

## 2009 No. 1305

### CUSTOMS

#### The Export Control (Amendment) Order 2009

<i>Made</i> - - - -	<i>22nd May 2009</i>
<i>Laid before Parliament</i>	<i>26th May 2009</i>
<i>Coming into force</i> - -	<i>16th June 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 1, 2, 4, 5 and 7 of the Export Control Act 2002(a), makes the following Order:

#### **Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Export Control (Amendment) Order 2009 and shall come into force on 16th June 2009.

(2) In this Order, “the 2008 Order” means the Export Control Order 2008(b).

#### **Amendment of parenthetical explanation**

2. In article 35(2)(b) of the 2008 Order, after “end-use for” insert “certain military or”.

#### **Sights for small arms and light weapons**

3.—(1) Schedule 1 to the 2008 Order is amended as follows.

(2) For paragraph 11 substitute—

“11. Goods specified in entry ML1.a., ML1.b., ML1.c. or ML2.a. in Schedule 2 that are designed to be carried, operated and fired by an individual or by three or fewer individuals acting together, other than mortars with a calibre of 100mm or more.”

(3) In paragraph 12—

(a) after “ML1.d.” insert “or ML2.c. in Schedule 2”;

(b) at the end of sub-paragraph (a), omit “and”;

(c) after sub-paragraph (a) insert—

“(aa) weapon sights specified in entry ML5.a. in Schedule 2 that are designed for use with weapons falling within paragraph 11; and”.

#### **Military vessels, etc.**

4. For entry ML9 in Schedule 2 to the 2008 Order, substitute the text set out in the Schedule to this Order.

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(a) 2002 c. 28.

(b) S.I. 2008/3231.

## Countries and destinations subject to transit control for category B goods

5. In Part 4 of Schedule 4 to the 2008 Order—

- (a) after “Albania” insert “Angola”;
- (b) after “Morocco” insert “Namibia”.

22nd May 2009

*Ian Pearson*  
Economic and Business Minister  
Department for Business, Enterprise and Regulatory Reform

## SCHEDULE

Article 4

### TEXT FOR ML9

**ML9** “Vessels” of war, special naval equipment, accessories, components and other surface “vessels”, as follows:

*N.B.: Electronic guidance and navigation equipment is controlled in ML11.a..*

- a. “Vessels” and components, as follows:
  - 1. “Vessels” (surface or underwater) specially designed or modified for military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour, and components therefor specially designed for military use;
  - 2. Surface “vessels”, other than those specified in ML9.a.1., having any of the following fixed or integrated into the “vessel”:
    - a. Automatic weapons having a calibre of 12.7 mm or greater specified in ML1, or weapons specified in ML2, ML4, ML12 or ML19, or ‘mountings’ or hard points for such weapons;

*Technical Note:*

*‘Mountings’ refers to weapon mounts or structural strengthening for the purpose of installing weapons.*

- b. Fire control systems specified in ML5;
- c. Both:
  - 1. ‘CBRN protection’; and
  - 2. ‘Pre-wet or wash down system’ designed for decontamination purposes; or

*Technical Notes:*

- 1. *‘CBRN protection’ is a self contained interior space containing features such as over-pressurization, isolation of ventilation systems, limited ventilation openings with chemical, biological, radiological and nuclear filters and limited personnel access points incorporating air-locks.*
- 2. *‘Pre-wet or wash down system’ is a seawater spray system capable of simultaneously wetting the exterior*

*superstructure and decks of a vessel.*

- d. Active weapon countermeasure systems specified in ML4.b., ML5.c. or ML11.a. but only where the “vessel” has any of the following:
  - 1. ‘CBRN protection’;
  - 2. Hull and superstructure, specially designed to reduce the radar cross section;
  - 3. Thermal signature reduction devices, (e.g., an exhaust gas cooling system), excluding those specially designed to increase overall power plant efficiency or to reduce the environmental impact; or
  - 4. A degaussing system designed to reduce the magnetic signature of the whole vessel;
- b. Anti-submarine nets and anti-torpedo nets, specially designed for military use;
- c. Hull penetrators and connectors, specially designed for military use, that enable interaction with equipment external to a “vessel”, and components therefor specially designed for military use.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Export Control Order 2008.

Article 2 corrects a misleading parenthetical explanation of a provision of Council Regulation (EC) No 1334/2000. Article 3 makes sure that sights for small arms and light weapons, other than those which only fit larger light weapons within entry ML5 on the military list, are controlled in the same way as the weapons themselves. Article 4 makes a range of vessels not designed or modified for military use but having certain characteristics subject to control in the same way as military vessels. Article 5 adds Angola and Namibia to the list of destinations where the exemptions for transit are of limited application, so that, for example, small arms would need a licence to transit through the UK to either country.

A full impact assessment has not been produced for this instrument as minimal or no impact on the private or voluntary sectors is foreseen.

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