
STATUTORY INSTRUMENTS

2022 No. 1300

The Export Control (Amendment) (EU Exit) Regulations 2022

PART 2

Amendment of the Export Control Order 2008

Amendment of article 40 (customs powers relating to dual-use goods)

10. In article 40—

(a) for paragraph (1)(b), substitute—

“(b) as provided in—

(i) Article 4(2) (military end-use control) or (3) (end-use control relating to use in items exported or transferred without authorisation) of the retained dual-use Regulation; or

(ii) Articles 4(1)(b) (military end-use control) or (c) (end-use control relating to use in items exported or transferred without authorisation), 5(1) (cyber-surveillance end-use control) or 10(1) (national control lists pursuant to Article 9) of the EU dual-use Regulation; or”;

(b) in paragraph (2)—

(i) before “dual-use Regulation” insert “retained”;

(ii) for “any place in the United Kingdom” substitute “any place in Great Britain”.

(c) before paragraph (3), insert—

“(2A) Any dual-use goods in relation to which a licence has been granted which are brought to any place in Northern Ireland for the purpose of being exported to a destination outside the United Kingdom may be detained by a proper officer of Her Majesty’s Revenue and Customs for a period of ten working days as if they were liable to forfeiture where that officer or the Secretary of State has—

(a) grounds for suspicion that—

(i) relevant information was not taken into account when the licence was granted;

(ii) circumstances have materially changed since the grant of the licence; or

(b) relevant information regarding the potential application of measures under Article 4(1) of the EU dual-use Regulation.

(2B) For the purposes of paragraph (2A), the period of ten working days shall be extended to 30 working days where the Secretary of State certifies that a request for such an extension in accordance with Article 21(4) (consultation requirement) of the EU dual-use Regulation has been received from the member State which granted the licence.”.