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 EXPORT CONTROL ORDER 2008

PART 1

INTRODUCTORY

- 1. Citation and commencement
- 2. Interpretation
- 2A Crown application

PART 2

EXPORT AND TRANSFER CONTROLS

- 3. Military goods, etc.
- 4. Movement of UK controlled dual-use goods, etc. to certain destinations
- 4A Movement of certain medicinal products to the United States of America
- 4B Movement of Libyan bank notes and coins
- 5. Movement of UK controlled dual-use goods, etc. within the customs territory
- 6. WMD purposes end-use control supplementing the dual-use Regulation
- 7. Control on transfers within the customs territory supplementing the dualuse Regulation
- 8. Transit controls supplementing the dual-use Regulation
- 9. Provisions supplementing the torture Regulation
- 9A General prohibition
- 10. Transfers within the United Kingdom for WMD purposes
- 11. Transfers from outside the United Kingdom for WMD purposes
- 12. Transfers by non-electronic means from the United Kingdom for WMD purposes
- 12A Military end-use control supplementing the dual-use Regulation

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Export Control Order 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

- 12B Exceptions to military end-use control supplementing the dual-use Regulation
- 13. Exceptions for aircraft
- 14. Exceptions for vessels
- 14A Exception for historic military vehicles
- 15. Exception for firearms European firearms pass
- 16. Exception for firearms firearm or shot gun certificate or permit
- 17. Transit or transhipment exception
- 18. Software and technology exceptions

PART 3

TECHNICAL ASSISTANCE CONTROLS

19. End-use control on technical assistance

PART 4

TRADE CONTROLS

- 20. Embargoed destinations
- 21. Category A goods
- 22. Category B goods
- 23. Category C goods
- 24. Exception for movement of goods within the customs territory
- 25. Exception for activities carried out in the Isle of Man

PART 5

LICENCES, ETC.

- 26. Licences
- 27. Person authorised by UK licence to export goods
- 28. Registration with the Secretary of State
- 28A Certificates (European military items)
- 29. Record keeping general
- 30. Registration and record keeping information security items
- 31. Inspection of records
- 32. Amendment, suspension and revocation of licences
- 33. Licence refusals, etc. and appeals
- 33A Certificates: refusals, etc. and appeals

PART 6

OFFENCES, ENFORCEMENT AND PENALTIES

- 34. Offences relating to prohibitions in Parts 2, 3 and 4
- 35. Offences relating to prohibitions and restrictions in the retained dual-use Regulation
- 36. Offences relating to prohibitions and restrictions in the torture Regulation
- 36A Further offences relating to the prohibitions etc. in the torture Regulation
- 37. Misleading applications for licences or certificates
- 38. Failure to comply with licence conditions
- 39. Customs powers to require evidence of destination
- 40. Customs powers relating to dual-use goods
- 41. Application of CEMA in respect of offences

Document Generated: 2024-04-09

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Export Control Order 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

42. Increase of maximum penalty for prohibited exportation provided for in CEMA

PART 6A

Provisions relating to the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement

42A Interpretation

Provisions relating to the EU defence-related products Directive

- 42B Record-keeping requirement: EU-listed military item supplier
- 42C Offence to contravene article 42B
- 42D Secretary of State may certify Northern Ireland recipient undertaking
- 42E Applying for certificate
- 42F Secretary of State may grant certificate
- 42G Establishing reliability of Northern Ireland recipient undertaking
- 42H Secretary of State may amend, suspend, and revoke certificate
- 42I Appeal of Secretary of State decision
- 42J Offence relating to misleading application for certificate

Provisions relating to the EU firearms Directive

42K Exception in relation to Northern Ireland: European firearms pass holders

Provisions relating to the EU dual-use Regulation

- 42L Export and transfer control in relation to Northern Ireland: dual-use goods, software, and technology
- 42M Offence to contravene article 42L
- 42N Exceptions in relation to Northern Ireland: dual-use goods, software, and technology
- 42O Exception in relation to Northern Ireland: EU goods in transit
- 42P Authorisation requirement: Article 11(1) of the EU dual-use Regulation
- 42Q Record-keeping requirement: Article 27(4) of the EU dual-use Regulation
- 42R Offences relating to prohibitions and restrictions in the EU dual-use Regulation

Provisions relating to the EU torture Regulation

- Export control in relation to Northern Ireland: leg irons, gang chains, and portable electric shock devices
- 42T Offence to contravene article 42S
- 42U Exception in relation to Northern Ireland: category A and C goods

PART 7

GENERAL

- 43. Use and disclosure of information
- 44. Service of notices
- 45. Revocations and transitional arrangements
- 46. Review of the implementation of the defence-related products Directive Signature

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Export Control Order 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

