

EXPORT LICENCE

Open General Export Licence (Vintage Aircraft) dated 14 January 2016 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 26 of the Export Control Order 2008¹ ("the Order") and Article 2 of the Export of Objects of Cultural Interest (Control) Order 2003² ("the Cultural Order"), hereby grants the following Open General Export Licence:

Licence

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

Exclusions

2. This Licence does not authorise the export of Schedule 1 goods;

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

(2) (a) if the exporter has been informed by the Secretary of State that the Schedule 1 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;

(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)

¹ S.I. 2008/3231

² S.I. 2003/2759

above, unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the Schedule 1 goods will not be so used;

- (3) for any military purposes.
- (4) unless the exporter has previously obtained from the authorities of the country of destination any permissions that are necessary to enable the Schedule 1 goods to be returned to the UK within six 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 their 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 above is subject to the following conditions:
 - (1) before an exporter first exports Schedule 1 goods under this Licence, they shall have informed the Secretary of State of their intention to export Schedule 1 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 Schedule 1 goods to ensure that they are safely returned to the UK within six months of the date of the export; and shall not transfer ownership of the Schedule 1 goods or any interest in them or take any other action which may have the result of impeding or diminishing the exporter's power to ensure the safe return of the Schedule 1 goods 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 Schedule 1 goods shall not be removed from the country where they are for the time being situated.

- (4) the exporter shall provide the Secretary of State with confirmation of the return of the Schedule 1 goods.
- (5) commercial export documentation accompanying the Schedule 1 goods shall include a note stating either:
 - (a) "the goods are being exported under the OGEL (Vintage Aircraft)"; or
 - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20XX/XXXXX') of the exporter's registration in respect of this Licence, which shall be presented to an officer of UK Border Agency if so requested;
- (6) in respect of the export of Schedule 1 goods under this Open General Export Licence, the exporter shall maintain records of the date and destination of each exportation and return of the Schedule 1 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 any of the provisions of 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 provisions of this 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 ("ECO"). 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 ECO, the period of suspension or revocation may be extended. The exporter will be notified of any such an extension in writing sent to the address notified under paragraph 3(1) above.

- (9) the Secretary of State has the power to vary or withdraw export licences at any time. If you do not use this licence within any 24-month period for an export allowed by this licence, your entitlement to use it will **automatically run out** at the end of that 24-month period and your registration details will be removed from SPIRE. However, you can register for this licence again if you want to use it after your registration has ended.

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 2002³ ;

³ 2002 c.28
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- (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 14 January 2016.

7. The Open General Export Licence (Vintage Aircraft) Dated 27 January 2014 is revoked.

**An Official of the Department for
Business, Innovation & Skills
authorised to act on behalf of the
Secretary of State**

**An Official of the Arts Council
England authorised to act on behalf
of the Secretary of State**

SCHEDULE 1

GOODS CONCERNED

Any aircraft falling within entry ML10(a) in 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, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, 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 this Licence)

1. This Open General Export Licence revokes the previous version dated 27 January 2014. Rating code ML10(b) no longer exists on the UK Strategic Export Control Lists and as a result reference to this rating has been deleted from the list of items referred to in the goods schedule to this licence. The timeperiod by which goods may be exported under this Licence has also been amended to up to six months (rather than three months) as referenced in clauses 1, 2(4) and 3(2).
2. This Licence permits, without further authority but subject to certain conditions, exportation to EU destinations, for a period not exceeding 3 months, of 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 their first exportation under the Licence, inform the Secretary of State of their 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 ("ECO") electronic licensing system, SPIRE, at www.spire.bis.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, they 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 this 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 the exporter from using another OGEL so long as the exporter meets all its terms and conditions and has not received a letter suspending or revoking their 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.

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