

EXPORT LICENCE

Open General Export Licence (Vintage Aircraft) dated 1 May 2004 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 12 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003^(a) ("the Order") and Article 3 of the Export of Cultural Interest (Control) Order 2003^(b) ("the Cultural 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 for a period of no more than three months.

Exclusions

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

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

(b) the goods shall not be exported:

(i) 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;

^(a) S.I. 2003/2764; as last amended by S.I. 2004/1050

^(b) 2003/2759

- (ii) 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 (i) above; or
 - (iii) 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 (i) above, unless he has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used;
- (c) for any military purposes.
- (d) unless the exporter has previously obtained any permissions from the authorities of the country of destination that are necessary to enable the goods to be returned to the UK within three months of the date of export.

Conditions and Requirements

3. The authorisation in paragraph 1 is subject to the following conditions:
- (a) before an exporter first exports goods under this Licence, he shall have informed the Secretary of State of his 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 2(f) below;
 - (b) 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 months of the date of the export; and shall not 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.

- (c) 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.
- (d) the exporter shall provide the Secretary of State with confirmation of the goods' return.
- (e) Commercial export documentation accompanying the goods shall include a note stating that "the goods are being exported under the Open General Export Licence (Vintage Aircraft)" and shall be presented to an officer of HM Customs and Excise if so requested;
- (f) 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 exportation and return of the 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
- (g) the exporter shall notify the Secretary of State of any change in the address referred to in paragraph 3(a) above within 30 days of that change.

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:

- (a) "the Act" means the Export Control Act 2002^(a) ;
- (b) 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;
- (c) 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 on 1 May 2004.

7. The Open General Export Licence (Vintage Aircraft) Dated 10th November 1997 is revoked.

**An Official of the Department of
Trade and Industry authorised to
act on behalf of the Secretary of
State**

**An Official of the Department for
Culture, Media and Sport authorised to
act on behalf of the Secretary of State**

^(a) 2002 c.28
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SCHEDULE 1

GOODS CONCERNED

Any aircraft falling within entry ML10(a) or ML10(b) in Part I of Schedule 1 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, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, 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 the Licence)

This Open General Export Licence has been amended to refer to new secondary legislation under which the licence has been issued and as a consequence of enlargement of the European Union changes have been made to the country list in Schedule 2 to the licence.

2. This Licence permits, without further authority but subject to certain conditions, exportation to EU destinations, for a period not exceeding 3 months, aircraft manufactured 50 years or more before the date of exportation.

3. It is a condition of the Licence that, before first use of the Licence, the exporter shall tell the Secretary of State of his intention to export goods which fall under its control. For the purposes of this licence any notification should be given in writing or by facsimile transmission to:

Department of Trade and Industry
Export Control Organisation
Customer Service and Compliance Unit
43rd Floor, Kingsgate House
66-74 Victoria Street, London SW1E 6SW
Fax No: 020 7215 0531

3. The provisions of this Licence only apply for the purposes of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 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.