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STATUTORY INSTRUMENTS

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**2003 No. 2764**

**Export of Goods, Transfer of Technology and Provision  
of Technical Assistance (Control) Order 2003**

**PART VI  
GENERAL**

**Offences and penalties**

**16.**—(1) Any person who contravenes a prohibition or restriction in—

- (a) article 6, 7(1), 7(2)(a), 7(2)(b) or 7(2)(c)(ii) of this Order; or
- (b) Article 3(1), 4(2), 4(3) or 21(1) of the Regulation in respect of the transfer of software and technology, [<sup>F1</sup>or]

[<sup>F1</sup>(c) Article 3(1) of the 2005 Regulation, in respect of the supply of technical assistance, as defined in the 2005 Regulation,]

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person who contravenes a prohibition or restriction in—

- (a) article 4(2)(c)(i), 4(3) or 5 of this Order;
- (b) article 7(2)(c)(i), 7(3), 8(2), 8(4), 9(1), 9(4), 10(1) or 10(2) of this Order;
- (c) article 8(1) or 9(3) of this Order; or
- (d) Article 4(1) of the Regulation,

shall be guilty of an offence and may be arrested.

(3) A person guilty of an offence under paragraph (2) shall be liable—

- (a) on summary conviction to a fine of the prescribed sum or to imprisonment for a term not exceeding 6 months, or to both; or
- (b) on conviction on indictment to a fine of any amount or to imprisonment for a term not exceeding 2 years, or to both.

(4) Any person knowingly concerned in the transfer of software or technology, or in the attempted transfer of software or technology, with intent to evade any prohibition or restriction in—

- (a) article 6, 7(1), 7(2), 7(3), 8(2), 8(4), 9(1) or 9(4) of this Order;
- (b) article 8(1) or 9(3) of this Order; or
- (c) Article 3(1), 4(1), 4(2), 4(3) or 21(1) of the Regulation,

shall be guilty of an offence [<sup>F2</sup>and may be arrested].

(5) Any person knowingly concerned in the provision, or attempted provision, of technical assistance related to the supply, delivery, manufacture, maintenance or use of anything, with intent

to evade any prohibition or restriction in article 10 of this Order shall be guilty of an offence [<sup>F2</sup>and may be arrested].

[<sup>F3</sup>(5A) Any person knowingly concerned in the provision of technical assistance, as defined in the 2005 Regulation, with intent to evade the prohibition on the provision of technical assistance in article 3(1) of the 2005 Regulation shall be guilty of an offence and liable to arrest.]

(6) A person guilty of an offence [<sup>F4</sup>under paragraph (4), (5) or (5A)] shall be liable—

- (a) on summary conviction to a fine of the prescribed sum or to imprisonment for a term not exceeding 6 months, or to both; or
- (b) on conviction on indictment, to a fine of any amount, or to imprisonment for a term not exceeding 10 years, or to both.

(7) Any person who fails to comply with the requirement in Article 4(4) of the Regulation shall be guilty of an offence and liable—

- (a) on summary conviction to a fine of the prescribed sum;
- (b) on conviction on indictment to a fine of any amount or to imprisonment for a term not exceeding two years, or to both.

(8) Any person who fails to comply with Article 21(5) or (7) of the Regulation shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(9) Any person who fails to comply with Article 9(1) of the Regulation shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale and any licence or Community Licence or permission which may have been granted by the Secretary of State, or any competent authority in connection with the application shall be void as from the time it was granted.

#### Textual Amendments

- F1** Art. 16(1)(c) and preceding word inserted (30.7.2006) by [The Export Control \(Security and Para-military Goods\) Order 2006 \(S.I. 2006/1696\)](#), arts. 1, **7(a)**
- F2** Words in art. 16(4)(5) added (28.3.2005) by [The Export of Goods, Transfer of Technology and Provision of Technical Assistance \(Control\) \(Amendment\) Order 2005 \(S.I. 2005/468\)](#), arts. 1, **4**
- F3** Art. 16(5A) inserted (30.7.2006) by [The Export Control \(Security and Para-military Goods\) Order 2006 \(S.I. 2006/1696\)](#), arts. 1, **7(b)**
- F4** Words in art. 16(6) substituted (30.7.2006) by [The Export Control \(Security and Para-military Goods\) Order 2006 \(S.I. 2006/1696\)](#), arts. 1, **7(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003, Section 16.