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STATUTORY INSTRUMENTS

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**2008 No. 3231**

**CUSTOMS**

**The Export Control Order 2008**

*Made* - - - - *15th December 2008*  
*Laid before Parliament* *17th December 2008*  
*Coming into force* - - *6th April 2009*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

- (a) measures relating to trade in dual-use items, including the transmission of software or technology in intangible form; and
- (b) matters relating to trade in certain goods, including technical assistance, which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

It appears to the Secretary of State that it is expedient for the references in this Order to Council Regulation (EC) No 1334/2000<sup>M1</sup>, Council Regulation (EC) No 1236/2005<sup>M2</sup>, Article 3 of Council Regulation (EEC) No 2913/92<sup>M3</sup> and Article 3 of Council Regulation (EC) No 450/2008<sup>M4</sup> to be construed as references to those instruments and provisions as amended from time to time.

To the extent that this Order regulates any of the activities listed in section 8(1) of the Export Control Act 2002<sup>M5</sup>, the Secretary of State, having considered the reasons for the relevant controls and the need to respect the freedom to carry on the relevant activities, has determined that such regulation is necessary in the circumstances prevailing at the time of this Order.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>M6</sup>, by paragraph 1A of Schedule 2 to that Act<sup>M7</sup> and by sections 1, 2, 3, 4, 5 and 7 of the Export Control Act 2002<sup>M8</sup>, makes the following Order:

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**Modifications etc. (not altering text)**

- C1** Order excluded (5.9.2011) by [The Export Control \(Belarus\) and \(Syria Amendment\) Order 2011 \(S.I. 2011/2010\)](#), **art. 5**
- C2** Order excluded (30.11.2011) by [The Export Control \(Al-Qaida and Taliban Sanctions\) Regulations 2011 \(S.I. 2011/2649\)](#), **reg. 6**

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**Marginal Citations**

- M1** OJ No L 159, 30.6.2000, p1; relevant amending instruments are Council Regulation (EC) No 2432/2001 (OJ No L 338, 20.12.2001, p1) and Council Regulation (EC) No 1167/2008 (OJ No L 325, 3.12.2008, p1).

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

- M2** OJ No L 200, 30.7.2005, p1, to which there are amendments not relevant to this Order.
- M3** OJ No L 302, 19.10.1992, p1; relevant amending instruments are the Act of Accession of Austria, Sweden and Finland (OJ No C 241, 29.8.1994, p21) adapted by Council Decision 95/1/EC, Euratom, ECSC (OJ No L 1, 1.1.2005, p1), Regulation (EC) No 82/97 of the European Parliament and of the Council (OJ No L 17, 21.1.1997, p1), the Act concerning the conditions of accession of the Czech Republic and others and Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p1).
- M4** OJ No L 145, 4.6.2008, p1.
- M5** 2002 c. 28.
- M6** 1972 c. 68.
- M7** Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28.
- M8** 2002 c. 28.

## PART 1

### INTRODUCTORY

#### Citation and commencement

1. This Order may be cited as the Export Control Order 2008 and shall come into force on 6th April 2009.

#### Interpretation

2.—(1) In this Order, the following expressions have the meanings given below, save where an expression is also defined in a Schedule where it has, for the purposes of that Schedule, that meaning—

“aircraft” means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing vehicle or helicopter;

“category A goods” means goods specified in Part 1 of Schedule 1;

“category B goods” means goods specified in Part 2 of Schedule 1;

“category C goods” means—

- (a) military goods other than goods specified in Schedule 1;
- (b) portable devices for the purpose of riot control or self-protection by the administration or dissemination of an incapacitating chemical substance;
- (c) pelargonic acid vanillylamide (PAVA) (CAS 2444-46-4);
- (d) oleoresin capsicum (OC) (CAS 8023-77-6);

“CEMA” means the Customs and Excise Management Act 1979 <sup>M9</sup>;

[<sup>F1</sup>“certificate” means a certificate referred to in article 28A(1);]

“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

<sup>F2</sup> ...

“competent authority” means the Secretary of State or any other authority that is from time to time empowered to grant authorisations under the dual-use Regulation;

“contract promotion activity” means any act calculated to promote the arrangement or negotiation of a contract for the acquisition, disposal or movement of goods or any agreement to do such an act;

“country” includes territory;

“the customs and excise Acts” has the same meaning as in section 1 of CEMA;

“the customs territory” means the customs territory described in Article 3 of Council Regulation (EEC) No 2913/92 as amended from time to time until its repeal by Council Regulation (EC) No 450/2008 and then the customs territory described in Article 3 of the latter Regulation as amended from time to time;

[<sup>F3</sup>“the defence-related products Directive” means Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community]

“dual-use” in relation to goods, software or technology, means usable for both civil and military purposes;

[<sup>F4</sup>“the dual-use Regulation” means Council Regulation (EC) No 428/2009 as amended from time to time;]

“embargoed destination” means a country listed in Part 1 or 2 of Schedule 4;

[<sup>F5</sup>“European military items” means goods, software or technology listed in Schedule 2 except in entry <sup>F6</sup>... PL5001;]

“exportation” shall be construed as follows—

- (a) unless the context otherwise requires, it only includes removal from the United Kingdom to a destination outside the United Kingdom and the Isle of Man;
- (b) it includes shipment as stores;
- (c) in relation to a vessel, vehicle, submersible vehicle or aircraft, it includes taking it out of the United Kingdom, notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power

and cognate expressions shall be construed accordingly;

“the firearms Directive” means Council Directive 91/477/EEC<sup>M10</sup>;

“general” in relation to a licence, means not granted to a particular person but available for use generally;

“goods subject to trade controls” means goods that are category A goods, category B goods or category C goods.

“importation” in relation to a vessel, vehicle, submersible vehicle or aircraft means taking it into the United Kingdom, notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power and cognate expressions shall be construed accordingly;

[<sup>F7</sup>“individual” in relation to a licence, means granted to a particular person;]

<sup>F8</sup> ...

“licence” except in article 45(2), means a UK licence or an authorisation granted under the dual-use Regulation or the torture Regulation;

“licence user” means a person who is registered under article 28 to use a general licence or who is entitled to use a general licence without registration owing to the terms of that general licence;

“microprogramme” means a sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register;

“military” in relation to goods, software and technology, means listed in Schedule 2;

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

[<sup>F9</sup>“non-community goods” means non-community goods described in Article 4(8) of [Council Regulation \(EEC\) No 2913/1992](#) as amended from time to time until its repeal by [Council Regulation \(EC\) No 450/2008](#) and then non-community goods described in Article 4(19) of the latter Regulation as amended from time to time,]

“payment” includes a payment in money or money's worth or in kind whether referable to a particular act or made from time to time but does not include a payment made by way of wages or salary;

“programme” means a sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer;

“proper” has the same meaning as in CEMA;

“in the public domain” means available without restriction upon further dissemination (no account being taken of restrictions arising solely from copyright);

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that its benefits are available to members of the public from time to time seeking to take advantage of it;

“shipment” (and cognate expressions) and “stores” have the same meanings as in CEMA;

“software” means one or more programmes or microprogrammes fixed in any tangible medium of expression;

“surface effect vehicle” means any air cushion vehicle (whether side wall or skirted) and any vehicle using the wing-in-ground effect for positive lift;

“technical assistance” means any technical support related to repairs, development, manufacture, assembly, testing, use, maintenance or any other technical service;

“technology” means information (including but not limited to information comprised in software and documents such as blueprints, manuals, diagrams and designs) that is capable of use in connection with the development, production or use of any goods;

“a third country” means any country that is not the United Kingdom or the Isle of Man except that, for the purposes of Part 4 of this Order, goods that are goods in transit are considered to be located in a third country;

[<sup>F10</sup>“the torture Regulation” means [Regulation \(EU\) 2019/125](#) of the European Parliament and of the Council of 16th January 2019 as amended from time to time;]

“transfer”, in relation to software or technology, means transfer by electronic or non-electronic means (or any combination of electronic and non-electronic means) from a person or place within the United Kingdom to a person or place outside the United Kingdom, except in articles 10 and 11 where the limitations as to the origin and destination of the transfer do not apply, and cognate expressions shall be construed accordingly;

[<sup>F11</sup>“transfer by electronic means”, in relation to software and technology, means transmission by facsimile, telephone or other electronic media, and includes the transmission of technology by describing it orally over the telephone;]

“transfer by non-electronic means”, in relation to software or technology, means disclosure of software or technology by any means (or combination of means), including oral communication, other than as the exportation of goods or the transfer by electronic means;

“in transit” means imported into the United Kingdom for transit or transshipment;

“transit or transshipment”, in relation to goods, means transit through the United Kingdom or transshipment with a view to re-exportation of the goods or transshipment of the goods for use as stores;

“UK controlled” in relation to dual-use goods, software and technology, means listed in Schedule 3;

“UK licence” means a licence in writing granted by the Secretary of State that authorises an act or acts that would otherwise be prohibited by this Order;

[<sup>F12</sup>“the Union General Export Authorisation” has the same meaning as in Article 2(9) of the dual-use Regulation;]

“vehicle” includes a railway carriage;

“vessel” includes any ship, surface effect vehicle, vessel of small waterplane area or hydrofoil, and the hull or part of the hull of a vessel;

“WMD purposes” means use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons.

(2) Except in the definition of category C goods, tangible storage media on which military or dual-use software or technology is recorded are taken to be military or dual-use goods respectively.

(3) Any reference in this Order to time after an event is a reference to a period of that length of time beginning on the day of that event.

#### Textual Amendments

- F1** Words in art. 2(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(a)**
- F2** Words in art. 2(1) omitted (10.8.2012) by virtue of [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(b)**
- F3** Words in art. 2(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(c)**
- F4** Words in art. 2(1) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009](#) (S.I. 2009/2151), art. 1, **Sch. para. 1(b)**
- F5** Words in art. 2(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(d)**
- F6** Words in art. 2(1) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017](#) (S.I. 2017/85), arts. 1, **2(2)**
- F7** Words in art. 2(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(e)**
- F8** Words in art. 2 omitted (5.3.2018) by virtue of [The Export Control \(Amendment\) Order 2018](#) (S.I. 2018/165), arts. 1, **2**
- F9** Words in art. 2(1) inserted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009](#) (S.I. 2009/2151), art. 1, **Sch. para. 1(c)**
- F10** Words in art. 2(1) substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019](#) (S.I. 2019/989), arts. 1, **2(2)**
- F11** Words in art. 2(1) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009](#) (S.I. 2009/2151), art. 1, **Sch. para. 1(d)**
- F12** Words in art. 2(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012](#) (S.I. 2012/1910), arts. 1, 2, **Sch. para. 1(f)**

#### Marginal Citations

- M9** 1979 c. 2.
- M10** OJ No L 256, 13.9.1991, p51 as amended by Directive 2008/51/EC of the European Parliament and of the Council (OJ No L 179, 8.7.2008, p5).

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

### [<sup>F13</sup>Crown application

2A.—(1) The following articles bind the Crown—

- (a) article 4 (movement of UK controlled dual-use goods, etc. to certain destinations);
- (b) article 6 (WMD purposes end-use control supplementing the dual-use Regulation);
- (c) article 7 (control on transfers within the customs territory supplementing the dual-use Regulation);
- (d) article 8 (transit controls supplementing the dual-use Regulation); and
- (e) article 9 (provisions supplementing the torture Regulation).

(2) The Crown is not criminally liable as a result of a contravention of any of those articles.

(3) Paragraph (2) does not affect the application of those articles to persons in the public service of the Crown.]

#### Textual Amendments

**F13** Art. 2A inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 2**

## PART 2

### EXPORT AND TRANSFER CONTROLS

#### Modifications etc. (not altering text)

**C3** Pt. 2 excluded (20.2.2010) by [The Export Control \(Guinea\) Order 2010 \(S.I. 2010/364\)](#), arts. 1(1), 5

#### Military goods, etc.

3. Subject to articles 13 to 18 and 26, no person shall—

- (a) export military goods; or
- (b) transfer military software or technology by electronic means.

### [<sup>F14</sup>Movement of UK controlled dual-use goods, etc. to certain destinations

4.—(1) [<sup>F15</sup>Subject to articles 13, 14, 15, 16, 17, 18 and 26], no person shall—

- (a) export UK controlled dual-use goods; or
- (b) transfer UK controlled dual-use software or technology by electronic means

if paragraph (2) or (3) applies.

(2) This paragraph applies where the destination is one specified in Schedule 3 as a prohibited destination in relation to the goods, software or technology in question (“a prohibited destination”).

(3) This paragraph applies where the destination is not a prohibited destination but the exporter or transferor knows—

- (a) that the final destination of the goods, software or technology in question is a prohibited destination; and

- (b) that no processing or working is to be performed on the goods, software or technology in question before they are exported or transferred to that final destination.]

**Textual Amendments**

- F14** Art. 4 substituted for arts. 4, 5 (27.1.2010) by [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(2)**
- F15** Words in art. 4(1) substituted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, **2(2)**

**[<sup>F16</sup>Movement of certain medicinal products to the United States of America**

**4A.**—(1) Subject to articles 17 and 26, no person shall export a human or veterinary medicinal product containing the active ingredient pancuronium bromide [<sup>F17</sup>or propofol] where—

- (a) the product is in a form suitable for injection or for preparation of an injection; and  
(b) paragraph (2) or (3) applies.

(2) This paragraph applies where the destination of the product is the United States of America.

(3) This paragraph applies where the destination is not the United States of America but the exporter knows that the final destination of the product is the United States of America.]

**Textual Amendments**

- F16** Art. 4A inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(2)**
- F17** Words in art. 4A(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 3**

**[<sup>F18</sup>Movement of Libyan bank notes and coins**

**4B.** Subject to article 26, no person shall export unissued Libyan bank notes or unissued Libyan coins.]

**Textual Amendments**

- F18** Art. 4B inserted (temp.) (2.3.2011 at 7 p.m. until it expires on 1.3.2012 by virtue of art. 1(3) of the amending S.I.) by [The Export Control \(Amendment\) \(No. 2\) Order 2011 \(S.I. 2011/580\)](#), arts. 1(2), **3(2)**

**Movement of UK controlled dual-use goods, etc. within the customs territory**

<sup>F14</sup>5. ....

**Textual Amendments**

- F14** Art. 4 substituted for arts. 4, 5 (27.1.2010) by [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(2)**

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### **WMD purposes end-use control supplementing the dual-use Regulation**

6.—(1) This article applies where—

- (a) a person (“the enquirer”) has grounds for suspecting that dual-use goods, software or technology are or may be intended, in their entirety or in part, for WMD purposes; and
- (b) the goods, software or technology in question are not specified in Annex I to the dual-use Regulation.

(2) Subject to article 26, the enquirer shall not—

- (a) export the goods in question; or
- (b) transfer the software or technology in question by electronic means

to a destination outside the customs territory unless, having made all reasonable enquiries as to the proposed use of the goods, software or technology in question, the enquirer is satisfied that they will not be used for WMD purposes.

### **Control on transfers within the customs territory supplementing the dual-use Regulation**

7.—(1) This article applies where—

- (a) a person (“the relevant person”) knows—
  - (i) that the final destination of dual-use goods, software or technology is outside the customs territory; and
  - (ii) that no processing or working is to be performed on the goods, software or technology in question within the customs territory;
- (b) the relevant person would only be permitted to export or transfer the goods, software or technology in question to a destination outside the customs territory to the extent authorised to do so under Article 3 (controls on listed goods) or 4 (end-use controls) of the dual-use Regulation; and
- (c) the goods, software or technology in question are not specified in Annex IV to the dual-use Regulation.

(2) Subject to articles 17 and 26, the relevant person shall not—

- (a) export the goods in question; or
- (b) transfer the software or technology in question by electronic means

to a destination within the customs territory.

### **Transit controls supplementing the dual-use Regulation**

<sup>[F19]</sup>8.—(1) Subject to articles 17 and 26, no person shall export goods listed in Annex I to the dual-use Regulation where the goods in question are non-community goods which are entering and passing through the customs territory with a final destination outside the customs territory.

(2) Paragraph (3) applies where a person (“the exporter”)—

- (a) has been informed by a competent authority that dual-use goods are or may be intended, in their entirety or in part, for purposes referred to in Article 4(1) of that Regulation (WMD purposes end-use control); or
- (b) is aware that dual-use goods specified are or may be intended, in their entirety or in part, for purposes referred to in Article 4(1) of that Regulation (WMD purposes end-use control);

and the dual-use goods in question are non-community goods which are not listed in Annex I to the dual-use Regulation and which are entering and passing through the customs territory with a final destination outside the customs territory.



(3) Subject to article 26, the exporter shall not export the goods in question.]

#### **Textual Amendments**

**F19** Art. 8 substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 2**

### **Provisions supplementing the torture Regulation**

9.—(1) This article applies to—

- (a) gangchains and leg-irons specially designed for restraining human beings;
- (b) goods within item 2.1 in Annex II to the torture Regulation (electric-shock belts); and
- (c) goods within item 2.1 in Annex III to the torture Regulation (portable electric shock devices).

(2) Subject to article 26, no person shall export goods to which this article applies to a destination within the customs territory.

(3) Subject to article 26, no person shall export goods within paragraph (1)(a) or (c) in relation to which there is no export authorisation requirement under Article 5 (export authorisation requirement) of the torture Regulation because the goods are in transit.

### **[<sup>F20</sup>General prohibition**

**9A.** To the extent that, pursuant to any of articles 3 to 9 of this Order, a person may not export goods, the exportation of the goods in question is prohibited.]

#### **Textual Amendments**

**F20** Art. 9A inserted (14.7.2009) by [The Export Control \(Amendment\) \(No. 2\) Order 2009 \(S.I. 2009/1852\)](#), arts. 1, 2

### **Transfers within the United Kingdom for WMD purposes**

10.—(1) This article applies where a person (“the transferor”)—

- (a) has been informed by the Secretary of State that software or technology is or may be intended, in its entirety or in part, for WMD purposes; or
- (b) is aware that software or technology is intended, in its entirety or in part, for WMD purposes

and knows that it may be or is intended to be used outside the customs territory or has been informed by the Secretary of State that it may be or is intended to be so used.

(2) Subject to articles 18 and 26, the transferor shall not transfer the software or technology in question to a person or place within the United Kingdom.

### **Transfers from outside the customs territory for WMD purposes**

11.—(1) This article applies where a United Kingdom person (“the transferor”)—

- (a) has been informed by a competent authority that software or technology is or may be intended, in its entirety or in part, for WMD purposes; or

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- (b) is aware that software or technology is intended, in its entirety or in part, for WMD purposes.
- (2) Subject to articles 18 and 26, the transferor shall not transfer the software or technology in question from a place outside the customs territory to—
  - (a) a destination outside the customs territory; or
  - (b) a destination within the customs territory if the transferor—
    - (i) knows that the final destination of the software or technology is outside the customs territory; and
    - (ii) knows that no processing or working is to be performed on the software or technology within the customs territory,
 or, if the destination is the United Kingdom, knows that the software or technology may be or is intended to be used outside the customs territory or has been informed by the Secretary of State that it may be or is intended to be so used.

### **Transfers by non-electronic means from the United Kingdom for WMD purposes**

- 12.**—(1) This article applies where a person (“the transferor”)—
- (a) has been informed by the Secretary of State that software or technology is or may be intended, in its entirety or part, for WMD purposes; or
  - (b) is aware that software or technology is intended, in its entirety or in part, for WMD purposes.
- (2) Subject to articles 18 and 26, the transferor shall not transfer the software or technology in question by non-electronic means to—
- (a) a destination outside the customs territory; or
  - (b) a destination within the customs territory if the transferor—
    - (i) knows that the final destination of the software or technology is outside the customs territory; and
    - (ii) knows that no processing or working is to be performed on the software or technology within the customs territory.

### **Exceptions for aircraft**

- 13.**—(1) Nothing in article 4 <sup>F21</sup>... shall be taken to prohibit the exportation of any aircraft the immediately preceding importation of which was on a scheduled journey and which is intended for further scheduled journeys.
- (2) Nothing in article 3 shall be taken to prohibit the exportation of any aircraft which is being exported (except to a country or destination specified in Part 1, 2 or 3 of Schedule 4) after temporary importation into the United Kingdom provided that—
- (a) there has been no change of ownership or registration since such importation; and
  - (b) no military goods have been incorporated into the aircraft since such importation other than by way of replacement for a component essential for the departure of the aircraft.
- (3) Nothing in article 4 <sup>F22</sup>... shall be taken to prohibit the exportation of any aircraft on a scheduled journey.
- (4) Nothing in article 3 [<sup>F23</sup>or 4] shall be taken to prohibit the exportation of any aircraft which is departing temporarily from the United Kingdom on trials.

**Textual Amendments**

- F21** Words in art. 13(1) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(3)(a)**
- F22** Words in art. 13(3) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(3)(a)**
- F23** Words in art. 13(4) substituted (27.1.2010) by [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(3)(b)**

**Exceptions for vessels**

**14.**—(1) Nothing in article 3 shall be taken to prohibit the exportation of any vessel registered or constructed outside the United Kingdom which is being exported (except to a country or destination specified in Part 1, 2 or 3 of Schedule 4) after temporary importation into the United Kingdom provided that no military goods have been incorporated into the vessel since such importation other than by way of replacement for a component essential for the departure of the vessel.

(2) Nothing in article 4 <sup>F24</sup>... shall be taken to prohibit the exportation of any vessel proceeding on a journey providing transport services in the ordinary course of business.

(3) Nothing in article 3 [<sup>F25</sup>or 4] shall be taken to prohibit the exportation of any vessel which is departing temporarily from the United Kingdom on trials.

**Textual Amendments**

- F24** Words in art. 14(2) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(4)(a)**
- F25** Words in art. 14(3) substituted (27.1.2010) by [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(4)(b)**

**[<sup>F26</sup>Exception for historic military vehicles**

**14A.**—(1) The prohibition on the export of military goods in article 3 does not apply to the export of a vehicle or component falling within entry ML6 in Schedule 2 provided that the following conditions are met.

(2) The conditions are that—

- (a) the vehicle or component was manufactured more than 50 years before the date of exportation;
- (b) the exportation is to a destination in Belgium, France or Germany;
- (c) the exportation is for the purposes of a military re-enactment, commemorative event or recreational activity; and
- (d) the vehicle or component is to be returned to the United Kingdom within 3 months of the date of exportation.]

**Textual Amendments**

- F26** Art. 14A inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 4**

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

### Exception for firearms – European firearms pass

15.—(1) [F27 Nothing in article 3 or 4] shall be taken to prohibit the exportation of any firearm falling within category B, C or D of Annex I to the firearms Directive, related ammunition and sight using non-electronic image enhancement for use with such a firearm to any destination in a member State if paragraphs (2) and (3) apply.

