STATUTORY INSTRUMENTS

2017 No. 697

CUSTOMS

The Export Control (Amendment) (No. 3) Order 2017

Made - - - -	*21st June 2017*
Laid before Parliament	*22nd June 2017*
Coming into force - -	*13th July 2017*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 2, 4 and 5 of the Export Control Act 2002(**1**).

Citation and commencement

1. This Order may be cited as the Export Control (Amendment) (No. 3) Order 2017 and comes into force on 13th July 2017.

Amendments to the Export Control Order 2008

2.—(1) Schedule 2 to the Export Control Order 2008(**2**) is amended as follows.

(2) Under the Definitions heading—

(a) at the appropriate place, insert—

> ""airship" means a power-driven airborne vehicle that is kept buoyant by a body of gas (usually helium, formerly hydrogen) which is lighter than air;";

(b) for the definition of "laser", substitute—

> ""laser" means an item that produces spatially and temporally coherent light through amplification by stimulated emission of radiation;";

(c) for the definition of "lighter-than-air vehicles", substitute—

> ""lighter-than-air vehicles" means balloons and "airships" that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift;";

(d) for "pyrotechnic(s)" at the definition of that word, substitute "pyrotechnics";

(e) omit the definition of "software".

(3) For entry ML1.d., including the note to that entry, substitute—

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

"d. Sound suppressors or moderators, "special gun-mountings", optical weapon-sights and flash suppressors, for firearms specified in ML1.a., ML1.b. or ML1.c.

Note: ML1.d. does not control:

a. Optical weapon-sights without electronic image processing (i.e. using only lenses to view the target), with a magnification of 9 times or less, provided they are not specially designed or modified for military use.".

(4) After entry ML8.a.39., insert—

"40. BTNEN (Bis(2,2,2-trinitroethyl)-nitramine) (CAS 19836-28-3);

Note: ML8.a. includes 'explosive co-crystals'.

Technical Note: An 'explosive co-crystal' is a solid material consisting of an ordered three dimensional arrangement of two or more explosive molecules, where at least one is specified in ML8.a.".

(5) For entry ML8.c.1., excluding the note to that entry, substitute—

"1. "Aircraft" fuels specially formulated for military purposes;".

(6) For entry ML8.c.5., including the notes to that entry, substitute—

"5. Metal fuels, fuel 'mixtures' or "pyrotechnic" mixtures, in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following:

a. Metals as follows and 'mixtures' thereof:

1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60μm;

2. Iron powder (CAS 7439-89-6) with particle size of 3μm or less produced by reduction of iron oxide with hydrogen;

b. 'Mixtures' containing any of the following:

1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60μm;

2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85% purity or higher and particle sizes of less than 60μm;

Note 1: ML8.c.5.b.2 does not control boron and boron carbide enriched with boron-10 (20% or more of total boron-10 content).

Note 2: ML8.c.5.b. only controls metal fuels in particle form when they are mixed with other substances to form a 'mixture' formulated for military purposes such as liquid "propellant" slurries, solid "propellants" or "pyrotechnic" mixtures.

Note 3: ML8.c.5. controls "explosives" and fuels, whether or not the metals or alloys are encapsulated in aluminium, magnesium, zirconium or beryllium.

NB: See also 1C of Annex I to "the dual-use Regulation".".