
STATUTORY INSTRUMENTS

2008 No. 296

The Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008

PROSPECTIVE

Requirements, offences and penalties: exports

6.—(1) An operator who is concerned in the export of a scheduled substance that requires a customs declaration shall ensure that he has a valid export authorisation for that export in accordance with Articles 12 to 19 of the Community Regulation.

(2) An operator who is concerned in the export of a scheduled substance shall ensure that he presents an export authorisation to the customs office when the customs declaration is made, or in the absence of a customs declaration, either at the customs office of exit or other competent authorities at the point of exit from the customs territory of the Community as required by Article 14(2) of the Community Regulation.

(3) For the purposes of section 68 of the 1979 Act (offences in relation to exportation of prohibited or restricted goods) any scheduled substances shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under these Regulations if it is exported without the requisite authorisation referred to in paragraph (1).

(4) Where a person is convicted of an offence, as a result of the application of paragraph (3), contrary to section 68 of the 1979 Act (offences in relation to exportation of prohibited or restricted goods)—

(a) section 68(1)(1) of the 1979 Act shall have effect as if after the word “greater” there is added the words “but not exceeding level 5 on the standard scale”;

(b) section 68(3)(a)(2) of the 1979 Act shall have effect as if—

(i) after the word “greater” there is added the words “but not exceeding the statutory maximum”; and

(ii) for the words “6 months” there is substituted “3 months”;

(c) section 68(3)(b)(3) of the 1979 Act shall have effect as if for the words “7 years” there is substituted “2 years”.

(5) An operator who fails to comply with any requirement imposed by virtue of this regulation is guilty of an offence and liable to the penalties specified in regulation 9(2).

(6) For the purposes of this regulation section 45 of the Criminal Proceedings Etc. (Reform) (Scotland) Act 2007 (4) shall not apply to section 68(3)(a) of the 1979 Act.

(1) Section 68(1) was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46.
(2) Section 68(3) was amended by the Forgery and Counterfeiting Act 1981 (c. 45), section 23(2).
(3) Section 68(3)(b) was amended by the Finance Act 1988 (c. 39), section 12(1), (6).
(4) 1007 Asp 6

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Controlled Drugs (Drug Precursors)(Community External Trade) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II Reg. 6 in force at 7.3.2008, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- reg. 6 coming into force by [S.I. 2008/296 reg. 1\(1\)](#)
- reg. 6(2) words omitted by [S.I. 2019/742 reg. 12\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)