(2) This paragraph applies if the firearm, ammunition and sight using non-electronic image enhancement form part of the personal effects of a person (“the holder”) who is in possession of—

- (a) a European firearms pass which has been issued to the holder under section 32A of the Firearms Act 1968 <sup>M11</sup>; or
- (b) a document which has been issued to the holder under the provisions of the law of a member State corresponding to the provisions of that section,

which, in either case, relates to the firearm.

(3) This paragraph applies if either—

- (a) the pass or document referred to in paragraph (2) contains authorisation for the possession of the firearm from the member State of destination and any other member State through which the holder intends that the firearm will pass on its way to that destination; or
- (b) the holder on request satisfies the proper officer of Her Majesty's Revenue and Customs at the place of exportation that—
  - (i) the exportation of the firearm is necessary to enable the holder to participate in one of the activities specified in Article 12(2) (hunters and marksmen) of the firearms Directive;
  - (ii) the firearm falls within the category appropriate to that activity in accordance with that Article; and
  - (iii) the exportation or passage of the firearm is not to or through a member State which prohibits or requires an authorisation for the acquisition or possession of the firearm.

#### Textual Amendments

**F27** Words in art. 15(1) substituted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, 2(3)

#### Marginal Citations

**M11** 1968 c. 27; section 32A was inserted by the Firearms Acts (Amendment) Regulations (S.I. 1992/2823), regulation 5(1) and amended by the [Firearms Amendment Act 1997 \(c. 5\)](#), [Schedule 2](#), paragraph 6.

### Exception for firearms – firearm or shot gun certificate or permit

16.—(1) This article applies to firearms authorised to be possessed or, as the case may be, purchased or acquired by—

- (a) a firearm certificate or shot gun certificate granted under the Firearms Act 1968;
- (b) a visitor's firearm or shot gun permit granted under section 17 of the Firearms (Amendment) Act 1988 <sup>M12</sup>;
- (c) a firearm certificate granted under the Firearms (Northern Ireland) Order 1981 <sup>M13</sup>; or
- (d) a firearm certificate granted under the Firearms Act 1947 (an Act of Tynwald) <sup>M14</sup> as amended by the Firearms Act 1968 (an Act of Tynwald) <sup>M15</sup> and the Air Guns and Shot Guns, etc Act 1968 (an Act of Tynwald) <sup>M16</sup>.

(2) Subject to paragraph (3), [F28 nothing in article 3 or 4] shall be taken to prohibit the exportation of any firearm to which this article applies, related ammunition and sight using non-electronic image enhancement for use with such a firearm to—

- (a) any destination in a member State by—
  - (i) any person or body specified in Article 2(2) (Directive not to apply in relation to armed forces, police, public authorities, collectors, etc.) of the firearms Directive; or
  - (ii) the holder of a firearm certificate within paragraph (1)(d); or
- (b) [F29 in the circumstances specified in Article 9(1)(a) (temporary export or re-export by hunters and sport shooters) of Council Regulation (EU) No 258/2012,] any other destination other than a country or destination specified in Part 1, 2 or 3 of Schedule 4.

(3) The exception in this article only applies if the firearm, related ammunition and sight using non-electronic image enhancement form part of the personal effects of the holder of the relevant certificate or permit and, in a case to which paragraph (2)(b) applies, the certificate or permit is produced by the holder, or the holder's duly authorised agent, with the firearm and, if carried, ammunition and sight to the proper officer of Her Majesty's Revenue and Customs at the place of exportation.

#### Textual Amendments

- F28** Words in art. 16(2) substituted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, **2(4)(a)**
- F29** Words in art. 16(2)(b) added (17.4.2015) by virtue of [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, **2(4)(b)** (note that the amending provision purports to make this amendment to "paragraph (3)(b)" of art. 16)

#### Marginal Citations

- M12** [1988 c. 45](#); section 17 was amended by the Firearms Acts (Amendment) Regulations, regulations 6(1) and 7(1) and the Firearms Amendment Act 1997, Schedule 2, paragraph 19.
- M13** [S.I. 1981/155 \(N.I. 2\)](#); relevant amending instruments are [S.I. 1989/1338 \(N.I. 10\)](#), 1992/1723 (N.I. 14).
- M14** Acts of Tynwald 1947, p586.
- M15** Acts of Tynwald 1968, p464.
- M16** Acts of Tynwald 1968, p509.

#### Transit or transshipment exception

17.—(1) Subject to paragraphs (2) and (3), nothing in articles 3, 4 <sup>F30</sup> ..., [F31 4A,] 7 or 8(1) shall be taken to prohibit the exportation of any goods which are goods in transit provided that the conditions in paragraph (4), are met.

- (2) Paragraph (1) does not apply to—
  - (a) anti-personnel landmines and components specially designed for them;
  - (b) category A goods;
  - (c) equipment, software or technology falling within entry ML18, ML21 or ML22 in Schedule 2, specifically related to anti-personnel landmines or Category A goods;
  - (d) goods being exported to a destination specified in Part 1 of Schedule 4;
  - (e) military goods being exported to any country or destination specified in Part 2 or 3 of Schedule 4;

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*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

- (f) category B goods being exported to any country or destination specified in Part 4 of Schedule 4.
- (3) Paragraph (1) does not apply to the extent that—
- (a) the exporter (or, if the exporter is not within the United Kingdom, any agent of the exporter within the United Kingdom concerned in the exportation or intended exportation) has been informed by a competent authority that the goods are or may be intended, in their entirety or in part, for WMD purposes;
  - (b) the exporter is aware that the goods are intended, in their entirety or in part, for WMD purposes; or
  - (c) the exporter has grounds for suspecting that the goods are or may be intended, in their entirety or in part, for WMD purposes, unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that they will not be so used.
- (4) The conditions are that—
- [<sup>F32</sup>(a) the goods in question either—
- (i) remain on board a vessel, aircraft or vehicle for the entire period that they remain in the United Kingdom or are goods on a through bill of lading, through air waybill or single transport contract and in any event are exported before the end of the period of 30 days beginning with the date of their importation; or
  - (ii) are European military items which were originally exported from a member State and the destination of the goods following exportation from the United Kingdom is within the EU;]
- (b) the destination of the goods in question following exportation from the United Kingdom has been determined in the country from which they were originally exported prior to their original exportation in connection with the transaction which has given rise to transit or transshipment and has not been changed prior to their exportation from the United Kingdom, or the goods are being returned to that country; and
- (c) the goods in question were exported from that country in accordance with any laws or regulations relating to the exportation of goods applying there at the time of exportation of the goods.

#### Textual Amendments

- F30** Word in art. 17(1) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(5)**
- F31** Word in art. 17(1) inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(3)**
- F32** Art. 17(4)(a) substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 5**

#### Software and technology exceptions

- 18.**—(1) Nothing in article 3 [<sup>F33</sup>or 4] shall be taken to prohibit the transfer of technology—
- (a) that is in the public domain;
  - (b) that is the minimum technology required for—
    - (i) the installation, operation, maintenance or repair of goods or software that are not military goods or software or UK controlled dual-use goods or software; or
    - (ii) a patent application; or

(c) in the course of basic scientific research.

(2) Nothing in article 10, 11 or 12 shall be taken to prohibit the transfer of software or technology in the public domain.

(3) In this article, “basic scientific research” means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts and not primarily directed towards a specific practical aim or objective.

**Textual Amendments**

**F33** Words in art. 18(1) substituted (27.1.2010) by [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), 2(6)

## PART 3

### TECHNICAL ASSISTANCE CONTROLS

**Modifications etc. (not altering text)**

**C4** [Pt. 3](#) excluded (20.2.2010) by [The Export Control \(Guinea\) Order 2010 \(S.I. 2010/364\)](#), arts. 1(1), 5

**End-use control on technical assistance**

**19.**—(1) Subject to article 26, no person shall directly or indirectly provide to a person or place outside the customs territory any technical assistance related to the supply, delivery, manufacture, maintenance or use of anything which—

- (a) that person has been informed by the Secretary of State is or may be intended, in its entirety or in part, for WMD purposes; or
- (b) that person is aware is intended, in its entirety or in part, for WMD purposes.

(2) Subject to article 26, no United Kingdom person shall directly or indirectly provide from a place outside the customs territory to any person or place outside the customs territory any technical assistance related to the supply, delivery, manufacture, maintenance or use of anything which—

- (a) that person has been informed by the Secretary of State is or may be intended, in its entirety or in part, for WMD purposes; or
- (b) that person is aware is intended, in its entirety or in part, for WMD purposes.

(3) For the purposes of paragraphs (1) and (2)—

- (a) directly providing technical assistance includes providing technical assistance or agreeing to do so; and
- (b) indirectly providing technical assistance includes making arrangements under which another person provides technical assistance or agrees to do so.

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

## PART 4

### TRADE CONTROLS

#### **Modifications etc. (not altering text)**

**C5** Pt. 4 excluded (20.2.2010) by [The Export Control \(Guinea\) Order 2010 \(S.I. 2010/364\)](#), arts. 1(1), 5

#### **Embargoed destinations**

**20.**—(1) This article applies to—

- (a) persons carrying out activities in the United Kingdom; and
- (b) United Kingdom persons.

(2) Subject to articles 25 and 26, no person to whom this article applies shall directly or indirectly—

- (a) supply or deliver;
- (b) agree to supply or deliver; or
- (c) do any act calculated to promote the supply or delivery of

any goods subject to trade controls from one third country to another third country that is an embargoed destination.

#### **Category A goods**

**21.**—(1) This article applies to—

- (a) persons carrying out activities in the United Kingdom; and
- (b) United Kingdom persons.

(2) Subject to articles 24, 25 and 26, no person to whom this article applies shall directly or indirectly—

- (a) supply or deliver;
- (b) agree to supply or deliver; or
- (c) do any act calculated to promote the supply or delivery of

any category A goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

#### **Category B goods**

**22.**—(1) This article applies to—

- (a) persons carrying out activities in the United Kingdom; and
- (b) United Kingdom persons.

(2) Subject to paragraphs (3), (4) and (7) and to articles 25 and 26, no person to whom this article applies shall directly or indirectly—

- (a) supply or deliver;
- (b) agree to supply or deliver; or
- (c) do any act calculated to promote the supply or delivery of



any category B goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

(3) Nothing in this article shall be taken to prohibit the provision of—

- (a) financing or financial services;
- (b) insurance or reinsurance services; or
- (c) general advertising or promotion services

by a person whose only involvement in the activities described in paragraph (2) is to provide or agree to provide such services.

(4) A person (“the transporter”) whose only involvement in the activities described in paragraph (2) is to provide or agree to provide transportation services in relation to category B goods (“the relevant goods”) only contravenes the prohibition in this article if paragraph (5) or (6) applies.

(5) This paragraph applies if the transporter arranges the removal of the relevant goods from one third country to another third country.

(6) This paragraph applies if the transporter, otherwise than in the course of providing services to another person—

- (a) to whom this article applies; and
- (b) who has agreed to provide transportation services in relation to the relevant goods,

removes or agrees to remove the relevant goods from one third country to another third country.

(7) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.

### **Category C goods**

**23.**—(1) Subject to paragraphs (2) and (3) and to articles 24, 25 and 26, no person shall directly or indirectly—

- (a) agree to supply or deliver; or
- (b) do any act calculated to promote the supply or delivery of

any category C goods, where that person knows or has reason to believe that such action or actions will, or may, result in the removal of those goods from one third country to another third country.

(2) Nothing in this article shall be taken to prohibit the provision of—

- (a) transportation services;
- (b) financing or financial services;
- (c) insurance or reinsurance services; or
- (d) general advertising or promotion services

by a person whose only involvement in the activities described in paragraph (1) is to provide or agree to provide such services.

(3) Nothing in this article shall be taken to prohibit any contract promotion activity that is carried out otherwise than for payment.

### **Exception for movement of goods within the customs territory**

**24.** Nothing in article 21 or 23 shall be taken to prohibit activities related to the movement of the following goods within the customs territory—

- (a) the goods listed in paragraph 1 of Schedule 1;
- (b) individual cuffs;

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- (c) shackles except those shackles which have an overall dimension including chain, when measured from the outer edge of one cuff to the outer edge of the other cuff, of between 240mm and 280mm when locked and have not been modified to cause physical pain or suffering;
- (d) the goods listed in paragraphs 2(b), (c) and (d) and 4 of Schedule 1;
- (e) portable devices for the purpose of riot control or self-protection by the administration or dissemination of an incapacitating chemical substance;
- (f) pelargonic acid vanillylamide (PAVA) (CAS 2444-46-4);
- (g) oleoresin capsicum (OC) (CAS 8023-77-6).

#### **Exception for activities carried out in the Isle of Man**

25. Nothing in this Part shall be taken to prohibit activities carried out in the Isle of Man.

## **PART 5**

### **LICENCES, ETC.**

#### **Licences**

26.—(1) Nothing in Part 2, 3 or 4 prohibits an activity that is carried out under the authority of a UK licence.

(2) Unless it provides otherwise, a UK licence to export [<sup>F34</sup>goods, or to transfer software, specified in Schedule 2 or 3] also authorises the export or transfer of the minimum technology required for the installation, operation, maintenance and repair of the goods [<sup>F35</sup>or software] to the same destination as the goods [<sup>F36</sup>or software].

(3) A UK licence to supply or deliver goods subject to trade controls also authorises—

- (a) agreeing to supply or deliver; or
- (b) doing any act calculated to promote the supply or delivery of

the goods.

(4) For the purposes of [<sup>F37</sup>Article 9] (rules about authorisations) of the dual-use Regulation, the Secretary of State is empowered to grant authorisations.

(5) The authorisation required by [<sup>F38</sup>Article 22(1)] (exportation or transfer of sensitive items within the customs territory) of the dual-use Regulation for exportation or transfer of goods, software or technology from the United Kingdom is a licence granted by the Secretary of State.

(6) A licence granted by the Secretary of State may be—

- (a) either general or granted to a particular person <sup>F39</sup>...;
- (b) limited so as to expire on a specified date unless renewed;
- (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 by the licence.

#### **Textual Amendments**

**F34** Words in art. 26(2) substituted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(3)(a)**

- F35** Words in art. 26(2) inserted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(3)(b)**
- F36** Words in art. 26(2) inserted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(3)(c)**
- F37** Words in art. 26(4) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 3(a)**
- F38** Words in art. 26(5) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 3(b)**
- F39** Words in art. 26(6)(a) omitted (17.3.2017) by virtue of [The Export Control \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/193\)](#), arts. 1, **2(2)**

### Person authorised by UK licence to export goods

27.—(1) For the purpose of article 26(1), but subject to paragraph (2) below, the exportation of goods to any destination outside the customs territory shall be regarded as being under the authority of a UK licence to, or for the benefit of, a particular person (“the licence holder”) only if—

- (a) the licence holder is the person on whose behalf the exportation declaration is made; and
- (b) the licence holder is established within the customs territory and either—
  - (i) the licence holder is the owner of the goods or has a similar right of disposal over them; or
  - (ii) if no person who is the owner of the goods or has a similar right of disposal over them is established within the customs territory, the licence holder is a party to one or more contracts under which the ownership of the goods or a similar right of disposal over them has passed to a person not established within the customs territory and pursuant to which the goods are to be, are being or have been exported from the customs territory.

(2) Paragraph (1) does not apply if no person falls within sub-paragraph (b) of that paragraph or if the exportation is of goods imported into the United Kingdom for transit or transhipment.

### Registration with the Secretary of State

28.—(1) Not later than 30 days after—

- (a) any person first does any act under the authority of a general licence granted by the Secretary of State that does not provide otherwise;
- (b) any person established in the United Kingdom first does any act under the authority of the [<sup>F40</sup>Union General Export Authorisation],

the person in question shall give to the Secretary of State written notice of their name and the address at which copies of the records referred to in article 29(1) <sup>F41</sup>... of this Order or [<sup>F42</sup>Article 20(1)] (record-keeping) of the dual-use Regulation may be inspected by any person authorised by the Secretary of State or the Commissioners under article 31.

(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 notice of the changed particulars.

### Textual Amendments

- F40** Words in art. 28(1)(b) substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 6**

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

- F41** Words in art. 28(1) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(4)**
- F42** Words in art. 28(1) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 4**

#### <sup>F43</sup>**Certificates (European military items)**

**28A.—(1)** For the purposes of Article 9(1) of the defence-related products Directive, the Secretary of State is empowered to grant certificates to recipients established in the United Kingdom of European military items under authorisations granted by competent authorities in other member States.

(2) Before granting a certificate, the Secretary of State must establish the reliability of the recipient undertaking and in particular its capacity to observe limitations on the export of European military items which are received under an authorisation granted by a competent authority in another member State. The recipient's reliability must be assessed according to the following criteria—

- (a) proven experience in defence activities, taking into account in particular—
    - (i) the undertaking's record of compliance with export restrictions including any relevant court decisions;
    - (ii) any authorisation held by the undertaking to produce or market European military items;
    - (iii) the employment of experienced management staff by the recipient;
  - (b) relevant industrial activity in European military items within the EU and in particular capacity for system or sub-system integration;
  - (c) the appointment of a senior executive as the dedicated officer personally responsible for exports and transfers;
  - (d) the provision of a written undertaking, signed by the senior executive referred to in sub-paragraph (c), that the undertaking will take all necessary steps to observe and enforce any specific condition of an authorisation granted by a competent authority in another member State relating to end-use and re-export of any specific component or product received;
  - (e) the provision of a written undertaking, signed by the senior executive referred to in sub-paragraph (c), that the undertaking will provide to the Secretary of State upon request detailed information concerning the end-users or end-use of all European military items exported, transferred or received under an authorisation granted by a competent authority in another member State; and
  - (f) the provision of a written description, signed by the senior executive referred to in sub-paragraph (c), of the undertaking's internal compliance programme or export and transfer management systems. This description must provide details of the organisational, human and technical resources allocated to the management of exports and transfers, the chain of responsibility within the undertaking, internal audit procedures, awareness-raising and staff-training, physical and technical security arrangements, record-keeping and traceability of exports and transfers.
- (3) A certificate granted by the Secretary of State must contain the following—
- (a) the name of the competent authority issuing the certificate;
  - (b) the name and address of the recipient;
  - (c) a statement of the recipient's conformity with the criteria referred to in paragraph 2;
  - (d) the date of issue and the period of validity of the certificate.

(4) The period of validity of a certificate granted by the Secretary of State must not exceed five years.

(5) A certificate granted by the Secretary of State may be subject to conditions relating to—

- (a) the provision of information necessary to verify compliance with the criteria set out in paragraph (2);
- (b) its suspension or revocation.

(6) The Secretary of State may by notice amend, suspend or revoke a certificate.]

#### **Textual Amendments**

**F43** Art. 28A inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, [Sch. para. 7](#)

#### **Record keeping – general**

29.—<sup>F44</sup>(1) The following must keep detailed registers or records—

- (a) a person who acts under the authority of a general licence granted by the Secretary of State;
- (b) a person who acts under the authority of the Union General Export Authorisation whilst established in the United Kingdom; and
- (c) a person who acts under the authority of an individual licence to export or transfer European military items within the EU.]

(2) The registers or records shall contain sufficient detail as may be necessary to allow the following information, where appropriate, to be identified in relation to each act carried out under the authority referred to in paragraph (1)—

- (a) a description of the act;
- (b) a description of the goods, software or technology to which the act relates;
- (c) the date of the act or the dates between which the act took place;
- (d) the quantity of the goods (if any) to which the act relates;
- (e) the name and address of the person referred to in paragraph (1);
- (f) the name and address of any consignee of the goods to which the act relates or any recipient of the software or technology to which the act relates;
- (g) in so far as it is known to the person referred to in paragraph (1), the name and address of the end-user of the goods, software or technology to which the act relates;
- (h) if different from the person referred to in paragraph (1), the name and address of the supplier of the goods (if any) to which the act relates;
- (i) any further information required by the licence or authorisation referred to in paragraph (1).

(3) The registers or records referred to in paragraph (1) shall be kept—

- (a) in the case of a general licence authorising an activity that would otherwise be prohibited by Part 4 of this Order, for at least four years from the end of the calendar year in which the authorised act took place;
- (b) in any other case, for at least three years from the end of the calendar year in which the authorised act took place

or for such longer period as may be specified in the licence or authorisation referred to in paragraph (1).

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

(4) The documents and records to be kept in accordance with [<sup>F45</sup>Article 22(8)] (records of exportation and transfer of listed items within the customs territory) of the dual-use Regulation are the registers or records referred to in paragraph (2)(a) to (i).

#### Textual Amendments

- F44** Art. 29(1) substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 8**
- F45** Words in art. 29(4) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 5**

### Registration and record keeping – information security items

<sup>F46</sup>**30.** . . . . .

#### Textual Amendments

- F46** Art. 30 omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(5)**

### Inspection of records

**31.—(1)** A person (“a relevant person”) who is required under article 29 <sup>F47</sup>... of this Order or [<sup>F48</sup>under Article 20 (record-keeping) or 22(8) (records of exportation and transfer of listed items within the customs territory) of the dual-use Regulation] to keep registers, records or documents (“compulsory records”) shall permit those compulsory records to be inspected and copied by a person authorised by the Secretary of State or the Commissioners.

(2) A person authorised by the Secretary of State or the Commissioners who produces, if required to do so, a duly authenticated document showing their authority, shall have the right at any reasonable hour to enter for the purpose of paragraph (1)—

- (a) in the case of compulsory records required to be kept under article 29 <sup>F49</sup>... of this Order, the premises the address of which has been most recently notified to the Secretary of State under article 28 in relation to the records; or
- (b) in the case of compulsory records required to be kept [<sup>F50</sup>under Article 20 or 22(8)] of the dual-use Regulation, the premises the address of which has been most recently notified to the Secretary of State under article 28 in relation to the records or, if none, such other premises the address of which has been notified for this purpose.

(3) Where a relevant person keeps compulsory records in a form which is not legible, the relevant person shall at the request of a person authorised by the Secretary of State or the Commissioners reproduce the relevant records in a legible form.

#### Textual Amendments

- F47** Words in art. 31(1) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(6)(a)**
- F48** Words in art. 31(1) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 6(a)**
- F49** Words in art. 31(2)(a) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(6)(b)**

**F50** Words in art. 31(2)(b) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, [Sch. para. 6\(b\)](#)

### **Amendment, suspension and revocation of licences**

**32.**—(1) The Secretary of State may by notice—

- (a) amend, suspend or revoke a licence granted by the Secretary of State;
- (b) suspend or revoke a general licence granted by the Secretary of State as it applies to a particular licence user.

