
STATUTORY INSTRUMENTS

2017 No. 193

The Export Control (Amendment) (No. 2) Order 2017

Amendments to the Export Control Order 2008

- 2.—(1) The Export Control Order 2008(1) is amended as follows.
- (2) In article 26(6)(a), omit “(except that a licence granted under the torture Regulation may not be a general licence)”.
- (3) In article 36(7), for “Article 8(2)” substitute “Article 8(8)”.
- (4) After article 36, insert—

“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 Article 4a(1) (prohibition of transit), 4b (prohibition of brokering services), 4c (prohibition of training), 4d (trade fairs) or 4e (advertising) commits an offence.
- (3) A person who fails to comply with Article 7a(1) (authorisation requirement for certain services) or 7e(1) (authorisation requirement for certain services) commits an offence.
- (4) A person who is knowingly concerned in an activity prohibited by Article 4a(1), 4b, 4c, 4d, 4e, 6a (prohibition of transit) or 7d (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 Article 7a(1) or 7e(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(2) 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

(1) [S.I. 2008/3231](#), to which there are amendments not relevant to this Order.

(2) The effect of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) is that the references to the “statutory maximum” in articles 36(3)(a)(i) and 36(6)(a)(i) should be read as though the offence is punishable on summary conviction on or after the date of commencement by a fine of any amount. Section 85 came into force on 12th March 2015 pursuant to article 2 of [S.I. 2015/504](#).

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- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.”