

# EXPORT LICENCE

**Open General Export Licence (Historic Military Vehicles and Artillery Pieces)** dated 26<sup>th</sup> October 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") 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 providing they are being exported for the purposes of an historic re-enactment, historic commemorative event, private battlefield tour or private recreational purposes, and are to be returned, (*with the exception of expended blank ammunition fired during the events*), to the UK within three calendar months.

## ***Exclusions***

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

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

(2) 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;

(3) if the exporter knows they are intended, wholly or in part, to be used in connection with one of the activities referred to in subparagraph (2) above; or

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

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

(5) for any military purposes other than those referred to in paragraph 1 to this licence;

(6) if the exporter has been informed by a competent authority, or is otherwise aware that the goods have been classified by the Ministry of Defence as having a protective marking of RESTRICTED or above;

(7) 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) not later than 30 days after the first export of goods under this licence from the UK, the exporter shall inform the Secretary of State, specifying the name of the exporter and the address at which copies of records of the export may be inspected under condition 3(7) 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 calendar months of the date of the export; and **shall not sell, dispose or 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 **if requested to do so**;

(5) where official and commercial export documentation accompanies the goods this shall include a note stating either:

(a) "the goods are being exported under the OGEL (Historic Military Vehicles and Artillery Pieces); or

(b) the SPIRE reference (in the form 'SPIRE reference GBOGE 200X/XXXXX') of the exporters registration in respect of this licence

which shall be presented to an officer of the UK Border Agency **if so requested**;

(6) For non-commercial journeys either:

(a) a copy of this OGEL; or

(b) the SPIRE reference (in the form 'SPIRE reference GBOGE 200X/XXXXX') of the exporters registration in respect of this licence

shall be presented to an officer of the UK Border Agency **if so requested**.

(7) the exporter shall maintain records of every exportation made under this Licence including the following information :

(a) the date of exportation and destination;

(b) confirmation of the type of event;

(c) date and evidence of return;

(d) for goods listed in Schedule 1(1) of the licence, a copy of the goods UK Proof House certification;

- (e) for goods listed in Schedule 1(2)(a), and where appropriate (c), of the licence, confirmation of the age of the goods;
- (f) for goods listed in Schedule 1(2)(b), and where appropriate (c), of the licence, a copy of DVLA registration;

and any such records shall be kept for at least four years from the date of the relevant export or return and the exporter shall permit them to be inspected, and copied, by any person authorised by the Secretary of State; and

(8) 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.

(9) 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>(b)</sup> ;

(2) 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;

(3) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Act or the Order.

## ***Entry into Force***

6. This Licence shall come into force on 1<sup>st</sup> November 2009.

7. The Open General Export Licence (Vintage Military Vehicles) dated 26<sup>th</sup> May 2009 is revoked.

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

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<sup>b</sup> 2002 c.28

## SCHEDULE 1

### GOODS CONCERNED

1. Artillery pieces falling within ML2 as follows;
  - (a) that are certified by a registered UK Proof House as having been rendered incapable of firing any ammunition and are intended for static display purposes;
  - (b) that have been permanently converted and certified to a British Proof House Standard to only fire blank ammunition and are intended for re-enactment or commemorative events.
  
2. Vehicles falling within entry ML6 as follows;
  - (a) manufactured more than 50 years before the date of export and specially designed or modified components necessary for maintaining the road worthiness of an accompanied vehicle;
  - (b) manufactured less than 50 years before the date of export that has been registered with DVLA as “private” or “historic”, and specially designed or modified components necessary for maintaining the road worthiness of an accompanied vehicle;
  - (c) vehicles in 2(a) or (b) above, transported in complete knock down kit form.

*N.B1: ML6 includes civilian vehicles modified for military purposes. A modification includes a structural, electrical or mechanical change involving one or more specially designed military components e.g., addition of a NATO tow hitch.*

*N.B2: For the purposes of ML6 vehicles include trailers.*

3. Other military items falling within Part 1 of Schedule 2 to the Order specifically related to the type and period of the Artillery Piece or vehicle being exported, **other than** items falling within the following categories,

- ML3: except blank ammunition;
- ML4.a.: includes MANPADS, Cluster Munitions, Anti personnel Landmines (APLs);
- ML4.c.;
- PL5035;
- ML7;
- ML8
- ML9;
- ML10.a to e., and i.;
- ML11.b.;
- ML12;
- ML15;
- ML16;
- ML17.a., c. to g., i., n., to o.;
- ML18;
- ML19;
- ML20;
- PL5001.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

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

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

## **EXPLANATORY NOTE**

(This Note is not part of the Licence)

1. This Open General Export Licence has been amended to clarify registration requirements, extending the range of goods permitted to be temporarily exported and extending to all EU Member States, Channel Islands and Norway . This follows a review of the scope of the licence.
2. This Licence permits, without further authority but subject to certain conditions, the temporary exportation to EU destinations, Channel Islands or Norway, for a period not exceeding 3 calendar months, a range of unclassified military goods including vehicles manufactured 50 years or more before the date of exportation. The conditions include that the exporter **shall not** sell, dispose or 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. Please note that a separate licence must be applied for from the Department of Culture, Media and Sport for any military goods manufactured 50 years or more before export where the value is in excess of £65,000. DCMS enquiries should be addressed to, [andrew.petherick@mla.gov.uk](mailto:andrew.petherick@mla.gov.uk).
4. An exporter who exports goods under the authority of this Licence must, not later than 30 days after the first exportation under the Licence, inform the Secretary of State of this, 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).
5. 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(9)).

6. 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.

7. 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.

8. The provisions of this Licence only apply for the purposes of the Export Control Order 2008. 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.