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STATUTORY INSTRUMENTS

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**2008 No. 3231**

**The Export Control Order 2008**

**PART 2**

**EXPORT AND TRANSFER CONTROLS**

**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>M1</sup>;
- (c) a firearm certificate granted under the Firearms (Northern Ireland) Order 1981 <sup>M2</sup>; or
- (d) a firearm certificate granted under the Firearms Act 1947 (an Act of Tynwald) <sup>M3</sup> as amended by the Firearms Act 1968 (an Act of Tynwald) <sup>M4</sup> and the Air Guns and Shot Guns, etc Act 1968 (an Act of Tynwald) <sup>M5</sup>.

[<sup>F1</sup>(2) Articles 3 (military goods, etc.) and 4 (movement of UK-controlled dual-use goods, etc. to certain destinations) do not apply in relation to a person who exports a firearm to which this article applies if—

- (a) the firearm, and any related ammunition or sight using non-electronic image enhancement, is a part of the personal effects of the person; and
- (b) the person—
  - (i) is a part of the armed forces, a police force, or a public authority, of the United Kingdom;
  - (ii) is, subject to paragraph (3), not required to have an export authorisation by virtue of Article 4 of the firearms Regulation because the person meets the requirements set out in Article 9(1)(a) of that Regulation (exception for hunters and sport shooters); or
  - (iii) holds in relation to the firearm a certificate of the type specified in paragraph (1)(d) (Manx firearm certificate).]

[<sup>F2</sup>(3) Paragraph (2)(b)(ii) applies only if the export of the firearm is to a country or territory that is neither an embargoed destination nor a country or territory listed in Part 3 of Schedule 4 (countries and territories subject to transit control for military goods).

(4) In this article, “firearms Regulation”, in relation to—

- (a) England and Wales and Scotland, means Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 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;

- (b) Northern Ireland, means Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 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 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.]

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#### Textual Amendments

- F1** Art. 16(2) substituted (31.12.2020) by [S.I. 2019/137, regs. 1, 4\(13\)\(a\)](#) (as substituted by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), 7(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 16(3)(4) substituted for art. 16(3) (31.12.2020) by [S.I. 2019/137, regs. 1, 4\(13\)\(b\)](#) (as substituted by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1502\)](#), regs. 2(3), 7(4)); 2020 c. 1, Sch. 5 para. 1(1)

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#### Marginal Citations

- M1** [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.
- M2** [S.I. 1981/155 \(N.I. 2\)](#); relevant amending instruments are [S.I. 1989/1338 \(N.I. 10\)](#), 1992/1723 (N.I. 14).
- M3** Acts of Tynwald 1947, p586.
- M4** Acts of Tynwald 1968, p464.
- M5** Acts of Tynwald 1968, p509.

**Changes to legislation:**

There are currently no known outstanding effects for the The Export Control Order 2008, Section 16.