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## STATUTORY INSTRUMENTS

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# 2019 No. 771

## The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019

### PART 4

#### Transitional provisions

##### **Transitional provision relating to Council Regulation (EC) No 428/2009**

5.—(1) A pre-exit global export authorisation which had effect immediately before [F<sup>1</sup>IP completion day] continues to have effect on and after [F<sup>1</sup>IP completion day] as if it were a retained global export authorisation.

(2) A person registered to use a Union general export authorisation immediately before [F<sup>1</sup>IP completion day] is to be treated on and after [F<sup>1</sup>IP completion day] as being registered to use the corresponding retained general export authorisation.

(3) A person registered to use a pre-exit national general export authorisation immediately before [F<sup>1</sup>IP completion day] is treated on and after [F<sup>1</sup>IP completion day] as being registered to use a retained national general export authorisation.

(4) A pre-exit authorisation for brokering services which had effect immediately before [F<sup>1</sup>IP completion day] continues to have effect on and after [F<sup>1</sup>IP completion day] as if it were a retained authorisation for brokering services.

(5) A pre-exit individual export authorisation which had effect immediately before [F<sup>1</sup>IP completion day] continues to have effect on and after [F<sup>1</sup>IP completion day] as if it were a retained individual export authorisation.

(6) An application for an authorisation for a pre-exit individual export authorisation or a pre-exit global export authorisation which is made but not determined or withdrawn before [F<sup>1</sup>IP completion day] is to be treated on and after [F<sup>1</sup>IP completion day] as an application for a retained individual export authorisation or, as the case may be, a retained global export authorisation.

(7) Where a person's appeal under article 33(5) of the Export Control Order 2008 against a decision of the Secretary of State to suspend, revoke, amend or not grant a relevant pre-exit export authorisation is decided in favour of the person on or after [F<sup>1</sup>IP completion day], the relevant pre-exit export authorisation has effect from the time at which the appeal was decided as if it were the corresponding retained export authorisation.

(8) In this regulation—

“corresponding retained export authorisation” means—

- (a) in relation to a pre-exit individual export authorisation, a retained individual export authorisation; and
- (b) in relation to a pre-exit global export authorisation, a retained global export authorisation;

“EU Dual-Use Regulation” means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transfer, brokering and transit of dual-use items as it had effect immediately before [F1IP completion day];

“pre-exit authorisation for brokering services” means an authorisation granted by the Secretary of State before [F1IP completion day] under Article 10 of the EU Dual-Use Regulation;

“pre-exit global export authorisation” means an export authorisation within the meaning given by Article 2(10) of the EU Dual-Use Regulation granted by the Secretary of State before [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“pre-exit individual export authorisation” means an export authorisation within the meaning given by Article 2(10) of the EU Dual-Use Regulation granted by the Secretary of State before [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“pre-exit national general export authorisation” means an export authorisation within the meaning given by Article 2(11) of the EU Dual-Use Regulation granted by the Secretary of State before [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“relevant pre-exit export authorisation” means a pre-exit individual export authorisation or a pre-exit global export authorisation;

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[F3“replacement dual-use Regulation”, in relation to—

((a) England and Wales and Scotland, means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ;

((b) Northern Ireland, means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“retained authorisation for brokering services” means an authorisation granted by the Secretary of State on or after IP completion day under Article 10 of the replacement dual-use Regulation;]

“retained general export authorisation” means an export authorisation established under Article 9(1) of the [F4replacement dual-use Regulation];

“retained global export authorisation” means an export authorisation by Article 2(10) of the [F4replacement dual-use Regulation] granted by the Secretary of State on or after [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“retained individual export authorisation” means an export authorisation within the meaning given by Article 2(10) of the [F4replacement dual-use Regulation] granted by the Secretary of State on or after [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“retained national general export authorisation” means an export authorisation within the meaning given by Article 2(11) of the [F4replacement dual-use Regulation] granted by the Secretary of State on or after [F1IP completion day] under article 26(4) of the Export Control Order 2008;

“Union general export authorisation” means an export authorisation established under Article 9(1) of the EU Dual-Use Regulation.

### Textual Amendments

- F1** Words in reg. 5 substituted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **10(a)**
- F2** Words in reg. 5(8) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **10(b)(i)**
- F3** Words in reg. 5(8) inserted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **10(b)(ii)**
- F4** Words in reg. 5(8) substituted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **10(b)(iii)**

### Commencement Information

- I1** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Transitional provision relating to Regulation (EU) No 258/2012

6.—(1) A pre-exit firearms export authorisation which had effect immediately before [<sup>F5</sup>IP completion day] continues to have effect on and after [<sup>F5</sup>IP completion day] as if it were a retained firearms export authorisation.

(2) An application for a pre-exit firearms export authorisation which is made but not determined or withdrawn before [<sup>F5</sup>IP completion day] is to be treated on and after [<sup>F5</sup>IP completion day] as an application for a retained firearms export authorisation.

(3) In this regulation—

“EU Firearms Regulation” means Regulation (EU) No 258/2012 of 14 March 2012 of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition as it had effect immediately before [<sup>F5</sup>IP completion day];

“pre-exit firearms export authorisation” means an export authorisation within the meaning given by Article 2(14) of the EU Firearms Regulation granted by the Secretary of State before [<sup>F5</sup>IP completion day] under Article 4 of the EU Firearms Regulation;

[<sup>F6</sup>“ replacement firearms Regulation”, in relation to—

((a)) England and Wales and Scotland, means Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition;

((b)) Northern Ireland, means Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;]

[<sup>F7</sup>“retained firearms export authorisation” means an export authorisation within the meaning given by Article 2(14) of the replacement firearms Regulation granted by the Secretary of State on or after IP completion day under Article 4 of the replacement firearms Regulation;]

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#### Textual Amendments

- F5** Words in reg. 6 substituted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **11(a)**
- F6** Words in reg. 6(3) inserted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **11(b)(i)**
- F7** Words in reg. 6(3) substituted (31.12.2020 immediately before IP completion day) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **11(b)(ii)**
- F8** Words in reg. 6(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), **11(b)(iii)**
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#### Commencement Information

- I2** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019, PART 4.