

2015 No. 940

CUSTOMS

The Export Control (Amendment) (No. 2) Order 2015

<i>Made</i> - - - -	<i>26th March 2015</i>
<i>Laid before Parliament</i>	<i>27th March 2015</i>
<i>Coming into force</i> - -	<i>17th April 2015</i>

The Secretary of State, in exercise of the powers conferred by sections 1, 4, 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 Control (Amendment) (No. 2) Order 2015 and comes into force on 17th April 2015

Amendments to the Export Control Order 2008

- 2.—(1) The Export Control Order 2008(b) is amended as follows.
- (2) In article 4(1), for “Subject to articles 13, 14, 17, 18 and 26” substitute “Subject to articles 13, 14, 15, 16, 17, 18 and 26”.
- (3) In article 15(1), for “Nothing in article 3” substitute “Nothing in article 3 or 4”.
- (4) In article 16—
- (a) in paragraph (2), for “nothing in article 3” substitute “nothing in article 3 or 4”;
 - (b) in paragraph (3)(b), at the beginning, add “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(c).”.
- (5) In Schedule 1, Part 2 (Category B goods), after paragraph 10, insert—

“Non-military Firearms

- 10A.** Firearms, their parts and essential components and ammunition specified in entry PL9010 in Schedule 3.”
- (6) In Schedule 2 (Military goods, software and technology)—
- (a) before the Note at the beginning of entry ML1, insert “N.B. Non-military firearms are controlled in PL9010 in Schedule 3.”;

(a) 2002 c. 28.

(b) S.I. 2008/3231, relevant amending instruments are S.I. 2010/2007, S.I. 2012/1910, S.I. 2013/428, S.I. 2014/1069 and S.I. 2015/351.

(c) OJ No. L 94, 30.3.2012, p.1.

- (b) before entry a. in entry ML2, insert “N.B. Non-military firearms are controlled in PL9010 in Schedule 3.”;
- (c) before entry a. in entry ML3, insert “N.B. Non-military firearms are controlled PL9010 in Schedule 3.”;
- (d) in entry ML7.c.—
 - (i) in entry 3., for “Q-Isopropyl” substitute “O-Isopropyl”;
 - (ii) in entry 4., for “Chlorosoman O-Pinacolyl” substitute “Chlorosoman: O-Pinacolyl”;
- (e) in entry ML8—
 - (i) in entry a.16.c., for “1-fluroro-2,4-dinitroimidazole” substitute “1-fluoro-2,4-dinitroimidazole”;
 - (ii) in entry a.21., for “RDA” substitute “RDX”;
 - (iii) in entry a.22., for “trianimoguanidinenitrate” substitute “triaminoguanidinenitrate”;
 - (iv) in entry b.7., for “Propellemts” substitute “Propellants”;
 - (v) in Note 3 to entry c.5., for “allows” substitute “alloys”;
 - (vi) in entry c.9., for “TiHn” substitute “TiH_n”;
 - (vii) in entry e.12., for “pydroxyl” substitute “hydroxyl”;
 - (viii) in entry e.13.a., for “Poly(epichlorohydrin)” substitute “Poly(epichlorohydrindiol)”;
 - (ix) in entry e.13.b., for “Poly(epichlorohydrindiol)” substitute “Poly(epichlorohydrintriol)”;
- (f) for entry ML13.b., substitute—

“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;”.

(7) In Schedule 3 (UK controlled dual-use goods, software and technology)—

- (a) before the definition of “development”, insert—

““ammunition” means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a “firearm”;”
- (b) after the definition of “energetic materials”, insert—

““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;”
- (c) after the definition of “explosives”, insert—

““firearm” means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a short, bullet or projectile by the action of a combustible propellant;”
- (d) after the definition of “lighter-than-air vehicles”, insert—

““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 received, slide or cylinder, bolt or breech block, and any device designed or adopted to diminish the sound caused by firing a “firearm”;
- (e) after entry PL9009, insert—

“Firearms

N.B. Military firearms and ammunition are controlled in ML1, ML2 and ML3 in Schedule 2.

PL9010 The export of “firearms”, their “parts” and “essential components” and

“ammunition”, as follows is prohibited to any destination:

- a. Semi-automatic or repeating short “firearms”;
- b. Single-shot short “firearms” with centre-fire percussion;
- c. Single-shot short “firearms” with rimfire percussion whose overall length is less than 28 cm;
- d. Semi-automatic long “firearms” whose magazine and chamber can together hold more than three rounds;
- e. Semi-automatic long “firearms” whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds;
- f. Repeating and semi-automatic long “firearms” with smooth-bore barrels not exceeding 60 cm in length;
- g. Semi-automatic “firearms” for civilian use which resemble weapons with automatic mechanisms;
- h. Repeating long “firearms” other than those listed in PL9010.f.;
- i. Long “firearms” with single-shot rifled barrels;
- j. Semi-automatic long “firearms” other than those in PL9010.d. to g.;
- k. Single-shot short “firearms” with rimfire percussion whose overall length is not less than 28 cm;
- l. Single-shot long “firearms” with smooth-bore barrels;
- m. “Parts” specifically designed for a “firearm” and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a “firearm”;
- n. Any “essential component” of such “firearms”: 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;
- o. “Ammunition:” the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a “firearm”;
- p. Collections and collectors’ pieces of historical interest;
- q. Antiques of an age exceeding 100 years.

Notes:

PL9010 does not control:

- a. “Firearms”, their “parts” and “ammunition”, and “essential components” therefor, specified in Schedule 2;
- b. “Firearms” manufactured earlier than 1890, and reproductions thereof;
- c. “Firearms” certified by a registered UK Proof House as having been rendered incapable of firing any “ammunition”;
- d. “Firearms”, their “parts” and “essential components” and “ammunition” when destined for the armed forces, the police, or the public authorities of EU Member States.”

26th March 2015

Matthew Hancock
Minister of State for Business and Enterprise and Energy
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Export Control Order 2008 (S.I. 2008/3231) (the “2008 Order”). The 2008 Order contains export, transfer, trade and technical assistance controls on military and dual-use and certain other goods and technology. The 2008 Order also contains licensing provisions and sets out the offences and penalties for breach of the controls (except for offences relating to exportation out of the United Kingdom without a licence which are dealt with in the Customs and Excise Management Act 1979).

Articles 2(2)–(4) amend articles 4, 15 and 16 of the 2008 Order so that the exceptions for firearms contained in articles 15 and 16 will apply to the control on the movement of UK controlled dual-use goods, etc. in article 4. Article 2(5) inserts a new paragraph into Part 2 of Schedule 1 to the 2008 Order, which sets out Category B goods, to introduce a new national control on firearms, their parts and essential components and ammunition. Article 2(6) makes some small corrections to Schedule 2 to the 2008 Order. Article 2(7) inserts the new national control into Schedule 3 to the 2008 Order, which contains the UK controlled dual-use goods and technology list.

An Impact Assessment has not been prepared in respect of this Order as minimal or no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum is available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.

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