

## STATUTORY INSTRUMENTS

# 2003 No. 2759

## The Export of Objects of Cultural Interest (Control) Order 2003

### Citation, commencement and interpretation

1.—(1) This Order may be cited as the Export of Objects of Cultural Interest (Control) Order 2003 and shall come into force on 1st May 2004.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Export Control Act 2002;

[<sup>F1</sup>“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;]  
<sup>F2</sup> ...

“cultural goods” shall have the same meaning as that given in the Regulation;

“exportation” includes shipment as stores and, unless the context otherwise requires, means exportation from the United Kingdom to any destination except for the Isle of Man;

[<sup>F3</sup>“EU Licence” means an export licence issued by the competent authority of the United Kingdom (whether before or after 1st January 2019) under the Regulation;]

“objects” mean objects of cultural interest of a description specified in and not excluded from the Schedule to this Order;

“prescribed sum” has the same meaning as in the Customs and Excise Management Act 1979(1); and

[<sup>F4</sup>“the Regulation” means Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods(2).]

### Textual Amendments

- F1** Words in art. 1(2) substituted (1.1.2019) by [The Export of Objects of Cultural Interest \(Control\) \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1186), regs. 1(2), **3(2)**
- F2** Words in art. 1(2) omitted (22.4.2011) by virtue of [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), art. 2, **Sch. 1 para. 5(2)(a)** (with art. 3)
- F3** Words in art. 1(2) substituted (1.1.2019) by [The Export of Objects of Cultural Interest \(Control\) \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1186), regs. 1(2), **3(3)**
- F4** Words in art. 1(2) substituted (28.8.2009) by [The Export of Objects of Cultural Interest \(Control\) \(Amendment\) Order 2009](#) (S.I. 2009/2164), arts. 1, 2

### Commencement Information

- II** [Art. 1](#) in force at 1.5.2004, see [art. 1\(1\)](#)

(1) 1979 c. 2.

(2) OJNo. L 395, 31.12.92, p.1, as amended by Council Regulation (EC) No 2469/96 (OJ No. L 335, 16.12.96, p.9), Council Regulation (EC) No 1103/97 (OJ L 162, 17.06.97, p.1) and Council Regulation (EC) No 974/2001 (OJ No L 137, 19.05.01, p.10).

## Controls on the export of objects of cultural interest

2. Subject to the provisions of this Order, all objects are prohibited to be exported to any destination except under the authority of a licence in writing granted by the Secretary of State, and in accordance with all the conditions attached to the licence.

### Commencement Information

**I2** Art. 2 in force at 1.5.2004, see [art. 1\(1\)](#)

## Licences

3.—(1) [<sup>F5</sup>An EU licence] or licence granted by the Secretary of State under article 2 may be:

- (a) general or specific;
- (b) unlimited or limited so as to expire on a specified date unless renewed; and
- (c) subject to or without conditions, and any such condition may require any act or omission before or after the exportation of objects under the licence.

(2) Any such licence may be varied, suspended or revoked by the Secretary of State at any time and in such circumstances and on such terms as the Secretary of State thinks fit, by serving a notice to that effect on the holder of the licence.

### Textual Amendments

**F5** Words in [art. 3\(1\)](#) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [art. 2](#), [Sch. 1 para. 5\(3\)](#) (with [art. 3](#))

### Commencement Information

**I3** Art. 3 in force at 1.5.2004, see [art. 1\(1\)](#)

## Misleading applications for licences etc.

4.—(1) Where for the purpose of obtaining a licence under article 2 or [<sup>F6</sup> an EU licence], any person either—

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

he shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) above shall be liable—

- (a) on summary conviction to a fine of the prescribed sum, and
- (b) on conviction on indictment to a fine of any amount, or imprisonment for a term not exceeding 2 years, or to both,

and any licence which may have been granted in connection with the application for which the false statement was made or the false document or information furnished, shall be void as from the time it was granted.

