
STATUTORY INSTRUMENTS

2008 No. 3231

The Export Control Order 2008

PART 6

OFFENCES, ENFORCEMENT AND PENALTIES

Failure to comply with licence conditions

38.—(1) A person who, having acted under the authority of a licence or the Community General Export Authorisation, fails to comply with—

- (a) any of the requirements or conditions to which the licence or the Community General Export Authorisation is subject; or
- (b) any obligation under article 28, 29, 30 or 31

commits an offence unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the licence was modified after the completion of the act authorised; and
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified.

(3) A person guilty of an offence under paragraph (1) shall be liable—

(a) on summary conviction—

- (i) in England and Wales or Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both;
- (ii) in Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.