(2) A notice by the Secretary of State under paragraph (1), [<sup>F51</sup>under Article 13(1) (suspension, revocation, etc. of export authorisations) or (4) (suspension, revocation, etc. of authorisations for brokering services) of the dual-use Regulation] or under Article 9(4) (suspension, revocation, etc. of authorisations) of the torture Regulation shall not take effect until—

- (a) in the case of a notice affecting all users of a general licence, it has been published in a manner appearing to the Secretary of State to be suitable for securing that the notice is seen by persons likely to be affected by it;
- (b) in any other case, it has been served on the holder of the licence or on the licence user affected.

#### **Textual Amendments**

**F51** Words in art. 32(2) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, [Sch. para. 7](#)

### **Licence refusals, etc. and appeals**

**33.**—(1) In the event that the Secretary of State decides not to grant a licence to any person who has applied for one, the applicant 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 other than a general licence, or to suspend a general licence as it applies to a particular licence user, the licence holder or licence user 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 other than a general licence, or to revoke a general licence as it applies to a particular licence user, the licence holder or licence user shall be provided with a written notification setting out the reason or reasons for the decision.

(4) In the event that the Secretary of State decides to amend a licence other than a general licence, and does not do so at the request of the licence holder, the licence holder shall be provided with a written notification setting out the reason or reasons for the decision.

(5) Any person who has a right under any of paragraphs (1) to (4) to a written notification in respect of a decision made by the Secretary of State shall have 28 days beginning with the date of the written notification in which to submit an appeal against the decision in writing to the Secretary of State, Export Control Organisation, [<sup>F52</sup>Department for International Trade].

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

(7) Pending determination of any appeal submitted under paragraph (5), any decision taken by the Secretary of State shall continue to have effect.

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

#### Textual Amendments

- F52** Words in art. 33(5) substituted (9.11.2016) by [The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions \(Education and Skills\) Order 2016 \(S.I. 2016/992\)](#), art. 1(2), **Sch. para. 40** (with art. 13)

#### [<sup>F53</sup>Certificates: refusals, etc. and appeals

**33A.**—(1) If the Secretary of State decides not to grant a certificate to an applicant, that person must be provided with a written notification setting out the reason for the decision.

(2) If the Secretary of State decides to suspend, revoke or amend a certificate, the certificate holder must be provided with a written notification setting out the reason for the decision.

(3) A person who has a right under paragraph (1) or (2) to a written notification may within 28 days beginning with the date of the written notification submit an appeal against the decision by notice in writing to the Secretary of State, Export Control Organisation, [<sup>F54</sup>Department for International Trade].

(4) A notice of appeal must specify the grounds on which it is made and may provide further information or arguments in support of the appeal.

(5) Pending determination of an appeal the Secretary of State's decision continues to have effect.]

#### Textual Amendments

- F53** Art. 33A inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 10**
- F54** Words in art. 33A(3) substituted (9.11.2016) by [The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions \(Education and Skills\) Order 2016 \(S.I. 2016/992\)](#), art. 1(2), **Sch. para. 40** (with art. 13)

## PART 6

### OFFENCES, ENFORCEMENT AND PENALTIES

#### Offences relating to prohibitions in Parts 2, 3 and 4

**34.**—(1) Subject to paragraphs (2) and (7), a person who contravenes a prohibition in Part 2 or 4 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who—

- (a) did not know, and had no reason to suppose, that the goods referred to in article 20 were destined for an embargoed destination; and
- (b) is able to show the matters stated in sub-paragraph (a)

shall not be guilty of an offence under paragraph (1) by reason of a contravention of the prohibition in article 20.

(3) A person who contravenes a prohibition in Part 2 or 3 of this Order that is engaged because the person—

- (a) has been informed;



- (b) is aware; or
- (c) has grounds for suspecting

that goods, software or technology are or may be intended, in their entirety or in part, for WMD purposes commits an offence and may be arrested.

(4) A person guilty of an offence under paragraph (3) shall be liable—

(a) on summary conviction—

- (i) in England and Wales or Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both;
- (ii) in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

(5) Subject to paragraph (7), a person knowingly concerned in activity prohibited by Part 2, 3 or 4 of this Order with intent to evade the relevant prohibition commits an offence and may be arrested.

(6) A person guilty of an offence under paragraph (5) shall be liable—

(a) on summary conviction—

- (i) in England and Wales or Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both;
- (ii) in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding ten years, or to both.

(7) Paragraphs (1) and (5) do not create offences related to prohibitions on the exportation of goods (as to which see CEMA).

(8) In paragraphs (4)(a)(i) and (6)(a)(i) as they apply to England and Wales in the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 <sup>M17</sup> comes into force, for “twelve months” substitute “six months”.

#### **Marginal Citations**

**M17** 2003 c. 44; at the date of this Order, section 154(1) had not been commenced.

### **Offences relating to prohibitions and restrictions in the dual-use Regulation**

**35.**—(1) Subject to paragraph (8), a person who contravenes a prohibition or restriction in Article 3(1) (controls on listed goods), 4(2) (military end-use control), 4(3) (end-use control relating to use in items exported or transferred without authorisation) or [F5522(1)] (exportation or transfer of sensitive items within the customs territory) of the dual-use Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who—

- (a) contravenes a prohibition or restriction in Article 4(1) (WMD purposes end-use control) [F56 or Article 5(1) (brokering services)] of the dual-use Regulation; or
- (b) fails to comply with the requirement in Article 4(4) (requirement to notify competent authority in the case of awareness of end-use for [F57certain military or] WMD purposes) of the dual-use Regulation

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

commits an offence and may be arrested.

(3) A person guilty of an offence under paragraph (2) shall be liable—

(a) on summary conviction—

- (i) in England and Wales or Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both;
- (ii) in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

(4) Subject to paragraph (8), a person knowingly concerned in an activity prohibited or restricted by Article 3(1), 4(1), 4(2), 4(3) [<sup>F58</sup>, 5(1) or 22(1)] of the dual-use Regulation with intent to evade the relevant prohibition or restriction commits an offence and may be arrested.

(5) A person guilty of an offence under paragraph (4) shall be liable—

(a) on summary conviction—

- (i) in England and Wales or Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both;
- (ii) in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding ten years, or to both.

(6) A person who fails to comply with [<sup>F59</sup> Article 9(2) (provision of relevant information for export authorisation applications) or 10(2) (provision of relevant information for authorisation applications for brokering services)] of the dual-use Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and any licence which may have been granted in connection with the application shall be void as from the time it was granted.

[<sup>F60</sup>(7) A person who fails to comply with Article 20 (record-keeping), 22(8) (records of exportation and transfer of listed items within the customs territory) or 22(10) (requirement in relation to commercial documents for exportation and transfer of listed items within the customs territory) of the dual-use Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

(8) Paragraphs (1) and (4) do not create offences related to prohibitions or restrictions on the exportation of goods from the United Kingdom (as to which see CEMA).

(9) In paragraphs (3)(a)(i) and (5)(a)(i) as they apply to England and Wales in the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, for “twelve months” substitute “six months”.

#### Textual Amendments

**F55** Word in art. 35(1) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, [Sch. para. 8\(a\)](#)

**F56** Words in art. 35(2) inserted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, [Sch. para. 8\(b\)](#)

**F57** Words in art. 35(2)(b) inserted (16.6.2009) by [The Export Control \(Amendment\) Order 2009 \(S.I. 2009/1305\)](#), arts. 1(1), 2

**F58** Words in art. 35(4) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, [Sch. para. 8\(c\)](#)

- F59** Words in art. 35(6) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 8(d)**
- F60** Art. 35(7) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 8(e)**

### **Offences relating to prohibitions and restrictions in the torture Regulation**

**36.**—(1) A person who contravenes a prohibition or restriction in Article 3(1) (export prohibition) of the torture Regulation in respect of the supply of technical assistance as defined in the torture regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person knowingly concerned in the provision of technical assistance as defined in the torture Regulation with intent to evade the prohibition on the provision of technical assistance in article 3(1) of the torture Regulation commits an offence and may be arrested.

(3) A person guilty of an offence under paragraph (2) shall be liable—

(a) on summary conviction—

(i) in England and Wales or Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both;

(ii) in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding ten years, or to both.

(4) A person who contravenes a prohibition or restriction in Article 4(1) (import prohibition) of the torture Regulation in respect of the acceptance of technical assistance as defined in the torture Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person knowingly concerned in the acceptance of technical assistance as defined in the torture Regulation with intent to evade the prohibition on the acceptance of technical assistance in article 4(1) of the torture Regulation commits an offence and may be arrested.

(6) A person guilty of an offence under paragraph (5) shall be liable—

(a) on summary conviction—

(i) in England and Wales or Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both; or

(ii) in Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

(7) A person who fails to comply with [<sup>F61</sup>Article 20(8)] (provision of relevant information for licence applications) of the torture Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and any licence which may have been granted in connection with the application shall be void as from the time it was granted.

(8) In paragraph (3)(a)(i) as it applies to England and Wales in the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, for “twelve months” substitute “ six months ”.

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

### Textual Amendments

**F61** Words in art. 36(7) substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(3)**

### <sup>F62</sup>Further offences relating to the prohibitions etc. in the torture Regulation

**36A.**—(1) In this article—

- (a) references to “Articles” are references to articles in the torture Regulation; and
- (b) “brokering services” and “transit” bear the same meaning as they have in that regulation.

(2) A person who is concerned in an activity prohibited by [<sup>F63</sup>Article 5(1)] (prohibition of transit), [<sup>F64</sup>Article 6] (prohibition of brokering services), [<sup>F65</sup>Article 7] (prohibition of training), [<sup>F66</sup>Article 8] (trade fairs) or [<sup>F67</sup>Article 9] (advertising) commits an offence.

(3) A person who fails to comply with [<sup>F68</sup>Article 15(1)] (authorisation requirement for certain services) or [<sup>F69</sup>Article 19(1)] (authorisation requirement for certain services) commits an offence.

(4) A person who is knowingly concerned in an activity prohibited by [<sup>F63</sup>Article 5(1)], [<sup>F64</sup>Article 6], [<sup>F65</sup>Article 7], [<sup>F66</sup>Article 8], [<sup>F67</sup>Article 9], [<sup>F70</sup>Article 13] (prohibition of transit) or [<sup>F71</sup>Article 18] (prohibition of transit) with intent to evade that prohibition commits an offence and may be arrested.

(5) A person who knowingly fails to comply with [<sup>F68</sup>Article 15(1)] or [<sup>F69</sup>Article 19(1)] with intent to evade the requirements in those Articles commits an offence and may be arrested.

(6) A person guilty of an offence under paragraph (2) or (3) is liable upon summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A person guilty of an offence under paragraph (4) or (5) is liable—

- (a) on summary conviction—
  - (i) in England and Wales, to a fine or to imprisonment for a term not exceeding three months, or to both;
  - (ii) in Scotland and Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.]

### Textual Amendments

**F62** Art. 36A inserted (17.3.2017) by [The Export Control \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/193\)](#), arts. 1, **2(4)**

**F63** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(4)(a)**

**F64** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(4)(b)**

**F65** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(4)(c)**

**F66** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(4)(d)**

**F67** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(4)(e)**

- F68** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(g\)](#)
- F69** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(i\)](#)
- F70** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(f\)](#)
- F71** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(h\)](#)

### [<sup>F72</sup>Misleading applications for licences or certificates]

**37.**—(1) Where for the purpose of obtaining a licence [<sup>F73</sup>or certificate] a person (“the applicant”) either—

- (a) makes a statement or furnishes a document or information which to the applicant's knowledge is false in a material particular; or
- (b) recklessly makes a statement or furnishes a document or information which is false in a material particular

the applicant commits an offence and any licence [<sup>F73</sup>or certificate] that has been granted in connection with the application for which the false statement was made or the false document or information was furnished is void as from the time it was granted.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction—
  - (i) in England and Wales or Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both;
  - (ii) in Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

### Textual Amendments

- F72** Art. 37 heading substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, [Sch. para. 11\(a\)](#)
- F73** Words in art. 37(1) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, [Sch. para. 11\(b\)](#)

### Failure to comply with licence conditions

**38.**—(1) A person who, having acted under the authority of a licence or the [<sup>F74</sup>Union General Export Authorisation], fails to comply with—

- (a) any of the requirements or conditions to which the licence or the [<sup>F74</sup>Union General Export Authorisation] is subject; or
- (b) any obligation under article 28, 29 <sup>F75</sup>... or 31

commits an offence unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the licence was modified after the completion of the act authorised; and

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

- (b) the alleged failure to comply would not have been a failure had the licence not been so modified.
- (3) A person guilty of an offence under paragraph (1) shall be liable—
  - (a) on summary conviction—
    - (i) in England and Wales or Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both;
    - (ii) in Scotland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding twelve months, or to both; or
  - (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

#### Textual Amendments

- F74** Words in art. 38(1) substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, [Sch. para. 12](#)
- F75** Word in art. 38(1)(b) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, [2\(7\)](#)

#### Customs powers to require evidence of destination

- 39.**—(1) This article applies where a person (“the exporter”) has exported goods and required a licence to do so.
- (2) The Commissioners may require the exporter to provide within such time as the Commissioners may determine evidence of the destination to which the goods in question were delivered.
- (3) A person who fails to comply with a requirement imposed by the Commissioners under paragraph (2) commits an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Customs powers relating to dual-use goods

- 40.**—(1) Goods in relation to which a licence has not been granted and which are brought to any place in the United Kingdom for the purpose of being exported may be detained by the proper officer of Her Majesty's Revenue and Customs as if they were liable to forfeiture, if and so long as that officer has reason to believe that a competent authority (after, if necessary, having had the impending exportation brought to its attention) might inform the exporter—
- (a) that the goods are or may be intended, in their entirety or in part, for WMD purposes; or
  - (b) as provided in Article 4(2) (military end-use control) or 4(3) (end-use control relating to use in items exported or transferred without authorisation) of the dual-use Regulation.
- (2) Any goods listed in Annex I to the dual-use Regulation in relation to which a licence has been granted which are brought to any place in the United Kingdom for the purpose of being exported to a destination outside the customs territory may be detained by a proper officer of Her Majesty's Revenue and Customs for a period of ten working days as if they were liable to forfeiture where that officer or the Secretary of State has grounds for suspicion that—
- (a) relevant information was not taken into account when the licence was granted; or
  - (b) circumstances have materially changed since the issue of the licence,

provided that the period shall be extended to 30 working days where the Secretary of State certifies that a request for such an extension in accordance with [<sup>F76</sup>Article 16(4)] (customs procedures) of the dual-use Regulation has been received from the member State which granted the licence.

(3) In this article, “working day” means a day that is not a Saturday or Sunday, Christmas Day, Good Friday or any day that is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M18</sup> in the part of the United Kingdom where the goods referred to in paragraph (2) have been detained.

#### **Textual Amendments**

**F76** Words in art. 40(2) substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 9**

#### **Marginal Citations**

**M18** 1971 c. 80.

### **Application of CEMA in respect of offences**

**41.—**(1) Where the Commissioners for Her Majesty's Revenue and Customs investigate or propose to investigate any matter with a view to determining—

(a) whether there are grounds for believing that an offence has been committed by reason of a contravention of—

- (i) article 3, 4 <sup>F77</sup> ..., [<sup>F78</sup>4A,]<sup>F79</sup> ... 6, 7, 8, 9, 11, 12, 19, 20, 21, 22, 23, 37, 38 or 39 of this Order;
- (ii) article 31 of this Order so far as it relates to the powers of the Commissioners;
- (iii) the dual-use Regulation; or
- (iv) the torture Regulation; or

(b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter.

(2) Section 77A of CEMA (provision as to information powers) <sup>M19</sup> shall apply to a person concerned in an activity which, if not authorised by a licence, would contravene—

- (a) article 3, 4 <sup>F80</sup> ..., [<sup>F81</sup>4A,]<sup>F82</sup> ... 6, 7, 8, 9, 11, 12, 19, 20, 21, 22 or 23 of this Order;
- (b) the dual-use Regulation; or
- (c) the torture Regulation,

and accordingly references in section 77A of CEMA to exportation shall be read as including any such activity.

(3) Section 138 of CEMA (provision as to arrest of persons) <sup>M20</sup> shall apply to the arrest of a person for an offence under this Order as it applies to the arrest of a person for an offence under the customs and excise Acts.

(4) Sections 145 <sup>M21</sup>, 146 <sup>M22</sup>, 146A <sup>M23</sup>, 147 <sup>M24</sup>, 148, 150 <sup>M25</sup>, 151 <sup>M26</sup>, 152 <sup>M27</sup>, 154 <sup>M28</sup>, and 155 <sup>M29</sup> of CEMA (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under this Order as they apply in relation to offences and penalties under the customs and excise Acts.

(5) For the purposes of the application of section 145 of CEMA to this Order, only offences related to contraventions of the provisions referred to in paragraph (1)(a) are offences under the customs and excise Acts.

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

### Textual Amendments

- F77** Word in art. 41(1)(a)(i) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(7)**
- F78** Word in art. 41(1)(a)(i) inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(4)**
- F79** Word in art. 41(1)(a)(i) inserted (temp.) (2.3.2011 at 7 p.m. until it expires on 1.3.2012 in accordance with art. 1(3) of the amending S.I.) by [The Export Control \(Amendment\) \(No. 2\) Order 2011 \(S.I. 2011/580\)](#), arts. 1(2), **3(3)**
- F80** Word in art. 41(2)(a) omitted (27.1.2010) by virtue of [The Export Control \(Amendment\) Order 2010 \(S.I. 2010/121\)](#), arts. 1(1), **2(7)**
- F81** Word in art. 41(2)(a) inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(4)**
- F82** Word in art. 41(2)(a) inserted (temp.) (2.3.2011 at 7 p.m. until it expires on 1.3.2012 in accordance with art. 1(3) of the amending S.I.) by [The Export Control \(Amendment\) \(No. 2\) Order 2011 \(S.I. 2011/580\)](#), arts. 1(2), **3(3)**

### Marginal Citations

- M19** Section 77A was inserted by the [Finance Act 1987 \(c. 16\)](#), **section 10** and amended by the [Customs and Excise \(Single Market etc.\) Regulations 1992 \(S.I. 1992/3095\)](#), **Schedule 1**, paragraph 7.
- M20** Section 138 was amended by the [Police and Criminal Evidence Act 1984 \(c. 60\)](#), **sections 114(1)** and 119, Schedule 6, paragraph 37 and Schedule 7, Part 1; by the [Finance Act 1988 \(c. 39\)](#), **section 11**; by the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(S.I. 1989/1341\)](#), **article 90(1)** and Schedule 6, paragraph 9; and by the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **Schedule 7**, paragraph 54.
- M21** Section 145 was amended by the [Police and Criminal Evidence Act 1984](#), section 114(1); and by the [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), **Schedule 4**, paragraphs 20 and 23.
- M22** Section 146 was modified by the [Channel Tunnel \(Customs and Excise\) Order 1990 \(S.I. 1990/2167\)](#), **article 4** and the Schedule, paragraph 22.
- M23** Section 146A was inserted by the [Finance Act 1989 \(c. 26\)](#), **section 16(1)** and amended by the [Commissioners for Revenue and Customs Act 2005](#), Schedule 4, paragraphs 20 and 24.
- M24** Section 147 was amended by the [Magistrates' Courts Act 1980 \(c. 43\)](#), **section 154** and Schedule 7, paragraph 176; by the [Criminal Justice Act 1982 \(c. 48\)](#), **sections 77** and 78, Schedule 14, paragraph 42 and Schedule 16; and by the [Finance Act 1989](#), section 16(2).
- M25** Section 150 was amended by the [Commissioners for Revenue and Customs Act 2005](#), Schedule 4, paragraphs 20 and 25.
- M26** Section 151 was amended by the [Magistrates' Courts Act 1980](#), section 154 and Schedule 7, paragraph 177.
- M27** Section 152 was amended by the [Commissioners for Revenue and Customs Act 2005](#), section 52, Schedule 4, paragraphs 20 and 26 and Schedule 5.
- M28** Section 154 was modified by the [Channel Tunnel \(Customs and Excise\) Order 1990 \(S.I. 1990/2167\)](#), **article 4** and the Schedule, paragraph 23.
- M29** Section 155 was amended by the [Commissioners for Revenue and Customs Act 2005](#), Schedule 4, paragraphs 20, 21 and 27.

### Increase of maximum penalty for prohibited exportation provided for in CEMA

**42.** In the case of an offence committed in connection with a prohibition or restriction on exportation in Part 2 of this Order, the dual-use Regulation or the torture Regulation, sections 68(3)(b) and 170(3)(b)<sup>M30</sup> of CEMA shall have effect as if for the words “7 years” there were substituted the words “10 years”.



**Marginal Citations**

**M30** Sections 68(3)(b) and 170(3)(b) were amended by the [Finance Act 1988 \(c. 39\), section 12\(1\)](#), (6).

## PART 7

### GENERAL

#### Use and disclosure of information

**43.**—(1) This article applies to information which is held from time to time by the Secretary of State or the Commissioners in connection with the operation of controls imposed by

- (a) this Order; or
- (b) any directly applicable [<sup>F83</sup>EU] provision on the export of goods, the transfer of software or technology, participation in the provision of technical assistance, or activities which facilitate, or are otherwise connected with, the acquisition, disposal or movement of goods.

(2) Information to which this article applies may be used for the purposes of, or for any purposes connected with—

- (a) the exercise of functions in relation to any control imposed by this Order or by any other order made under the Export Control Act 2002;
- (b) giving effect to any [<sup>F83</sup>EU] provision or other international obligation of the United Kingdom;
- (c) facilitating the exercise by an authority or international organisation outside the United Kingdom of functions which correspond to functions conferred by or in connection with any activity subject to control by this Order or any other order made under the Export Control Act 2002,

and may be disclosed to any person for use for these purposes.

(3) No disclosure of information shall be made by virtue of this article unless the making of the disclosure is proportionate to the object of the disclosure.

(4) For the purposes of this article, “information” is any information that relates to a particular business or other activity carried on by a person.

(5) Nothing in this article shall affect any power to disclose information that exists apart from this article.

(6) The information that may be disclosed by virtue of this article includes information obtained before this Order came into force.

**Textual Amendments**

**F83** Words in Order substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3-6

#### Service of notices

**44.** Any notice to be given to the Secretary of State by a person under this Order may be given by an agent of that person; and shall be sent by post or delivered to the Secretary of State at the Export Control Organisation, [<sup>F84</sup>Department for International Trade].

*Status: Point in time view as at 01/10/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)*

### Textual Amendments

**F84** Words in art. 44 substituted (9.11.2016) by [The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions \(Education and Skills\) Order 2016 \(S.I. 2016/992\)](#), art. 1(2), **Sch. para. 40** (with art. 13)

### Revocations and transitional arrangements

**45.**—(1) Subject to paragraphs (2) and (3), the legislation specified in column (1) of Schedule 6 is revoked to the extent specified in column (3) of that Schedule.