#### Textual Amendments

**F6** Words in [art. 4\(1\)](#) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [art. 2](#), [Sch. 1 para. 5\(4\)](#) (with [art. 3](#))

#### Commencement Information

**I4** [Art. 4](#) in force at 1.5.2004, see [art. 1\(1\)](#)

### Failure to comply with licence conditions

5.—(1) Subject to the provisions of paragraph (2 ) below, any person who—

- (a) has done any act under the authority of a licence granted under article 2 or [<sup>F7</sup> an EU licence]; and
- (b) fails to comply with any condition attaching to that licence,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine of the prescribed sum, and
- (b) on conviction on indictment to a fine of any amount, or imprisonment for a term not exceeding 2 years, or to both.

(3) No person shall be guilty of an offence under paragraph (1) where—

- (a) the licence condition in question had been previously modified by the Secretary of State; and
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified; and
- (c) the condition with which he failed to comply was modified, otherwise than with his consent, by the Secretary of State after the doing of the act authorised by the licence.

#### Textual Amendments

**F7** Words in [art. 5\(1\)\(a\)](#) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [art. 2](#), [Sch. 1 para. 5\(4\)](#) (with [art. 3](#))

#### Commencement Information

**I5** [Art. 5](#) in force at 1.5.2004, see [art. 1\(1\)](#)

### Customs powers to demand evidence of destination

6.—(1) Any person who exports or ships objects or cultural goods, shall, if so required by the Commissioners, furnish within such time as the Commissioners may determine, evidence of the destination to which the objects or cultural goods were delivered and, if he fails to do so, he shall be guilty of an offence

(2) Any person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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**Commencement Information**

**I6** Art. 6 in force at 1.5.2004, see [art. 1\(1\)](#)

**Application of the Customs and Excise Management Act 1979**

7.—(1) It shall be the duty of the Commissioners to take such action as they consider appropriate to secure the enforcement of this Order.

(2) It shall be the duty of the Commissioners to take such action as they consider appropriate to secure the enforcement of the Regulation in respect of the export of cultural goods.

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**Commencement Information**

**I7** Art. 7 in force at 1.5.2004, see [art. 1\(1\)](#)

**Use and disclosure of information**

8.—(1) This article applies to information which is held by—

- (a) the Secretary of State, or
- (b) the Commissioners,

in connection with the operation of controls imposed by this Order or by any directly applicable [<sup>F8</sup>EU] provision on the exportation of cultural goods.

(2) Information to which this article applies may be used for the purposes of, or for any purposes connected with—

- (a) the exercise of functions in relation to any control imposed by this Order or by any order made under the Act ;
- (b) giving effect to any [<sup>F9</sup>EU] or other international obligation of the United Kingdom;
- (c) facilitating the exercise by an authority or international organisation outside the United Kingdom of functions which correspond to functions conferred by or in connection with any activity subject to any control by this Order or by any order made under the Act,

and may be disclosed to any person for use for these purposes.

(3) No disclosure of information shall be made by virtue of this article unless the Secretary of State is, or the Commissioners are, satisfied that the making of the disclosure is proportionate to what is sought to be achieved by it.

(4) For the purposes of this article “information” is any information that relates to a particular business or other activity carried on by a person.

(5) Nothing in this article shall be taken to prejudice any power to disclose information which exists apart from this article.

(6) The information that may be disclosed by virtue of this article includes information obtained before the commencement of this Order.

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**Textual Amendments**

**F8** Word in Order substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, [3-6](#), [10](#)

**F9** Word in art. 8(2)(b) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), art. 2, **Sch. 1 para. 5(5)** (with art. 3)

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**Modifications etc. (not altering text)**

**C1** Art. 8 applied (25.3.2005) by The Contracting Out (Functions in Relation to Cultural Objects) Order 2005 (S.I. 2005/1103), arts. 1, 4

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**Commencement Information**

**I8** Art. 8 in force at 1.5.2004, see **art. 1(1)**

*Tessa Jowell*  
Secretary of State for Culture, Media and Sport,  
Department of Culture, Media and Sport

**Changes to legislation:**

There are currently no known outstanding effects for the The Export of Objects of Cultural Interest (Control) Order 2003.