

2003 No. 2629 (C. 100)

CUSTOMS & EXCISE

**The Export Control Act 2002 (Commencement &
Transitional Provisions) Order 2003**

Made - - - - - 8th October 2003

Laid before Parliament 9th October 2003

Coming into force - - 30th October 2003

The Secretary of State, in exercise of the powers conferred upon her by section 16(2) and (3) of the Export Control Act 2002(a), hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Export Control Act 2002 (Commencement & Transitional Provisions) Order 2003 and shall come into force on 30th October 2003.

(2) In this Order, “the Act” means the Export Control Act 2002.

Commencement of provisions

2.—(1) Subject to paragraph (2) below, the provisions of the Act, other than those referred to in section 16(2) (being provisions, which came into force on the day that the Act was passed) shall come into force on 30th October 2003.

(2) Section 15 of the Act shall come into force on 1st May 2004.

Transitional provisions

3.—(1) Notwithstanding the commencement of section 15 of the Act:

- (a) licences issued by the Secretary of State, pursuant to powers contained in orders made under the Import, Export and Customs Powers (Defence) Act 1939(b), for the control of exportation from the United Kingdom, which have not ceased to have effect before 1st May 2004 shall continue to have effect until the same date as they would have had effect if those orders had not been revoked, and any licence shall be deemed on and after 1st May 2004 to have been made under the relevant order to be made under the Act.
- (b) Orders made under the provisions repealed by section 15 shall continue to apply in relation to any export which has occurred before 1st May 2004 and to any export which takes place on or after that date in respect of which a licence has been issued before that date.

(a) 2002 c. 28.
(b) 1939 c. 69.

(2) Any licence which continues to have effect under paragraph (1) and which authorises the export of goods comprising or including software or technology shall be deemed on or after 1st May 2004 to authorise to the same extent the transmission of that software or technology by fax, telephone or other electronic media.

8th October 2003

Patricia Hewitt,
Secretary of State for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the Export Control Act 2002 (“the Act”) into force on 30th October 2003, with the exception of:

- (a) section 15 (consequential repeals) which shall come into force on 1st May 2004 and
- (b) the provisions referred to in section 16(2) which came into force upon Royal Assent.

The Order also makes provision for the transitional arrangements that will apply upon the commencement of section 15 of the Act on 1st May 2004, and the consequent repeal of the export control provisions of the Import, Export and Customs Powers (Defence) Act 1939.

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