

TRANSHIPMENT LICENCE (POSTAL PACKETS)

Open General Transhipment Licence (Postal Packets) dated

18th March 2009 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 2 and 5(1) of the Import of Goods (Control) Order 1954^(a) (“the Imports Order”), and now vested in him^(b), and of his powers under Article 26 of the Export Control Order 2008^(c) (“the Exports Order”), hereby grants the following Open General Transhipment Licence:

Interpretation

1. In this Licence, unless the context otherwise requires:
 - (1) “importation” and “exportation” mean respectively importation into and exportation from the United Kingdom;
 - (2) “transhipment” means the transit through the United Kingdom or transhipment of imported goods with a view to their re-exportation, whether or not they remain on board an aircraft or ship for the period that they remain in the United Kingdom or are goods on a through air waybill, through bill of lading or appropriate postal transit documentation;
 - (3) any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002^{d)} or the Exports Order.

Importation of goods for transhipment and subsequent exportation

2. Subject to the following provisions of this Licence, this Licence authorises the importation for transhipment and the subsequent exportation of any goods contained in a postal packet.

^(a) S.I. 1954/23; as amended

^(b) See S.I. 1970/1537.

Limitations of Licence.

3. This Licence does not authorise the exportation of -

(1) any dual-use goods which are not goods in transit within the meaning of Article 3(4) of Council Regulation (EC) No.1334/2000 ; or

(2) any goods in respect of which -

(a) any person who has custody of the goods for the time being has been informed by a competent authority that the goods 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; or

(b) any person who has custody of the goods while they are in the United Kingdom knows that 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) any such person has grounds for suspecting that the goods might be used, wholly or in part, in connection with an activity referred to in sub-paragraph (a) above, unless he has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used.

4. This Licence does not authorise the importation of any goods not specified in Part I of Schedule 2 or Schedule 3 to the Exports Order or Annex I to Council Regulation (EC) No 1334/2000^(e).

^(c) S.I. 2008/3231;

^{e)} O.J. L159, 30.6.2000, p1 , as amended.

Conditions

5. The authority in paragraph 2 above for the exportation of any goods is subject to the following conditions:

- (1) that the goods were previously imported into the United Kingdom as post;
- (2) that at all times while they were in the United Kingdom they were either -
 - (a) in the custody of a single carrier (including its servants or agents) but of no other person, or
 - (b) in the custody of the Post Office or being handled in accordance with arrangements agreed by the Post Office or the originating overseas postal administration;
- (3) that the packet in which they are contained either was not opened while in the United Kingdom or, having been or become opened, was subsequently resealed with the authority or under a requirement of the proper officer of HM Revenue and Customs but not otherwise;
- (4) that if, when the goods were imported, the packet in which they are contained was itself in a sealed container, one of the requirements set out in subparagraph (6) below is satisfied; and
- (5) that a competent authority has not given notice to any person who has custody of the goods for the time being that the goods may not be exported under this Licence.
- (6) The requirements referred to in subparagraph (4) above are -
 - (a) the container was not opened while the goods were in the United Kingdom;
 - (b) while in the continuous custody of the Post Office -

- (i) the container or a container in which the goods were placed in accordance with subparagraph (c) below was opened,
- (ii) the goods were placed in a container, and
- (iii) the latter container was sealed,

and the latter container was not opened (except in accordance with the foregoing) while the goods remained in the United Kingdom;

(c) if the container in which the goods were imported or a subsequent container in which they were placed in accordance with subparagraph (b) above or this subparagraph was or became opened other than in accordance with subparagraph (b) above, either -

- (i) the container was subsequently resealed, or
- (ii) the goods were placed in another container and that container was sealed,

with the authority or under a requirement of the proper officer of HM Revenue and Customs but not otherwise

6. The requirements of Article 28 of the Exports Order shall not apply to an export under this Licence.

Prohibitions not affected by this Licence

7. Nothing in this Licence shall affect any prohibition or restriction on the importation or exportation or the carrying out of any act with respect of the importation and 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 is issued, as set out in the licence itself.

Entry into force

8. This Licence shall come into force on 6th April 2009.

Revocation

9. The Open General Transshipment Licence (Postal Packets) dated 4th April 2007 is hereby revoked.

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

EXPLANATORY NOTE

(This Note is not part of the Licence)

This Open General Transshipment Licence has been amended to refer to Articles and Schedules in the new export control legislation.

2. This Licence permits the importation for transshipment and subsequent exportation of postal packets. The Licence does not cover exports discovered to be for purposes connected with nuclear, chemical or biological weapons or missiles for such weapons.
3. This authorisation is subject to certain conditions.
4. This Licence does not extend to any prohibition under legislation other than the Import of Goods (Control) Order 1954 or the Export Control Order 2008; in particular it does not extend to other legislation implementing United Nations sanctions or controlling the export of dual-use goods. It does, however, cover dual-use goods in transit.