

1994 No. 2711

CUSTOMS AND EXCISE

The Export of Goods (Control) Order 1994 (Amendment No. 3) Order 1994

Made 19th October 1994

Coming into force 10th November 1994

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939^[1] and now vested in him^[2] and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Export of Goods (Control) Order 1994 (Amendment No.3) Order 1994 and shall come into force on 10th November 1994.

2. The Export of Goods (Control) Order 1994^[3] shall be further amended as follows:—

(a) article 3 shall be amended as follows:—

(i) in sub-paragraph (e)(i)(bb)(iii), for the word "and" there shall be substituted the word "or";

(ii) the words "Permitted ships' stores" to the end shall be deleted;

(b) after article 3 there shall be inserted the following:

"Permitted ships' stores

3A. Nothing in this Order shall be taken to prohibit the shipment of any goods as ships' stores with the permission of the proper officer of Customs and Excise at the port of departure for use on board the ship provided that all conditions attaching to the said permission are complied with.

Goods in transit

3B1. Nothing in this Order shall be taken to prohibit the exportation of any goods, other than goods of a description specified in Group 1 of Part I of Schedule 1 hereto or goods to which Part II of Schedule 1 hereto applies, which have been imported into the United Kingdom for transit or transshipment to any destination other than

(i) a destination in Iran, Iraq, Libya, North Korea, Serbia or Montenegro, the United Nations Protected Areas in Croatia or those areas of Bosnia-Herzegovina under the control of the Bosnian-Serb forces, or

(ii) in the case of goods of a description specified in Group 1 of Part III of Schedule 1 hereto, a destination in any country specified in Schedule 3 hereto,

provided that the conditions in paragraph 2 below are met.

2. The conditions are that
 - (i) the goods remain on board a ship or aircraft for the period that they remain in the United Kingdom or are goods on a through bill of lading or through air waybill and in any event are exported within 30 days of their importation;
 - (ii) the destination for those goods following exportation from the United Kingdom has been determined in the country from which they were originally exported prior to their original exportation in connection with the transaction which has given rise to transit or transshipment and has not been changed prior to their exportation from the United Kingdom, or the goods are being returned to that country; and
 - (iii) the goods in question were exported from that country in accordance with any laws or regulations relating to the export of goods applying therein at the time of exportation therefrom of those goods." ;

;"

- (c) in Group 1 of Part III of Schedule 1—
 - (i) in entry ML4 sub-head a., the words "military pyrotechnics" shall be inserted after the words "demolition-kits";
 - (ii) in entry ML8,
 - (aa) the words "and devices containing any of the following except those specified elsewhere in this Group" shall be deleted;
 - (bb) in sub-head e. the words "40.Tris vinoxyl propane adduct (TVOPA);" shall be deleted; and
 - (iii) in entry PL5017, after the word "equipment" there shall be inserted the words "and test models";
- (d) in Group 3 of Part III of Schedule 1—
 - (i) in the Note to the definition of composite theoretical performance, in Step 3 of the calculation method (CTP for aggregations of CE's, including CPU's), for the words "in the case of TP_i+TP_{i+1} from the largest to smallest" there shall be substituted the words "in the case of $TP_i = TP_{i+1}$ from the largest to smallest";
 - (ii) in entry 1B115
 - (aa) for the words "in entry 1C115" there shall be substituted the following: "in entry 1C115 of this Group or in entry ML8 a.1., ML8 a.2., ML8 a.3., ML8 a.5., ML8 a.6., ML8 a.7., ML8 a.18., ML8 a.19., ML8 a.20., ML8 d., ML8 e.10., ML8 e.11., ML8 e.18., ML8 e.22., ML8 e.29., ML8 e.32., ML8 e.39. or ML8 e.41 of

Group 1 except equipment described in entry ML18 a. of that Group"; and

(bb) for the word "Note" there shall be substituted the word "Notes", the existing Note shall be re-numbered "1." and immediately after that Note there shall be added the following:

"2. This entry includes fluid energy mills capable of processing ammonium perchlorate, cyclotetramethylenetetranitramine (HMX) or cyclotrimethylenetrinitramine (RDX).";

(iii) in entry 1C350 for the word "preparations" wherever it occurs there shall be substituted the word "mixtures";

(iv) for entry 1C352 sub-head b. there shall be substituted the following:

"b. Mycoplasma mycoides, whether natural, enhanced or modified, either in the form of isolated live cultures or as material including living material which has been deliberately inoculated or contaminated with such Mycoplasma mycoides." ;

(v) in entry 5A001 sub-head e.1.b., the words "specified by the manufacturer as being" shall be inserted immediately before the word "capable";

(vi) in entry 6A005 sub-head f.2., for the words "with specified lasers" there shall be substituted the words "with lasers specified in this entry"; and

(vii) after Schedule 2 there shall be inserted the following:

SCHEDULE 3 Article 3B

LIST OF COUNTRIES REFERRED TO IN ARTICLE
3B1.(ii).

"Angola
Armenia
Argentina
Azerbaijan
China
Liberia
Myanmar
Nigeria
Rwanda
Somalia
Sudan
Syria
Republic of Yemen

those territories recognised by Her Majesty's Government in the United Kingdom as having been comprised within the Socialist Federal Republic of Yugoslavia on 25th September 1991 which are not specified in article 3B1.(i).

Zaire

M. V. Coolican

An Assistant Secretary, Department of Trade and Industry

19th October 1994

Notes:

[1] 1939 c. 69. back

[2] See S.I. 1970/1737. back

[3] S.I. 1994/1191, as amended by S.I. 1994/1632 and 2518. back