
STATUTORY INSTRUMENTS

2000 No. 2618

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment No. 6) Order 2000

Made - - - - 20th September 2000

Coming into force - - 28th September 2000

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939⁽¹⁾ and now vested in him⁽²⁾, hereby makes the following Order:

1. This Order may be cited as the Export of Goods (Control) (Amendment No. 6) Order 2000 and comes into force on 28th September 2000.

2.—(1) At the end of Article 1(3)(c) of the Export of Goods (Control) Order 1994⁽³⁾, there is added “or by regulation 14 of the Dual-Use and Related Goods (Export Control) Regulations 1996⁽⁴⁾”.

(2) The following text is substituted for Article 2 of the Export of Goods (Control) Order 1994.

“Prohibitions on exportation

2.—(1) Subject to the provisions of this Order, no person shall export to any destination any goods of a description specified in Schedule 1 hereto.

(2) Subject to the provisions of this Order, no person shall export to any destination any goods which—

- (a) that person (or, if that person is not within the United Kingdom, any agent of that person within the United Kingdom concerned in the export or intended export) has been informed by a competent authority are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons, or
- (b) that person is aware are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (a), or

(1) 1939 c. 69.

(2) S.I. 1970/1537.

(3) S.I. 1994/1191; the relevant amending instrument is S.I. 1996/2663.

(4) S.I. 1996/2721.

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(c) that person has grounds for suspecting are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (a), unless that person has made all reasonable enquiries as to their proposed use and is satisfied that they will not be so used.

(3) In paragraph (2)(a) above, “competent authority” means the Secretary of State or any authority empowered by another Member State of the European Communities to grant export authorisations for dual-use items under Council Regulation (EC) No. 1334/2000 of 22nd June 2000 setting up a Community regime for the control of exports of dual-use items and technology⁽⁵⁾.”.

20th September 2000

Stephen Byers
Secretary of State for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes changes to the Export of Goods (Control) Order 1994 (“the 1994 Order”) consequential on the making of the Dual-Use Items (Export Control) Regulations 2000 (S.I. 2000/), which revoke and replace the Dual-Use and Related Goods (Export Control) Regulations 1996 (“the 1996 Regulations”) on the day this Order comes into force.

Article 2(1) has the effect that Part III of Schedule 1 to the 1994 Order no longer has effect in relation to goods in transit as if it included certain goods referred to in regulation 14 of the 1996 Regulations.

Article 2(2) inserts a substitute Article 2 into the 1994 Order. Paragraph (2) of the substitute Article contains the control, on goods which are or may be intended to be used in connection with weapons of mass destruction programmes, hitherto contained in Regulation 4(2)(b) of the 1996 Regulations and applicable to goods other than dual-use goods and (under regulation 13(3) of the 1996 Regulations) to dual-use goods in transit. Paragraph (1) of the substitute Article contains the control which has hitherto been in Article 2 of the 1994 Order, but amended to bring its wording into line with the new paragraph (2).