

1999 No. 63

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment) Order 1999

Made - - - - - *14th January 1999*

Coming into force *15th February 1999*

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939(a) and now vested in him(b), hereby makes the following Order:

1.—(1) This Order may be cited as the Export of Goods (Control) (Amendment) Order 1999 and shall come into force on 15th February 1999.

(2) In this Order, “the principal Order” means the Export of Goods (Control) Order 1994(c).

2. The following Order and provisions are hereby revoked:

(a) in article 3B(1A) of the principal Order—

- (i) subparagraph (a), and
- (ii) the words “or (c)” in subparagraph (d);

(b) in Part I of Schedule 1 to the principal Order—

- (i) the paragraph numbered 1 at the beginning of the Part, and
- (ii) Group 1;

(c) the Export of Goods (Control) (Amendment No. 2) Order 1995(d);

(d) in the Export of Goods (Control) (Amendment No. 2) Order 1996(e)—

- (i) article 2(f), and
- (ii) paragraph 4 of Schedule 2; and

(e) article 1(3)(b) of the Export of Goods (Control) (Amendment No. 3) Order 1997(f).

3. Article 3 of the principal Order shall be renumbered as paragraph (1) of that article, and the following paragraphs shall be added to that article:

“(2) For the purposes of subparagraph (a) of paragraph (1) above but subject to paragraph (3) below, the exportation of goods to a destination outside the customs territory

(a) 1939 c. 69.

(b) S.I. 1970/1537.

(c) S.I. 1994/1191; the relevant amending Orders are S.I. 1994/2711, 1995/3249, 1996/2663 and 1997/2758.

(d) S.I. 1995/3249, amended by S.I. 1996/2663 and 1997/2758.

(e) S.I. 1996/2663.

(f) S.I. 1997/2758.

of the European Community shall be regarded as being under the authority of a licence granted by the Secretary of State to or for the benefit of a particular person only if—

- (a) he is the person on whose behalf the export declaration is made, and
- (b) he is established within the European Community and either—
 - (i) he is the owner of the goods or has a similar right of disposal over them, or
 - (ii) if no person who is owner of the goods or has a similar right of disposal over them is established within the European Community, he is party to one or more contracts under which ownership of the goods or a similar right of disposal over them has passed to a person not established within the European Community and pursuant to which the goods are to be, are being or have been exported from the customs territory of the European Community.

(3) Paragraph (2) above does not apply if no person falls within subparagraph (b) of that paragraph or if the export is of goods imported into the United Kingdom for transit or transshipment in respect of which the conditions in article 3B(2) below are met.”

4. In paragraph 1 of Group 2 in Part I of Schedule 1 to the principal Order—

- (a) the words “explosive ordnance disposal” in subparagraph (d) shall be replaced by the words “the disposal of improvised explosive devices”; and
- (b) the words “and containers designed for holding improvised explosive devices or objects suspected of being such devices” shall be added at the end of the exception to subparagraph (d).

5.—(1) The following amendments shall be made in Part III of Schedule 1 to the principal Order.

(2) In the Definitions—

- (a) in the definition of “biocatalyst”, the words “for specific chemical or biochemical reactions” shall be inserted after the word “enzymes”;
- (b) subparagraph a. of the definition of “biopolymer” shall be replaced by:
 - “a. enzymes for specific chemical or biochemical reactions;”;
- (c) the definition of “enzymes” shall be revoked;
- (d) in the definition of “end-effectors”—
 - (i) the word “include” shall be replaced by the word “means”;
 - (ii) the words “(that is, devices for applying motive power, process energy or sensing to the workpiece)” shall be inserted after the word “units”; and
 - (iii) the Technical Note shall be revoked;
- (e) the following definition shall be inserted after the definition of “improvised explosive devices”:
 - ““in the public domain” means available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright);”.

(3) In entry ML1d, the words “weapons sights” shall be inserted after the words “special gun-mountings”.

(4) Entry PL5002 shall be replaced by—

“PL 5002 Telescopic sights for goods specified in entry PL5018, other than those specified in entries ML1, ML2 and ML5.”

(5) In entry ML2, the following head shall be inserted after head b:

“c. Weapons sights for arms specified in entry ML2a or ML2b.”

(6) At the end of the exception to entry ML15, the following words shall be added:

“or equipment specially designed so that only “first generation image intensifier tubes” are or can be incorporated in it.

NB: For weapons sights incorporating “first generation image intensifier tubes”, see entries ML1, ML2 and ML5.”

14th January 1999

A.J. Mantle
An official of the Department of
Trade and Industry authorised to
act on behalf of the Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Export of Goods (Control) Order 1994.

Group 1 in Part I of Schedule 1 (bovine offal) is revoked, and consequential amendments are made. Controls on the export of bovine offal are now wholly contained in other legislation. (An erroneous cross-reference of no legal effect in article 3B(1A)(d) of the 1994 Order is also revoked.) (Article 2)

The benefit of licences granted to particular persons is limited to the persons identified as exporters under the Community Customs Code (Council Regulation (EEC) 2913/92, O.J. L302, 19.10.92, p.1) and its Implementing Regulation (Commission Regulation (EEC) 2454/93, O.J. L253, 11.10.93, p.1), so far as those Regulations are applicable. (Article 3)

The control on equipment and devices specially designed for explosive ordnance disposal in Group 2 in Part I of Schedule 1 is replaced by a control on equipment and devices specially designed for disposal of improvised explosive devices; and containers designed for holding improvised explosive devices or objects suspected of being such devices are excluded from that control. (Article 4)

In Part III of Schedule 1 (the "military list"), weapons sights are added to entries ML1 and ML2, with consequential amendments to entries PL5002 and ML15; and definitions in the military list are amended as follows:

- the definition of "end-effectors" is amended so as to be comprehensive rather than selective;
- the definition of "enzymes" is revoked, with consequential amendments to the definitions of "biocatalyst" and "biopolymer";
- a definition is inserted of "in the public domain". (Article 5)

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