

1999 No. 1777

CUSTOMS AND EXCISE

**The Export of Goods (Control) (Amendment No. 3) Order
1999**

Made - - - - - 23rd June 1999
Coming into force 14th July 1999

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

1.—(1) This Order may be cited as the Export of Goods (Control) (Amendment No. 3) Order 1999 and shall come into force on 14th July 1999.

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

2.—(1) The following amendments shall be made in article 3 of the principal Order.

(2) In article 3(1)(a) the words “in writing” shall be inserted after the word “licence” where it first appears.

(3) In article 5(3) the exception to the offence from the words “Provided” up to and including “United Kingdom”, shall be replaced by the following paragraph:—

“Provided that no person shall be guilty of an offence under this paragraph where—

- (i) the licence had been previously modified by the Secretary of State without that person’s consent,
- (ii) the alleged failure to comply would not have been a failure had the licence not been so modified, and
- (iii) that person proves that the export from the United Kingdom had taken place before the modification had been made.”.

3. In Group 3 in Part I of Schedule 1 to the principal Order, the words “the former Yugoslav Republic of Macedonia” shall be deleted.

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

(2) In entry ML5—

(a) the words from “Fire control” to “accessories therefor:” shall be replaced by the following:—

“Fire control equipment and related alerting and warning equipment, related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:—”;

(a) 1939 c. 69.

(b) S.I. 1979/1537.

(c) S.I. 1994/1191; the relevant amending Orders are S.I. 1996/2663, 1997/1008, 2758 and 1999/63.

- (b) in head c the word “and” shall be replaced by the word “or”;
- (c) the following new head shall be inserted after head c:–
 - “d. Field test or alignment equipment, specially designed for items specified in entry ML5.a. or ML5.b.”.
- (3) In entry ML7–
 - (a) the words from “Toxicological agents” (where they first appear) to ““technology”” (where it first appears) shall be replaced by the following:
 - “Chemical or biological toxic agents, toxic chemicals, “tear gases”, radioactive materials, related equipment, components, materials and “technology”,”;
 - (b) in head (a)–
 - (i) “(a)” shall be replaced by “a.”, and
 - (ii) the words “Toxicological agents and toxic chemicals” shall be replaced by the words “Chemical or biological toxic agents, toxic chemicals and radioactive materials”.
- (4) At the end of entry ML8.a.5, the following exception shall be inserted:–
 - “except:–
 - chlorine trifluoride.”.
- (5) In entry ML19, the following new head shall be inserted after head e:
 - “f. Continuous wave or pulsed “laser” systems specially designed to cause permanent blindness to unenhanced vision (i.e. to the naked eye or to the eye with corrective eyesight devices)”.

23rd June 1999

Kim Howells
Parliamentary Under Secretary of State
for Competition and Consumer Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Export of Goods (Control) Order 1994 by:

- (a) requiring all licences made by the Secretary of State under the Order to be made in writing;
- (b) removing an ambiguity with respect to burden of proof in the exception to the offence of exporting goods in violation of a condition in the licence, namely that it is for the prosecution to establish whether or not the licence has been modified without the consent of the licensee and whether or not any modification made was material to the offence that is charged and that it is for the defendant to prove that the export happened before the modification took effect;
- (c) deleting the former Yugoslav Republic of Macedonia from the list of countries in Group 3 in Part I of Schedule 1 to which certain road vehicles may not be exported without a licence;
- (d) making the following principal amendments to Part III of Schedule 1 (the “military list”):
 - (i) in entry ML5, test and alignment equipment are added to the equipment under control,
 - (ii) in entry ML5c, countermeasure equipment for items specified in either entry ML5a or ML5b are now controlled,
 - (iii) in entry ML5, a new head, ML5d, is added which controls field test and alignment equipment, specially designed for items specified in either entry ML5a or ML5b,
 - (iv) in entry ML7 and ML7a, the headings are amended to make them consistent with the items controlled and a minor printing error in heading ML7a is corrected,
 - (v) in entry ML19, a new head ML19f is added which controls continuous wave or pulsed “laser” systems specially designed to cause permanent blindness to unenhanced vision i.e. to the naked eye or to the eye with corrective eyesight devices, and
 - (vi) chlorine trifluoride is removed from the control in entry ML8a.5.

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£1.50

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WO 5066 7/99 ON (MFK)