

STATUTORY INSTRUMENTS

2008 No. 3231

The Export Control Order 2008

PART 6

OFFENCES, ENFORCEMENT AND PENALTIES

[^{F1}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 [^{F2}Article 5(1)] (prohibition of transit), [^{F3}Article 6] (prohibition of brokering services), [^{F4}Article 7] (prohibition of training), [^{F5}Article 8] (trade fairs) or [^{F6}Article 9] (advertising) commits an offence.

(3) A person who fails to comply with [^{F7}Article 15(1)] (authorisation requirement for certain services) or [^{F8}Article 19(1)] (authorisation requirement for certain services) commits an offence.

(4) A person who is knowingly concerned in an activity prohibited by [^{F2}Article 5(1)], [^{F3}Article 6], [^{F4}Article 7], [^{F5}Article 8], [^{F6}Article 9], [^{F9}Article 13] (prohibition of transit) or [^{F10}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 [^{F7}Article 15(1)] or [^{F8}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

F1 Art. 36A inserted (17.3.2017) by [The Export Control \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/193\)](#), arts. 1, 2(4)

F2 Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, 2(4)(a)

- F3** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(b\)](#)
- F4** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(c\)](#)
- F5** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(d\)](#)
- F6** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(e\)](#)
- F7** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(g\)](#)
- F8** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(i\)](#)
- F9** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(f\)](#)
- F10** Words in art. 36A substituted (30.6.2019) by [The Export Control \(Amendment\) Order 2019 \(S.I. 2019/989\)](#), arts. 1, [2\(4\)\(h\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Export Control Order 2008, Section 36A.