STATUTORY INSTRUMENTS

2000 No. 1239

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment No. 2) Order 2000

Made - - - -	*8th May 2000*
Coming into force	*31st May 2000*

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 No. 2) Order 2000 and shall come into force on 31st May 2000.

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

2.—(1) The following amendments shall be made in article 3(1) of the principal Order.

(2) In each of subparagraphs (c)(i), (d)(i), and (e)(ii)(bb), after the word "country" there shall be inserted the words "or destination".

3. Article 3B(1A)(g) of the principal Order shall be replaced by the following text:

"any goods of a description specified in Part III of Schedule 1 hereto being exported to any destination, or a destination in any country, specified in Schedule 3 hereto.".

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

(2) At the end of the exceptions to entry PL5021 and entry ML3, the following new exception shall be inserted:

"c. Cartridges specially designed for signalling, bird scaring or lighting of gas flares at oil wells.".

(3) In entry ML4.a., the words ""military pyrotechnics"" shall be replaced by the words "devices that contain "military pyrotechnics"".

(4) Entry ML7 shall be amended as follows—

(a) the words from "Chemical or biological toxic agents" (where they first appear) to the words "key precursors, as follows" in the heading of entry ML7.b. shall be replaced by the following text:

(a) 1939 c. 69.
(b) S.I. 1979/1537.
(c) S.I. 1994/1191; the relevant amending Orders are S.I. 1994/2711, 1996/2663, 1997/323, 1008 and 2758, 1999/63, 335 and 1777 and 2000/109.

"Chemical or biological toxic agents, toxic chemicals and mixtures containing such agents or chemicals, "tear gases", radioactive materials, related equipment, components, materials and "technology", as follows:

a. Chemical or biological toxic agents, toxic chemicals and radioactive materials, as follows:

1. Biological agents and radioactive materials "adapted for use in war" to produce casualties in humans or animals, degrade equipment or damage crops or the environment, and chemical warfare ("CW") agents;
2. Chemicals listed in items (1) to (6) of the Schedule to the Chemical Weapons Act 1996**(a)**, read with notes 2 and 3 of that Schedule, whether or not they are CW agents in entry ML7.a., and chemical mixtures containing one or more of these chemicals;
3. 3-Quinuclidinyl benzilate (BZ) [CAS 6581-06-02] and chemical mixtures containing more than 1% by weight thereof;

b. CW binary precursors and key precursors, as follows, and chemical mixtures containing one or more of these precursors:";

(b) entry ML7.d. shall be replaced by the following text:

"d. Equipment specially designed or modified for the dissemination of any of the following, and specially designed components therefor:

1. Materials or agents specified in entry ML7.a. or entry ML7.c.;
2. CW agents made up of precursors specified in entry ML7.b.;

Note: Entry ML7.d. does not include equipment not specially designed or modified for military purposes.";

(c) in entry ML7.e., the words "or entry ML7.c." shall be inserted after the words "entry ML7.a.";

(d) in entry ML7.f., the words "in ML7.a." shall be replaced by the words "in entry ML7.a. or entry ML7.c.".

(5) Entry ML8 shall be amended as follows—

(a) entry ML8.a.4 shall be deleted, and

(b) in entry ML8.e.33 and entry ML.8.e.34,

(i) the word "polyamine" shall be replaced by the word "polyamines", and

(ii) the word "its" shall be replaced by the word "their".

(6) At the end of entry ML13.b., there shall be inserted the words ", and specially designed components therefor;".

(7) In entry PL5014, the word ", ML13.b." shall be deleted.

(8) In entry ML17, the word "and" shall be deleted at the end of entry ML17.k.; and after entry ML17.1., there shall be inserted the following new entry:

"m. Bridges specially designed for military use.".

(9) In entry PL5033, the word "Bridges," shall be deleted.

(10) In entry ML21, the following new entry shall be inserted after entry ML21.b.2.:

""Software" not controlled under entry ML21.a., or ML21.b.1. or ML21.b.2., specially designed or modified to enable equipment not specified in this Part of this Schedule to perform military functions of equipment specified in any of the following entries:

ML5, ML7.f., ML9, ML10.e., ML11, ML14, ML15, ML17.i. and ML18.".

(a) 1996 c. 6.

5. The following amendments shall be made in Schedule 3 to the principal Order.

(a) in the heading, the words "and destination" shall be inserted after the word "countries",

(b) "Nigeria" shall be deleted,

(c) after the words "China (People's Republic)" there shall be inserted the words "excluding Special Administrative Regions", and

(d) after "Liberia" there shall be inserted "Macao Special Administrative Region".

Kim Howells,
Parliamentary Under Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

8th May 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes the following changes to the Export of Goods (Control) Order 1994:

(a) cartridges specially designed for signalling, bird scaring or lighting of gas flares at oil wells have been removed from control;

(b) clarification is made to the control of military pyrotechnics to distinguish between that and devices that contain military pyrotechnics;

(c) equipment for the dissemination of tear gases and riot control agents that are specially designed or modified for military purposes are now controlled;

(d) goods specially designed for defence against riot control agents and tear gases that are specially designed for military purposes now controlled;

(e) goods specially designed for the detection or identification of riot control agents and tear gases that are specially designed for military purposes are now controlled;

(f) the control on nitroguanidine has been removed;

(g) specially designed components of constructions or combinations of metallic or non metallic materials that are specially designed to provide ballistic protection are now controlled under another entry as a result of which a consequential amendment is also made;

(h) bridges specially designed for military use are now controlled under a separate entry as a result of which a consequential amendment is also made;

(i) amendments are made to clarify that mixtures of chemical or biological toxic agents, and of toxic chemicals, are also controlled;

(j) software that is specially designed or modified to perform military specific functions is now brought under control;

(k) Schedule 3 specifying countries to which arms in transit through the United Kingdom may not be exported without a licence, can now include specific destinations in countries. Consequential amendments have been made to—

  (i) article 3 and 3A of the principal Order, and

  (ii) the list in Schedule 3 so as to distinguish between countries and destinations in countries;

(l) Nigeria has been removed from, and Macao Special Administrative Region has been added to, the list of countries and destinations to which arms in transit through the United Kingdom may not be exported without a licence; and

(m) minor drafting amendments have been made to correct grammatical errors.

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