
STATUTORY INSTRUMENTS

2008 No. 3231

The Export Control Order 2008

PART 2

EXPORT AND TRANSFER CONTROLS

Modifications etc. (not altering text)

C1 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.

[^{F1}Movement of UK controlled dual-use goods, etc. to certain destinations

- 4.—(1)** [^{F2}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

F1 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)**

F2 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)**

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Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008, PART 2. (See end of Document for details)

[^{F3}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 [^{F4}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

F3 Art. 4A inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(2)**

F4 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**

[^{F5}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

F5 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

^{F15}.

Textual Amendments

F1 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)**

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 [^{F6}United Kingdom] 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.

Textual Amendments

F6 Words in art. 6 substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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

^{F7}7.

Textual Amendments

F7 Art. 7 omitted (31.12.2020) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Transit controls supplementing the dual-use Regulation

[^{F8}8.—^{F9}(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 entering and passing through the United Kingdom with a final destination outside the United Kingdom and the Isle of Man.]

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

- (a) has been informed by [^{F10}the Secretary of State] 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);

[^{F11}and the dual-use goods in question are goods which are not listed in Annex I to the dual-use Regulation and which are entering and passing through the United Kingdom with a final destination outside the United Kingdom and the Isle of Man.]

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

Textual Amendments

F8 Art. 8 substituted (27.8.2009) by [The Export Control \(Amendment\) \(No. 3\) Order 2009 \(S.I. 2009/2151\)](#), art. 1, **Sch. para. 2**

F9 Art. 8(1) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F10 Words in art. 8(2)(a) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F11 Words in art. 8(2) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Provisions supplementing the torture Regulation

^{F12}9.

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Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008, PART 2. (See end of Document for details)

Textual Amendments

F12 Art. 9 omitted (31.12.2020) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(7)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F13}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

F13 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 [^{F14}United Kingdom] 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.

Textual Amendments

F14 Words in art. 10 substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(8)**; 2020 c. 1, Sch. 5 para. 1(1)

Transfers from outside the [^{F15}United Kingdom] for WMD purposes

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

- (a) has been informed by [^{F16}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.

(2) Subject to articles 18 and 26, the transferor shall not transfer the software or technology in question from a place outside the [^{F17}United Kingdom] to—

- (a) a destination outside the [^{F17}United Kingdom]; or
- (b) a destination within the [^{F17}United Kingdom] if the transferor—
 - (i) knows that the final destination of the software or technology is outside the [^{F17}United Kingdom]; and

(ii) knows that no processing or working is to be performed on the software or technology within the [^{F17}United Kingdom],
or, if the destination is the United Kingdom, knows that the software or technology may be or is intended to be used outside the [^{F17}United Kingdom] or has been informed by the Secretary of State that it may be or is intended to be so used.

Textual Amendments

- F15** Words in art. 11 heading substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(9)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in art. 11(1)(a) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in art. 11(2) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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.

[^{F18}(2) Subject to articles 18 and 26, the transferor shall not transfer the software or technology in question by non-electronic means to a destination outside the United Kingdom.]

Textual Amendments

- F18** Art. 12(2) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(11)**; 2020 c. 1, Sch. 5 para. 1(1)

Exceptions for aircraft

13.—(1) Nothing in article 4 ^{F19}... 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 ^{F20}... shall be taken to prohibit the exportation of any aircraft on a scheduled journey.

(4) Nothing in article 3 [^{F21}or 4] shall be taken to prohibit the exportation of any aircraft which is departing temporarily from the United Kingdom on trials.

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Changes to legislation: There are currently no known outstanding effects for the The Export Control Order 2008, PART 2. (See end of Document for details)

Textual Amendments

- F19** 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)**
- F20** 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)**
- F21** 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 ^{F22}... 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 [^{F23}or 4] shall be taken to prohibit the exportation of any vessel which is departing temporarily from the United Kingdom on trials.

Textual Amendments

- F22** 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)**
- F23** 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)**

[^{F24}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

- F24** 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**

Exception for firearms – European firearms pass

^{F25}15.

Textual Amendments

F25 Art. 15 omitted (31.12.2020) by virtue of The Export Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/137), regs. 1, 4(12); 2020 c. 1, Sch. 5 para. 1(1)

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

[^{F26}(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).]

[^{F27}(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

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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.]

Textual Amendments

- F26** 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)
- F27** 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)

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.

Transit or transshipment exception

17.—(1) Subject to paragraphs (2) and (3), nothing in articles 3, 4^{F28} ..., [^{F29}4A^{F30} ...]^{F30} ... or 8(1) shall be taken to prohibit the exportation of any goods which are goods in transit provided that the [^{F31}condition in paragraph (4) is 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;
- (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 [^{F32}the Secretary of State] 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.

[^{F33}(4) The condition is that the goods in question 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 the 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.]

Textual Amendments

- F28** 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)**
- F29** Word in art. 17(1) inserted (16.4.2012) by [The Export Control \(Amendment\) Order 2012 \(S.I. 2012/929\)](#), arts. 1, **3(3)**
- F30** Word in art. 17(1) omitted (31.12.2020) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(14)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in art. 17(1) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in art. 17(3)(a) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Art. 17(4) substituted (31.12.2020) by [The Export Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/137\)](#), regs. 1, **4(14)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Software and technology exceptions

18.—(1) Nothing in article 3 [^{F34} 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

- F34** 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)**

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Changes to legislation:

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