
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Export Control Order 2008 ([S.I. 2008/3231](#)) (“the 2008 Order”), which implements the strategic export controls of the United Kingdom.

Articles 2(2) and (3) amend articles 9A and 12 of the 2008 Order and insert articles 12A and 12B to create: a military end-use control supplementing the dual-use Regulation; and exceptions to military end-use control supplementing the dual-use Regulation. Article 2(4) amends article 18 of the 2008 Order to provide for an exception to article 12A in respect of software and technology in the public domain.

Articles 2(5) and (6) amend article 34 of the 2008 Order to extend the provisions about offences and penalties concerning contraventions of export and transfer controls to the new military end-use controls.

Article 2(7) amends article 40 of the 2008 Order, extending the application of customs powers relating to dual-use goods to the new military end-use control.

Article 2(8) amends article 41 of the 2008 Order and extends the application of the Customs and Excise Management Act 1979 information powers with respect to the new military end-use control.

Article 2(9) amends article 42N of the 2008 Order to include an exception in relation to the export or transfer from Northern Ireland to the EU customs territory for the new military end-use control.

Articles 2(10) to (12) amend Parts 2, 3 and 4 of Schedule 4 to the 2008 Order to move China, the Hong Kong Special Administrative Region and the Macao Special Administrative Region into the list of countries and territories that are embargoed destinations and subject to transit control for military goods.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen. An Explanatory Memorandum is available from the Export Control Joint Unit, Old Admiralty Building, London SW1A 2DY; it is published alongside the instrument at [legislation.gov.uk](#) also. In addition, a copy has been placed in the Libraries of both Houses of Parliament.