(2) This Order does not apply to—

- (a) any export of goods, transfer of technology or participation in the provision of technical assistance; or
- (b) any activity which facilitates, or is otherwise connected with, the acquisition, disposal or movement of goods

that takes place in accordance with the terms of a licence granted before 6th April 2009 under the legislation referred to in paragraph (1), the dual-use Regulation or the torture Regulation or to any such licence.

(3) To the extent that, owing to paragraph (2), this Order does not apply, the legislation referred to in paragraph (1) continues to apply.

### [<sup>F85</sup>Review of the implementation of the defence-related products Directive

**46.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of articles 3, 17, 26, 28, 28A, 29, 31, 33A, 34, 37, 38 and 41 of this Order to the extent that those provisions implement the defence-related products Directive,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the defence-related products Directive is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by the articles referred to in sub-paragraph 1(a) to the extent that those provisions implement the defence-related products Directive;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 30th June 2012.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

### Textual Amendments

**F85** [Art. 46](#) inserted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, **Sch. para. 13**

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**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

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Department for Business, Enterprise and  
Regulatory Reform

*Ian Pearson*  
Economic and Business Minister

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

## [<sup>F86</sup>SCHEDULE 1

Articles 2, 24

### Goods Subject to Stricter Export and Trade Controls

#### Textual Amendments

**F86** Sch. 1 substituted (31.8.2010) by [The Export Control \(Amendment\) \(No. 2\) Order 2010 \(S.I. 2010/2007\)](#), arts. 1(1), 2, [Sch.](#)

*Note: In this Schedule, defined terms are printed in quotation marks.*

#### Definitions

In this Schedule:

[<sup>F87c</sup>“attack helicopter” means rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialised reconnaissance or electronic warfare missions;]

“cluster munitions” means conventional munitions designed to disperse or release “explosive submunitions” and includes those “explosive submunitions”, but does not include:

- (a) munitions or submunitions designed to dispense flares, smoke, pyrotechnics or chaff; or munitions designed exclusively for an air defence role,
- (b) munitions or submunitions designed to produce electrical or electronic effects,
- (c) munitions that have all of the following characteristics:
  - (i) each munition contains fewer than ten “explosive submunitions”,
  - (ii) each “explosive submunition” weighs more than four kilograms,
  - (iii) each “explosive submunition” is designed to detect and engage a single target object,
  - (iv) each “explosive submunition” is equipped with an electronic “self-destruction mechanism”,
  - (v) each “explosive submunition” is equipped with an electronic “self-deactivating feature”;

[<sup>F87c</sup>“combat aircraft” means fixed-wing or variable geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialised electronic warfare, suppression of air defence or reconnaissance missions. The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped or modified as described above.]

“explosive bomblets” means conventional munitions, weighing less than 20 kilograms each, which are not self propelled and which, in order to perform their task, are designed to be dispersed or released by a dispenser affixed to an aircraft, and are designed to function by detonating an explosive charge prior to, on or after impact;

“explosive submunitions” means conventional munitions, weighing less than 20 kilograms each, which, in order to perform their task, are dispersed or released by a cluster munition and are designed to function by detonating an explosive charge prior to, on or after impact;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

“ordinary handcuffs” means handcuffs which have an overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, between 150 and 240mm when locked and have not been modified to cause physical pain or suffering;

“production” has the same meaning as in Schedule 2;

“self-deactivating feature” means one which automatically renders a munition inoperable by means of the irreversible exhaustion of a component (eg, a battery) that is essential to the operation of the munition;

“self-destruction mechanism” means an incorporated, automatically-functioning mechanism which is in addition to the primary initiating mechanism of a munition and which secures the destruction of the munition into which it is incorporated.

#### **Textual Amendments**

**F87** Words in Sch. 1 inserted (9.4.2014) by [The Export Control \(Amendment\) Order 2014 \(S.I. 2014/702\)](#), arts. 1, **2(2)(a)**

## **PART 1**

### **Category A Goods**

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#### **Certain Security and Para-Military Police Equipment**

1. Goods designed for the execution of human beings, as follows—
  - a. Gallows and guillotines;
  - b. Electric chairs;
  - c. Air-tight vaults made of eg, steel and glass, designed for the purpose of execution of human beings by the administration of lethal gas or substance;
  - d. Automatic drug injection systems designed for the purpose of execution of human beings by the administration of a lethal chemical substance.
2. **Restraints specially designed for restraining human beings, as follows—**
  - a. Leg-irons, gangchains, shackles and individual cuffs or shackle bracelets except those that are “ordinary handcuffs”;
  - b. Restraint chairs unless designed for disabled persons;
  - c. Shackle boards;
  - d. Thumb-cuffs and thumb-screws, including serrated thumb-cuffs;
  - e. Electric shock belts.
3. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (eg, electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns).
4. Components specially designed or modified for the devices in paragraph 3.
5. Hand-held, spiked batons.

#### **Cluster munitions, explosive submunitions and explosive bomblets**

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

6. a. “Cluster munitions”;
  - b. “Explosive bomblets” which are specifically designed to be dispersed or released from dispensers affixed to aircraft.
  7. “Explosive submunitions”
  8. Components specially designed for “cluster munitions”, “explosive submunitions” or “explosive bomblets”.
- 

## [<sup>F88</sup>PART 2

### CATEGORY B GOODS

#### Textual Amendments

**F88** Sch. 1 Pt. 2 substituted (9.4.2014) by [The Export Control \(Amendment\) Order 2014 \(S.I. 2014/702\)](#), arts. 1, **2(2)(b)**

#### Small arms and light weapons within ML1 and ML2

**9.** Goods specified in entry ML1.a, ML1.b, ML1.c or ML2.a in Schedule 2 that are designed to be carried, operated and fired by an individual or by three or fewer individuals acting together, other than mortars with a calibre of 100mm or more.

#### Accessories and ammunition for small arms and light weapons within ML1 and ML2

**10.** The following goods—

- (a) accessories specified in entry ML1.d or ML2.c. in Schedule 2 that are capable of being used in connection with weapons falling within paragraph 9;
- (b) weapon sights specified in entry ML5.a. in Schedule 2 that are designed for use within weapons falling within paragraph 9; and
- (c) ammunition that is capable of being fired or launched by weapons falling within paragraph 9.

#### [<sup>F89</sup>Non-military Firearms

**10A.** [<sup>F90</sup>Firearms, their parts and essential components and ammunition specified in entry PL9010 or PL9011 in Schedule 3.]

#### Textual Amendments

**F89** Sch. 1 para. 10A inserted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, **2(5)**

**F90** Words in Sch. 1 para. 10A substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(2)**

#### Light weapons within ML4

**11.** Equipment specified in entry ML4.b. in Schedule 2 that is—

- (a) specially designed for firing or launching rockets, grenades, missiles or other explosive devices; and
- (b) designed to be carried, operated and fired by an individual or by three or fewer individuals acting together.

#### **Ammunition for light weapons within ML4**

- 12.** Rockets, grenades, missiles and other explosive devices that are—
- (a) specified in entry ML4 in Schedule 2; and
  - (b) capable of being fired or launched from equipment falling within paragraph 11.

#### **Hand grenades**

- 13.** Grenades specified in entry ML4 in Schedule 2 that are designed to be thrown.

#### **MANPADS, missiles for them, associated equipment and their specially designed components**

- 14.** To the extent they do not fall within paragraph 11 or 12, the following goods—
- (a) man-portable air defence systems (MANPADS), as follows:
    - (i) surface-to-air missile systems designed to be man-portable and operated and fired by a single individual;
    - (ii) surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals;
  - (b) missiles for MANPADS;
  - (c) “production” equipment specially designed for MANPADS;
  - (d) field test equipment specially designed for MANPADS;
  - (e) specialised training equipment and simulators for MANPADS.

#### **Long-range missiles**

- 15.** Missiles capable of a range of 300km or more which fall within Schedule 2.

#### **Anti-vehicle landmines**

- 16.** Land mines designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a vehicle.

#### **Components for “goods” within this Part**

- 17.** Components specially designed for goods falling within any of paragraphs 9 to 16.

#### **Battle tanks and armoured combat vehicles within ML6**

- 18.** Vehicles specified in entry ML6.a in Schedule 2 as follows—
- (a) Tracked or wheeled self-propelled armoured fighting vehicles with an unladen weight of 16.5 metric tonnes or more and with a main gun with a calibre of 75mm or more;
  - (b) Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection, as follows:
    - (i) designed and equipped to transport a squad of four or more infantrymen; or

**Status:** Point in time view as at 01/10/2019.  
**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- (ii) armed with an integral weapon with a calibre of 12.5mm or more or a missile launcher.

#### **Large-calibre artillery systems within ML2 and ML4**

- 19.** To the extent that they do not fall within paragraph 9 or 11, the following goods—
- (a) Guns or howitzers specified in entry ML2.a of Schedule 2 with a calibre of 75mm or more;
  - (b) Mortars specified in entry ML2.a of Schedule 2 with a calibre of 100mm or more; and
  - (c) Multiple-launch rocket systems specified in entry ML4.b of Schedule 2 with a calibre of 75 mm or more.

#### **Combat aircraft and attack helicopters within ML10**

**20.** “Combat aircraft” and “attack helicopters” specified in entry ML10.a or ML10.c of Schedule 2.

#### **Warships within ML9**

- 21.** Vessels and submarines specified in entry ML9.a of Schedule 2 as follows—
- (a) Having a standard displacement of 500 metric tons or above; or
  - (b) Having a standard displacement of less than 500 metric tons and equipped for launching missiles or torpedoes with a range of 25km or more.

#### **Other missiles and missile launchers**

**22.** To the extent they are not covered elsewhere in this Part, the following goods specified in entry ML4 of Schedule 2—

- (a) rockets or missiles capable of a range of 25km or more other than ‘ground-to-air missiles’;
- (b) Equipment designed or modified for launching missiles or rockets in sub-paragraph (a).

*Note: Paragraph 22 includes remotely piloted vehicles with the characteristics for missiles as defined above.*

*Technical Note:*

*‘ground-to-air missiles’ means those surface-to-air missiles which are mounted on fixed land sites or on wheeled or tracked mobile launchers.]]*

[<sup>F91</sup>SCHEDULE 2

Article 2

### MILITARY GOODS, SOFTWARE AND TECHNOLOGY

#### **Textual Amendments**

**F91** Sch. 2 substituted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), art. 1, Sch.

*Note: In this Schedule, defined terms are printed in quotation marks.*



## Definitions

In this Schedule:

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F92

. . .

[<sup>F93</sup>“airship” means a power-driven airborne vehicle that is kept buoyant by a body of gas (usually helium, formerly hydrogen) which is lighter than air;]

“biocatalyst” means enzymes for specific chemical or biochemical reactions or other biological compounds which bind to and accelerate the degradation of chemical warfare (CW) agents;

[<sup>F94</sup>“biological agents” means pathogens or toxins, selected or modified (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to UV radiation) to produce casualties in humans or animals, degrade equipment or damage crops or the environment;]

“biopolymer” means the following biological macromolecules:

- a. enzymes for specific chemical or biochemical reactions;
- b. ‘monoclonal antibodies’, ‘polyclonal antibodies’ or ‘anti-idiotypic antibodies’;
- c. specially designed or specially processed ‘receptors’;

*Technical Note:*

*‘Monoclonal antibodies’ means proteins which bind to a specific antigenic site and are produced by a single clone of cells;*

*‘Polyclonal antibodies’ means a mixture of proteins which bind to a specific antigen and are produced by more than one clone of cells;*

*‘Anti-idiotypic antibodies’ means antibodies which bind to the specific antigen binding sites of other antibodies;*

*‘Receptors’ means biological macromolecular structures capable of binding ligands, the binding of which affects physiological functions.*

[<sup>F95</sup>“Deactivation Regulation” means [Commission Implementing Regulation \(EU\) 2015/2403](#) establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable;]

“development” means all stages prior to “production” (e.g. design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into goods or “software”, configuration design, integration design, layouts);

“end-effectors” means grippers, active tooling units (i.e. devices for applying motive power, process energy or sensing to the workpiece) and any other tooling that is attached to the baseplate on the end of a “robot” manipulator arm

“energetic materials” means substances or mixtures that react chemically to release energy required for their intended application; “explosives”, “pyrotechnics” and “propellants” are sub-classes of energetic materials;

“explosives” means solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster, or main charges in warheads, demolition and other applications, are required to detonate;

“expression vectors” means carriers (e.g. plasmid or virus) used to introduce genetic material into host cells;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

“first generation image intensifier tubes” means electrostatically focused tubes, employing input and output fibre optic or glass face plates, multi-alkali photocathodes (S-20 or S-25), but not microchannel plate amplifiers;

“fuel cell” means an electrochemical device that converts chemical energy directly into Direct Current (DC) electricity by consuming fuel from an external source;

“improvised explosive devices” means devices fabricated or intended to be placed in an improvised manner incorporating destructive, lethal, noxious, “pyrotechnic” or incendiary chemicals designed to destroy, disfigure or harass; they may incorporate military stores, but are normally devised from non-military components;

[<sup>F96</sup>“laser” means an item that produces spatially and temporally coherent light through amplification by stimulated emission of radiation;]

“library” (parametric technical database) means a collection of technical information, reference to which may enhance the performance of relevant systems, equipment or components;

[<sup>F97</sup>“lighter-than-air vehicles” means balloons and “airships” that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift;]

“nuclear reactor” means the goods within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain, come into direct contact with or control the primary coolant of the reactor core;

“production” means all production stages (e.g. product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance);

“propellants” means substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work;

“ [<sup>F98</sup>pyrotechnics] ” means mixtures of solid or liquid fuels and oxidisers which, when ignited, undergo an energetic chemical reaction at a controlled rate intended to produce specific time delays, or quantities of heat, noise, smoke, visible light or infrared radiation; pyrophorics are a subclass of “pyrotechnics”, which contain no oxidisers but ignite spontaneously on contact with air;

“required” as applied to “technology”, refers to only that portion of “technology” which is peculiarly responsible for achieving or exceeding the controlled performance levels, characteristics or functions. Such “required” “technology” may be shared by different goods

<sup>F99</sup>

...;

“riot control agents” means substances which under the expected conditions of use for riot control purposes, produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure;

*Technical Note:*

*Tear gases are a subset of “riot control agents”.*

“robot” means a manipulation mechanism, which may be of the continuous path or of the point-to-point variety, may use sensors, and which:

- a. is multifunctional;
- b. is capable of positioning or orienting material, parts, tools or special devices through variable movements in three dimensional space;
- c. incorporates three or more closed or open loop servo-devices which may include stepping motors; and

- d. has “user-accessible programmability” by means of the teach/playback method or by means of an electronic computer which may be a programmable logic controller, i.e. without mechanical intervention;

*Note:*

*This definition does not include:*

- a. *manipulation mechanisms which are only manually/teleoperator controllable;*
- b. *fixed sequence manipulation mechanisms, which are automated moving devices, operating according to “programmes” where the motions are limited by fixed stops, such as pins or cams and the sequence of motions and the selection of paths or angles are not variable or changeable by mechanical, electronic or electrical means;*
- c. *mechanically controlled variable sequence manipulation mechanisms, which are automated moving devices, operating according to “programmes” where the motions are limited by fixed, but adjustable stops, such as pins or cams and the sequence of motions and the selection of paths or angles are variable within the fixed programme pattern; variations or modifications of the programme pattern (such as changes of pins or exchanges of cams) in one or more motion axes are accomplished only through mechanical operations;*
- d. *non-servo-controlled variable sequence manipulation mechanisms, which are automated moving devices, operating according to mechanically fixed programmed motions; the “programme” is variable but the sequence proceeds only by the binary signal from mechanically fixed electrical binary devices or adjustable stops;*
- e. *stacker cranes defined as Cartesian coordinate manipulator systems manufactured as an integral part of a vertical array of storage bins and designed to access the contents of those bins for storage or retrieval.*

**F100**

. . .

“spacecraft” means active and passive satellites and space probes;

“special gun-mounting” means any fixture designed to mount a gun;

“superconductive” in relation to materials (e.g. metals, alloys or compounds) means those which can lose all electrical resistance (i.e. which can attain infinite electrical conductivity and carry very large electrical currents without Joule heating); the superconductive state of a material is individually characterised by a ‘critical temperature’, a critical magnetic field, which is a function of temperature, and a critical current density which is a function of both magnetic field and temperature;

*Technical Note:*

*‘Critical temperature’ (also known as the transition temperature) of a specific “superconductive” material means the temperature at which the specific material loses all resistance to the flow of direct electrical current.*

“technology” means specific ‘information’ necessary for the “development”; “production” or “use” of goods or “software”;

*Technical Note:*

*‘Information’ may take forms including, not limited to: blueprints, plans, diagrams, models, formulae, tables, ‘source code’, engineering designs and specifications, manuals and instructions written or recorded on other media or devices (e.g. disk, tape, read-only memories);*

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

‘source code’ (or source language) is a convenient expression of one or more processes which may be turned by a programming system into equipment executable form.

“Unmanned Aerial Vehicle” (“UAV”) means any “aircraft” capable of initiating flight and sustaining controlled flight and navigation without any human presence on board;

“use” means operation, installation (e.g. on-site installation), maintenance, checking, repair, overhaul and refurbishing;

“user-accessible programmability” means the facility allowing a user to insert, modify or replace “programmes” by means other than:

- a. A physical change in writing or interconnections; or
- b. The setting of function controls including entry of parameters.

#### Textual Amendments

- F92** Words in Sch. 2 omitted (5.3.2018) by virtue of [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(2)(a)**
- F93** Words in Sch. 2 inserted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(2)(a)**
- F94** Words in Sch. 2 inserted (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(2)(b)**
- F95** Words in Sch. 2 substituted (1.3.2019) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 2, **4(31)**
- F96** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(2)(b)**
- F97** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(2)(c)**
- F98** Word in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(2)(d)**
- F99** Words in Sch. 2 omitted (30.6.2019) by virtue of [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(a)**
- F100** Words in Sch. 2 omitted (13.7.2017) by virtue of [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(2)(e)**

#### ***Military, Security and Para-military Goods, Software and Technology and Arms, Ammunition and Related Material***

**ML1** Smooth-bore weapons with a calibre of less than 20 mm, other firearms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, as follows, and specially designed components therefor:

*[<sup>F101</sup>N.B. Weapons using non-centre fire (e.g. rimfired) cased ammunition and which are not of the fully automatic firing type are specified in PL9010.a. or PL9011.a. of Schedule 3.]*

*Note:* ML1 does not control:

- a. *Firearms specially designed for dummy ammunition and which are incapable of discharging a projectile;*

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- b. *Firearms specially designed to launch tethered projectiles, having no high explosive charge or communications link, to a range of 500 m or less;*
- c. *Firearms to which the “Deactivation Regulation” applies which have been deactivated and marked in accordance with the technical specifications set out in Annexes I and II to that Regulation;*
- d. *Firearms to which the “Deactivation Regulation” does not apply which bear a mark and are certified as having been rendered incapable of discharging any shot, bullet or other missile in accordance with section 8 of the Firearms (Amendment) Act 1988 .*

*[<sup>F102</sup>e. Weapons using non-centre fire (e.g. rimfired) cased ammunition and which are not of the fully automatic firing type.]*

- a. Rifles and combination guns, handguns, machine, sub-machine and volley guns;

*[<sup>F103</sup>N.B.: Rifles and combination guns, manufactured earlier than 1938 are specified in PL9010.a. and PL9011.a. of Schedule 3.]*

*Note: ML1.a. does not control:*

- a. *Bayonets;*
- b. *[<sup>F104</sup> Rifles and combination guns manufactured earlier than 1938;]*
- c. *Reproductions of rifles and combination guns, the originals of which were manufactured earlier than 1890;*
- d. *Handguns, volley guns and machine guns, manufactured earlier than 1890, and their reproductions;*
- e. *Rifles or handguns, specially designed to discharge an inert projectile by compressed air or CO<sub>2</sub>.*

- b. Smooth-bore weapons as follows:

*N.B.1.: [<sup>F105</sup> Smooth-bore weapons manufactured earlier than 1938 are specified in PL9010.a. and PL9011.a. of Schedule 3.*

*N.B.2.: Smooth-bore weapons manufactured in 1938 or later are specified in PL9010.a. and PL9011.a. of Schedule 3 provided they are not specifically designed for military use or of the fully automatic type.]*

- 1. *Smooth-bore weapons specially designed for military use;*
- 2. *[<sup>F106</sup>Fully automatic smooth-bore weapons not controlled by ML1.b.1.;]*

*Note: ML1.b. does not control:*

- a. *[<sup>F107</sup> Smooth-bore weapons manufactured earlier than 1938;]*
- b. *Reproductions of smooth-bore weapons, the originals of which were manufactured earlier than 1890;*
- c. *Smooth-bore weapons, specially designed for any of the following;*
  - 1. *Slaughtering of domestic animals;*
  - 2. *Tranquilising of animals;*

**Status:** Point in time view as at 01/10/2019.

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- 3. *Seismic testing;*
  - 4. *Firing of industrial projectiles;*
  - d. *Signal pistols;*
  - e. *Industrial Tools;*
  - f. *Smooth-bore weapons that are both not specially designed for military use and specially designed to discharge an inert projectile by compressed air or CO<sub>2</sub>.*
- c. Weapons using caseless ammunition;
- [<sup>F108</sup>d. Accessories designed for firearms specified in ML1.a., ML1.b. or ML1.c., as follows:
- 1. Detachable cartridge magazines;
  - 2. Sound suppressors or moderators;
  - 3. Special gun-mountings;
  - 4. Flash suppressors;
  - 5. Optical weapon-sights with electronic image processing;
  - 6. Optical weapon-sights specially designed for military use.]

**Textual Amendments**

- F101** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(i\)](#)
- F102** Words in Sch. 2 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(ii\)](#)
- F103** Words in Sch. 2 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(iii\)](#)
- F104** Word in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(iv\)](#)
- F105** Words in Sch. 2 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(v\)](#)
- F106** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(vi\)](#)
- F107** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(a\)\(vii\)](#)
- F108** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(5\)\(b\)\(i\)](#)

**ML2** Smooth-bore weapons with a calibre of 20 mm or more, other armament or weapons with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, as follows, and specially designed components therefor:

**F109**

...

