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STATUTORY INSTRUMENTS

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**2001 No. 729**

**CUSTOMS AND EXCISE**

**The Export of Goods (Control) (Amendment) Order 2001**

*Made* - - - - *5th March 2001*

*Coming into force* - - *26th March 2001*

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

1.—(1) This Order may be cited as the Export of Goods (Control) (Amendment) Order 2001 and shall come into force on 26th March 2001.

(2) In this order “the principal Order” means the Export of Goods (Control) Order 1994<sup>(3)</sup>.

2. There shall be inserted in article 2 of the principal Order after paragraph (2) thereof as paragraph (2A):

“(2A) Paragraph (2) does not apply to dual use goods within Council Regulation (EC) No. 1334/2000<sup>(4)</sup> except where they have been imported into the UK for transit or transhipment.”.

3. Article 3B(1) of the principal Order is hereby revoked and the following is inserted in its place:

**“3B.**

(1) Subject to paragraph (1A) below nothing in this order shall be taken to prohibit the exportation of any goods which have been imported into the United Kingdom for transit or transhipment, provided that they are not goods to which Article 2(2) applies and that the conditions in paragraph (2) below are met.”.

4. Group 4, Part 1 of Schedule 1 of the principal Order is hereby deleted<sup>(5)</sup>.

5. At the end of the exception in entry 1(c), Group 2, Schedule 1<sup>(6)</sup> insert after “explosions” the following:

“; and

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(1) 1939 c. 69.

(2) S.I. 1970/1537.

(3) S.I. 1994/1191; the relevant amending orders are S.I. 1994/2711 which inserted article 3B (Goods in Transit) into the principal Order. Article 3B was amended and partially replaced by article 4 of and Schedule 1 to S.I. 1997/2758. S.I. 1999/63 revoked part of article 3B.

(4) OJ No. L159, 30.06.2000, p. 1.

(5) S.I. 1999/3411, art 2(b).

(6) S.I. 1997/2758.

pressure controlled equipment specially designed for down-hole oilfield equipment applications and which are incapable of use at atmospheric pressure.”.

6.—(1) The following amendments shall be made in Part III of Schedule 1 to the principal Order:

(2) In entry ML4.b. there shall be inserted the word “, disruption” after “detonation”;

(3) At the end of entry ML4.b. the following new technical note shall be inserted:

**“Technical Note:**

Hand held devices, limited by design solely to the detection of metal objects and incapable of distinguishing between mines and other metal objects, are not considered to be specially designed for the detection of items specified by ML4.a.”

(4) At the end of ML7.i., Notes 1 shall be substituted by the following:

“Notes: 1. ML7.a. and ML7.c. do not control:

- (a) Cyanogen chloride [CAS 506-77-4];
- (b) Hydrocyanic acid [CAS 74-90-8];
- (c) Chlorine [CAS 7782-50-5];
- (d) Carbonyl chloride (phosgene) [CAS 75-44-5];
- (e) Diphosgene (trichloromethyl-l-chloroformate) [CAS 503-38-8];
- (f) Ethyl bromoacetate [CAS 105-36-2];
- (g) Xylyl bromide: **ortho:** [CAS 89-92-9], **meta:** [CAS 620-13-3], **para:** [CAS 104-81-4];
- (h) Benzyl bromide [CAS 100-39-0];
- (i) Benzyl iodide [CAS 620-05-3];
- (j) Bromo acetone [CAS 598-31-2];
- (k) Cyanogen bromide [CAS 506-68-3];
- (l) Bromo methylethylketone [CAS 816-40-0];
- (m) Chloro acetone [CAS 78-95-5];
- (n) Ethyl iodoacetate [CAS 623-48-3];
- (o) Iodo acetone [CAS 3019-04-3];
- (p) Chloropicrin [CAS 76-06-2].”.

(5) In entry ML17 after entry ML17.m., there shall be inserted the following new entry:

“(n) Test models specially designed for the “development” of “goods” specified in ML4, ML6, ML9 or ML10.”.

(6) In entry PL5017, the words “other than those specified by ML11 or by ML17.n.” shall be inserted after the words “Equipment and test models”.

(7) At the end of entry ML21.b.1.1.d. there shall be inserted the words “or Command, Communications, Control, Computer and Intelligence (C4I) applications;”.

5th March 2001

*Kim Howells,*  
Parliamentary Under-Secretary of State for  
Competition and Consumer Affairs,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes a number of changes to the Export of Goods (Control) Order 1994;

- (a) it makes plain on the face of the Order the application of the Export of Goods (Control) Order 1994 to dual use goods that have been imported into the United Kingdom for transit or transshipment;
- (b) it prohibits the exportation through transit or transshipment of any dual use goods which are or may be intended to be used in the production of weapons of mass destruction;
- (c) it removes such dual use goods from the existing broad exception of most goods in transit from the requirement for licensing;
- (d) it removes the prohibition on the export of specified electronic equipment used for television broadcasting or television news gathering to the Federal Republic of Yugoslavia;
- (e) it provides a further exception in respect of down-hole oil field applications to the controls that are in place on equipment and devices for use with explosives or dealing with “improvised explosive devices”; and
- (f) it makes technical amendments to the Military List to reflect changes agreed at the Wassenaar Plenary in December 2000. The changes reflect current technological usage.