
STATUTORY INSTRUMENTS

1997 No. 2758

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment No. 3) Order 1997

Made - - - - *19th November 1997*

Coming into force - - *15th December 1997*

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939⁽¹⁾ and now vested in her⁽²⁾, hereby makes the following Order:

1.—(1) This Order may be cited as the Export of Goods (Control) (Amendment No. 3) Order 1997 and shall come into force on 15th December 1997.

(2) In this Order, “the principal Order” means the Export of Goods (Control) Order 1994⁽³⁾.

(3) The following orders and provisions shall be revoked:

(a) the Export of Goods (Control) (Amendment) Order 1995⁽⁴⁾;

(b) article 4 of the Export of Goods (Control) (Amendment No. 2) Order 1995⁽⁵⁾;

(c) the Export of Goods (Control) (Amendment) Order 1996⁽⁶⁾;

(d) in article 2 of the Export of Goods (Control) (Amendment No. 2) Order 1996⁽⁷⁾—

(i) the words “and in paragraph 1(ii) of article 3B” in paragraph (d), and

(ii) paragraph (e).

2.—(1) At the end of article 3(c)(i) of the principal Order there shall be inserted the words “and that no goods of a description specified in Part III of Schedule 1 hereto have been incorporated into the aircraft since such importation other than by way of replacement for a component essential for the departure of the aircraft”.

(2) At the end of article 3(d)(i) of the principal Order there shall be inserted the words, “provided that no goods of a description specified in Part III of Schedule 1 hereto have been incorporated into the vessel since such importation other than by way of replacement for a component essential for the departure of the vessel”.

(1) 1939 c. 69.

(2) S.I. 1970/1537.

(3) 1994/1191; the relevant amending Orders are S.I. 1994/1632 and 2711, 1995/3060 and 3249, 1996/1341 and 2663 and 1997/323 and 2464.

(4) S.I. 1995/3060.

(5) S.I. 1995/3249.

(6) S.I. 1996/1341.

(7) S.I. 1996/2663.

3. At the end of article 3(e)(ii)(bb) of the principal Order there shall be added the words “other than a destination in Iran, Iraq or Libya or in a country specified in Schedule 3 hereto”.

4.—(1) Paragraph 1 of article 3B of the principal Order shall be replaced by the paragraphs set out in Schedule 1 hereto.

(2) Paragraph 2 of the said article 3B shall be redesignated “(2)”.

5. The text set out in Schedule 2 hereto shall be inserted as Group 2 in Part I of Schedule 1 to the principal Order.

6. In Group 3 in Part I of Schedule 1 to the principal Order, the words from “destination” to “Macedonia” shall be replaced by the words “destination in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia or the Federal Republic of Yugoslavia”.

7.—(1) The following amendments shall be made in Part III of Schedule 1 to the principal Order.

(2) In the exceptions to entry ML1—

(a) paragraph c shall be revoked, and

(b) in paragraph d the words “which have been deactivated by a registered UK Proof House as being” shall be replaced by the words “certified by a registered UK Proof House as having been rendered”.

(3) In entry ML8a—

(a) in each of heads 24 and 25, “dinitrobenzofurozan” shall be replaced by “dinitrobenzofurozan”, and

(b) in head 27, “octanone-3” shall be replaced by “octa-3-one”.

(4) In entry ML8e, the quotation marks around the word “precursors” (which incorrectly indicate that it is a defined term) shall be removed.

(5) In entry ML10—

(a) in each of paragraphs a, b, c and e the words “specially designed components therefor” shall be replaced by the words “components therefor specially designed or modified for military use”,

(b) at the end of paragraph d there shall be added the words “and components therefor specially designed or modified for military use”, and

(c) the Note shall be revoked.

(6) After entry ML14 there shall be inserted the following entry:

“PL5034 Simulators, other than those specified in entry ML14, for training in the use of any firearm or weapon specified in entry ML1, PL5018 or ML2, and specially designed or modified components and accessories therefor.”

(7) After entry ML17 there shall be inserted the following entry:

“PL5033 Bridges, ferries and rafts specially designed or modified for military use and components therefor specially designed or modified for military use.”

(8) In entry PL 5001—

(a) paragraphs b and c shall be replaced by—

“(b) Anti-riot and ballistic shields and specially designed components therefor;

(c) Leg-irons, gangchains, shackles and electric-shock belts, specially designed for restraining human beings;

except:

Handcuffs the maximum overall dimension of which when locked does not exceed 240mm.”;

- (b) in paragraph d the words “an electric shock or” shall be revoked;
- (c) at the end of paragraph f there shall be added the words “and components therefor specially designed or modified for that purpose;”; and
- (d) after paragraph f there shall be added the following paragraph:

“(g) Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for such a purpose.”

8. In Schedule 3 to the principal Order—

- (a) in the heading, the words “ARTICLE 3B1.(ii)” shall be replaced by the words “ARTICLES 3(c)(i), (d)(i) AND (e)(ii)(bb) AND 3B(1A)(g)”;
- (b) “Bosnia-Herzegovina” shall be replaced by “Bosnia and Herzegovina”;
- (c) “Democratic Republic of the Congo” shall be inserted after “Croatia”; and
- (d) “Zaire” shall be deleted.