- a. Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices therefor;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

*[<sup>F110</sup>N.B.1.: Rifles, smooth-bore weapons and combination guns, manufactured earlier than 1938 are specified in PL9010.a. and PL9011.a. of Schedule 3.*

*N.B.2.: Smooth-bore weapons that are manufactured in 1938 or later are specified in PL9010.a. and PL9011.a. of Schedule 3, provided they are not specially designed for military use or not of the fully automatic firing type.]*

Note: ML2.a. does not control:

- a. *[<sup>F111</sup>Rifles, smooth-bore weapons and combination guns, manufactured earlier than 1938;]*
- b. *Reproductions of rifles, smooth-bore weapons and combination guns, the originals of which were manufactured earlier than 1890;*
- c. *Guns, howitzers, cannons, mortars, manufactured earlier than 1890;*
- d. *Smooth-bore weapons specially designed for any of the following:*
  1. *Slaughtering of domestic animals;*
  2. *Tranquilising of animals;*
  3. *Seismic testing;*
  4. *Firing of industrial projectiles;*
- e. *Signal pistols;*
- f. *Hand-held projectile launchers, specially designed to launch tethered projectiles, having no high explosive charge or communications link, to a range of 500 m or less.*
- [<sup>F112</sup>g. Smooth-bore weapons that are not of the following:*
  1. *Specially designed for military use; or*
  2. *Fully Automatic firing type]*
- b. Smoke, gas and “pyrotechnic” projectors or generators specially designed or modified for military use;
- c. Weapon sights and weapon sight mounts, providing they meet both of the following descriptions:
  1. specially designed for military use; and
  2. specially designed for weapons specified in ML2.a.
- d. Mountings specially designed for the weapons specified in ML2.a.

#### Textual Amendments

**F109** Words in Sch. 2 deleted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(b)(i)**

**F110** Words in Sch. 2 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(b)(ii)**

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- F111** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(b)(iii)(aa)**
- F112** Words in Sch. 2 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(b)(iii)(bb)**

**ML3** Ammunition and fuze setting devices, as follows, and specially designed components therefor:

*[<sup>F113</sup>N.B.: Ammunition specially designed for “firearms” specified in PL9010.a. or PL9011.a. in Schedule 3 is specified in PL9010.c. or PL9011.c. in Schedule 3.]*

a. Ammunition for weapons specified in ML1, ML2 or ML12;

*Note: ML3.a. does not control:*

- a. *Ammunition crimped without a projectile (blank star);*
- b. *Dummy ammunition with a pierced powder chamber;*
- c. *Other blank and dummy ammunition, not incorporating components designed for live ammunition;*
- d. *Components specially designed for blank or dummy ammunition, specified in this Note a, b or c; or*
- e. *Cartridges specially designed for signalling, bird scaring or lighting of gas flares at oil wells.*

b. Fuze setting devices specially designed for ammunition specified in ML3.a.

#### Textual Amendments

- F113** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(c)**

**ML4** Bombs, torpedoes, rockets, missiles, other explosive devices and charges, and related equipment and accessories, as follows, and specially designed components therefor:

*N.B. 1: Electronic guidance and navigation equipment is controlled in ML11.a.*

*N.B. 2: Aircraft missile protection systems are controlled in ML4.c.*

a. Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices, demolition-kits, devices that contain “pyrotechnics”, cartridges and simulators (i.e. equipment simulating the characteristics of any of these goods), specially designed for military use;

b. Equipment that is both specially designed for military use and specially designed for ‘activities’ relating to any of the following:

1. goods specified in ML4.a.; or
2. “improvised explosive devices”;

*Technical Note: For the purpose of ML4.b. ‘activities’ applies to handling, controlling, activating, powering with one-time operational output, launching, laying, sweeping, discharging, decoying, jamming, detonating, disrupting, detecting or disposing.*



**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

*Note:* ML4.b. does not control hand-held devices limited by design solely to the detection of metal objects and incapable of distinguishing between mines and other metal objects.

c. Aircraft missile protection systems (AMPS).

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**ML5** Fire control equipment and related alerting and warning equipment, related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

- a. Weapon sights, bombing computers, gun laying equipment and weapon control systems;
- b. Target acquisition, designation, range-finding, surveillance or tracking systems; detection, data fusion, recognition or identification equipment; and sensor integration equipment;
- c. Countermeasure equipment for goods specified in ML5.a. or ML5.b.;

*Note:* For the purposes of ML5.c. countermeasure equipment includes detection equipment.

- d. Field test or alignment equipment, specially designed for goods specified in ML5.a., ML5.b. or ML5.c.
- 

**ML6** Ground “vehicles” and components as follows:

*N.B. Electronic guidance and navigation equipment is controlled in ML11.a.*

- a. Ground “vehicles” and components therefor, specially designed or modified for military use;

*Technical Note:* For the purposes of ML6.a. the term ground “vehicles” includes trailers.

*Note:* In ML6.a. modification of a ground “vehicle” for military use entails a structural, electrical or mechanical change involving one or more specially designed military components.

- b. Other ground “vehicles” and components, as follows:

1. “Vehicles” having all of the following:

- a. manufactured or fitted with materials or components to provide ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard) or better;
- b. a transmission to provide drive to both front and rear wheels simultaneously, including those vehicles having additional wheels for load bearing purposes whether driven or not;
- c. ‘Gross Vehicle Weight Rating (GVWR)’ greater than 4,500 kg; and
- d. designed or modified for off-road use;

2. Components meeting both of the following descriptions:

- a. specially designed for “vehicles” specified in ML6.b.1.; and

**Status:** Point in time view as at 01/10/2019.

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- b. providing ballistic protection to level III (NIJ 0108.01, September 1985 or comparable national standard), or better.

*Technical Notes:* 1. NIJ 0108.01 means the National Institute of Justice standard for Ballistic Resistance for Protective Materials.

2. 'Gross Vehicle Weight Rating (GVWR)' is also known as Maximum Authorised Mass, Gross Vehicle Weight or Permissible Maximum Weight.

*N.B.:* See also ML13.a. for armoured plate.

*Note 1:* ML6.b. does not control "vehicles" designed or modified for transporting money or valuables .

*Note 2:* ML6.b. does not control "vehicles" fitted with, or designed or modified to be fitted with, a plough, flail or tiller for the purpose of land mine clearance.

*Note 3:* ML6 does not control "vehicles" that meet all of the following descriptions:

- a. were manufactured before 1946;
- b. do not have items specified in this Schedule and manufactured after 1945, except for reproductions of original components or accessories for the vehicle; and
- c. do not incorporate weapons specified in ML1, ML2 or ML4 unless they are inoperable and incapable of discharging a projectile, including:
  1. in the case of firearms to which the "Deactivation Regulation" applies, by having been deactivated and marked in accordance with the technical specifications set out in Annexes I and II to that Regulation;
  2. in the case of firearms to which the "Deactivation Regulation" does not apply, by bearing a mark and being certified as having been rendered incapable of discharging any shot, bullet or other missile in accordance with section 8 of the Firearms (Amendment) Act 1988.

**ML7** [<sup>F114</sup>Chemical agents, "biological agents", toxic chemicals and mixtures containing such agents or chemicals, "riot control agents", radioactive materials, related equipment, components and materials, as follows:]

*Note:* In some instances chemicals are listed by name and Chemical Abstract Service (CAS) number. Chemicals of the same structural formula (e.g. hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- a. [<sup>F115</sup>“Biological agents” or radioactive materials selected or modified to increase their effectiveness in producing casualties in humans or animals, degrading equipment or damaging crops or the environment;]
- b. Chemical warfare (CW) agents including, but not limited to, the following:
1. CW nerve agents:
    - a. O-Alkyl (equal to or less than C<sub>10</sub>, including cycloalkyl) alkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-phosphonofluoridates, such as:

Sarin (GB):O-Isopropyl methylphosphonofluoridate (CAS 107-44-8); and

Soman (GD):O-Pinacolyl methylphosphonofluoridate (CAS 96-64-0);
    - b. O-Alkyl (equal to or less than C<sub>10</sub>, including cycloalkyl) N,N-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphoramidocyanidates, such as:

Tabun (GA):O-Ethyl N,N-dimethylphosphoramidocyanidate (CAS 77-81-6);
    - c. O-Alkyl (H or equal to or less than C<sub>10</sub>, including cycloalkyl) S-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonothiolates and corresponding alkylated and protonated salts, such as:

VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (CAS 50782-69-9);
  2. CW vesicant agents:
    - a. Sulphur mustards, such as:
      1. 2-Chloroethylchloromethylsulphide (CAS 2625-76-5);
      2. Bis(2-chloroethyl) sulphide (CAS 505-60-2);
      3. Bis(2-chloroethylthio) methane (CAS 63869-13-6);
      4. 1,2-bis (2-chloroethylthio) ethane (CAS 3563-36-8);
      5. 1,3-bis (2-chloroethylthio)-n-propane (CAS 63905-10-2);
      6. 1,4-bis (2-chloroethylthio)-n-butane (CAS 142868-93-7);
      7. 1,5-bis (2-chloroethylthio)-n-pentane (CAS 142868-94-8);
      8. Bis (2-chloroethylthiomethyl) ether (CAS 63918-90-1);
      9. Bis (2-chloroethylthioethyl) ether (CAS 63918-89-8);

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- b. Lewisites, such as:
  - 1. 2-chlorovinylchloroarsine (CAS 541-25-3);
  - 2. Tris (2-chlorovinyl) arsine (CAS 40334-70-1);
  - 3. Bis (2-chlorovinyl) chloroarsine (CAS 40334-69-8);
- c. Nitrogen mustards, such as:
  - 1. HN1: bis (2-chloroethyl) ethylamine (CAS 538-07-8);
  - 2. HN2: bis (2-chloroethyl) methylamine (CAS 51-75-2);
  - 3. HN3: tris (2-chloroethyl) amine (CAS 555-77-1);
- 3. CW incapacitating agents, such as:
  - a. 3-Quinuclidinyl benzilate (BZ) (CAS 6581-06-2);
- 4. CW defoliants, such as:
  - a. Butyl 2-chloro-4-fluorophenoxyacetate (LNF);
  - b. 2,4,5-trichlorophenoxyacetic acid (CAS 93-76-5) mixed with 2,4-dichlorophenoxyacetic acid (CAS 94-75-7) (Agent Orange (CAS 39277-47-9));
- c. CW binary precursors and key precursors, as follows, and chemical mixtures containing one or more of these precursors:
  - 1. Alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) Phosphonyl Difluorides, such as:
    - DF: Methyl Phosphonyldifluoride (CAS 676-99-3);
  - 2. O-Alkyl (H equal to or less than C<sub>10</sub>, including cycloalkyl) O-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonites and corresponding alkylated and protonated salts, such as:
    - QL: O-Ethyl O-2-di-isopropylaminoethyl methylphosphonite (CAS 57856-11-8);
  - 3. Chlorosarin: O-Isopropyl methylphosphonochloridate (CAS 1445-76-7);
  - 4. Chlorosoman: O-Pinacolyl methylphosphonochloridate (CAS 7040-57-5);
- d. “Riot control agents”, active constituent chemicals and combinations thereof including:
  - 1.  $\alpha$ -Bromobenzeneacetonitrile, (Bromobenzyl cyanide) (CA) (CAS 5798-79-8);
  - 2. [(2-chlorophenyl) methylene] propanedinitrile, (o-Chlorobenzylidenemalononitrile) (CS) (CAS 2698-41-1);
  - 3. 2-Chloro-1-phenylethanone, Phenylacyl chloride (o-chloroacetophenone) (CN) (CAS 532-27-4);

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**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

4. Dibenz-(b,f)-1,4-oxazepine (CR) (CAS 257-07-8);
5. 10-Chloro-5,10-dihydrophenarsazine, (Phenarsazine chloride), (Adamsite), (DM) (CAS 578-94-9);
6. N-Nonanoylmorpholine, (MPA) (CAS 5299-64-9);

*Note 1:* ML7.d. does not control “riot control agents” individually packaged for personal self-defence purposes.

*Note 2:* ML7.d. does not control active constituent chemicals and combinations thereof identified and packaged for food production or medical purposes.

- e. Equipment specially designed or modified for military use, designed or modified for the dissemination of any of the following, and specially designed components therefor:
  1. Materials or agents specified in ML7.a., ML7.b. or ML7.d.;
  2. CW agents made up of precursors specified in ML7.c.;
- f. Protective and decontamination goods, specially designed or modified for military use, components and chemical mixtures as follows:
  1. Goods designed or modified for defence against materials specified in ML7.a., ML7.b. or ML7.d. and specially designed components therefor;

*N.B.:* See also 1A of Annex I to “the dual-use Regulation”.
  2. Goods designed or modified for decontamination of goods contaminated with materials specified in ML7.a. or ML7.b. and specially designed components therefor;
  3. Chemical mixtures specially developed or formulated for the decontamination of goods contaminated with materials specified in ML7.a. or ML7.b.;
- g. Goods specially designed or modified for military use, designed or modified for the detection or identification of materials specified in ML7.a., ML7.b. or ML7.d. and specially designed components therefor;

*N.B.:* See also 1A of Annex I to “the dual-use Regulation”.

*Note:* ML7.g. does not control personal radiation monitoring dosimeters.
- h. “Biopolymers” specially designed or processed for the detection or identification of CW agents specified in ML7.b., and the cultures of specific cells used to produce them;
- i. “Biocatalysts” for the decontamination or degradation of CW agents, and biological systems therefor, as follows:
  1. “Biocatalysts” specially designed for the decontamination or degradation of CW agents specified in ML7.b., and resulting from directed laboratory selection or genetic manipulation of biological systems;
  2. Biological systems containing the genetic information specific to the “production” of “biocatalysts” specified in ML7.i.1. as follows:

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**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- a. “Expression vectors”;
- b. Viruses;
- c. Cultures of cells.

*Note 1: ML7.b. and ML7.d. do not control:*

- a. Cyanogen chloride (CAS 506-77-4);  
*N.B.: See IC of Annex I to “the dual-use Regulation”.*
- b. Hydrocyanic acid (CAS 74-90-8);
- c. Chlorine (CAS 7782-50-5);
- d. Carbonyl chloride (phosgene) (CAS 75-44-5);  
*N.B.: See IC of Annex I to “the dual-use Regulation”.*
- e. Diphosgene (trichloromethyl-1-chloroformate) (CAS 503-38-8);
- f. This entry is not used;
- g. Xylyl bromide: ortho: (CAS 89-92-9), meta: (CAS 620-13-3), para: (CAS 104-81-4);
- h. Benzyl bromide (CAS 100-39-01);
- i. Benzyl iodide (CAS 620-05-3);
- j. Bromo acetone (CAS 598-31-2);
- k. Cyanogen bromide (CAS 506-68-3);
- l. Bromo methylethylketone (CAS 816-40-0);
- m. Chloro acetone (CAS 78-95-5);
- n. Ethyl iodoacetate (CAS 623-48-3);
- o. Iodo acetone (CAS 3019-04-3);
- p. Chloropicrin (CAS 76-06-2);  
*N.B.: See IC of Annex I to “the dual-use Regulation”.*
- q. Pelargonic acid vanillylamide (PAVA) (CAS 2444-46-4);  
*N.B.: See 3.2. of Annex III to “the torture Regulation”.*
- r. Oleoresin capsicum (OC) (CAS 8023-77-6).  
*N.B.: See 3.3. of Annex III to “the torture Regulation”.*

*Note 2: The cultures of cells and biological systems specified in ML7.h. and ML7.i.2. are exclusive and ML7.h. and ML7.i.2. do not include cells or biological systems for civil purposes, (e.g. agricultural, pharmaceutical, medical, veterinary, environmental, waste management, or in the food industry).*

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

### Textual Amendments

**F114** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(3)(d)**

**F115** Words in Sch. 2 substituted (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(4)**

**ML8** “Energetic materials”, and related substances, as follows:

*N.B.:* Charges and devices are controlled in ML4 and IA008 of Annex I to “the dual-use Regulation”.

*Note:* In some instances chemicals are listed by name and Chemical Abstract Service (CAS) number. Chemicals of the same structural formula (e.g. hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or ‘mixture’ is controlled, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and ‘mixtures’ containing a listed chemical may also have different CAS numbers.

*Technical Note:*

1. A ‘mixture’ refers to a composition of two or more substances with at least one substance being controlled in ML8.
2. Particle size is the mean particle diameter on a weight or volume basis. International or equivalent national standards will be used in sampling and determining particle size.

a. “Explosives”, as follows, and ‘mixtures’ thereof:

1. ADNBF (aminodinitrobenzofuroxan or 7-amino-4,6-dinitrobenzofurazane-1-oxide) (CAS 97096-78-1);
2. BNCP (cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate) (CAS 117412-28-9);
3. CL-14 (diamino dinitrobenzofuroxan or 5,7-diamino-4,6-dinitrobenzofurazane-1-oxide) (CAS 117907-74-1);
4. CL-20 (HNIW or Hexanitrohexaazaisowurtzitane) (CAS 135285-90-4); chlathrates of CL-20;
5. CP (2-(5-cyanotetrazolato)penta amine-cobalt (III) perchlorate) (CAS 70247-32-4);
6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7) (CAS 145250-81-3);
7. DATB (diaminotrinitrobenzene) (CAS 1630-08-6);
8. DDFP (1,4-dinitrodifurazanopiperazine);
9. DDPO (2,6-diamino-3,5-dinitropyrazine-1-oxide, PZO) (CAS 194486-77-6);
10. DIPAM (3,3’-diamino-2,2’,4,4’,6,6’-hexanitrobiphenyl or dipicramide) (CAS 17215-44-0);
11. DNGU (DINGU or dinitroglycoluril) (CAS 55510-04-8);
12. Furazans as follows:

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**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- a. DAAOF (DAAF, DDAFox, or diaminoazoxyfurazan);
  - b. DAAzF (diaminoazofurazan) (CAS 78644-90-3);
13. HMX and derivatives as follows:
- a. HMX (Cyclotetramethylenetetranitramine, octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine, 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane, octogen or octogene) (CAS 2691-41-0);
  - b. difluoroaminated analogs of HMX;
  - c. K-55 (2,4,6,8-tetranitro-2,4,6,8-tetraazabicyclo-[3,3,0]-octanone-3, tetranitrosemiglycouril or keto-bicyclic HMX) (CAS 130256-72-3);
14. HNAD (hexanitroadamantane) (CAS 143850-71-9);
15. HNS (hexanitrostilbene) (CAS 20062-22-0);
16. Imidazoles as follows:
- a. BNNII (Octahydro-2,5-bis(nitroimino)imidazo [4,5-d]imidazole);
  - b. DNI (2,4-dinitroimidazole) (CAS 5213-49-0);
  - c. FDIA (1-fluoro-2,4-dinitroimidazole);
  - d. NTDNIA (N-(2-nitrotriazolo)-2,4-dinitroimidazole);
  - e. PTIA (1-picryl-2,4,5-trinitroimidazole);
17. NTNMH (1-(2-nitrotriazolo)-2-dinitromethylene hydrazine);
18. NTO (ONTA or 3-nitro-1,2,4-triazol-5-one) (CAS 932-64-9);
19. Polynitrocubanes with more than four nitro groups;
20. PYX (2,6-bis(picrylamino)-3,5-dinitropyridine) (CAS 38082-89-2);
21. RDX and derivatives as follows:
- a. RDX (cyclotrimethylenetrinitramine, cyclonite, T4, hexahydro-1,3,5-trinitro-1,3,5-triazine, 1,3,5-trinitro-1,3,5-triaza-cyclohexane, hexogen or hexogene) (CAS 121-82-4);
  - b. Keto-RDX (K-6 or 2,4,6-trinitro-2,4,6-triazacyclohexanone) (CAS 115029-35-1);
22. TAGN (triaminoguanidinenitrate) (CAS 4000-16-2);
23. TATB (triaminotrinitrobenzene) (CAS 3058-38-6);
24. TEDDZ (3,3,7,7-tetrabis(difluoroamine) octahydro-1,5-dinitro-1,5-diazocine);
25. Tetrazoles as follows:
- a. NTAT (nitrotriazol aminotetrazole);
  - b. NTNT (1-N-(2-nitrotriazolo)-4-nitrotetrazole);
26. Tetryl (trinitrophenylmethylnitramine) (CAS 479-45-8);



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**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

27. TNAD (1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin) (CAS 135877-16-6);
28. TNAZ (1,3,3-trinitroazetidine) (CAS 97645-24-4);
29. TNGU (SORGUYL or tetranitroglycoluril) (CAS 55510-03-7);
30. TNP (1,4,5,8-tetranitro-pyridazino[4,5-d]pyridazine) (CAS 229176-04-9);
31. Triazines as follows:
  - a. DNAM (2-oxy-4,6-dinitroamino-s-triazine) (CAS 19899-80-0);
  - b. NNHT (2-nitroimino-5-nitro-hexahydro-1,3,5-triazine) (CAS 130400-13-4);
32. Triazoles as follows:
  - a. 5-azido-2-nitrotriazole;
  - b. ADHTDN (4-amino-3,5-dihydrazino-1,2,4-triazole dinitramide) (CAS 1614-08-0);
  - c. ADNT (1-amino-3,5-dinitro-1,2,4-triazole);
  - d. BDNTA ((bis-dinitrotriazole)amine);
  - e. DBT (3,3'-dinitro-5,5-bi-1,2,4-triazole) (CAS 30003-46-4);
  - f. DNBT (dinitrobistriazole) (CAS 70890-46-9);
  - g. This entry is not used.
  - h. NTDNT (1-N-(2-nitrotriazolo)-3,5-dinitrotriazole);
  - i. PDNT (1-picryl-3,5-dinitrotriazole);
  - j. TACOT (tetranitrobenzotriazolobenzotriazole) (CAS 25243-36-1);
33. "Explosives" not listed elsewhere in ML8.a. and meeting any of the following descriptions:
  - a. Detonation velocity exceeding 8,700 m/s at maximum density or
  - b. Detonation pressure exceeding 34 GPa (340 kbar)
34. This entry is not used;
35. DNAN (2,4-dinitroanisole) (CAS 119-27-7);
36. TEX (4,10-Dinitro-2,6,8,12-tetraoxa-4,10-diazaisowurtzitane);
37. GUDN (Guanylurea dinitramide) FOX-12 (CAS 217464-38-5);
38. Tetrazines as follows:
  - a. BTAT (Bis(2,2,2-trinitroethyl)-3,6-diaminotetrazine);
  - b. LAX-112 (3,6-diamino-1,2,4,5-tetrazine-1,4-dioxide);

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39. Energetic ionic materials melting between 343 K (70°C) and 373 K (100°C) and with detonation velocity exceeding 6,800 m/s or detonation pressure exceeding 18 GPa (180 kbar);
- [<sup>F116</sup>40. BTNEN (Bis(2,2,2-trinitroethyl)-nitramine) (CAS 19836-28-3);
- [<sup>F117</sup>41. FTDO (5,6-(3',4'-furazano)-1,2,3,4-tetrazine-1,3-dioxide);]
- [<sup>F118</sup>42. EDNA (Ethylenedinitramine) (CAS 505-71-5);]

*Note:* ML8.a. includes 'explosive co-crystals'.

