

This Order contains a provision correcting an error in S.I. 2008/3231 and is being issued free of charge to all known recipients of that Order.

STATUTORY INSTRUMENTS

2010 No. 121

CUSTOMS

The Export Control (Amendment) Order 2010

<i>Made</i>	- - - -	<i>25th January 2010</i>
<i>Laid before Parliament</i>		<i>26th January 2010</i>
<i>Coming into force</i>	- -	<i>27th January 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 1, 2, 5 and 7 of the Export Control Act 2002(1), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Export Control (Amendment) Order 2010 and shall come into force on 27th January 2010.

(2) In this Order, “the 2008 Order” means the Export Control Order 2008(2).

Amendments related to UK controlled dual-use goods, etc.

2.—(1) The 2008 Order is amended as follows.

(2) For articles 4 and 5 substitute—

“Movement of UK controlled dual-use goods, etc. to certain destinations

4.—(1) Subject to articles 13, 14, 17, 18 and 26, no person shall—

(a) export UK controlled dual-use goods; or

(b) transfer UK controlled dual-use software or technology by electronic means

if paragraph (2) or (3) applies.

(2) This paragraph applies where the destination is one specified in Schedule 3 as a prohibited destination in relation to the goods, software or technology in question (“a prohibited destination”).

(1) 2002 c.28.

(2) S.I. 2008/3231; relevant amending instruments are S.I. 2009/1852, 2009/2151.

- (3) This paragraph applies where the destination is not a prohibited destination but the exporter or transferor knows—
- (a) that the final destination of the goods, software or technology in question is a prohibited destination; and
 - (b) that no processing or working is to be performed on the goods, software or technology in question before they are exported or transferred to that final destination.”
- (3) In article 13—
- (a) in paragraphs (1) and (3), omit “or 5”;
 - (b) in paragraph (4), for “, 4 or 5” substitute “or 4”.
- (4) In article 14—
- (a) in paragraph (2), omit “or 5”;
 - (b) in paragraph (3), for “, 4 or 5” substitute “or 4” .
- (5) In article 17(1), omit “, 5”.
- (6) In article 18(1), for “, 4 or 5” substitute “or 4”.
- (7) In paragraphs (1)(a)(i) and (2)(a) of article 41, omit “, 5”.
- (8) In the reference note at the head of Schedule 3, for “, 4 and 5” substitute “and 4”.

Amendment related to detection equipment

3. In Schedule 3 to the 2008 Order, after the notes to entry PL9005 insert—

“Detection equipment

PL9006 The export of ‘electro-statically powered’ equipment for detecting “explosives”, other than detection equipment specified in Schedule 2 or in 1A004.d. in Annex I to “the dual-use Regulation”, is prohibited to any destination in Afghanistan or Iraq.

Technical note

‘Electro-statically powered’ means using electro-statically generated charge.”.

25th January 2010

Ian Lucas
Minister for Business and Regulatory Reform
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Export Control Order 2008. Article 3 adds electro-statically powered explosive detectors to the list of dual-use goods made subject to United Kingdom export controls for strategic reasons. The prohibited destinations are Afghanistan and Iraq.

At the same time, article 2 ensures that such goods and other nationally controlled dual-use goods, software and technology cannot be sent to prohibited destinations via a third country (the Export Control Order 2008 and its predecessors only prohibited exports and transfers via the customs territory of what was then the European Community).

An Impact Assessment has been prepared in respect of this Order and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.