SCHEDULE 1 — Goods Subject to Stricter Export and Trade Controls

Definitions

PART 1 — Category A Goods

PART 2 — CATEGORY B GOODS

- 9. Small arms and light weapons within ML1 and ML2
- 10. Accessories and ammunition for small arms and light weapons within ML1 and ML2
- 10A Non-military Firearms
- 11. Light weapons within ML4
- 12. Ammunition for light weapons within ML4
- 13. Hand grenades
- 14. MANPADS, missiles for them, associated equipment and their specially designed components
- 15. Long-range missiles
- 16. Anti-vehicle landmines
- 17. Components for "goods" within this Part
- 18. Battle tanks and armoured combat vehicles within ML6
- 19. Large-calibre artillery systems within ML2 and ML4
- 20. Combat aircraft and attack helicopters within ML10
- 21. Warships within ML9
- 22. Other missiles and missile launchers

SCHEDULE 2 — MILITARY GOODS, SOFTWARE AND TECHNOLOGY

Military, Security and Para-military Goods, Software and Technology and Arms, Ammunition and Related Material

SCHEDULE 3 — UK CONTROLLED DUAL-USE GOODS, SOFTWARE AND TECHNOLOGY

- SCHEDULE 4 COUNTRIES AND DESTINATIONS SUBJECT TO STRICTER EXPORT OR TRADE CONTROLS
 - PART 1 EMBARGOED AND NO EXCEPTION FOR TRANSIT
 - PART 2 EMBARGOED AND SUBJECT TO TRANSIT CONTROL FOR MILITARY GOODS
 - PART 3 SUBJECT TO TRANSIT CONTROL FOR MILITARY GOODS
 - PART 4 SUBJECT TO TRANSIT CONTROL FOR CATEGORY B GOODS

SCHEDULE 5 — INFORMATION SECURITY ITEMS

- 1. In this Schedule— "business or academic collaborator", in relation to...
- 2. The information security items specified in this Schedule are the...
- 3. The information specified in this Schedule is—

SCHEDULE 6 — REVOCATIONS

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Export Control Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- Sch. 2 word substituted by S.I. 2024/346 reg. 2(2)(b)(i)
- Sch. 2 word substituted by S.I. 2024/346 reg. 2(2)(c)(i)
- Sch. 2 words inserted by S.I. 2024/346 reg. 2(2)(g)
- Sch. 2 words inserted by S.I. 2024/346 reg. 2(2)(h)
- Sch. 2 words inserted by S.I. 2024/346 reg. 2(2)(k)
- Sch. 2 words omitted by S.I. 2024/346 reg. 2(2)(n)(ii)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(a)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(b)(ii)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(c)(ii)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(d)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(e)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(f)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(i)(i)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(i)(ii)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(j)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(1)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(m)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(n)(i)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(o)
- Sch. 2 words substituted by S.I. 2024/346 reg. 2(2)(p)
- Sch. 3 words inserted by S.I. 2024/346 reg. 2(3)(a)
- Sch. 3 words inserted by S.I. 2024/346 reg. 2(3)(b)
- Sch. 3 words substituted by S.I. 2019/137 reg. 4(32) (This amendment not applied to legislation.gov.uk. Reg. 4(32) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(11))
- art. 2(1) words inserted by S.I. 2019/137 reg. 4(2)(b) (This amendment not applied to legislation.gov.uk. Reg. 4(2)(b)-(d) substituted for reg. 4(2)(b) immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(2)(b))
- art. 2A(1)(c) omitted by S.I. 2019/137 reg. 4(3) (This amendment not applied to legislation.gov.uk. Reg. 4(3) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(3))
- art. 2A(1)(e) omitted by S.I. 2019/137 reg. 4(3) (This amendment not applied to legislation.gov.uk. Reg. 4(3) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(3))
- art. 16 omitted by S.I. 2019/137 reg. 4(13) (This amendment not applied to legislation.gov.uk. Reg. 4(13) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(4))
- art. 43(1)(b) substituted by S.I. 2019/137 reg. 4(29)(a) (This amendment not applied to legislation.gov.uk. Reg. 4(29) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(10))
- art. 43(2)(b) words omitted by S.I. 2019/137 reg. 4(29)(b) (This amendment not applied to legislation.gov.uk. Reg. 4(29) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(10))

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

Order restricted by S.I. 2020/733 reg. 65 (This amendment not applied to legislation.gov.uk. Regulations revoked prospectively by S.I. 2020/1278, regs. 1(2), 66(4))

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

art. 43(7) inserted by S.I. 2019/137 reg. 4(29)(c) (This amendment not applied to legislation.gov.uk. Reg. 4(29) substituted immediately before IP completion day by S.I. 2020/1502, regs. 2(3), 7(10))