*Technical An 'explosive co-crystal' is a solid material consisting of an ordered*

*Note:* *three dimensional arrangement of two or more explosive molecules, where at least one is specified in ML8.a.]*

b. "Propellants" as follows:

1. Any solid "propellant" with a theoretical specific impulse (under standard conditions) of more than:
  - a. 240 seconds for non-metallised, non-halogenised "propellant";
  - b. 250 seconds for non-metallised, halogenised "propellant";
  - c. 260 seconds for metallised "propellant";
2. This entry is not used;
3. "Propellants" having a force constant of more than 1,200 kJ/kg;
4. "Propellants" that can sustain a steady-state linear burning rate of more than 38 mm/s under standard conditions (as measured in the form of an inhibited single strand) of 6.89 MPa (68.9 bar) pressure and 294 K (21°C);
5. Elastomer Modified Cast Double Base (EMCDB) "propellants" with extensibility at maximum stress of more than 5% at 233 K (-40°C);
6. Any "propellant" containing substances specified in ML8.a.;
7. "Propellants" not specified elsewhere in this Schedule, specially designed for military use.

c. "Pyrotechnics", fuels and related substances, as follows, and 'mixtures' thereof:

1. [<sup>F119</sup>"Aircraft" fuels specially formulated for military purposes;]

[<sup>F120</sup>*Note 1: ML8.c.1. does not apply to the following "aircraft" fuels: JP-4, JP-5, and JP-8.*

*Note 2: "Aircraft" fuels controlled in ML8.c.1. are finished goods, not their constituents.]*

2. Alane (aluminium hydride) (CAS 7784-21-6);
3. [<sup>F121</sup>Boranes, as follows, and their derivatives:
  - a. Carboranes;
  - b. Borane homologues, as follows:
    1. Decaborane (14) (CAS 17702-41-9);
    2. Pentaborane (9) (CAS 19624-22-7);

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3. Pentaborane (11) (CAS 18433-84-6);]
4. Hydrazine and derivatives as follows (see also ML8.d.8. and ML8.d.9. for oxidising hydrazine derivatives);
  - a. Hydrazine (CAS 302-01-2) in concentrations of 70% or more;  
*Note: ML8.c.4.a. does not control hydrazine 'mixtures' specially formulated for corrosion control.*
  - b. Monomethyl hydrazine (CAS 60-34-4);
  - c. Symmetrical dimethyl hydrazine (CAS 540-73-8);
  - d. Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
5. [<sup>F122</sup>Metal fuels, fuel 'mixtures' or "pyrotechnic" mixtures, in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following:
  - a. Metals as follows and 'mixtures' thereof:
    1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60µm;
    2. Iron powder (CAS 7439-89-6) with particle size of 3µm or less produced by reduction of iron oxide with hydrogen;
  - b. 'Mixtures' containing any of the following:
    1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60µm;
    2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85% purity or higher and particle sizes of less than 60µm;

*Note 1: ML8.c.5.b.2 does not control boron and boron carbide enriched with boron-10 (20% or more of total boron-10 content).*

*Note 2: ML8.c.5.b. only controls metal fuels in particle form when they are mixed with other substances to form a 'mixture' formulated for military purposes such as liquid "propellant" slurries, solid "propellants" or "pyrotechnic" mixtures.*

*Note 3: ML8.c.5. controls "explosives" and fuels, whether or not the metals or alloys are encapsulated in aluminium, magnesium, zirconium or beryllium.*

*N.B.: See also IC of Annex I to "the dual-use Regulation".]*
6. Military material containing thickeners for hydrocarbon fuels specially formulated for use in flame throwers or incendiary munitions, such as metal stearates (e.g., octal (CAS 637-12-7) or palmitates;
7. Perchlorates, chlorates and chromates composited with powdered metal or other high energy fuel components;

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**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

8. Spherical or spheroidal aluminium powder (CAS 7429-90-5) with a particle size of 60µm or less, and manufactured from material with an aluminium content of 99% or more;
9. Titanium subhydride (TiH<sub>n</sub>) of stoichiometry equivalent to n = 0.65-1.68;
10. Liquid high energy density fuels not specified in ML8.c.1., as follows:
  - a. Mixed fuels, that incorporate both solid and liquid fuels (e.g., boron slurry), having a mass-based energy density of 40 MJ/kg or greater;
  - b. Other high energy density fuels and fuel additives (e.g., cubane, ionic solutions, JP-7, JP-10), having a volume-based energy density of 37.5 GJ per cubic meter or greater, measured at 293 K (20°C) and one atmosphere (101.325 kPa) pressure;

Note: *ML8.c.10.b. does not control*  
*F123*  
*... fossil refined fuels or biofuels, or fuels for engines certified for use in civil aviation.*
11. “Pyrotechnic” and pyrophoric materials as follows:
  - a. “Pyrotechnic” or pyrophoric materials specifically formulated to enhance or control the production of radiated energy in any part of the IR spectrum;
  - b. Mixtures of magnesium, polytetrafluoroethylene (PTFE) and a vinylidene difluoride- hexafluoropropylene copolymer (e.g., MTV);
12. Fuel mixtures, “pyrotechnic” mixtures or “energetic materials”, not specified elsewhere in ML8, having all of the following:
  - a. Containing greater than 0.5% of particles of any of the following:
    1. Aluminium;
    2. Beryllium;
    3. Boron;
    4. Zirconium;
    5. Magnesium; or
    6. Titanium;
  - b. Particles specified in ML8.c.12.a. with a size less than 200 nm in any direction; and
  - c. Particles specified in ML8.c.12.a. with a metal content of 60% or greater;
- d. Oxidisers, as follows, and ‘mixtures’ thereof:
  1. ADN (ammonium dinitramide or SR 12) (CAS 140456-78-6);
  2. AP (ammonium perchlorate) (CAS 7790-98-9);

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3. Compounds composed of fluorine and any of the following:
    - a. Other halogens;
    - b. Oxygen; or
    - c. Nitrogen;

*Note 1: ML8.d.3. does not control chlorine trifluoride (CAS 7790-91-2).*

*Note 2: ML8.d.3. does not control nitrogen trifluoride in its gaseous state (CAS 7783-54-2).*

*N.B.: See also IC of Annex I to "the dual-use Regulation".*
  4. DNAD (1,3-dinitro-1,3-diazetidene) (CAS 78246-06-7);
  5. HAN (hydroxylammonium nitrate) (CAS 13465-08-2);
  6. HAP (hydroxylammonium perchlorate) (CAS 15588-62-2);
  7. HNF (hydrazinium nitroformate) (CAS 20773-28-8);
  8. Hydrazine nitrate (CAS 37836-27-4);
  9. Hydrazine perchlorate (CAS 27978-54-7);
  10. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) (CAS 8007-58-7);
- e. Binders, plasticisers, monomers and polymers as follows:
1. AMMO (azidomethylmethyloxetane and its polymers) (CAS 90683-29-7);
  2. BAMO (3,3-bis(azidomethyl)oxetane and its polymers) (CAS 17607-20-4);
  3. BDNPA (bis (2,2-dinitropropyl)acetal) (CAS 5108-69-0);
  4. BDNPF (bis (2,2-dinitropropyl)formal) (CAS 5917-61-3);
  5. BTTN (butanetrioltrinitrate) (CAS 6659-60-5);
  6. Energetic monomers, plasticisers or polymers specially formulated for military use and containing any of the following:
    - a. Nitro groups;
    - b. Azido groups;
    - c. Nitrate groups;
    - d. Nitro groups; or
    - e. Difluoroamino groups;
  7. FAMAO (3-difluoroaminomethyl-3-azidomethyl oxetane) and its polymers;
  8. FEFO (bis-(2-fluoro-2,2-dinitroethyl) formal) (CAS 17003-79-1);
  9. FPF-1 (poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal) (CAS 376-90-9);

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10. FPF-3 (poly-2,4,4,5,5,6,6-heptafluoro-2-tri-fluoromethyl-3-oxaheptane-1,7-diol formal);
  11. GAP (glycidylazide polymer) (CAS 143178-24-9) and its derivatives;
  12. HTPB (hydroxyl terminated polybutadiene) with a hydroxyl functionality equal to or greater than 2.2 and less than or equal to 2.4, a hydroxyl value of less than 0.77 meq/g, and a viscosity at 30°C of less than 47 poise (CAS 69102-90-5);
  13. Alcohol functionalised poly(epichlorohydrin) with a molecular weight of less than 10,000, as follows:
    - a. Poly(epichlorohydrindiol); and
    - b. Poly(epichlorohydrintriol);
  14. NENAs (nitroethylnitramine compounds) (CAS 17096-47-8, 85068-73-1, 82486-83-7, 82486-82-6 and 85954-06-9);
  15. PGN (poly-GLYN, polyglycidylnitrate or poly(nitratomethyl oxirane)) (CAS 27814-48-8);
  16. Poly-NIMMO (poly [<sup>F124</sup>]nitratomethylmethyloxetane), poly-NMMO or (poly (3-Nitratomethyl-3-methyloxetane)) (CAS 84051-81-0);
  17. Polynitroorthocarbonates;
  18. TVOPA (1,2,3-tris[1,2-bis(difluoroamino)ethoxy] propane or tris vinoxyl propane adduct) (CAS 53159-39-0);
  19. 4,5 diazidomethyl-2-methyl-1,2,3-triazole (iso- DAMTR);
  20. PNO (Poly(3-nitrato oxetane));
  - <sup>F125</sup>21. TMETN (Trimethylolethane trinitrate) (CAS 3032-55-1);
- f. Additives as follows:
1. Basic copper salicylate (CAS 62320-94-9);
  2. BHEGA (bis-(2-hydroxyethyl) glycolamide) (CAS 17409-41-5);
  3. BNO (butadienenitrileoxide);
  4. Ferrocene derivatives as follows:
    - a. Butacene (CAS 125856-62-4);
    - b. Catocene (2,2-bis-ethylferrocenyl propane) (CAS 37206-42-1);
    - c. Ferrocene carboxylic acids and ferrocene carboxylic acid esters;
    - d. n-butyl-ferrocene (CAS 31904-29-7);
    - e. Other adducted polymer ferrocene derivatives not specified elsewhere in ML8.f.4.;
    - f. Ethyl ferrocene (CAS 1273-89-8);
    - g. Propyl ferrocene;
    - h. Pentyl ferrocene (CAS 1274-00-6);

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- i. Dicyclopentyl ferrocene;
  - j. Dicyclohexyl ferrocene;
  - k. Diethyl ferrocene (CAS 1273-97-8);
  - l. Dipropyl ferrocene;
  - m. Dibutyl ferrocene (CAS 1274-08-4);
  - n. Dihexyl ferrocene (CAS 93894-59-8);
  - o. Acetyl ferrocene (CAS 1271-55-2)/1,1'-diacetyl ferrocene (CAS-1273-94-5);
5. [<sup>F126</sup>Lead beta-resorcylate (CAS 20936-32-7) or copper beta-resorcylate (CAS 70983-44-7)]
  6. Lead citrate (CAS 14450-60-3);
  7. Lead-copper chelates of beta-resorcylate or salicylates (CAS 68411-07-4);
  8. Lead maleate (CAS 19136-34-6);
  9. Lead salicylate (CAS 15748-73-9);
  10. Lead stannate (CAS 12036-31-6);
  11. MAPO (tris-1-(2-methyl)aziridinyl phosphine oxide) (CAS 57-39-6), and BOBBA 8 (bis(2-methyl aziridinyl)-2-(2-hydroxypropanoxy) propylamino phosphine oxide); and other MAPO derivatives;
  12. Methyl BAPO (bis(2-methyl aziridinyl) methylamino phosphine oxide) (CAS 85068-72-0);
  13. N-methyl-p-nitroaniline (CAS 100-15-2);
  14. 3-Nitraz-1,5-pentane diisocyanate (CAS 7406-61-9);
  15. Organo-metallic coupling agents as follows:
    - a. Neopentyl[diallyl]oxy, tri[diethyl]phosphato-titanate (CAS 103850-22-2); also known as titanium IV, 2,2-[bis 2-propenolatomethyl, butanolato, tris (diethyl) phosphato] (CAS 110438-25-0); or LICA 12 (CAS 103850-22-2);
    - b. Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris[diethyl] pyrophosphate or KR3538;
    - c. Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris(diethyl)phosphate;
  16. Polycyanodifluoroaminoethyleneoxide;
  17. Bonding agents as follows:
    - a. 1,1R,1S-trimeoyl-tris(2-ethylaziridine) (HX-868, BITA) (CAS 7722-73-8);
    - b. Polyfunctional aziridine amides with isophthalic, trimesic, isocyanuric or trimethyladipic backbone also having a 2-methyl or 2-ethyl aziridine group;

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Note: ML8.f.17.b. includes:

- a. *1,1H-Isophthaloyl-bis(2-methylaziridine)* (HX-752) (CAS 7652-64-4);
  - b. *2,4,6-tris(2-ethyl-1-aziridinyl)-1,3,5-triazine* (HX-874) (CAS 18924-91-9);
  - c. *1,1'-trimethyladipoyl-bis(2-ethylaziridine)* (HX-877) (CAS 71463-62-2).
18. Propyleneimine (2-methylaziridine) (CAS 75-55-8);
  19. Superfine iron oxide (Fe<sub>2</sub>O<sub>3</sub>)(CAS 1317-60-8) with a specific surface area more than 250 m<sup>2</sup>/g and an average particle size of 3.0 nm or less;
  20. TEPAN (tetraethylenepentaamineacrylonitrile) (CAS 68412-45-3); cyanoethylated polyamines and their salts;
  21. TEPANOL (tetraethylenepentaamineacrylonitrileglycidol) (CAS 68412-46-4); cyanoethylated polyamines adducted with glycidol and their salts;
  22. TPB (triphenyl bismuth) (CAS 603-33-8);
  23. TEPB (Tris (ethoxyphenyl) bismuth) (CAS 90591-48-3);

g. Precursors as follows:

1. BCMO (3,3-bis(chloromethyl)oxetane) (CAS 78-71-7);
2. Dinitroazetidene-t-butyl salt (CAS 125735-38-8);
3. Hexaazaisowurtzitane derivatives including HBIW (hexabenzylhexaazaisowurtzitane) (CAS 124782-15-6) (see also ML8.a.4.) and TAIW (tetraacetyldibenzylhexaazaisowurtzitane) (CAS 182763-60-6) (see also ML8.a.4.);
4. This entry is not used;
5. TAT (1,3,5,7-tetraacetyl-1,3,5,7-tetraaza cyclo-octane) (CAS 41378-98-7);
6. 1,4,5,8-tetraazadecalin (CAS 5409-42-7);
7. 1,3,5-trichlorobenzene (CAS 108-70-3);
8. 1,2,4-trihydroxybutane (1,2,4-butanetriol) (CAS 3068-00-6);
9. DADN (1,5-diacetyl-3,7-dinitro-1,3,5,7-tetraaza-cyclooctane) (see also ML8.a.13.)<sup>[F127;]</sup>

<sup>[F128]</sup>h. 'Reactive material' powders and shapes, as follows:

1. Powders of any of the following materials, with a particle size less than 250 µm in any direction and not specified elsewhere in ML8:
  - a. Aluminium;
  - b. Niobium;
  - c. Boron;
  - d. Zirconium;



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- e. Magnesium;
  - f. Titanium;
  - g. Tantalum;
  - h. Tungsten;
  - i. Molybdenum; or
  - j. Hafnium;
2. Shapes, not specified in ML3, ML4, ML12 or ML16, fabricated from powders specified in ML8.h.1.

*Technical Notes:*

1. *'Reactive materials' are designed to produce an exothermic reaction only at high shear rates and for use as liners or casings in warheads.*
2. *'Reactive material' powders are produced by, for example, a high energy ball milling process.*
3. *'Reactive material' shapes are produced by, for example, selective laser sintering.]*

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#### **Textual Amendments**

- F116** Words in Sch. 2 inserted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(4)**
- F117** Words in Sch. 2 inserted (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(5)**
- F118** Words in Sch. 2 inserted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(ii)**
- F119** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(5)**
- F120** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(iii)**
- F121** Words in Sch. 2 substituted (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(6)**
- F122** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(6)**
- F123** Words in Sch. 2 omitted (30.6.2019) by virtue of [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(iv)**
- F124** Sch. 2 bracket inserted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(v)**
- F125** Words in Sch. 2 inserted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(vi)**
- F126** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(vii)**
- F127** Punctuation in Sch. 2 replaced (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(7)**
- F128** Words in Sch. 2 inserted (5.3.2018) by [The Export Control \(Amendment\) Order 2018 \(S.I. 2018/165\)](#), arts. 1, **3(8)**

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

**ML9** “Vessels” of war, special naval equipment, accessories, components and other surface “vessels”, as follows:

*N.B.:* Electronic guidance and navigation equipment is controlled in ML11.a.

a. “Vessels” and components as follows:

1. “Vessels” (surface or underwater) specially designed or modified for military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour, and components therefor specially designed or modified for military use;
2. Surface “vessels” other than those specified in ML9.a.1., having any of the following, fixed or integrated into the “vessel”:
  - a. Automatic weapons having a calibre of 12.7 mm or greater specified in ML1, or weapons specified in ML2, ML4, ML12 or ML19, or ‘mountings’ or hard points for weapons having a calibre of 12.7mm or greater;

*Technical Note:* ‘Mountings’ refers to weapon mounts or structural strengthening for the purpose of installing weapons.

b. Fire control systems specified in ML5;

c. Both:

1. ‘CBRN protection’; and
2. ‘Pre-wet or wash down system’ designed for decontamination purposes; or

*Technical Notes:* 1. ‘CBRN protection’ is self-contained interior space containing features such as over-pressurization, isolation of ventilation systems, limited ventilation openings with chemical, biological, radiological and nuclear filters and limited personnel access points incorporating air-locks.

2. ‘Pre-wet or wash down system’ is a seawater spray system capable of simultaneously wetting the exterior superstructure and decks of a vessel.

d. Active weapon countermeasure systems specified in ML4.b., ML5.c. or ML11.a. but only where the “vessel” has any of the following:

1. ‘CBRN protection’;
2. Hull and superstructure, specially designed to reduce the radar cross section;
3. Thermal signature reduction devices, (e.g. an exhaust gas cooling system), excluding those specially designed to increase overall power plant efficiency or to reduce the environmental impact; or
4. A degaussing system designed to reduce the magnetic signature of the whole vessel.

b. Anti-submarine nets and anti-torpedo nets, specially designed for military use;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- c. Hull penetrators and connectors specially designed for military use, that enable interaction with equipment external to a “vessel”, and components therefor specially designed for military use.

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**ML10** “Aircraft”, “lighter-than-air vehicles”, “Unmanned Aerial Vehicles” (“UAVs”), aero-engines and “aircraft” equipment, related goods and components, as follows, specially designed or modified for military use:

*N.B.: Electronic guidance and navigation equipment is controlled in ML11.a.*

- a. Manned “aircraft” and “lighter-than-air vehicles”, and specially designed components therefor;
- b. This entry is not used.
- c. [<sup>F129</sup>Unmanned “aircraft” and related equipment, as follows, and specially designed components therefor:
1. “UAVs” Remotely Piloted Air Vehicles (RPVs), autonomous programmable vehicles and unmanned “lighter-than-air vehicles”;
  2. Launchers, recovery equipment and ground support equipment;
  3. Equipment designed for command and control;]
- d. Propulsion aero-engines and specially designed components therefor;
- e. Airborne refuelling equipment specially designed or modified for any of the following, and specially designed components therefor:
1. “Aircraft” [<sup>F130</sup>specified in] ML10.a.; or
  2. [<sup>F131</sup>Unmanned “aircraft” [<sup>F130</sup>specified in] ML10.c;]
- f. [<sup>F132</sup>Ground equipment’ specially designed for “aircraft” [<sup>F130</sup>specified in] ML10.a. or aero-engines [<sup>F130</sup>specified in] ML10.d.;

*Technical Notes:*

1. ‘Ground equipment’ includes pressure refuelling equipment and equipment designed to facilitate operations in confined areas.

<sup>F133</sup>

...

- g. Aircrew life support equipment, aircrew safety equipment and other devices for emergency escape, not specified in ML10.a., designed for “aircraft” [<sup>F130</sup>specified in] ML10.a.;

*Note:* ML10.g. does not control aircrew helmets that do not incorporate, or have mountings or fittings for, equipment specified in this Schedule.

*N.B.:* For helmets see also ML13.c.

- h. Parachutes, paragliders and related equipment, as follows, and specially designed components therefor:
1. [<sup>F134</sup>Parachutes, other than those which form part of items controlled elsewhere in this Schedule;]
  2. Paragliders;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

3. Equipment specially designed for high altitude parachutists;
- i. Controlled opening equipment or automatic piloting systems designed for parachuted loads.

*Note: ML10.a. does not control “aircraft” meeting all of the following descriptions:*

- a. *were first manufactured before 1946;*
- b. *do not incorporate items specified in this Schedule unless the items are required to meet safety or airworthiness standards; and*
- c. *do not incorporate weapons specified in this Schedule, unless they have been rendered inoperable and incapable of being returned to operation, including:*
  1. *in the case of firearms to which the “Deactivation Regulation” applies, by having been deactivated and marked in accordance with the technical specifications set out in Annexes I and II to that Regulation;*
  2. *in the case of firearms to which the “Deactivation Regulation” does not apply, by bearing a mark and being certified as having been rendered incapable of discharging any shot, bullet or other missile in accordance with section 8 of the Firearms (Amendment) Act 1988.*

#### Textual Amendments

- F129** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, [2\(7\)](#)
- F130** Words in Sch. 2 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(3\)\(e\)](#)
- F131** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, [2\(8\)](#)
- F132** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, [2\(9\)](#)
- F133** Words in Sch. 2 omitted (30.6.2019) by virtue of [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(5\)\(b\)\(viii\)](#)
- F134** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, [2\(10\)](#)

- ML11** Electronic equipment, “spacecraft” and components, not specified elsewhere in this Schedule, as follows:
- a. Electronic equipment specially designed or modified for military use and specially designed components therefor;
  - b. Global Navigation Satellite Systems (GNSS) jamming equipment and specially designed components therefor;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

Note: *ML11.a. controls all electronic guidance and navigation equipment.*

- c. “Spacecraft” specially designed or modified for military use, and “spacecraft” components specially designed for military use.
- 

**ML12** High velocity kinetic energy weapon systems and related equipment, as follows, and specially designed components therefor:

- a. Kinetic energy weapon systems specially designed for destruction or effecting mission abort of a target;

*N.B.:* For weapon systems using sub-calibre ammunition or employing solely chemical propulsion, and ammunition therefor, see ML1 to ML4.

