STATUTORY INSTRUMENTS

2018 No. 165

CUSTOMS

The Export Control (Amendment) Order 2018

Made - - - -	*7th February 2018*
Laid before Parliament	*8th February 2018*
Coming into force - -	*5th March 2018*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 4, 5 and 7 of the Export Control Act 2002(**1**).

Citation and commencement

1. This Order may be cited as the Export Control (Amendment) Order 2018 and comes into force on 5th March 2018.

Amendments to the Export Control Order 2008

2. In article 2 (Interpretation) of the Export Control Order 2008(**2**) omit the definition of "information security items".

3.—(1) Schedule 2 (Military Goods, Software and Technology) to the Export Control Order 2008 is amended as follows.

(2) Under the Definitions heading—

(a) omit the definition of "adapted for use in war";

(b) at the appropriate place, insert—

> ""biological agents" means pathogens or toxins, selected or modified (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to UV radiation) to produce casualties in humans or animals, degrade equipment or damage crops or the environment;".

(3) In entry ML7, for "Chemical or biological toxic agents, toxic chemicals and mixtures containing such agents or chemicals, "riot control agents", radioactive materials, related equipment, components and materials as follows:" substitute "Chemical agents, "biological agents", "riot control agents", radioactive materials, related equipment, components and materials, as follows:".

(**1**) 2002 c.28.
(**2**) S.I. 2008/3231, amended by S.I. 2017/85 and S.I. 2017/697. There are other amending instruments but none is relevant.

(4) For entry ML7.a. substitute ““Biological agents” or radioactive materials selected or modified to increase their effectiveness in producing casualties in humans or animals, degrading equipment or damaging crops or the environment;”.

(5) After ML8.a.40 insert—

“41	FTDO (5,6-(3’,4’-furazano)-1,2,3,4-tetrazine-1,3-dioxide);”.

(6) For entry ML8.c.3 substitute—

“Boranes, as follows, and their derivatives:

a. Carboranes;

b. Borane homologues, as follows:

1. Decaborane (14) (CAS 17702-41-9);

2. Pentaborane (9) (CAS 19624-22-7);

3. Pentaborane (11) (CAS 18433-84-6);”.

(7) In entry ML8.g.9, at the end replace “.” with “;”.

(8) After ML8.g. insert—

“h. ‘Reactive material’ powders and shapes, as follows:

1. Powders of any of the following materials, with a particle size less than 250 μm in any direction and not specified elsewhere in ML8:

a. Aluminium;

b. Niobium;

c. Boron;

d. Zirconium;

e. Magnesium;

f. Titanium;

g. Tantalum;

h. Tungsten;

i. Molybdenum; or

j. Hafnium;

2. Shapes, not specified in ML3, ML4, ML12 or ML16, fabricated from powders specified in ML8.h.1.

Technical Notes:

1. ‘Reactive materials’ are designed to produce an exothermic reaction only at high shear rates and for use as liners or casings in warheads.

2. ‘Reactive material’ powders are produced by, for example, a high energy ball milling process.

3. ‘Reactive material’ shapes are produced by, for example, selective laser sintering.”.