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01st December 2016

Dear Lord Wallace,

Following the committee stage debate on Baroness Jolly's Private Members' Bill on a register of arms brokers, I agreed to write to you with further information on the issue of extra-territorial trade controls.

I would reiterate the point I made in the debate about being proud of the fact that the UK has been at the forefront of addressing concerns on arms brokering and has introduced controls that apply not only in the UK but extraterritorially.

The export control powers were significantly amended and extended through the coming into force of the Export Control Act 2002 in May 2004. This Act introduced trade controls on trafficking and brokering of controlled military goods and addressed some of the historic brokering cases that made the press in the late 1990s and early 2000s.

The UK's controls in this area are now clear and extensive. Trade controls apply extra-territorially, to all UK persons, in respect of the most sensitive military goods, this includes among other things small arms and light weapons, ammunition for these weapons and hand grenades.

There is no loophole, gap or lacuna that a UK person could exploit to avoid the requirement to apply for a licence to broker these arms. The controls clearly set out what is controlled and who they apply to. In the case of brokering arms, this is to any UK person. The definition of a UK person is set out in the 2002 Act and covers UK nationals as well as Scottish partnerships or bodies incorporated under the law of any part of the United Kingdom. It further defines a United Kingdom national as an individual who is a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, and a British subject or a British protected person within the meaning of the British Nationality Act 1981.

Regrettably there will always be those who are intent on operating outside the law. When

Rt Hon the Lord Wallace of Saltaire
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this happens, Her Majesty's Revenue and Customs (HMRC), who are responsible for policing export controls, will investigate and take the appropriate enforcement action.

The UK is one of a very few countries that effectively enforce such controls, and in the last ten years the UK has prosecuted eight UK nationals for arms enforcement trafficking and brokering which occurred outside the UK.

I trust this provides you with the further clarification you asked for on the extent of our extra territorial controls and additionally provides some reassurance that these controls are effectively policed outside of the UK despite the inherent difficulties in doing so.

I am copying this letter to Lord Setevenson and will place a copy of this letter in the Library of the House.

Yours ever,
Yousheena Mobarik

BARONESS MOBARIK CBE