

---

STATUTORY INSTRUMENTS

---

**2000 No. 2620**

**The Dual-Use Items (Export Control) Regulations 2000**

**Failure to comply with licence conditions**

- 8.—**(1) This paragraph applies to any person who:
- (a) has exported items from—
    - (i) the United Kingdom under the authority of a licence granted by the Secretary of State or of the Community General Export Authorisation,
    - (ii) the European Community under the authority of a Community Licence granted by the Secretary of State, or
    - (iii) the European Community under the authority of a Community Licence sought by or on behalf of a person in, or established in, the United Kingdom; and
  - (b) fails to comply with any condition attaching to that licence or Community Licence or applying on use of the Community General Export Authorisation, as the case may be.
- (2) Subject to paragraph (3), a person to whom paragraph (1) applies is guilty of an offence and liable:
- (a) on summary conviction to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.
- (3) No person is guilty of an offence under paragraph (2) where:
- (a) as the case may be—
    - (i) in the case of a licence the condition in question had been previously modified without that person's consent by the Secretary of State,
    - (ii) in the case of a Community Licence the condition in question had been previously modified without that person's consent by the Secretary of State or other competent authority which granted that Community Licence, or
    - (iii) in the case of the Community General Export Authorisation the condition in question had been previously modified;
  - (b) the alleged failure to comply would not have been a failure had the licence, Community Licence or Community General Export Authorisation not been so modified; and
  - (c) that person proves that the items in relation to which he has failed to comply with the condition had, at the time the condition was modified, been exported from the United Kingdom in the case of a licence or from the European Community in the case of a Community Licence or the Community General Export Authorisation.