
STATUTORY INSTRUMENTS

1995 No. 1424

CUSTOMS AND EXCISE

The Dual-Use and Related Goods (Export Control) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>5th June 1995</i>
<i>Made</i>	- - - -	<i>6th June 1995</i>
<i>Coming into force</i>	- -	<i>30th June 1995</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the export of goods and measures relating to trade in dual-use goods, in exercise of the powers conferred upon him by that section hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Dual-Use and Related Goods (Export Control) (Amendment) Regulations 1995 and shall come into force on 30th June 1995.

(2) In these Regulations, “the principal Regulations” mean the Dual-Use and Related Goods (Export Control) Regulations 1995⁽³⁾.

2. The following provisions of the principal Regulations are hereby revoked:

- (a) in regulation 1(2), the definition of “transit or transshipment”;
- (b) regulation 3(2)(a)(ii);
- (c) in regulation 3(3), the words “or a Community licence has been granted by a competent authority” and the words “or Community licence”;
- (d) regulation 5; and
- (e) in regulation 10(1)(f), the words from “in the case of goods” to “as the case may be” and the words “licence or”.

3.—(1) In regulation 3(1)(a) of the principal Regulations there shall be inserted after the word “Decision)” the words “or by Article 4(1) of the Regulation for the export from the European Community, in the circumstances therein described, of dual-use goods not of a description specified in Schedule 1 hereto”.

(1) S.I.1983/1706 and 1994/2791.

(2) 1972 c. 68.

(3) S.I. 1995/271; by virtue of S.I. 1995/441 and 1995/1151, the principal Regulations come into force on 1st July 1995 for all purposes for which they are not yet in force.

(2) In regulation 3(2)(b)(ii) of the principal Regulations, for the words “any goods of a description specified in Schedule 1 hereto in respect of which” there shall be substituted the words:

“any—

- (aa) goods of a description specified in Schedule 1 or 3 hereto, or
- (bb) dual-use goods which are not of a description specified in Schedule 1 hereto but for the export of which from the European Community an authorisation is required in accordance with Article 4(1) of the Regulation,

in respect of which in either case.”

(3) In regulation 3(4) of the principal Regulations—

- (a) for the words “Paragraph (3) shall not apply to” there shall be substituted the words “A Community licence granted by a competent authority in another Member State shall not”;
- (b) the words “in relation to which a Community licence has been granted” shall be left out; and
- (c) there shall be added at the end the words:

“; and subject to any rights arising out of the second sub-paragraph of Article 10(4) of the Regulation (goods to be put at disposal of exporter), such export is prohibited.”

(4) In regulation 3(5) of the principal Regulations, for the words “referred to in paragraph (1) above” there shall be substituted the words “of a description specified in Schedule 1 hereto”.

4.—(1) In regulation 11(1) of the principal Regulations, for the words “fails to comply with regulation 3(2)” there shall be substituted the words “contravenes a prohibition in regulation 3(2) or (4)”.

(2) In regulation 11(3) of the principal Regulations (which makes it an offence to fail to comply with certain provisions of Council Regulation (EC) No. 3381/94(4)) there shall be inserted after the word “Article” the words “4(2) or”.

5. For regulations 13 and 14 of the principal Regulations there shall be substituted the following:

“Goods in transit

13.—(1) In this regulation and regulation 14 below, “goods in transit” means—

- (a) goods which pass only through the territory of the Community within the meaning of Article 3(3) of the Regulation, and
- (b) goods being exported to another Member State which are not being dispatched from the United Kingdom to that other Member State within the meaning of Articles 19 and 20 of the Regulation.

(2) Regulation 3(2)(a)(i) and (b) of these Regulations shall not apply in respect of goods in transit.

(3) Regulation 3(2)(a)(iii) of these Regulations shall apply in respect of dual-use goods which are goods in transit as they apply in respect of goods other than dual-use goods.

Exclusion and modification of and saving for the Export of Goods (Control) Order 1994

14.—(1) The Export of Goods (Control) Order 1994(5) (in this regulation referred to as “the EGCO 1994”) shall not apply in respect of the export of dual-use goods or goods of

(4) O.J. No. 367, 31.12.94, p.1.

(5) S.I. 1994/1191, as amended by S.I. 1994/1632, 2518 and 2711.

a description specified in Schedule 3 to these Regulations, other than the export of goods in transit.

(2) In Schedule 1 to the EGCO 1994—

(a) Part II shall cease to have effect, and

(b) Part III shall have effect as if for Groups 2 and 3 thereof there were substituted Schedules 1 and 3 to these Regulations.

(3) Any licence for the export of goods to which the EGCO 1994 does not apply by virtue of paragraph (1) above, being a licence which was granted by the Secretary of State under article 3(a) of the EGCO 1994 or which has effect as if so granted and which (in either case) is in force immediately before 1st July 1995, other than a licence expressed to cease to have effect upon the coming into force of these Regulations, shall have effect as if granted under regulation 2(1)(a) of these Regulations.”

6. In entries 9A991 and 9E991 of Schedule 3 to the principal Regulations, for the words “in Iran, Iraq, Libya, Serbia or Montenegro” there shall be substituted the words “except to Member States.”

Ian Taylor

Parliamentary Under-Secretary of State for Trade
and Technology,
Department of Trade and Industry

5th June 1995

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

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations revoke the definition of “transit or transshipment” in regulation 1(2) of the Dual-Use and Related Goods (Export Control) Regulations 1995 (“the principal Regulations”), revoke regulations 3(2)(a)(ii) and 5 of the principal Regulations and replace regulations 13 and 14 of the principal Regulations with two new regulations.

The effect is to remove from the control of the principal Regulations, other than for the purposes of regulation 3(2)(a)(iii) and (iv) (“end use control”), the export of goods which “pass only through the territory of the Community” within the meaning of Article 3(3) of Council Regulation 3381/94, and of goods exported to another Member State of the European Community without being dispatched from the United Kingdom within the meaning of Articles 19 and 20 of Council Regulation 3381/94, and restore such exports to the control of the Export of Goods (Control) Order 1994.

The Regulations also

- remove some superfluous words from regulations 3(3) and 10(1)(f) of the principal Regulations,
- prohibit goods specified in Schedule 3, and dual-use goods not specified in Schedule 1 to which the “end use control” in Article 4(1) of Council Regulation 3381/94 applies, from being exported to other Member States of the European Community without a licence if their ultimate destination is elsewhere,
- amend regulations 3(4) and 11(1) of the principal Regulations so that where the Secretary of State considers that the export to a destination outside the European Community of goods which have received a licence from another Member State would be contrary to the essential foreign policy or security interests of the United Kingdom or the fulfilment of the international obligations or commitments of the United Kingdom, the export is prohibited, subject to the goods being put at the disposal of the exporter,
- make it an offence to fail to comply with Article 4(2) of Council Regulation 3391/94 (requirement to notify for purposes of “end use control”), and
- prohibit the export of microlight aircraft and hang-gliders and associated technology to any destination outside the European Community.

The Regulations come into force on 30th June 1995, the day before the principal Regulations come into force for all purposes for which they are not yet in force (all purposes except those of issuing general licences).