

EXPORT LICENCE

Open General Export Licence (Antiques) dated 1st November 2002 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 3(a) of the Export of Goods (Control) Order 1992¹ ("the 1992 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 three 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 three months, having been imported for use in the course of work by a professional musician;
- (c) any motor vehicle (wherever registered) not specified in Part III of Schedule 1 to the Export of Goods (Control) Order 1994² ("the 1994 Order") temporarily exported for a period of less than three 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 not specified in Part III of Schedule 1 to the 1994 Order exported following temporary importation for a period of less than three months, having been imported for use for social, domestic or

1 S.I. 1992/3092, as amended

2 S.I. 1994/1191, as amended

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, arms or armour (excluding any article specified in Part III of Schedule 1 to the 1994 Order manufactured or produced more than 50 years but not more than 100 years before the date of exportation) the value of which in the case of firearms manufactured or produced 100 years or more before the date of exportation and in the case of all other arms and armour is less than £35,000 or in the case of firearms manufactured or produced less than 100 years before the date of exportation is less than £65,000;
- (g) any painting in an oil or tempera medium, the value of which is less than £180,000;
- (h) any portrait in any medium of a British historical personage, the value of which is less than £180,000;
- (i) any article the value of which is less than £65,000, other than one of a description specified in the Schedule hereto;
- (j) any article for which an EC licence has been issued (provided that the export is already permitted for the purposes of the 1992 Order by virtue of (a) - (i) of this paragraph) other than an article specified in Part III of Schedule 1 to the 1994 Order (unless the export is already permitted for the purposes of the 1994 Order by virtue of any Open Individual Export Licence or of an individual export licence granted under the 1994 Order).

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 three months of the date of exportation;
- (b) that the goods must not be sold and must at all times remain in the possession of the exporter.

3. In respect of any 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 £10,000 or more but less than £180,000, this Licence is subject to the following condition, namely that there is produced to the proper officer of Customs and Excise at the place of exportation a certificate given by or on behalf of the person who for the time being holds the appointment either of Director of the National Portrait Gallery or of Keeper of the Scottish National Portrait Gallery stating that in his opinion the article is not a work of national importance (and that certificate has not been revoked).

4. In respect of any article of clothing or footwear, any article manufactured from textiles and textiles in the length or piece, the value of which is £12,000 or more but less than £65,000, this Licence is subject to the following condition, namely that there is produced to the proper officer of Customs and Excise at the place of exportation a certificate given by or on behalf of the person who for the time being holds the appointment of Director of the Victoria and Albert Museum stating that in his opinion the article is not of national importance (and that certificate has not been revoked). This condition does not apply to any carpet or tapestry.

5. In respect of any temporary EC licence issued by the Secretary of State pursuant to paragraph 1(j), this Licence is subject to the following condition:

- (a) that the exporter must return the article to the United Kingdom by the date stated for reimportation on the temporary EC licence.

6. The requirements of Article 8 of the 1992 Order shall not apply to any export under this Licence.

Interpretation

7. 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.

8. 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”;

“EC Licence” means a licence issued pursuant to Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods (OJ No. L395,31.12.92,p.1.);

“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 European Union or United Nations sanctions.

9. Unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Import, Export and Customs Powers (Defence) Act 1939³ or in the 1992 Order.

Prohibition not affected by this Licence

10. Nothing in this Licence shall affect any prohibition or restriction on the exportation of any goods other than under the 1992 Order.

EC licence

11. This Licence is not effective in any case where an EC licence is required (for specified cultural goods being exported outside the European Community) where such a licence has not been issued.

Entry into force, revocation and saving for individual licence applications made prior to 1st November 2002

12. Except as provided in paragraph 13, this licence shall come into force on 1st November 2002. The Open General Export Licence (Antiques) dated 3rd September 1993 is hereby revoked.

13. This Licence shall not authorise the export of any article which was the subject of an application for an individual export licence where that application was submitted to the Secretary of State prior to 1st November 2002.

**Head of Export Licensing Unit
Department for Culture, Media and Sport**

³ 1939 c.69.

