STATUTORY INSTRUMENTS

2008 No. 3231

The Export Control Order 2008

PART 4

TRADE CONTROLS

Embargoed destinations

20.—(1) This article applies to—

(a) persons carrying out activities in the United Kingdom; and

(b) United Kingdom persons.

(2) Subject to articles 25 and 26, no person to whom this article applies shall directly or indirectly—

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act calculated to promote the supply or delivery of

any goods subject to trade controls from one third country to another third country that is an embargoed destination.

Category A goods

21.—(1) This article applies to—

(a) persons carrying out activities in the United Kingdom; and

(b) United Kingdom persons.

(2) Subject to articles 24, 25 and 26, no person to whom this article applies shall directly or indirectly—

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act calculated to promote the supply or delivery of

any category A goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

Category B goods

22.—(1) This article applies to—

(a) persons carrying out activities in the United Kingdom; and

(b) United Kingdom persons.

(2) Subject to paragraphs (3), (4) and (7) and to articles 25 and 26, no person to whom this article applies shall directly or indirectly—

(a) supply or deliver;

(b) agree to supply or deliver; or

(c) do any act calculated to promote the supply or delivery of

any category B goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

(3) Nothing in this article shall be taken to prohibit the provision of—

(a) financing or financial services;

(b) insurance or reinsurance services; or

(c) general advertising or promotion services

by a person whose only involvement in the activities described in paragraph (2) is to provide or agree to provide such services.

(4) A person ("the transporter") whose only involvement in the activities described in paragraph (2) is to provide or agree to provide transportation services in relation to category B goods ("the relevant goods") only contravenes the prohibition in this article if paragraph (5) or (6) applies.

(5) This paragraph applies if the transporter arranges the removal of the relevant goods from one third country to another third country.

(6) This paragraph applies if the transporter, otherwise than in the course of providing services to another person—

(a) to whom this article applies; and

(b) who has agreed to provide transportation services in relation to the relevant goods,

removes or agrees to remove the relevant goods from one third country to another third country.

(7) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.

Category C goods

23.—(1) Subject to paragraphs (2) and (3) and to articles 24, 25 and 26, no person shall directly or indirectly—

(a) agree to supply or deliver; or

(b) do any act calculated to promote the supply or delivery of

any category C goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

(2) Nothing in this article shall be taken to prohibit the provision of—

(a) transportation services;

(b) financing or financial services;

(c) insurance or reinsurance services; or

(d) general advertising or promotion services

by a person whose only involvement in the activities described in paragraph (1) is to provide or agree to provide such services.

(3) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.

Exception for movement of goods within the customs territory

24. Nothing in article 21 or 23 shall be taken to prohibit activities related to the movement of the following goods within the customs territory—

(a) the goods listed in paragraph 1 of Schedule 1;

(b) individual cuffs;

(c) shackles except those shackles which have an overall dimension including chain, when measured from the outer edge of one cuff to the outer edge of the other cuff, of between 240mm and 280mm when locked and have not been modified to cause physical pain or suffering;

(d) the goods listed in paragraphs 2(b), (c) and (d) and 4 of Schedule 1;

(e) portable devices for the purpose of riot control or self-protection by the administration or dissemination of an incapacitating chemical substance;

(f) pelargonic acid vanillylamide (PAVA) (CAS 2444-46-4);

(g) oleoresin capsicum (OC) (CAS 8023-77-6).

Exception for activities carried out in the Isle of Man

25. Nothing in this Part shall be taken to prohibit activities carried out in the Isle of Man.