

## **EXPORT LICENCE**

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

The Secretary of State, in exercise of powers conferred by Article 26 of the Export Control Order 2008<sup>(a)</sup> ("the Order") and Article 3 of the Export of Cultural Interest (Control) Order 2003<sup>(b)</sup> ("the Cultural Order"), hereby grants the following Open General Export Licence:

### *Licence*

1. Subject to the following provisions of this Licence, any goods in Schedule 1 hereto may be exported from the United Kingdom to any destination specified in Schedule 2 to this Licence for a period of no more than three months.

### *Exclusions*

2. The licence does not authorise the export of goods;

(1) to a destination within a Customs Free Area;

(2) the goods shall not be exported:

(a) if the exporter has been informed by the Secretary of State that they are or may be intended, wholly or in part, to be used in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons, or the development, production, maintenance or storage of missiles capable of delivering such weapons;

(b) if the exporter knows they are intended, wholly or in part, to be used in connection with one of the activities referred to in sub-paragraph (a) above; or

(c) if the exporter has grounds for suspecting that they might be used, wholly or in part, in connection with an activity referred to in sub-paragraph (a)

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

<sup>(b)</sup> 2003/2759

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above, unless he has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used;

- (3) for any military purposes.
- (4) unless the exporter has previously obtained any permissions from the authorities of the country of destination that are necessary to enable the goods to be returned to the UK within three months of the date of export.
- (5) 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 which copies of records of their export may be inspected under condition 3(6) below;
  - (2) the exporter shall make and maintain all necessary arrangements (including all necessary security arrangements) and shall at all times retain sufficient control of the goods to ensure that the goods are safely returned to the UK within three months of the date of the export; and shall not transfer to any person ownership of the goods or any interest in them or take any other action which may have the result of impeding or diminishing his power to ensure their safe return to the UK.
  - (3) except when being directly transported to any country to which they are authorised to be exported under this licence, or when being directly returned to the UK, the goods shall not be removed from the country where they are for the time being.

- (4) the exporter shall provide the Secretary of State with confirmation of the goods' return.
- (5) Commercial export documentation accompanying the goods shall include a note stating either:
  - (a) "the goods are being exported under the O GEL (Vintage Aircraft)"; or
  - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 200X/XXXXX') of the exporter's registration in respect of this licence,which shall be presented to an officer of HM Revenue and Customs if so requested;
- (6) 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 exportation and return of the goods to the UK and any such records shall be maintained for at least four years after the date of the relevant export or return and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State; and
- (7) 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.
- (8) 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 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) "the Act" means the Export Control Act 2002<sup>(a)</sup> ;
- (2) a "Customs Free Area" 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;
- (3) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Act , the Order or the Cultural Order.

*Entry into Force*

6. This Licence shall come into force on 6<sup>th</sup> April 2009.

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<sup>(a)</sup> 2002 c.28  
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7. The Open General Export Licence (Vintage Aircraft) Dated 1 May 2004 is revoked.

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

**An Official of the Museums, Libraries  
& Archives Council authorised to act  
on behalf of the Secretary of State**

## **SCHEDULE 1**

### **GOODS CONCERNED**

Any aircraft falling within entry ML10(a) or ML10(b) in Part 1 of Schedule 2 to the Order or Schedule 1 to the Cultural Order, being an aircraft manufactured more than 50 years before the date of export.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

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

Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden.

Territories of Member States of European Union as follows:

Andorra, Canary Islands, Channel Islands, French Overseas Departments of Guadeloupe, French Guiana, Martinique and Reunion, Monaco and Mount Athos (Greece)

## EXPLANATORY NOTE

(This Note is not part of the Licence)

This Open General Export Licence has been amended to refer to new secondary legislation under which the licence has been issued 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 EU destinations, for a period not exceeding 3 months, aircraft manufactured 50 years or more before the date of exportation.

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(8)).

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 and the Export of Objects of Cultural Interest (Control) Order 2003. They do not affect the need to obtain other consents that may be required for the export of particular military goods, whether under other statutory provisions (such as the Official Secrets Act 1989) or otherwise (such as under contractual obligations). In addition, this Licence does not extend to prohibitions in other legislation implementing United Nations sanctions.