

EXPORT CONTROL ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Export controls

8. *Subsection (1)* provides the Secretary of State with order-making powers to introduce controls on the export of any goods and to make provision about matters connected with the imposition of export controls. It is intended that the existing controls on the export of goods will be reviewed and (where necessary) revised under this power.
9. It is envisaged that the DTI will use these powers to consolidate existing secondary legislation on export controls, namely the Export of Goods (Control) Order 1994 (as amended) and the greater part of the Dual-Use Items (Export Control) (Regulations) 2000 (made under the European Communities Act 1972). In particular, the secondary legislation will specify the goods or classes of goods whose export will be subject to control. With regard to future secondary legislation on strategic export controls, it is expected that all such legislation should in future be made under the powers contained in the Act.
10. It is envisaged that the DCMS will establish controls over the export of any goods (with limited exceptions for personal papers etc.) manufactured or produced more than 50 years before the date of exportation.
11. *Subsection (3)* allows controls to be placed on the export of goods wholly or partly on grounds of the uses or possible uses to which the controlled goods may be put, or because of information obtainable from the goods, eg. information obtainable from a computer disk. An example of legislation which, amongst other things, applies export controls by reference to the end use to which goods may be put as opposed to their physical description is Council Regulation [\(EC\) No 1334/2000](#) of 22 June 2000 (which is implemented in the UK in respect of certain enforcement provisions by the Dual-Use Items (Export Control) Regulations 2000).
12. *Subsection (4)* provides that the power to impose export controls is subject to section 5, which places general restrictions on the imposition of control orders.
13. *Subsection (5)* ensures that the Secretary of State by an order made under this section may make provision supplementing controls imposed by Community regulations on the export of goods, for example provision for the enforcement of such a regulation.
14. *Subsection (6)* clarifies that goods subject to export control include vehicles, vessels and aircraft themselves, whether or not they are moving under their own power or contain cargo or passengers.