
STATUTORY INSTRUMENTS

2008 No. 3231

CUSTOMS

The Export Control Order 2008

Made - - - - *15th December 2008*
Laid before Parliament *17th December 2008*
Coming into force - - *6th April 2009*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to—

- (a) measures relating to trade in dual-use items, including the transmission of software or technology in intangible form⁽²⁾; and
- (b) matters relating to trade in certain goods, including technical assistance, which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment⁽³⁾.

It appears to the Secretary of State that it is expedient for the references in this Order to Council Regulation (EC) No 1334/2000⁽⁴⁾, Council Regulation (EC) No 1236/2005⁽⁵⁾, Article 3 of Council Regulation (EEC) No 2913/92⁽⁶⁾ and Article 3 of Council Regulation (EC) No 450/2008⁽⁷⁾ to be construed as references to those instruments and provisions as amended from time to time.

To the extent that this Order regulates any of the activities listed in section 8(1) of the Export Control Act 2002⁽⁸⁾, the Secretary of State, having considered the reasons for the relevant controls and the need to respect the freedom to carry on the relevant activities, has determined that such regulation is necessary in the circumstances prevailing at the time of this Order.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽⁹⁾, by paragraph 1A of Schedule 2 to that Act⁽¹⁰⁾ and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002⁽¹¹⁾, makes the following Order:

(1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1).
(2) S.I. 2000/1813.
(3) S.I. 2006/1461.
(4) OJ No L 159, 30.6.2000, p1; relevant amending instruments are Council Regulation (EC) No 2432/2001 (OJ No L 338, 20.12.2001, p1) and Council Regulation (EC) No 1167/2008 (OJ No L 325, 3.12.2008, p1).
(5) OJ No L 200, 30.7.2005, p1, to which there are amendments not relevant to this Order.
(6) OJ No L 302, 19.10.1992, p1; relevant amending instruments are the Act of Accession of Austria, Sweden and Finland (OJ No C 241, 29.8.1994, p21) adapted by Council Decision 95/1/EC, Euratom, ECSC (OJ No L 1, 1.1.2005, p1), Regulation (EC) No 82/97 of the European Parliament and of the Council (OJ No L 17, 21.1.1997, p1), the Act concerning the conditions of accession of the Czech Republic and others and Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p1).
(7) OJ No L 145, 4.6.2008, p1.
(8) 2002 c. 28.
(9) 1972 c. 68.
(10) Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28.
(11) 2002 c. 28.

Status: *This is the original version (as it was originally made).*