19th November 1997

Barbara Roche
Parliamentary Under Secretary of State for Small
Firms, Trade and Industry,
Department of Trade and Industry

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SCHEDULE 1

Article 4(1)

PARAGRAPHS (1) AND (1A) OF ARTICLE 3B OF THE EXPORT OF GOODS (CONTROL) ORDER 1994

“(1) Subject to paragraph (1A) below, nothing in this Order shall be taken to prohibit the exportation of any goods which have been imported into the United Kingdom for transit or transshipment, provided that the conditions in paragraph (2) below are met.

(1A) Paragraph (1) above does not apply to—

- (a) any goods of a description specified in Group 1 in Part I of Schedule 1 hereto, or
- (b) anti-personnel landmines, or
- (c) any goods falling within paragraph c or g of entry PL5001 in Part III of Schedule 1 hereto, or
- (d) components specially designed for goods falling within subparagraph (b) or (c) above, or
- (e) equipment, technology or software falling within entry ML18, ML21 or ML22 in Part III of Schedule 1 hereto specifically related to goods falling within subparagraph (b) or (c) above, or
- (f) any goods being exported to a destination in Iran, Iraq, Libya or North Korea, or
- (g) any goods of a description specified in Part III of Schedule 1 hereto being exported to a destination in any country specified in Schedule 3 hereto.”

SCHEDULE 2

Article 5

GROUP 2 IN PART I OF SCHEDULE 1 TO THE EXPORT OF GOODS (CONTROL) ORDER 1994

“GROUP 2

EXPLOSIVE-RELATED GOODS

1. Equipment or devices, other than those specified in Part III of this Schedule or in entry 1A005, 3A229 or 3A232 in Annex I to Council Decision 94/942/CFSP⁽⁸⁾, for detection of or use with explosives or for dealing with or protecting against improvised explosive devices (as defined in Part III of this Schedule), as follows, and specially designed components therefor:

- (a) electronic equipment capable of detecting concealed explosives;
except:
television or X-ray inspection equipment;
- (b) electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised explosive devices;
- (c) equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters and detonating cord;
except:

⁽⁸⁾ O.J. No. L367, 31.12.94, p. 8; the relevant amending Decision is Council Decision 96/613/CFSP (O.J. No. L278, 30.10.96, p. 1).

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equipment and devices specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the initiation or creation of explosions.

- (d) equipment and devices, including shields and helmets, specially designed for explosive ordnance disposal;

except:

bomb blankets.

2. Linear cutting explosive charges.

3. Technology required for the use of the above (the words “technology”, “required” and “use” being as defined in Part III of this Schedule).”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes the following changes to the Export of Goods (Control) Order 1994:

- (a) aircraft and vessels re-exported after temporary import are brought under control if controlled goods have been incorporated into them since their importation other than replacement components essential for departure;
- (b) the exception from control for personal firearms is removed from exports to destinations in 23 specified countries;
- (c) anti-personnel landmines and certain goods for human restraint and riot control are excluded from the exemption for goods in transit;
- (d) in the list of countries to which certain road vehicles may not be exported without a licence, the reference to Bosnia-Herzegovina is replaced by a reference to Bosnia and Herzegovina and the references to Serbia and Montenegro are replaced by a reference to the Federal Republic of Yugoslavia;
- (e) new controls are introduced on equipment and devices for use with explosives or dealing with “improvised explosive devices”;
- (f) the following goods are brought under control: non-automatic and semi-automatic weapons using non-centre fire cased ammunition; certain components for aircraft and associated equipment; non-military firearms training simulators; military bridges, ferries and rafts; ballistic shields; electric-shock belts; components for electrified riot control vehicles; and certain other goods for riot control;
- (g) corrections are made to the names of three controlled chemicals;
- (h) an incorrect indication that “precursors” is a defined term is removed;
- (j) the provisions relating to de-activated firearms and oversize handcuffs are clarified; and
- (k) in the list of countries partially excluded from the exemption for goods in transit, “Bosnia-Herzegovina” is changed to “Bosnia and Herzegovina” and the new name “Democratic Republic of the Congo” replaces “Zaire”.

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A number of provisions made redundant by the above amendments are revoked. The amendments to the Export of Goods (Control) Order 1994 now in force are:

S.I. 1994/1632, articles 1 and 2(a);

S.I. 1994/2711, articles 1 and 2(a), (b) and (d)(vii) (n.b, article 2(d)(vii) appears as article 2(e) in the annual volume “Statutory Instruments 1994” published by HMSO);

S.I. 1995/3249, articles 1, 2 and 3(1);

S.I. 1996/2663, articles 1, 2(a), (b), (c), (d), (f), (g) and (h) and 3;

S.I. 1997/323;

S.I. 1997/1008;

S.I. 1997/2464, articles 1 and 3;

this Order.