
STATUTORY INSTRUMENTS

2014 No. 702

CUSTOMS

The Export Control (Amendment) Order 2014

<i>Made</i>	- - - -	<i>18th March 2014</i>
<i>Laid before Parliament</i>		<i>19th March 2014</i>
<i>Coming into force</i>	- -	<i>9th April 2014</i>

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

Citation and commencement

1. This Order may be cited as the Export Control (Amendment) Order 2014 and shall come into force on 9th April 2014.

Amendments to the Export Control Order 2008

2.—(1) The Export Control Order 2008(2) is amended as follows.

(2) In Schedule 1 (Goods subject to stricter export and trade controls)—

(a) Under the Definitions heading, at the appropriate place insert—

““attack helicopter” means rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialised reconnaissance or electronic warfare missions;

“combat aircraft” means fixed-wing or variable geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialised electronic warfare, suppression of air defence or reconnaissance missions. The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped or modified as described above.”

(b) For Part 2 of Schedule 1 to the Export Control Order 2008 (Category B Goods) substitute—

(1) 2002 c. 28.

(2) S.I. 2008/3231: relevant amending instruments are S.I. 2010/2007, S.I. 2011/1296, S.I. 2012/1910; S.I. 2013/428.

“PART 2

CATEGORY B GOODS

Small arms and light weapons within ML1 and ML2

9. 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.

Accessories and ammunition for small arms and light weapons within ML1 and ML2

10. The following goods—

- (a) accessories specified in entry ML1.d or ML2.c. in Schedule 2 that are capable of being used in connection with weapons falling within paragraph 9;
- (b) weapon sights specified in entry ML5.a. in Schedule 2 that are designed for use within weapons falling within paragraph 9; and
- (c) ammunition that is capable of being fired or launched by weapons falling within paragraph 9.

Light weapons within ML4

11. Equipment specified in entry ML4.b. in Schedule 2 that is—

- (a) specially designed for firing or launching rockets, grenades, missiles or other explosive devices; and
- (b) designed to be carried, operated and fired by an individual or by three or fewer individuals acting together.

Ammunition for light weapons within ML4

12. Rockets, grenades, missiles and other explosive devices that are—

- (a) specified in entry ML4 in Schedule 2; and
- (b) capable of being fired or launched from equipment falling within paragraph 11.

Hand grenades

13. Grenades specified in entry ML4 in Schedule 2 that are designed to be thrown.

MANPADS, missiles for them, associated equipment and their specially designed components

14. To the extent they do not fall within paragraph 11 or 12, the following goods—

- (a) man-portable air defence systems (MANPADS), as follows:
 - (i) surface-to-air missile systems designed to be man-portable and operated and fired by a single individual;
 - (ii) surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals;

- (b) missiles for MANPADS;
- (c) “production” equipment specially designed for MANPADS;
- (d) field test equipment specially designed for MANPADS;
- (e) specialised training equipment and simulators for MANPADS.

Long-range missiles

15. Missiles capable of a range of 300km or more which fall within Schedule 2.

Anti-vehicle landmines

16. Land mines designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a vehicle.

Components for “goods” within this Part

17. Components specially designed for goods falling within any of paragraphs 9 to 16.

Battle tanks and armoured combat vehicles within ML6

18. Vehicles specified in entry ML6.a in Schedule 2 as follows—
- (a) Tracked or wheeled self-propelled armoured fighting vehicles with an unladen weight of 16.5 metric tonnes or more and with a main gun with a calibre of 75mm or more;
 - (b) Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection, as follows:
 - (i) designed and equipped to transport a squad of four or more infantrymen; or
 - (ii) armed with an integral weapon with a calibre of 12.5mm or more or a missile launcher.

Large-calibre artillery systems within ML2 and ML4

19. To the extent that they do not fall within paragraph 9 or 11, the following goods—
- (a) Guns or howitzers specified in entry ML2.a of Schedule 2 with a calibre of 75mm or more;
 - (b) Mortars specified in entry ML2.a of Schedule 2 with a calibre of 100mm or more; and
 - (c) Multiple-launch rocket systems specified in entry ML4.b of Schedule 2 with a calibre of 75 mm or more.

Combat aircraft and attack helicopters within ML10

20. “Combat aircraft” and “attack helicopters” specified in entry ML10.a or ML10.c of Schedule 2.

Warships within ML9

21. Vessels and submarines specified in entry ML9.a of Schedule 2 as follows—
- (a) Having a standard displacement of 500 metric tons or above; or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) Having a standard displacement of less than 500 metric tons and equipped for launching missiles or torpedoes with a range of 25km or more.

Other missiles and missile launchers

22. To the extent they are not covered elsewhere in this Part, the following goods specified in entry ML4 of Schedule 2—

- (a) rockets or missiles capable of a range of 25km or more other than ‘ground-to-air missiles’;
- (b) Equipment designed or modified for launching missiles or rockets in subparagraph (a).

Note: Paragraph 22 includes remotely piloted vehicles with the characteristics for missiles as defined above.

Technical Note:

‘ground-to-air missiles’ means those surface-to-air missiles which are mounted on fixed land sites or on wheeled or tracked mobile launchers.”

18th March 2014

Michael Fallon
Minister for Business and Energy
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 2 of Schedule 1 to the Export Control Order 2008 which lists goods subject to stricter export and trade controls. The amendment gives effect to the requirements in Article 10 of the Arms Trade Treaty (Brokering controls) adopted by the General Assembly of the United Nations by Resolution 67/234 B of 2 April 2013 so as to ensure that all necessary export and trade controls are in place by the time the United Kingdom ratifies that Treaty. It expands the list of items subject to trade controls (brokering and trafficking) in Part 2 of the Export Control Order 2008 to include (in paragraphs 18 to 22) all the conventional arms falling within the categories specified in Article 2(1) of the Arms Trade Treaty.

An Impact Assessment has not been prepared in respect of this Order as minimal or no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum and a transposition note are available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.