SCHEDULE

Any archive, document or manuscript (in any case not being printed matter); or 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 article specified in Part III of Schedule 1 to the 1994 Order;

Any photographic positive or negative or any assemblage of such photographs;

Any firearms, arms or armour.

EXPLANATORY NOTE

(This note is not part of the Licence)

The provisions of this Licence only apply for the purposes of the Export of Goods (Control) Order 1992 (the 1992 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. However, 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. In particular, where an export licence is also required by EC Regulation 3911/92 (which requires a licence for specified cultural goods exported outside the European Customs Union) an EC licence will be required as well as this Licence for the purposes of the 1992 Order. In such cases this Licence will not be valid unless an EC licence is also held.

This Licence is not valid to export goods for which an individual licence application was submitted prior to 1st November 2002.

This Licence does not extend to prohibitions in legislation banning the export of goods to specific destinations. A list of those destinations and the type of goods prohibited from export under that legislation can be obtained by contacting the Export Licensing Unit, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6164/6166/6168, fax 020 7211 6170, e-mail exportlicensing@culture.gsi.gov.uk.

The categories of articles whose export is permitted by this Licence, for the purposes of the 1992 Order, are broadly:

- (a) musical instruments exported for less than 3 months by a professional musician for use in the course of work;
- (b) musical instruments exported following importation for less than 3 months by a professional musician for use in the course of work;

- (c) motor vehicles (other than those designed or adapted for military or paramilitary use) exported for less than 3 months for use for pleasure purposes;
- (d) foreign registered motor vehicles (other than those designed or adapted for military or paramilitary use) exported following importation for less than 3 months for pleasure purposes;
- (e) photographs and albums of photographs, having a value of less than £10,000;
- (f) firearms, arms and armour (other than articles manufactured not more than 100 years before exportation which are specified in Part III of Schedule 1 of the Export of Goods (Control) Order (the 1994 Order)) and having a value of less than £35,000 in the case of firearms 100 years or more old and all other arms and armour or £65,000 in the case of firearms between 50 and 100 years old;
- (g) paintings in oil or tempera medium having a value of less than £180,000;
- (h) portraits of British historical personages having a value of less than £180,000;
- (i) articles having a value of less than £65,000, except:
 - (i) archives, documents and manuscripts (not being printed matter); architectural, scientific or engineering drawings produced by hand;
 - (ii) articles recovered from the soil of the UK, the bed of any stream or area of water in the UK or UK territorial waters, other than any article concealed for less than 50 years;
 - (iii) any article falling within Part III of Schedule 1 to the 1994 Order;

- (iv) any photographic positive or negative or any assemblage of such photographs;
 - (v) any firearm, arms or armour.
- (j) articles for which an EC licence has been issued (provided that the export is already permitted for the purposes of the 1992 Order by some other provision of this Licence) other than those falling within Part III of Schedule 1 to the 1994 Order (unless the export is already permitted by an Open Individual Export Licence or an individual export licence: in these cases a Licence for the purposes of the 1994 Order will already exist and will be subject to any conditions applicable to such a Licence).

The conditions referred to above are:

- (i) that, in the case of any musical instrument referred to in paragraph (a) above, and any motor vehicle referred to in paragraph (c) above
 - (a) the exporter must return the goods to the UK within 3 months of the date of the exportation;
and
 - (b) the goods must not be sold and must at all times remain in the possession of the exporter;
- (ii) that, in the case of portraits or likenesses of any British historical personage having a value of £10,000 or more, but less than £180,000, there is produced to the Customs and Excise officer, on exportation, a certificate described in paragraph 3 of the Licence;
- (iii) that, in the case of any article of clothing or footwear, any article manufactured from textiles and textiles in the length or piece (except for carpets and tapestries), having a value of £12,000 or more but less than £65,000, on exportation, a certificate described in paragraph 4 of the Licence;

- iv) that, in the case of any article falling under paragraph (j) above where the EC licence has been granted by the Secretary of State for temporary export:
 - (a) the exporter returns the article to the United Kingdom by the date stated for its return on the EC licence.

Where the goods to be exported consist of a matching set or pair the valuation for the purposes of the Licence is the value of the matching set or pair.