

## **EXPORT LICENCE**

**Open General Export Licence (Historic Military Goods)** dated 18<sup>th</sup> March 2009 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 26 of the Export Control Order 2008<sup>(a)</sup> ("the Order") hereby grants the following Open General Export Licence:

### *Licence*

1. Subject to the following provisions of this Licence, any goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B, may be exported from the United Kingdom to any destination except a destination in a country specified in Schedule 2 to this Licence.

### *Exclusions*

2. This licence does not authorise the export of goods:
- (1) to a destination within a Customs Free Zone.
  - (2) where the exporter has, at the time of export, been served with a notice which suspends or revokes his ability to use this Licence pursuant to article 32(1) of the Order, unless the period of suspension or revocation has expired.

### *Conditions and requirements*

3. The authorisation in paragraph 1 is subject to the following conditions:
- (1) before an exporter first exports goods under this Licence, he shall have informed the Secretary of State of his intention to export goods under this Licence, specifying the name of the exporter and the address at

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<sup>(a)</sup> S.I.2008/3231

which copies of records of their export may be inspected under condition 3(2) below;

- (2) in respect of the export of goods under this Open General Export Licence, the exporter shall maintain records of the date and destination of each export, and any such records shall be maintained for at least four years after the date of the relevant export and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State;
- (3) official and commercial export documentation accompanying the goods shall include a note stating either:
  - (a) "the goods are being exported under the OGEL (Historic Military Goods)"; or
  - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 200X/XXXXX') of the exporters registration in respect of this licence

which shall be presented to an officer of HM Revenue and Customs if so requested;

- (4) the exporter shall notify the Secretary of State of any change in the address referred to in paragraph 3(1) above within 30 days of that change.
- (5) Where the exporter has received a warning letter sent on behalf of the Secretary of State which identifies failure to comply with this Licence or a provision of applicable export control legislation, the exporter shall take such steps as are identified in that warning letter (within the timescale stated) in order to restore compliance with the Licence. Without prejudice to article 34 of the Order, failure to comply with this condition may result in this Licence being revoked or suspended until the exporter can show compliance to the satisfaction of the Export Control Organisation. The exporter will be notified in writing of any

such suspension or revocation and the initial period of such suspension or revocation. Where at the end of this initial period, the exporter has not shown compliance to the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

*Prohibitions not affected by this Licence*

4. Nothing in this Licence shall affect any prohibition or restriction on the exportation or the carrying out of any other act with respect of the exportation of any goods concerned under, or by virtue of, any enactment other than a prohibition or restriction in the legislation under which this licence was issued, as set out in the licence itself.

*Interpretation*

5. For the purpose of this Licence:

- (1) a "Customs Free Zone" is a part of the territory of a country where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the Customs territory of that country, and are not subject to the Customs controls that would otherwise apply;
- (2) "entry" includes part of an entry;
- (3) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Export Control Act<sup>(b)</sup> or the Order.

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<sup>(b)</sup> 2002 c.28

*Entry into Force*

6. This Licence shall come into force on 6<sup>th</sup> April 2009.
7. The Open General Export Licence (Historic Military Goods) dated 11<sup>th</sup> June 2008 is hereby revoked.

**An official of the Department for Business,  
Enterprise and Regulatory Reform authorised to act  
on behalf of the Secretary of State**

# **SCHEDULE 1**

## **ITEMS CONCERNED**

### **PART A**

Any goods specified in Part 1 of Schedule 2 to the Order manufactured before 1897 of which the value is less than £35000, or reproductions of muzzle loaded weapons and components thereof based upon originals which were manufactured before 1897.

### **PART B**

- (i) fully automatic weapons falling within entry ML1 or ML2;
- (ii) goods falling within entry ML4 as follows;
  - anti-personnel landmines and specially designed components therefor;
- (iii) goods falling within entry PL5001.c., d., g., h., and i.;
- (iv) technology, equipment and software specified in entry ML18, ML21 or ML22, specifically related to goods specified in (ii) or (iii) of Part B of this Schedule.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

**This export authorisation is valid for exports to the following destinations:**

***All destinations other than in:***

Afghanistan, Angola, Argentina, Armenia, Azerbaijan, Benin, Bosnia and Herzegovina, Burkina Faso, Burma (Myanmar), Burundi, Cape Verde, China(PRC)(including Macau Special Administrative Region but excluding Hong Kong Special Administrative Region),Congo (Democratic Republic of), Croatia, Cyprus, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea Bissau, Indonesia, Iran, Iraq, Ivory Coast, Lebanon, Liberia, Libya, Mali, Mauritania, Niger, Nigeria, North Korea, Rwanda, Senegal, Serbia and Montenegro, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Uganda, Uzbekistan and Zimbabwe.

## **EXPLANATORY NOTE**

(This Note is not part of the Licence)

This licence has been amended to refer to Articles and Schedules in the new export control legislation and to include clarification of the suspension provisions associated with this licence.

2. This Licence permits, without further authority but subject to certain conditions, exportation to certain destinations of goods specified in Part A of Schedule 1 to the licence, other than those specified in Part B of that Schedule, which were manufactured before 1897 providing the value is less than £35000 as well as reproductions of muzzle loaded weapons and components thereof based on originals manufactured before 1897.

3. An exporter who exports goods under the authority of this Licence must before his first exportation under the Licence, inform the Secretary of State of his intention to export goods under this Licence and of the address where copies of the said records may be inspected.

This notification must be made via the Export Control Organisation's electronic licensing system, SPIRE, at [www.spire.berr.gov.uk](http://www.spire.berr.gov.uk).

4. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as he thinks fit. If an exporter receives written notice to this effect, he will be prevented from relying on this Licence. The power to suspend may be used in addition to criminal prosecution or as an alternative. Suspension may occur for example where an exporter is being investigated or prosecuted in relation to a possible criminal offence, or has been found guilty of a criminal offence under the export control legislation. It may also be used in situations where an exporter has breached the conditions of the Licence and failed to take corrective action within a reasonable period (see condition 3(5)).

5. Where, the ECO identifies failures in compliance with licence conditions or the legislation during a compliance visit, the ECO may send a warning letter to the exporter listing the improvements that need to be made to ensure compliance. The letter will set out the timeframe within which these improvements must be

completed. Failure to complete these improvements may lead to the exporter's ability to use the licence being suspended for a period of time.

6. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent him from using another OGEL so long as he meets all its terms and conditions and that he has not received a letter suspending or revoking his ability to use that licence.

7. The provisions of this Licence only apply for the purposes of the Export Control Order 2008. This Licence does not extend to other prohibitions on export, particularly those relating to antiques or implementing United Nations sanctions.