- b. Specially designed test and evaluation facilities and test models (e.g. diagnostic instrumentation and targets), for dynamic testing of kinetic energy projectiles and systems.
- 

**ML13** Armoured or protective goods and constructions, as follows:

- a. Metallic or non-metallic armoured plate, having any of the following characteristics:

1. Manufactured to comply with a military standard or specification; or
2. Suitable for military use;

*[<sup>F135</sup>N.B.:* For body armour plates, see ML13.d.2.]

- b. Constructions of metallic or non-metallic materials, or combinations thereof, specially designed to provide ballistic protection for military systems and specially designed components therefor;

- c. Helmets manufactured according to military standards or specifications, or comparable national standards, and specially designed components therefor;

*Note:* ML13.c. does not control:

- a. Conventional steel helmets, neither modified nor designed to accept, nor equipped with, any type of accessory device;
- b. Helmets manufactured before 1945;
- c. Individual helmets when accompanying their users.

*N.B.:* Military high altitude parachutists’ protective headgear is controlled in ML10.h.3.

- d. Body armour or protective garments, and components therefor, as follows:

1. Soft body armour or protective garments, manufactured to military standards or specifications, or to their equivalents, and specially designed components therefor;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

*Note:* For the purposes of ML13.d.1., military standards or specifications include, at a minimum, specifications for fragmentation protection.

2. Hard body armour plates providing ballistic protection equal to or greater than level III (NIJ 0101.06 July 2008) or national equivalents.

*Note:* ML13.d. does not control individual suits of body armour or ballistic protective garments for personal protection and accessories therefor when accompanying their users.

*N.B.:* See also 1A of Annex I to “the dual-use Regulation”.

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#### Textual Amendments

**F135** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(ix)**

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**ML14** Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified in ML1 or ML2, and specially designed components and accessories therefor.

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**ML15** Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

- a. Recorders and image processing equipment;
- b. Cameras, photographic equipment and film processing equipment;
- c. Image intensifier equipment;
- d. Infrared or thermal imaging equipment;
- e. Imaging radar sensor equipment;
- f. Countermeasure or counter-countermeasure equipment for the equipment specified in ML15.a. to ML15.e.

*Note:* ML15 does not control “first generation image intensifier tubes” or equipment specially designed so that only “first generation image intensifier tubes” are or can be incorporated in it.

*N.B. 1:* For weapons sights incorporating “first generation image intensifier tubes” see ML1., ML2. and ML5.

*N.B. 2:* See also 6A of Annex I to “the dual-use Regulation”.

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**ML16** Forgings, castings and other unfinished goods, specially designed for any of the goods specified in ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

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**ML17** Miscellaneous goods, material and “libraries”, as follows, and specially designed components therefor:

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- a. Diving and underwater swimming apparatus, specially designed or modified for military use, as follows:
  1. Self-contained diving rebreathers, closed or semi-closed circuit;
  2. Underwater swimming apparatus specially designed for use with the diving apparatus specified in ML17.a.1.;

*N.B.:* See also 8A002.q. of Annex I to “the dual-use Regulation”.
- b. Construction equipment specially designed for military use;
- c. Fittings, coatings and treatments for signature suppression, specially designed for military use;
- d. Field engineer equipment specially designed for use in a combat zone;
- e. “Robots”, “robot” controllers and “robot” “end-effectors”, meeting any of the following descriptions:
  1. Specially designed for military use;
  2. Incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments (e.g. incorporating self-sealing lines) and designed to use hydraulic fluids with flash points higher than 839 K (566°C); or
  3. Specially designed or rated for operating in an electro-magnetic pulse (EMP) environment;

*Technical Note:* Electro-magnetic pulse does not refer to unintentional interference caused by electromagnetic radiation from nearby equipment (e.g. machinery, appliances or electronics) or lightning.
- f. “Libraries” specially designed or modified for military use with systems, equipment or components, specified in this Schedule;
- g. Nuclear power generating equipment or propulsion equipment (e.g. “nuclear reactors”), specially designed for military use and components therefor, specially designed or modified for military use;
- h. Goods and material, coated, treated or prepared to provide signature suppression, specially designed for military use, other than those controlled elsewhere in this Schedule;
- i. Simulators specially designed for military “nuclear reactors”;
- j. Mobile repair shops specially designed or modified to service military equipment;
- k. Field generators specially designed or modified for military use;
- l. [<sup>F136</sup>ISO intermodal containers or demountable vehicle bodies (i.e., swap bodies), specially designed or modified for military use;]
- m. Ferries, other than those controlled elsewhere in this Schedule, rafts, bridges and pontoons, specially designed for military use;
- n. Test models specially designed for the “development” of goods specified in ML4, ML6, ML9 or ML10;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- o. [<sup>F137</sup>“Laser” protection equipment (e.g. eye [<sup>F138</sup>or] sensor protection) specially designed for military use;]
- p. [<sup>F139</sup>“Fuel cells”, other than those which form components of items controlled elsewhere in this Schedule, specially designed or modified for military use.]

#### Textual Amendments

- F136** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(x)**
- F137** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(11)**
- F138** Word in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(xi)**
- F139** Words in Sch. 2 substituted (13.7.2017) by [The Export Control \(Amendment\) \(No. 3\) Order 2017 \(S.I. 2017/697\)](#), arts. 1, **2(12)**

- ML18** “Production” equipment and components, as follows:
- a. Specially designed or modified production equipment for the “production” of goods specified in this Schedule, and specially designed components therefor;
  - b. Specially designed environmental test facilities and specially designed equipment therefor, for the certification, qualification or testing of goods specified in this Schedule.
- ML19** Directed energy weapon (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components therefor:
- a. “Laser” systems specially designed for destruction or effecting mission-abort of a target;
  - b. Particle beam systems capable of destruction or effecting mission-abort of a target;
  - c. High power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;
  - d. Equipment specially designed for the detection or identification of, or defence against, systems specified in ML19.a. to ML19.c.;
  - e. Physical test models for the systems, equipment and components specified in ML19;
  - f. “Laser” systems specially designed to cause permanent blindness to un-enhanced vision (i.e. to the naked eye or to the eye with corrective eyesight devices).
- ML20** Cryogenic and “superconductive” equipment, as follows, and specially designed components and accessories therefor:
- a. Equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating



**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

while in motion and of producing or maintaining temperatures below 103 K (-170°C);

- b. “Superconductive” electrical equipment [<sup>F140</sup>(rotating machinery or transformers)] specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications and capable of operating while in motion.

*Note:* ML20 does not control direct-current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.

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#### Textual Amendments

**F140** Words in Sch. 2 substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, **2(5)(b)(xii)**

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#### ML21 “Software” as follows:

- a. “Software” specially designed or modified for any of the following:
1. “Development”, “production” operation or maintenance of equipment specified in this Schedule;
  2. “Development” or “production” of materials specified in this Schedule; or
  3. “Development”, “production”, operation or maintenance of “software” specified in this Schedule.
- b. Specific “software”, other than that specified in ML21.a., as follows:
1. “Software” that is both specially designed for military use and specially designed for modelling, simulating or evaluating military weapons systems;
  2. “Software” that is both specially designed for military use and specially designed for modelling or simulating military operational scenarios;
  3. “Software” for determining the effects of conventional, nuclear, chemical or biological weapons;
  4. “Software” that is both specially designed for military use and specially designed for Command, Communications, Control and Intelligence (C<sup>3</sup>I) applications or Command, Communications, Control, Computer and Intelligence (C<sup>4</sup>I) applications;
- c. “Software”, not specified in ML21.a. or ML21.b., specially designed or modified to enable equipment not specified in this Schedule to perform the military functions of equipment specified in this Schedule;
- d. Other “software” specially designed or modified for military use.

*N.B.:* Source code for “software” is controlled in ML22.

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**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

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<b>PL5001</b>	<p>Other security and para-military police goods as follows:</p> <ul style="list-style-type: none"> <li>a. Acoustic devices represented by the manufacturers or suppliers thereof as suitable for riot control purposes, and specially designed components therefor;</li> <li>b. Anti-riot and ballistic shields and specially designed components therefor; <i>N.B.:</i> See also 2.1 of Annex III to “the torture Regulation”.</li> <li>c. Shackles designed for restraining human beings having an overall dimension including chain, when measured from the outer edge of one cuff to the outer edge of the other cuff, of between 240mm and 280mm when locked; <i>N.B.:</i> See also 1.1 of Annex III to “the torture Regulation”.</li> <li>d. Water cannon and specially designed components therefor; <i>N.B.:</i> See also 3.6 of Annex III to “the torture Regulation”.</li> <li>e. Riot control vehicles which have been specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose;</li> <li>f. Components specially designed or modified for portable devices designed or modified for the purposes of riot control or self-protection by the administration of an electric shock (e.g. electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns). <i>N.B.:</i> See also article 9 of this Order.</li> </ul>
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<b>ML22</b>	<p>“Technology” as follows:</p> <ul style="list-style-type: none"> <li>a. “Technology”, other than “technology” specified in ML22.b., which is “required” for the “development”, “production”, operation, installation, maintenance (checking), repair, overhaul or refurbishing of goods or “software” specified in this Schedule;</li> <li>b. “Technology” as follows: <ul style="list-style-type: none"> <li>1. “Technology” “required” for the design of, the assembly of components into, and the operation, maintenance and repair of complete production installations for goods specified in this Schedule, even if the components of such production installations are not specified;</li> <li>2. This entry is not used;</li> <li>3. This entry is not used;</li> <li>4. “Technology” “required” exclusively for the incorporation of “biocatalysts”, specified in ML7.i.1, into military carrier substances or military material.</li> </ul> </li> </ul> <p><i>N.B.:</i> See article 18 and article 26 of this Order for exceptions from the controls on “technology”.]</p>
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[<sup>F141</sup>SCHEDULE 3

Articles 2 and 4

UK CONTROLLED DUAL-USE GOODS, SOFTWARE AND TECHNOLOGY

**Textual Amendments**

**F141** Sch. 3 substituted (31.8.2010) by [The Export Control \(Amendment\) \(No. 2\) Order 2010 \(S.I. 2010/2007\)](#), arts. 1(1), 2, [Sch.](#)

*Note: In this Schedule, defined terms are printed in quotation marks.*

**Definitions**

In this Schedule:

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[<sup>F142</sup>“ammunition” means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a “firearm”];

“development” means all stages prior to “production” (eg, design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into goods or “software”, configuration design, integration design, layouts);

[<sup>F143</sup>“Deactivation Regulation” means Commission Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable.]

“energetic materials” means substances or mixtures that react chemically to release energy required for their intended application; “explosives”, “pyrotechnics” and “propellants” are sub-classes of energetic materials;

[<sup>F144</sup>“essential components” means the breech-closing mechanism, the chamber and the barrel of a “firearm”, which, being separate objects, are included in the category of the “firearms” on which they are or are intended to be mounted;]

“explosive signatures” are features which are characteristic of explosives in any form prior to their initiation, as detected using technology including, but not limited to, ion mobility spectrometry, chemiluminescence, fluorescence, nuclear, acoustic or electromagnetic techniques;

“explosives” means solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster, or main charges in warheads, demolition and other applications, are required to detonate;

[<sup>F145</sup>“firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a [<sup>F146</sup>shot], bullet or projectile by the action of a combustible propellant;]

[<sup>F147</sup>*Note: This definition does not include items specially designed for any of the following:*

- a. Alarm;
- b. Signalling;
- c. Life-saving;
- d. Animal slaughter;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

*e. Harpoon fishing;*

*f. Industrial or technical purposes.]*

[<sup>F148</sup>“Firearm Regulation” means Council Regulation (EU) No 258/2012 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.”]

“improvised explosive devices” means devices fabricated or intended to be placed in an improvised manner incorporating destructive, lethal, noxious, “pyrotechnic” or incendiary chemicals designed to destroy, disfigure or harass; they may incorporate military stores, but are normally devised from non-military components;

“lighter-than-air vehicles” means balloons and airships that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift;

[<sup>F149</sup>“parts” means any element or replacement element as referred to specifically designed for a “firearm” and essential to its operation, including a barrel, frame or [<sup>F150</sup>receiver], slide or cylinder, bolt or breech block <sup>F151</sup>... ]

“previously separated” in relation to a controlled isotope in any form, means after the application of any process intended to increase the concentration of the controlled isotope;

“production” means all production stages (eg, product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance);

“propellants” means substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work;

“pyrotechnic(s)” means mixtures of solid or liquid fuels and oxidisers which, when ignited, undergo an energetic chemical reaction at a controlled rate intended to produce specific time delays, or quantities of heat, noise, smoke, visible light or infrared radiation; pyrophorics are a subclass of pyrotechnics, which contain no oxidisers but ignite spontaneously on contact with air;

“required” as applied to “technology”, refers to only that portion of “technology” which is peculiarly responsible for achieving or exceeding the controlled performance levels, characteristics or functions. Such “required” “technology” may be shared by different goods and the intended use of “technology” is irrelevant to whether it is “required”;

“technology” means specific ‘information’ necessary for the “development”, “production” or “use” of goods or “software”;

*Technical Note:*

*‘Information’ may take forms including, not limited to: blueprints, plans, diagrams, models, formulae, tables, ‘source code’, engineering designs and specifications, manuals and instructions written or recorded on other media or devices (eg, disk, tape, read-only memories);*

*‘source code’ (or source language) is a convenient expression of one or more processes which may be turned by a programming system into equipment executable form.*

“use” means operation, installation (eg, on-site installation), maintenance, checking, repair, overhaul and refurbishing;

“vaccines” are medical products in a pharmaceutical formulation licensed by, or having marketing or clinical trial authorisation from, the regulatory authorities of either the country of manufacture or of use, which is intended to stimulate a protective immunological response in humans or animals in order to prevent disease in those to whom or to which it is administered.

### Textual Amendments

- F142** Words in Sch. 3 inserted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, [2\(7\)\(a\)](#)
- F143** Words in Sch. 3 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(4\)\(a\)](#)
- F144** Words in Sch. 3 inserted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, [2\(7\)\(b\)](#)
- F145** Words in Sch. 3 inserted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, [2\(7\)\(c\)](#)
- F146** Word in Sch. 3 substituted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, [2\(9\)\(a\)](#)
- F147** Words in Sch. 3 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(4\)\(b\)](#)
- F148** Words in Sch. 3 inserted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, [2\(4\)\(c\)](#)
- F149** Words in Sch. 3 inserted (17.4.2015) by [The Export Control \(Amendment\) \(No. 2\) Order 2015 \(S.I. 2015/940\)](#), arts. 1, [2\(7\)\(d\)](#)
- F150** Word in Sch. 3 substituted (22.2.2017) by [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, [2\(9\)\(b\)\(ii\)](#)
- F151** Words in Sch. 3 omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, [2\(9\)\(b\)\(i\)](#)

### Explosive-related goods and technology

- PL8001** The export or “transfer by electronic means” of the following goods or “technology” is prohibited to any destination outside all of the following: “the customs territory”, Australia, New Zealand, Canada, Norway, Switzerland, United States of America and Japan:
- a. Equipment and devices, other than those in Schedule 2 or in 1A004.d., 1A005, 1A006, 1A007, 1A008, 3A229, 3A232 or 5A001.h. in Annex I to “the dual-use Regulation”, for detection of or use with “explosives” or for dealing with or protecting against “improvised explosive devices”, as follows, and specially designed components therefor:
    1. Electronic equipment designed to detect “explosives” or “explosive signatures”;

*N.B.:* See also 1A004.d. in Annex I to “the dual-use Regulation”.

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

*Note:* PL8001.a.1. does not control equipment requiring operator judgment to establish the presence of “explosives” or “explosive signatures”.

2. Electronic jamming equipment specially designed to prevent the detonation by radio remote control of “improvised explosive devices”;

*N.B.:* See also 5A001.h. in Annex I to “the dual-use Regulation”.

3. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, (eg, firing sets, detonators and igniters);

*N.B.:* See also 1A007, 1A008, 3A229 and 3A232 in Annex I to “the dual-use Regulation”.

*Note:* PL8001.a.3. does not control:

a. Equipment and devices specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the initiation or creation of explosions;

b. Pressure controlled equipment specially designed for down-hole oilfield equipment applications and which are incapable of use at atmospheric pressure;  
F152

...

<sup>F153</sup>c. Detonating cord; and

d. Equipment and devices specially designed for use with pyrotechnics.]

4. Equipment and devices, including, but not limited to: shields and helmets, specially designed for the disposal of “improvised explosive devices”;

*N.B.:* See also 1A005, 1A006 and 5A001.h. in Annex I to “the dual-use Regulation”.

*Note:* PL8001.a.4. does not control bomb blankets, mechanical handling equipment for manoeuvring or exposing “improvised explosive devices”, containers designed for holding “improvised explosive devices” or objects suspected of being such devices or other equipment specially designed to temporarily protect against “improvised explosive devices” or objects suspected of being such devices.

- b. Linear cutting explosive charges other than those listed at entry 1A008 of Annex I to “the dual-use Regulation”;

- c. “Technology” “required” for the “use” of goods in PL8001.a. and PL8001.b.”

*N.B.* See article 18 of this Order for exceptions from the controls on “technology”.

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### Textual Amendments

**F152** Word in Sch. 3 omitted (17.5.2014) by virtue of [The Export Control \(Amendment\) \(No. 2\) Order 2014 \(S.I. 2014/1069\)](#), arts. 1, **2(3)(a)**

**F153** Word in Sch. 3 substituted (17.5.2014) by [The Export Control \(Amendment\) \(No. 2\) Order 2014 \(S.I. 2014/1069\)](#), arts. 1, **2(3)(b)**

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### Materials, chemicals, micro-organisms and toxins

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**PL9002** The export of the following goods is prohibited to any destination:  
“Energetic materials”, as follows, and mixtures containing one or more thereof:

- a. Nitrocellulose (containing more than 12.5% nitrogen);
- b. Nitroglycerol;
- c. Pentaerythritol tetranitrate (PETN);
- d. Picryl chloride;
- e. Trinitrophenylmethylnitramine (tetryl);
- f. 2,4,6-Trinitrotoluene (TNT).

*Note:* *PL9002 does not control single, double and triple base “propellants”.*

**PL9003** The export of the following goods is prohibited to any destination:  
“Vaccines” for protection against:

- a. bacillus anthracis;
- b. botulinum toxin.

**PL9004** The export of the following goods is prohibited to any destination:  
“Previously separated” americium-241, -242m or -243 in any form.

*Note:* *PL9004 does not control goods with an americium content of 10 grams or less.*

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### Telecommunications and related technology

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**PL9005** The export or “transfer by electronic means” of the following goods, or “technology” is prohibited to any destination in Iran:

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- a. Tropospheric scatter communication equipment using analogue or digital modulation techniques and specially designed components therefor;
  - b. “Technology” for the “development”, “production” or “use” of goods specified in PL9005.a.
- N.B. See article 18 of this Order for exceptions from the controls on “technology”.*

### Detection equipment

**PL9006** The export of ‘electro-statically powered’ equipment for detecting “explosives”, other than detection equipment specified in Schedule 2, PL8001.a.1. or in 1A004.d. in Annex I to “the dual-use Regulation”, is prohibited to any destination in Afghanistan or Iraq.

*Technical note*

*‘Electro-statically powered’ means using electro-statically generated charge.*

### Vessels and related software and technology

**PL9008** The export or “transfer by electronic means” of the following goods, “software” or “technology” is prohibited to any destination in Iran:

- a. “Vessels”, inflatable craft and ‘submersible vehicles’, and related equipment and components, as follows, other than those specified in Schedule 2 to this Order or Annex I to “the dual-use Regulation”:
  - 1. Marine “vessels” (surface or underwater), inflatable craft and ‘submersible vehicles’;
  - 2. Equipment and components, designed for “vessels”, inflatable craft and ‘submersible vehicles’, as follows:
    - a. Hull and keel structures and components;
    - b. Propulsive engines designed or modified for marine use and specially designed components therefor;
    - c. Marine radar, sonar and speed log



**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

equipment, and specially designed components therefor;

- b. “Software” designed for the “development”, “production” or “use” of goods specified in PL9008.a..
- c. “Technology” for the “development”, “production”, or “use” of goods or “software” specified in PL9008.a. or PL9008.b.

*N.B. See article 18 of this Order for exceptions from the controls on “technology”.*

*Technical note:*

*‘Submersible vehicles’ include manned, unmanned, tethered or untethered vehicles.*

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## Aircraft and related technology

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### PL9009

The export or “transfer by electronic means” of the following goods or “technology” is prohibited to any destination in Iran:

- a. “Aircraft”, “lighter-than-air vehicles” and steerable parachutes, and related equipment and components, as follows, other than those specified in Schedule 2 to this Order or Annex I to “the dual-use Regulation”:
  - 1. “Aircraft”, “lighter-than-air vehicles” and steerable parachutes;
  - 2. Equipment and components, designed for “aircraft” and “lighter-than-air vehicles”, as follows:
    - a. Airframe structures and components;
    - b. Aero-engines and auxiliary power units (APU)s and specially designed components therefor;
    - c. Avionics and navigation equipment and specially designed components therefor;
    - d. Landing gear and specially designed components therefor, and aircraft tyres;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- e. Propellers and rotors;
  - f. Transmissions and gearboxes, and specially designed components therefor;
  - g. Unmanned aerial vehicle (UAV) recovery systems;
  - b. [<sup>F154</sup>This entry is not used];
  - c. “Technology” for the “development”, “production” or “use” of goods specified in PL9009.a.
- N.B. See article 18 of this Order for exceptions from the controls on “technology”.*

*Note: PL9009.c. does not control technical data, drawings or documentation for maintenance activities directly associated with calibration, removal or replacement of damaged or unserviceable goods that are necessary for the continuing airworthiness and safe operation of civil “aircraft”*

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#### Textual Amendments

**F154** Words in Sch. 3 substituted (10.8.2012) by [The Export Control \(Amendment\) \(No. 2\) Order 2012 \(S.I. 2012/1910\)](#), arts. 1, 2, [Sch. para. 16](#)

#### [<sup>F155</sup>Firearms

N.B. Military firearms and ammunition are controlled in ML1, ML2 and ML3 in Schedule 2.

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**PL9010** Where the “Firearm Regulation” does not apply, the export of “firearms”, their “parts” and “essential components” and “ammunition”, as follows, is prohibited to any destination outside the European Union:

N.B.: See also the “Firearm Regulation” for the export of “firearms” to non-EU Member States.

