

No. 11 - 2009

## Open General Export Licence

*Made* ..... 23<sup>rd</sup> November 2009  
*Coming into operation* ..... 23<sup>rd</sup> November 2009

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The States of Alderney Policy & Finance Committee in exercise of its powers under articles 2 and 3 of the Import and Export of Goods (Control) (Alderney) Order 2001<sup>a</sup> hereby :-

- (a) revokes the Open General Export Licence dated 26<sup>th</sup> October 2009<sup>b</sup>, and
- (b) grants the following Open General Export Licence :-

### Licensed Exports

1. Subject to the provisions of this Licence :-
  - a) all goods not comprised or listed in any entry in Schedules 1 and 2 hereto may be exported from Alderney to any destination outside the British Isles;
  - b) any goods comprised or listed in any entry in Schedule 2 hereto, may however be exported to a destination in a Member State of the European Community, provided those goods are permitted, by any Order, Regulation or other instrument referred to in any such entry, to be exported to that destination and any conditions applicable in relation thereto are complied with;
  - c) all goods comprised or listed in any entry in Schedule 3 hereto may not be exported from Alderney.

### Conditions

2. The authorisation in paragraph 1 above is subject to the following condition :-

For goods being exported under the authority of this Open General Export Licence official and commercial export documentation accompanying the goods shall bear the notation "NILR".

### Other Prohibitions not affected by this Licence

3. The provisions of this Licence are without prejudice to the provisions of any other enactment (other than any Order made under the Import and Export (Control) (Alderney) Law, 1946) imposing any prohibition or restriction on the exportation of goods; and for the purpose of this Licence the expression "enactment" includes any Law, Ordinance, Act of Parliament (including without prejudice to the generality of the foregoing, the United Nations Act 1946 and the Export Control Act 2002) and any subordinate legislation made thereunder.

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<sup>a</sup> A.S.I. No. 37 of 2001, as amended by A.S.I. No. 4 of 2002 and A.S.I. No. 4 of 2003.

<sup>b</sup> A.S.I. No. 7 of 2009.

### **Interpretation**

4. A For the purposes of this Licence :-

The interpretation of any terms used in any of the Orders or Regulations listed in the Schedules hereto shall apply to this Licence.

B Any references in this Licence to an enactment or Statutory Instrument is a reference thereto as from time to time amended, extended, applied or re-enacted (with or without modification).

### **Coming into force**

5. This Licence shall come into force on the 23<sup>rd</sup> November 2009.

**DATED** this 23<sup>rd</sup> November 2009.

**R G Willmott  
Chairman, Alderney Policy & Finance Committee  
for and on behalf of the Committee**

### **EXPLANATORY NOTE**

*(This note is not part of the Licence)*

This Licence, which revokes and replaces the Open General Export Licence dated 26<sup>th</sup> October 2009 (“the former Licence”), has effect from **23<sup>rd</sup> November 2009**.

This replacement Open General Export Licence adds, to the prohibitions in the former Licence, a prohibition on the exportation of psychotropic substances more commonly referred to as BZP and its related compounds, various psychotropic substances commonly referred to as cathinones and beta-ketos, synthetic cannabinoid agonists (commonly known as synthetic cannabinoids), and precursor chemicals GBL and 1,4 BD, to any destination outside the British Isles, except under the authority of an export licence.

# SCHEDULE 1

- 1) Any objects of cultural interest as described in The Export of Objects of Cultural Interest (Control) Order 2003 (UK SI 2003 No 2759) -

other than any item that would be permitted, if being exported from the UK, under the UK Open General Export Licence (Objects of Cultural Interest) dated 1st May 2004.

- 2) Any goods described or listed in The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order, 2003 (UK S.I. 2003 No. 2764) -

Other than :-

- i) any goods the export thereof is permitted by the Order, provided that all conditions applicable in relation thereto are complied with; and
- ii) any goods being exported to a destination to which the export of such goods is not prohibited by the Order.

- 3) Any indecent or obscene prints, paintings, photographs, books, cards, lithographs or other engravings, or any other indecent or obscene articles.

- 4) Any cosmetic product containing a substance set out in Schedule 1 to the Cosmetic Products (Safety) Regulations, 1989 (UK S.I. 1989/2233).

- 5) Any prescription medicines, for animal use, listed in the Medicines (Veterinary Drugs) (Prescription Only) Order 1991 (UK S.I. 1991/1392).

- 6) Any prescription medicines, for human use, listed in the Medicines (Products other than Veterinary Drugs) (Prescription Only) Order 1983 (UK S.I. 1983/1212).

- 7) Any counterfeit of a currency note or of a protected coin.

- 8) Any precursor for narcotic drugs and psychotropic substances as listed in Category 1 or 2 of the Annex to Council Regulation (EEC) No. 3677/90, as amended from time to time, or in any re-enactment thereof.

- 9) (1) A medicinal product, as defined by article 1 of Council Directive 2001/83/EEC<sup>c</sup> ("the 2001 Directive") as from time to time amended or re-enacted (with or without modification), except -

- (a) a medicinal product in respect of which a United Kingdom marketing authorisation is in force, or
- (b) where the export of the medicinal product is for such amount as is for the personal use only of the exporter.

