
STATUTORY INSTRUMENTS

2003 No. 2765

The Trade in Goods (Control) Order 2003

LICENCES

Granting and revocation of licences etc.

5.—(1) The Secretary of State may grant licences authorising any act that would otherwise be prohibited under this Order.

(2) Any licence granted by the Secretary of State in pursuance of this Order, may be—

- (a) either general or individual;
- (b) 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 doing of the act authorised under that licence.

(3) Any licence granted under this Order, shall be in writing and may be amended, suspended or revoked by the Secretary of State at any time and in such circumstances and on such terms as he thinks fit by serving a notice to that effect on the holder of the licence.

Registration with the Secretary of State

6.—(1) Not later than 30 days after any person first does any act under the authority of any general licence granted by the Secretary of State that does not provide otherwise, that person shall give to the Secretary of State written notice of his name and the address at which copies of the records referred to in article 7(1) may be inspected by any person authorised by the Secretary of State or the Commissioners under article 7(4).

(2) A person who has given to the Secretary of State written notice of particulars under paragraph (1) shall, not later than 30 days after any change in those particulars, give to the Secretary of State written notice of the changed particulars.

Record keeping and inspection

7.—(1) Any person who does any act under the authority of any general licence under this Order shall keep registers or records in accordance with this article.

(2) The registers or records shall contain sufficient details as may be necessary to allow the following information to be identified—

- (a) a description of the restricted or controlled goods that have been supplied, delivered, transferred, acquired or disposed of, or for which arrangements or negotiations for their acquisition or disposal have been made or entered into;
- (b) the date or the period of time over which the relevant activities relating to the supply, delivery, transfer, acquisition or disposal of the restricted or controlled goods were carried out;
- (c) the quantity of the restricted or controlled goods;
- (d) the name and address of the end-user of the restricted or controlled goods;

- (e) the name and address of the supplier of the restricted or controlled goods; and
- (f) any further information required to be kept by the Secretary of State.

(3) The registers or records referred to in paragraph (1) shall be kept for at least 4 years from the end of the calendar year in which the authorised act took place.

(4) The person referred to in paragraph (1) shall permit any such records to be inspected and copied by any person authorised by the Secretary of State or the Commissioners.

(5) Any person authorised by the Secretary of State or the Commissioners shall have the right, on producing, if required to do so, a duly authenticated document showing his authority, at any reasonable hour to enter for the purpose of paragraph (4) the premises, the address of which has been most recently notified to the Secretary of State under article 6 of this Order.

(6) Where the registers or records required to be maintained under this article are kept in a form which is not legible the person required under paragraph (1) to maintain such records shall at the request of the person authorised by the Secretary of State or the Commissioners, as the case may be, reproduce such registers or records in a legible form.

Licence refusals etc. and appeals

8.—(1) In the event that the Secretary of State decides not to grant a licence under this Order to any person who has applied for a licence, that person shall be provided with a written notification setting out the reason or reasons for the decision.

(2) In the event that the Secretary of State decides to suspend a licence that has been granted under this Order, the licence holder shall be provided with a written notification setting out the terms of the suspension and the reason or reasons for the decision.

(3) In the event that the Secretary of State decides to revoke a licence that has been granted under this Order, the licence holder shall be provided with a written notification setting out the reason or reasons for the decision.

(4) Any person who has had a licence application refused under article 5 of this Order or who has had a licence suspended or revoked under that article shall have 28 calendar days from the date of the written notification in which to submit an appeal in writing to the Secretary of State, Export Control Organisation, Department of Trade and Industry, 4 Abbey Orchard Street, London SW1P 2HT.

(5) Any appeal submitted under paragraph (4) shall specify the grounds on which that appeal is made and may provide further information or arguments in support of the appeal.

(6) Pending determination of any appeal submitted under paragraph (4), any decision taken by the Secretary of State shall continue to have effect.