- a. “Firearms” other than those specified in ML1 or ML2 of Schedule 2;  
*Note: PL9010.a. includes pre-1938 “firearms”, post 1937 smooth-bore “firearms” that are not fully automatic or specially designed for military use and post 1937 “firearms” using non-centre fire (e.g. rimfire) cased “ammunition” and which are not of the fully automatic firing type.*
- b. “Parts” (including sound suppressors or moderators) or “essential components” specially designed for “firearms” specified in PL9010.a. above;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- c. “Ammunition” specially designed for “firearms” specified in PL9010.a. above;
- d. “Software” designed for “development” or “production” of semi-automatic or pump action type smooth-bore “firearms” manufactured in 1938 or later;
- e. “Technology” for the “development” or “production” of semi-automatic or pump action type smooth-bore “firearms” manufactured in 1938 or later.

*N.B.: See article 18 of this Order for exceptions from the controls on “technology”.*

*Note: PL9010 does not control:*

- 1. “Firearms” manufactured earlier than 1890 and reproductions thereof;*
- 2. “Parts” (including sound suppressors or moderators), “essential components” or “ammunition”, specially designed for “firearms” specified in Note 1 above;*
- 3. “Firearms” to which the “Deactivation Regulation” applies which have been deactivated and marked in accordance with the technical specifications set out in Annex I and II to the Deactivation Regulation;*
- 4. “Firearms” to which the “Deactivation Regulation” does not apply which bear a mark and are certified as having been rendered incapable of discharging any shot, bullet or other missile in accordance with section 8 of the Firearms (Amendment) Act 1988*

**PL9011** Where the “Firearm Regulation” does not apply, the export of “firearms”, devices, “essential components”, sound suppressors or moderators and “ammunition”, as follows, is prohibited to any destination inside the European Union:

*N.B.: See also the Firearm Regulation and PL9010 for exports of “firearms” to non-EU Member States.*

- a. “Firearms” other than those specified in ML1 or ML2 of Schedule 2;  
*Note: PL9011.a. includes pre-1938 “firearms”, post 1937 smooth-bore “firearms” that are not fully automatic or specially designed for military use and post 1937 “firearms” using non-centre fire (e.g. rimfire) cased “ammunition” and which are not of the fully automatic firing type.*
- b. “Parts” (including sound suppressors or moderators) or “essential components” specially designed for “firearms” specified in PL9011.a. above;
- c. “Ammunition” specially designed for “firearms” specified in PL9011.a. above;
- d. “Software” designed for the “development” or “production” of semi-automatic or pump action type smooth-bore “firearms” manufactured in 1938 or later;

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- e. “Technology” for the “development” or “production” of semi-automatic or pump action type smooth-bore “firearms” manufactured in 1938 or later;

*N.B.: See article 18 of this Order for exceptions from the controls on “technology”.*

- f. Devices for firing blanks, irritants, other active substances or pyrotechnic rounds that are capable of being converted to a “firearm”;
- g. Devices for salute or acoustic applications that are capable of being converted to a “firearm”.

*Note: PL9011 does not control:*

1. “Firearms” manufactured earlier than 1890;
2. “Parts” (including sound suppressors or moderators), “essential components” or “ammunition”, specially designed for “firearms” specified in Note 1 above;
3. “Firearms” to which the “Deactivation Regulation” applies which have been deactivated and marked in accordance with the technical specifications set out in Annexes I and II to the Deactivation Regulation]

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**Textual Amendments**

**F155** Words in Sch. 3 substituted (14.9.2018) by [The Export Control \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/939\)](#), arts. 1, **2(4)(d)**

**[<sup>F156</sup>Submersible Vessels and related goods, software and technology**

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**PL9012** The export or “transfer by electronic means” of the following goods, “software” or “technology” is prohibited to any destination in Russia:

- a. ‘submersible vehicles’, and related systems, equipment and components, as follows, other than those specified in Schedule 2 to this Order or Annex I to “the dual-use Regulation”:
  1. ‘submersible vehicles’ and specially designed components therefor;
  2. Subsea ploughs and specially designed components therefor;
  3. Systems, equipment and components for

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

use with ‘submersible vehicles’ and subsea ploughs, as follows:

- a. Marine acoustic systems and equipment, as follows:
  - i. sonar equipment;
  - ii. velocity log equipment;
  - iii. underwater altimeters;
- b. Navigation equipment specially designed for ‘submersible vehicles’;
- c. Acoustic systems and equipment designed to determine the position of ‘submersible vehicles’ including via surface vessels;
- d. Propulsion motors or thrusters for ‘submersible vehicles’;
- e. Umbilical cables and connectors therefor, specially

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- designed  
or  
modified  
for  
'submersible  
vehicles';
- f. Umbilical  
winches,  
tow  
winches  
and lifting  
winches;
- g. Tethers  
and tether  
systems,  
for  
'submersible  
vehicles';
- h. Lighting  
systems  
specially  
designed  
or  
modified  
for  
underwater  
use;
- i. Underwater  
vision  
systems;
- j. Underwater  
communication  
systems;
- k. Pressure  
sensors  
specially  
designed  
for  
underwater  
use;
- l. Launch  
and  
recovery  
systems  
and  
equipment  
for  
deploying  
'submersible

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- vehicles’  
and  
specially  
designed  
components  
therefor;
- m. Trenching  
tools and  
jetting  
tools,  
specially  
designed  
or  
modified  
for use  
with  
‘submersible  
vehicles’;
- n. Control  
systems  
and  
equipment  
specially  
designed  
or  
modified  
for the  
remote  
operation  
of  
‘submersible  
vehicles’;
- o. Remotely  
controlled  
articulated  
manipulators  
specially  
designed  
or  
modified  
for use  
with  
‘submersible  
vehicles’;
- p. Subsea  
cable  
detection  
systems;
- q. Cable  
cutting,

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- clamping and handling equipment, specially designed or modified for use with 'submersible vehicles';
- r. Subsea telecoms handling systems and equipment;
- s. Tools specially designed or modified to be operated by 'submersible vehicles' or articulated manipulators;
- t. Syntactic foam;
- u. Pressure housings specially designed or modified for use on 'submersible vehicles';
- v. Biological, chemical or physical environmental sensors designed or



**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

modified  
to be used  
underwater;

- b. Azimuth adjustable propulsion systems for use in surface vessels with a propeller diameter of greater than 2m;
- c. “Software” designed for the “development”, “production” or “use” of goods specified in PL9012.a. and PL9012.b.
- d. “Technology” for the “development”, “production” or “use” of goods or “software” specified in PL9012.a., PL9012.b. or PL9012.c.

*N.B.: See article 18 of this Order for exceptions from the controls on “technology”.*

*Technical Note:*

*‘Submersible vehicles’ include manned, unmanned, tethered or untethered vehicles.]]*

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#### **Textual Amendments**

**F156** Words in Sch. 3 inserted (14.8.2019) by [The Export Control \(Amendment\) \(No. 2\) Order 2019 \(S.I. 2019/1159\)](#), arts. 1, 2

## SCHEDULE 4

Articles 2, 13, 14, 16 and 17

### COUNTRIES AND DESTINATIONS SUBJECT TO STRICTER EXPORT OR TRADE CONTROLS

#### **PART 1**

#### EMBARGOED AND NO EXCEPTION FOR TRANSIT

Democratic People's Republic of Korea

Iran

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

## PART 2

### EMBARGOED AND SUBJECT TO TRANSIT CONTROL FOR MILITARY GOODS

Armenia  
Azerbaijan  
[<sup>F157</sup>Belarus]  
Burma (Myanmar)  
[<sup>F158</sup>Central African Republic]  
Democratic Republic of the Congo  
F159 ...  
F160 ...  
F161 ...  
Lebanon  
[<sup>F162</sup>Libya]  
[<sup>F163</sup>Russia]  
[<sup>F164</sup>South Sudan]  
Sudan  
[<sup>F165</sup>Syria]  
F166 ...  
[<sup>F167</sup>Venezuela]  
Zimbabwe

#### Textual Amendments

- F157** Word in Sch. 4 Pt. 2 inserted (5.9.2011) by The Export Control (Belarus) and (Syria Amendment) Order 2011 (S.I. 2011/2010), arts. 1(1), **8(a)**
- F158** Words in Sch. 4 Pt. 2 inserted (6.5.2016) by The Export Control (Iran Sanctions) Order 2016 (S.I. 2016/503), arts. 1(1), **18(b)**
- F159** Word in Sch. 4 Pt. 2 omitted (30.6.2019) by virtue of The Export Control (Amendment) Order 2019 (S.I. 2019/989), arts. 1, **2(6)**
- F160** Word in Sch. 4 Pt. 2 omitted (11.8.2015) by virtue of The Export Control (Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations) Order 2015 (S.I. 2015/1546), arts. 1(1), **10(a)**
- F161** Words in Sch. 4 Pt. 2 omitted (22.2.2017) by virtue of The Export Control (North Korea Sanctions and Iran, Ivory Coast and Syria Amendment) Order 2017 (S.I. 2017/83), arts. 1, **17(a)**
- F162** Word in Sch. 4 Pt. 2 inserted (18.3.2011) by The Export Control (Libya) Order 2011 (S.I. 2011/825), arts. 1(1), **8(a)**
- F163** Word in Sch. 4 Pt. 2 inserted (26.9.2014) by The Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014 (S.I. 2014/2357), arts. 1(1), **13(a)**
- F164** Words in Sch. 4 Pt. 2 inserted (30.12.2011) by The Export Control (Sudan and South Sudan Sanctions) and (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2925), regs. 1(1), **8**
- F165** Word in Sch. 4 Pt. 2 inserted (25.5.2011) by The Export Control (Syria and Miscellaneous Amendments) Order 2011 (S.I. 2011/1304), arts. 1(1), **8(a)**

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

**F166** Word in Sch. 4 Pt. 2 revoked (29.3.2010) by [The Export Control \(Uzbekistan\) Order 2010 \(S.I. 2010/615\)](#), arts. 1, **3**

**F167** Word in Sch. 4 Pt. 2 inserted (26.2.2018) by [The Export Control \(Venezuela Sanctions\) Order 2018 \(S.I. 2018/108\)](#), arts. 1(1), **10(a)**

## PART 3

### SUBJECT TO TRANSIT CONTROL FOR MILITARY GOODS

Afghanistan

Argentina

Burundi

China (People's Republic other than the Special Administrative Regions)

Iraq

**F168** ...

Macao Special Administrative Region

Rwanda

**F169** ...

Somalia

Tanzania

Uganda

[<sup>F170</sup>Yemen]

#### Textual Amendments

**F168** Word in Sch. 4 Pt. 3 omitted (12.8.2016) by virtue of [The Export Control \(Libya Sanctions\) Order 2016 \(S.I. 2016/787\)](#), arts. 1, **11(a)**

**F169** Words in Sch. 4 Pt. 3 omitted (11.8.2015) by virtue of [The Export Control \(Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations\) Order 2015 \(S.I. 2015/1546\)](#), arts. 1(1), **10(b)**

**F170** Word in Sch. 4 Pt. 3 inserted (27.8.2015) by [The Export Control \(Yemen Sanctions\) Regulations 2015 \(S.I. 2015/1586\)](#), regs. 1(1), **7(a)**

## PART 4

### SUBJECT TO TRANSIT CONTROL FOR CATEGORY B GOODS

Albania

[<sup>F171</sup>Angola]

**F172** ...

Benin

Bosnia/Herzegovina

Burkina Faso

Cameroon

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

Cape Verde

F173  
...

Chad

Colombia

Congo (Brazzaville)

Dubai

East Timor (Timor-Leste)

[<sup>F174</sup>Eritrea]

F175  
...

Ethiopia

Gambia

Georgia

Ghana

[<sup>F176</sup>Guinea]

F177  
...

Guinea Bissau

Haiti

Hong Kong Special Administrative Region

[<sup>F178</sup>Ivory Coast (Côte d'Ivoire)]

Jamaica

Kenya

Krygyzstan

[<sup>F179</sup>Liberia]

F180  
...

Mali

Mauritania

Moldova

Montenegro

Morocco

[<sup>F181</sup>Namibia]

Nepal

Niger

Nigeria

Oman

Pakistan

F182  
...

Senegal

Serbia

[<sup>F183</sup>Sierra Leone]

**Status:** Point in time view as at 01/10/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

Sri Lanka

[<sup>F184</sup>Syria]

<sup>F185</sup> ...

Taiwan

Tajikistan

Togo

Trinidad & Tobago

Turkmenistan

Ukraine

[<sup>F186</sup>Uzbekistan]

<sup>F187</sup> ...

<sup>F188</sup> ...

#### Textual Amendments

- F171** Word in Sch. 4 Pt. 4 inserted (16.6.2009) by [The Export Control \(Amendment\) Order 2009 \(S.I. 2009/1305\)](#), arts. 1(1), **5(a)**
- F172** Word in Sch. 4 Pt. 4 omitted (5.9.2011) by virtue of [The Export Control \(Belarus\) and \(Syria Amendment\) Order 2011 \(S.I. 2011/2010\)](#), arts. 1(1), **8(b)**
- F173** Words in Sch. 4 Pt. 4 omitted (6.5.2016) by virtue of [The Export Control \(Iran Sanctions\) Order 2016 \(S.I. 2016/503\)](#), arts. 1(1), **18(a)**
- F174** Word in Sch. 4 Pt. 4 inserted (1.10.2019) by [The Export Control \(Sanctions\) \(Amendment\) Order 2019 \(S.I. 2019/1236\)](#), arts. 1(2), **2**
- F175** Word in Sch. 4 Pt. 4 omitted (31.8.2010) by virtue of [The Export Control \(Amendment\) \(No. 2\) Order 2010 \(S.I. 2010/2007\)](#), arts. 1(1), **3(b)**
- F176** Word in Sch. 4 Pt. 4 inserted (11.8.2015) by [The Export Control \(Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations\) Order 2015 \(S.I. 2015/1546\)](#), arts. 1(1), **10(c)(i)**
- F177** Word in Sch. 4 Pt. 4 omitted (11.11.2009) by virtue of [The Export Control \(Amendment\) \(No. 4\) Order 2009 \(S.I. 2009/2969\)](#), arts. 1, **2(b)**
- F178** Words in Sch. 4 Pt. 4 inserted (22.2.2017) by [The Export Control \(North Korea Sanctions and Iran, Ivory Coast and Syria Amendment\) Order 2017 \(S.I. 2017/83\)](#), arts. 1, **17(b)(i)**
- F179** Word in Sch. 4 Pt. 4 inserted (12.8.2016) by [The Export Control \(Libya Sanctions\) Order 2016 \(S.I. 2016/787\)](#), arts. 1, **11(b)**
- F180** Word in Sch. 4 Pt. 4 omitted (18.3.2011) by virtue of [The Export Control \(Libya\) Order 2011 \(S.I. 2011/825\)](#), arts. 1(1), **8(b)**
- F181** Word in Sch. 4 Pt. 4 inserted (16.6.2009) by [The Export Control \(Amendment\) Order 2009 \(S.I. 2009/1305\)](#), arts. 1(1), **5(b)**
- F182** Word in Sch. 4 Pt. 4 omitted (26.9.2014) by virtue of [The Export Control \(Russia, Crimea and Sevastopol Sanctions\) Order 2014 \(S.I. 2014/2357\)](#), arts. 1(1), **13(b)**
- F183** Words in Sch. 4 Pt. 4 inserted (11.8.2015) by [The Export Control \(Democratic Republic of Congo Sanctions and Miscellaneous Amendments and Revocations\) Order 2015 \(S.I. 2015/1546\)](#), arts. 1(1), **10(c)(ii)**
- F184** Word in Sch. 4 Pt. 4 inserted (22.2.2017) by [The Export Control \(North Korea Sanctions and Iran, Ivory Coast and Syria Amendment\) Order 2017 \(S.I. 2017/83\)](#), arts. 1, **17(b)(ii)**
- F185** Word in Sch. 4 Pt. 4 omitted (25.5.2011) by virtue of [The Export Control \(Syria and Miscellaneous Amendments\) Order 2011 \(S.I. 2011/1304\)](#), arts. 1(1), **8(b)**

**Status:** Point in time view as at 01/10/2019.  
**Changes to legislation:** There are currently no known outstanding effects for the The Export Control Order 2008. (See end of Document for details)

- F186** Word in Sch. 4 Pt. 4 inserted (29.3.2010) by [The Export Control \(Uzbekistan\) Order 2010 \(S.I. 2010/615\)](#), arts. 1, **3**
- F187** Word in Sch. 4 Pt. 4 omitted (26.2.2018) by virtue of [The Export Control \(Venezuela Sanctions\) Order 2018 \(S.I. 2018/108\)](#), arts. 1(1), **10(b)**
- F188** Word in Sch. 4 Pt. 4 omitted (27.8.2015) by virtue of [The Export Control \(Yemen Sanctions\) Regulations 2015 \(S.I. 2015/1586\)](#), regs. 1(1), **7(b)**

F189 SCHEDULE 5

Article 30

- Textual Amendments**
- F189** [Sch. 5](#) omitted (22.2.2017) by virtue of [The Export Control \(Amendment\) Order 2017 \(S.I. 2017/85\)](#), arts. 1, **2(10)**

SCHEDULE 6

Article 45

REVOCATIONS

<i>(1)</i> <b>Order or Regulations revoked</b>	<i>(2)</i> <b>References</b>	<i>(3)</i> <b>Extent of revocation</b>
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003	S.I. 2003/2764	The whole Order
The Trade in Goods (Control) Order 2003	S.I. 2003/2765	The whole Order
The Trade in Controlled Goods (Embargoed Destinations) Order 2004	S.I. 2004/318	The whole Order
The Trade in Controlled Goods (Embargoed Destinations) (Amendment) Order 2004	S.I. 2004/1049	The whole Order
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) Order 2004	S.I. 2004/1050	The whole Order
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment No. 2) Order 2004	S.I. 2004/2561	The whole Order
The Export Control (Libya Embargo) Order 2004	S.I. 2004/2741	The whole Order
The Export Control (Iraq and Ivory Coast) Order 2005	S.I. 2005/232	In article 1, the definition of “the 2003 Order” Articles 6 and 7
The Trade in Goods (Control) (Amendment) Order 2005	S.I. 2005/443	The whole Order

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The Trade in Controlled Goods (Embargoed Destinations) (Amendment) Order 2005	S.I. 2005/445	The whole Order
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) Order 2005	S.I. 2005/468	The whole Order
The Export Control (Uzbekistan) Order 2005	S.I. 2005/3257	In article 1, the definition of “the 2003 Order” Articles 7 and 8
The Export Control (Bosnia and Herzegovina) Order 2006	S.I. 2006/300	The whole Order
The Export Control Order 2006	S.I. 2006/1331	The whole Order
The Export Control (Security and Para-military Goods) Order 2006	S.I. 2006/1696	The whole Order
The Technical Assistance Control Regulations 2006	S.I. 2006/1719	The whole Regulations
The Export Control (Amendment) Order 2006	S.I. 2006/2271	The whole Order
The Export Control (Lebanon) Order 2006	S.I. 2006/2683	The whole Order
The Export Control (North Korea) Order 2007	S.I. 2007/1334	In article 1, the definitions of “the 2003 Order” and “the 2004 Order” Articles 2 and 3
The Export and Trade Control Order 2007	S.I. 2007/1863	The whole Order
The Export Control (Security and Para-military Goods) Order 2008	S.I. 2008/639	The whole Order
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) Order 2008	S.I. 2008/1281	The whole Order
The Trade in Goods (Categories of Controlled Goods) Order 2008	S.I. 2008/1805	The whole Order
The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) (No. 2) Order 2008	S.I. 2008/3161	The whole Order

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates Orders made under the Export Control Act 2002, with some changes. As a consequence the Export of Goods, Transfer of Technology and Provision of Technical Assistance

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(Control) Order 2003, the Trade in Goods (Control) Order 2003, the Trade in Controlled Goods (Embargoed Destinations) Order 2004 and the Technical Assistance Control Regulations 2006 and various provisions amending them are revoked (article 45).

This Order is now where penalty and licensing provisions are to be found relating to Council Regulation (EC) No 1334/2000 (the “dual-use Regulation”) and Council Regulation (EC) No 1236/2005 (the “torture Regulation”). These cover, respectively, goods, software and technology that can be used for both civil and military purposes and goods that can be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. Part 2 of the Order also supplements the directly applicable provisions of these Regulations by extending their controls, in particular to cover additional goods (see articles 4 and 5), intra-Community transfers and goods in transit (in the circumstances set out in 6, 7, 8 and 9) and different types of transfers of technology (see articles 10, 11 and 12).

Military goods, software and technology are not covered by the Community legislation so these are the subject of article 3. The list of military goods, software and technology in Schedule 2 is based on the Wassenaar Arrangement military list (the Wassenaar Arrangement is an international regime for controlling conventional arms) but national controls (listed as “PL . . .”) have been added.

The remaining provisions of Part 2 are exceptions from the controls, notably covering scheduled flights and other low-risk movements of aircraft and vessels, firearms (to the extent they are the subject of other controls pursuant to Council Directive 91/477/EEC), transit and transshipment, and transfers of software and technology that are of little concern. The extent of the transit and transshipment exception varies according to the type of goods and their destination. A change from the previous Orders is that a more extensive list of countries is subject to transit and transshipment controls in relation to a range of sensitive items including small arms and light weapons.

Part 3 contains a prohibition relating to the provision of technical assistance in relation to chemical, biological or nuclear weapons programmes.

Part 4 contains controls relating to movements of goods between countries other than the United Kingdom and the Isle of Man. The level of control varies according to the sensitivity of the goods, which are organised into three categories (A to C, A being goods with the highest level of sensitivity such as torture equipment), and category B now includes light weapons. In relation to both category A and B there are controls on United Kingdom persons acting outside the United Kingdom. However, for category B, certain ancillary activities are not covered (see article 22(3)). Transportation services are newly covered for this category but drivers, pilots etc. providing services to transport contractors already within the controls are not caught in their own right. Category C exempts transportation services completely along with other ancillary activities (see article 23(2)).

Parts 5 to 7 all relate back to the earlier provisions. Part 5 contains provisions about licences. In particular, there are provisions about record keeping by licence holders (articles 29 and 30) and inspection of the relevant records (article 31) and appeals from licensing decisions (article 33).

Part 6 contains provisions about offences and the powers of Her Majesty's Revenue and Customs who will enforce the Order. Offences relating to exportation out of the United Kingdom without a licence are dealt with in the Customs and Excise Management Act 1979 (sections 68 and 170).

Part 7, as well as the revocations noted above, contains provisions about the use of information received in the course of operating the controls (article 43).

An Impact Assessment has been prepared in respect of this Order and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.



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