(2) In subparagraph (1), "**a United Kingdom marketing authorisation**" means an authorisation to market a medicinal product, as defined in subparagraph (1), granted or recognised by the Medicines and Healthcare products Regulatory Agency in the United Kingdom under and in accordance with -

- (a) the Medicines Act 1968<sup>d</sup> or any subordinate legislation made under that Act,
- (b) the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994<sup>e</sup>,

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<sup>c</sup> Directive 2001/83/EC of the European Parliament and of the Council.

<sup>d</sup> An Act of Parliament, Chapter 67 of 1968.

<sup>e</sup> United Kingdom S.I. 1994 No. 3144.

- (c) the Medicines (Homeopathic Medicinal Products for Human Use) Regulations 1994<sup>f</sup>,
- (d) the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005<sup>g</sup>,
- (e) the Medicines for Human Use (National Rules for Homeopathic Products) Regulations 2006<sup>h</sup>,
- (g) any other enactment or subordinate legislation, or
- (f) the 2001 Directive, -

in each case as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) Without prejudice to the generality of subparagraph (2), a United Kingdom marketing authorisation includes–

- (a) a marketing authorisation (including a marketing authorisation in respect of a national homeopathic product),
- (b) a product licence,
- (c) a certificate of registration,
- (d) a traditional herbal registration,
- (e) a licence of right, and
- (f) an authorisation under Article 126a of the 2001 Directive –

within the meaning of the relevant enactment, subordinate legislation, or 2001 Directive referred to in subparagraph (2).”

10) Any substance or compound listed below, or any product, salt, or other substance containing any substance or compound listed below–

- (a) the psychotropic substance 1-benzylpiperazine, and any compound structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylendioxy, halide or haloalkyl substituents, whether or not substituted at the nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl, or phenyl substituents,
- (b) the psychotropic substance 4-methylmethcathinone, also known as the  $\beta$ -keto analogue of 4-methylmethamphetamine, or 2-methylamino-1-(4-methylphenyl)propan-1-one and more commonly referred to as mephedrone or 4-MMC,
- (c) the psychotropic substance 3-fluoromethcathinone, also known as the  $\beta$ -keto analogue of 3-fluoromethamphetamine; 2-methylamino-1-(3-fluorophenyl)propan-1-one and more commonly referred to as 3-FMC,
- (d) the psychotropic substance 3,4-methylenedioxy-N-methylcathinone, also known as the  $\beta$ -keto analogue of 3,4-methylenedioxy-N-methylamphetamine or 2-methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one and more commonly referred to as methylone, MDMC, or bk-MDMA,

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<sup>f</sup> United Kingdom S.I. 1994 No. 105.

<sup>g</sup> United Kingdom S.I. 2005 No. 2750.

<sup>h</sup> United Kingdom S.I. 2006 No. 1952.

- (e) the psychotropic substance  $\beta$ -keto-N-methyl-3,4-benzodioxolylbutanamine, also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one and more commonly known as butylone or bk-MBDB,
- (f) the psychotropic substance methylenedioxypropylvalerone, also known as 1-(benzo[d][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl)pentan-1-one and more commonly known as MDPV,
- (g) any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent, also known generically as naphthoylindoles and naphthylmethylindoles,
- (h) any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, also known generically as naphthoylpyrroles,
- (i) any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent, also known generically as naphthylmethylindenes,
- (j) any compound structurally derived from 3\*phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent, also known as phenylacetylindoles,
- (k) any compound structurally derived from 2-(3hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent, also known as cyclohexylphenols,
- (l) the psychotropic substance 9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1ol, more commonly known as HU-210,
- (m) the psychotropic substance 1-Hydroxy-6,6-dimethyl-3-(2-methyloctan-2-yl)-7,8,10,10a-tetrahydro-6H-benzo[c]chromen-9(6aH)-one, more commonly known as Nabilone,
- (n) the psychotropic substance [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, more commonly known as WIN-55,212-2,
- (o) the psychotropic substance 3-dimethylheptyl-11-hydroxyhexahydrocannabinol, more commonly known as HU-243,
- (p) the psychotropic substance 9-hydroxy-6methyl-3-[5-phenylpentan-2yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate, more commonly known as CP 50,5561, or
- (q) the substance Gamma-butyrolactone or 1,4-butanediol, more commonly known as GBL or 1,4BD respectively, except where it can demonstrably be shown to be for a purpose other than human consumption.

## SCHEDULE 2

- 1) Any Endangered Species the export of which is controlled by EC Council Regulation 338/97.
- 2) Any controlled substance that depletes the Ozone Layer the export of which is controlled by Article 11 of EC Council Regulation 2037/2000.
- 3) Any Cultural Goods controlled by EC Council Regulation 3911/92.
- 4) Any rough diamonds controlled by EC Regulation 2368/2002 unless authorised in accordance with Article 11 of the said Regulation.
- 5) Any precursor for narcotic drugs and psychotropic substances as listed in Category 3 of the Annex to Council Regulation (EEC) No. 3677/90, as amended from time to time, or in any re-enactment thereof.
- 6) (a) Any goods which have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment as listed in Annex II to EC Regulation 1236/2005, as amended from time to time, or in any re-enactment thereof.  
  
(b) Any goods that could be used for the purpose of torture and other cruel, inhuman or degrading treatment or punishment as listed in Annex III to EC Regulation 1236/2005, as amended from time to time, or in any re-enactment thereof.

## SCHEDULE 3

1. The bivalve mollusc *Haliotis tuberculata*, commonly known as an **Ormer**.

**S. E. KELLY**  
**Greffier**

**£2.20**

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