

2009 No. 585

CUSTOMS

**The Export of Radioactive Sources (Control) (Amendment)
Order 2009**

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| <i>Made</i> | - - - - | <i>8th March 2009</i> |
| <i>Laid before Parliament</i> | | <i>11th March 2009</i> |
| <i>Coming into force</i> | - - | <i>6th April 2009</i> |

The Secretary of State, in exercise of the powers conferred by sections 1, 5 and 7 of the Export Control Act 2002(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Export of Radioactive Sources (Control) (Amendment) Order 2009 and shall come into force on 6th April 2009.

Amendments

2. The Export of Radioactive Sources (Control) Order 2006(b) is amended as set out in the Schedule.

8th March 2009

Ian Pearson
Economic and Business Minister
Department for Business, Enterprise and Regulatory Reform

(a) 2002 c. 28.
(b) S.I. 2006/1846.

SCHEDULE

Article 2

AMENDMENTS

1. In article 2—

(a) after the definition of “exportation” insert—

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

(b) at the end insert—

““licence user” means a person who is registered under article 6 to use a general licence or who is entitled to use a general licence without registration owing to the terms of that general licence;”.

2. In article 5—

(a) for paragraph (1)(a) substitute—

“(a) either general or granted to a particular person;”;

(b) for paragraph (2) substitute—

“(2) The Secretary of State may by notice—

(a) amend, suspend or revoke a licence granted under this Order;

(b) suspend or revoke a general licence granted under this Order as it applies to a particular licence user.

(2A) A notice by the Secretary of State under paragraph (2) 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.”.

3. For article 8 substitute—

“8.—(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.

(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.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the provisions on licences, licensing decisions and appeals in the Export of Radioactive Sources (Control) Order 2006 into line with those in the Export Control Order 2008 (S.I. 2008/3231).

A full impact assessment has not been produced for this instrument as minimal or no impact on the private or voluntary sectors is foreseen.

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£4.00

ISBN 978-0-11-147586-7

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