

2003 No. 2759

CUSTOMS AND EXCISE

The Export of Objects of Cultural Interest (Control) Order 2003

<i>Made</i>	<i>17th November 2003</i>
<i>Laid before Parliament</i>	<i>18th November 2003</i>
<i>Coming into force</i>	<i>1st May 2004</i>

The Secretary of State, in exercise of the powers conferred upon her by sections 1, 5 and 7 of the Export Control Act 2002(a) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Export of Objects of Cultural Interest (Control) Order 2003 and shall come into force on 1st May 2004.

(2) In this Order, unless the context otherwise requires—

"the Act" means the Export Control Act 2002;

"the Commissioners" means the Commissioners of Customs and Excise;

"Community Licence" means an authorisation granted by the Secretary of State (whether before or after commencement of this Order) under the Regulation;

"cultural goods" shall have the same meaning as that given in the Regulation;

"exportation" includes shipment as stores and, unless the context otherwise requires, means exportation from the United Kingdom to any destination except for the Isle of Man;

"objects" mean objects of cultural interest of a description specified in and not excluded from the Schedule to this Order;

"prescribed sum" has the same meaning as in the Customs and Excise Management Act 1979(b); and

"the Regulation" means Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods(c).

Controls on the export of objects of cultural interest

2. Subject to the provisions of this Order, all objects are prohibited to be exported to any destination except under the authority of a licence in writing granted by the Secretary of State, and in accordance with all the conditions attached to the licence.

Licences

3.—(1) A Community Licence or licence granted by the Secretary of State under article 2 may be:

- (a) general or specific;
- (b) unlimited or limited so as to expire on a specified date unless renewed; and
- (c) subject to or without conditions, and any such condition may require any act or omission before or after the exportation of objects under the licence.

(2) Any such licence may be varied, suspended or revoked by the Secretary of State at any time and in such circumstances and on such terms as the Secretary of State thinks fit, by serving a notice to that effect on the holder of the licence.

Misleading applications for licences etc.

4.—(1) Where for the purpose of obtaining a licence under article 2 or a Community Licence, any person either—

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

he shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) above shall be liable—

- (a) on summary conviction to a fine of the prescribed sum, and
- (b) on conviction on indictment to a fine of any amount, or imprisonment for a term not exceeding 2 years, or to both,

and any licence which may have been granted in connection with the application for which the false statement was made or the false document or information furnished, shall be void as from the time it was granted.

Failure to comply with licence conditions

5.—(1) Subject to the provisions of paragraph (2) below, any person who—

- (a) has done any act under the authority of a licence granted under article 2 or a Community Licence; and
- (b) fails to comply with any condition attaching to that licence,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction to a fine of the prescribed sum, and
- (b) on conviction on indictment to a fine of any amount, or imprisonment for a term not exceeding 2 years, or to both.

(3) No person shall be guilty of an offence under paragraph (1) where—

- (a) the licence condition in question had been previously modified by the Secretary of State; and
- (b) the alleged failure to comply would not have been a failure had the licence not been so modified; and
- (c) the condition with which he failed to comply was modified, otherwise than with his consent, by the Secretary of State after the doing of the act authorised by the licence.

Customs powers to demand evidence of destination

6.—(1) Any person who exports or ships objects or cultural goods, shall, if so required by the Commissioners, furnish within such time as the Commissioners may determine, evidence of the destination to which the objects or cultural goods were delivered and, if he fails to do so, he shall be guilty of an offence

(2) Any person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Application of the Customs and Excise Management Act 1979

7.—(1) It shall be the duty of the Commissioners to take such action as they consider appropriate to secure the enforcement of this Order.

(2) It shall be the duty of the Commissioners to take such action as they consider appropriate to secure the enforcement of the Regulation in respect of the export of cultural goods.

Use and disclosure of information

8.—(1) This article applies to information which is held by—

- (a) the Secretary of State, or
- (b) the Commissioners,

in connection with the operation of controls imposed by this Order or by any directly applicable Community provision on the exportation of cultural goods.

(2) Information to which this article applies may be used for the purposes of, or for any purposes connected with—

- (a) the exercise of functions in relation to any control imposed by this Order or by any order made under the Act;
- (b) giving effect to any European Community or other international obligation of the United Kingdom;

(c) facilitating the exercise by an authority or international organisation outside the United Kingdom of functions which correspond to functions conferred by or in connection with any activity subject to any control by this Order or by any order made under the Act,

and may be disclosed to any person for use for these purposes.

(3) No disclosure of information shall be made by virtue of this article unless the Secretary of State is, or the Commissioners are, satisfied that the making of the disclosure is proportionate to what is sought to be achieved by it.

(4) For the purposes of this article "information" is any information that relates to a particular business or other activity carried on by a person.

(5) Nothing in this article shall be taken to prejudice any power to disclose information which exists apart from this article.

(6) The information that may be disclosed by virtue of this article includes information obtained before the commencement of this Order.

Tessa Jowell

Secretary of State for Culture, Media and Sport,
Department of Culture, Media and Sport
17th November 2003

SCHEDULE 1

Article 1

OBJECTS OF CULTURAL INTEREST

1. Any objects of cultural interest manufactured or produced more than 50 years before the date of exportation except:

- (a) postage stamps and other articles of philatelic interest;
- (b) birth, marriage or death certificates or other documents relating to the personal affairs of the exporter or the spouse of the exporter;
- (c) letters or other writings written by or to the exporter or the spouse of the exporter; and
- (d) goods exported by, and being the personal property of, the manufacturer or producer thereof, or the spouse, widow or widower of that person.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the remaining provisions of S.I. 1992/3092 that have been revoked by the Export Control Act 1992 (c. 28).

A Regulatory Impact Assessment has not been prepared for this Order.

Notes:

(a) 2002 c. 28

(b) 1979 c. 2.

(c) OJ No. L 395, 31.12.92, p.1, as amended by Council Regulation (EC) No 2469/96 (OJ No. L 335, 16.12.96, p.9), Council Regulation (EC) No 1103/97 (OJ L 162, 17.06.97, p.1) and Council Regulation (EC) No 974/2001 (OJ No L 137, 19.05.01, p.10).