods (Export Control) Regulations 1995 with three new paragraphs. New paragraphs (4) and (4A) enable a Customs officer to detain goods to give the authorities an opportunity to inform the exporter that the goods are or may be intended for use in connection with weapons of mass destruction. New paragraph (4B) restates old paragraph (4) and extends its effect to goods detained under new paragraph (4). There are consequential amendments and a consequential revocation.