

EXPORT LICENCE

Open General Export Licence (Historic Military Goods) which came into force 8 October 2015, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 26 of the Export Control Order 2008¹ ("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 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 is subject to the following conditions:

¹ S.I. 2008/3231, as amended
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- (1) before an exporter first exports goods under this Licence, they shall have informed the Secretary of State of their 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(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”
 - b. The SPIRE reference (in the form ‘SPIRE reference GBOGE 20??/?????’) 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) prior to audit, the ECO will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given.
- (5) 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.
- (6) 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 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 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.

- (7) 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.
- (8) you **must** update the '**Open licensing returns**' within SPIRE, for **all** exports or trade carried out within each calendar year. You **must** update the returns by the last day of the following January at the latest (for example, you would need to update the January to December returns by the end of the following January) and include **all** the information required. You do **not** have to report on technology transfers.

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 Act² or the Order.

Entry into Force

6. This Licence shall come into force on 19 October 2015.
7. The Open General Export Licence (Historic Military Goods) that came into force on 5 March 2015 is hereby revoked.

**An official of the Department for
International Trade, authorised to act on
behalf of the Secretary of State**

² 2002 c.28
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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. and f.;
- (iv) technology, equipment and software specified in entry ML22, ML18 or ML21, 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, Belarus, 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), Cyprus, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea Bissau, Indonesia, Iran, Iraq, Ivory Coast, Lebanon, Liberia, Libya, Mali, Mauritania, Niger, Nigeria, North Korea, Occupied Palestinian Territories, Russia, Rwanda, Senegal, Serbia and Montenegro, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tanzania, Togo, Uganda, Uzbekistan, Yemen and Zimbabwe.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This licence has been amended to reflect updated reference to the rating code PL5001 which is listed under Schedule 1 (Goods concerned). This change is as a result of an update to Schedule 2 of the Export Control Order 2008 which came into force via the Export Control (Amendment) Order 2015 (SI 2015/351) on 24 March 2015. An additional clause has also been added about the requirement for completion of a pre-visit questionnaire (PVQ).
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 <https://www.spire.trade.gov.uk/spire/fox/espire/LOGIN/login>.

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 they think 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 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 them from using another OGEL so long as they meet all its terms and conditions and that they have 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. This Licence does not extend to other prohibitions on export, particularly those relating to antiques or implementing United Nations sanctions.

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