

Draft of proposed amended Open General Export Licence

This document is a draft of the proposed amended Open General Export Licence to be issued if the UK leaves the EU without an agreement in place. This draft may be subject to minor changes. The final version of the amended licence will be published on the ACE website and will come into effect on or around exit day, in the event of a no deal exit. For the avoidance of doubt, this is a *draft* document, and the existing Open General Export Licence (dated 12 March 2015) remains in force.

EXPORT LICENCE

Open General Export Licence (Objects of Cultural Interest) dated [XX] April 2019 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 2 of the Export of Objects of Cultural Interest (Control) Order 2003 (“the 2003 Order”), hereby grants the following Open General Export Licence:

Licensed exports

1. Subject to the following provisions of this Licence, the following goods, manufactured or produced more than 50 years before the date of exportation, may be exported from the United Kingdom to any destination except an embargoed destination:
 - a. any musical instrument temporarily exported for a period of less than six months for use in the course of work by a professional musician;
 - b. any musical instrument exported following temporary importation for a period of less than six months, having been imported for use in the course of work by a professional musician;
 - c. any motor vehicle (wherever registered) temporarily exported for a period of less than six months for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally, or non-commercial exhibition);
 - d. any foreign registered motor vehicle exported following temporary importation for a period of less than six months, having been imported for use for social, domestic or pleasure purposes (including attendance at or participation in a race, rally or non-commercial exhibition);
 - e. any photographic positive or negative or any assemblage of such photographs, the value of which is less than £10,000;
 - f. any firearms manufactured or produced more than 100 years before the date of exportation, and any other arms or armour manufactured or produced more than 50 years before the date of exportation, the value of which is less than £35,000;

- g. any firearms manufactured or produced more than 50 years but not more than 100 years before the date of exportation, the value of which is less than £65,000;
- h. any painting in an oil or tempera medium (excluding any portrait of a British historical personage, which would fall within sub-paragraph (i) below), the value of which is less than £180,000;
- i. any portrait or other article consisting of or including a representation of the likeness of any British historical personage (made otherwise than by photography and excluding a coin), the value of which is less than £10,000;
- j. any article of clothing or footwear, or any article manufactured from textiles and textiles in the length or piece (excluding any carpet or tapestry), the value of which is less than £12,000;
- k. any article the value of which is less than £65,000 other than one of a description specified in the Schedule hereto;
- l. any article for which a EU licence has been issued;
- m. any article that is in the United Kingdom following its importation solely for the purpose of transit through the United Kingdom with a view to export;
- n. any article that has been imported into the United Kingdom from a country outside the United Kingdom and is not in free circulation. Nothing in this sub-paragraph shall permit the exportation of
 - i. any article which has been imported into the United Kingdom from the Channel Islands; or
 - ii. any article which has been returned to the United Kingdom following its temporary export under the authority of a temporary export licence;
- o. any article that the Secretary of State has approved for return to the claimant following a recommendation to that effect by the Spoliation Advisory Panel.

Conditions

2. In respect of any musical instrument licensed to be exported under paragraph 1(a) above and any motor vehicle licensed to be exported under paragraph 1(c) above this Licence is subject to the following conditions:
 - a. that the exporter must return the goods to the United Kingdom within six months of the date of exportation; and
 - b. that the goods must not be sold when they are not in the United Kingdom and must at all times remain in the possession of the exporter.
3. In respect of an article falling within paragraph 1(l) above and being exported on the basis that a EU licence for temporary export has been issued, the exporter must return the article to the United Kingdom by the date stated for re-importation on the temporary EU licence and must immediately notify the

Export Licensing Unit of its return in writing.

4. In respect of any article falling within paragraph 1(o) above, there must be produced to the proper officer of HM Revenue and Customs/the UK Border Force at the place of export a copy of the Spoliation Advisory Panel's report relating to the article, together with a letter from the claimant confirming that he/she is content for the article to be exported.

Interpretation

5. Any reference in this Licence to the value of an article shall:
 - a. where the goods to be exported consist of a matching set or pair of articles, be construed as a reference to the value of the matching set or pair;
 - b. be construed as the value of the article as required to be declared for Customs purposes.
6. In this Licence:

"British historical personage" means any person, living or dead, in respect of whom an entry appears in the Dictionary of National Biography (or any supplement thereto), "Who's Who" or "Who was Who";

"tapestry" means a fabric with a non-repetitive pattern woven in during making;

"embargoed destination" means a destination to which an export ban applies by virtue of a prohibition contained in legislation implementing sanctions.
7. Unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002 or in the 2003 Order.

Prohibition not affected by this Licence

8. Nothing in this Licence shall affect any prohibition or restriction on the export of any goods other than under the 2003 Order.

Entry into force and revocation

9. The Open General Export Licence (Objects of Cultural Interest) dated 12 March 2015 is revoked.

[Signature]

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

SCHEDULE (see paragraph 1(k))

- Any document or manuscript (in any case not being printed matter);
- Any archive of manuscripts and documents in any medium, created and/or accumulated by an individual, family, corporate body or institution, which has

survived or been preserved as evidence of their purpose and activities;

- Any architectural, scientific or engineering drawing produced by hand;
- Any article which has been recovered at any time from the soil of the United Kingdom or from the bed of any lake, river, stream or other area of water therein or from the bed of the sea within the territorial waters of the United Kingdom other than any article which has been buried or concealed for a period of less than 50 years;
- Any photographic positive or negative or any assemblage of such photographs;
- Any firearms, arms or armour manufactured or produced more than 50 years but less than 100 years before the date of export;
- Any article of clothing or footwear, and any article manufactured from textiles and textiles in length or piece (excluding carpets and tapestries);
- Any portrait or other article consisting of or including a representation of the likeness of any British historical personage (made otherwise than by photography and excluding a coin).

EXPLANATORY NOTE (This note is not part of the Licence)

The provisions of this Licence only apply for the purposes of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003/2759) (“the 2003 Order”). This Licence permits (in some cases subject to certain conditions) the export from the United Kingdom to any destination (except an embargoed destination) of certain goods which were manufactured or produced more than 50 years before exportation. Exporters should note that this Licence does not remove the need for other consents that may be required for the export of particular cultural goods.

This Licence does not affect any other prohibitions or restrictions on the export of certain types of cultural goods. Details of those types of goods can be obtained by contacting the Export Licensing Unit, which issues export licences for objects of cultural interest on behalf of the Secretary of State.