



# Customs and Excise Management Act 1979

## 1979 CHAPTER 2

### PART IV

#### CONTROL OF IMPORTATION

##### *Inward entry and clearance*

#### **35 Report inwards.**

- (1) Report shall be made in such form and manner and containing such particulars as the Commissioners may direct of every ship and aircraft to which this section applies, of every vehicle entering Northern Ireland by land, and of all goods otherwise conveyed into Northern Ireland by land.
- (2) This section applies to every ship arriving at a port—
  - (a) from any place outside the United Kingdom; or
  - (b) carrying any goods brought in that ship from some place outside the United Kingdom and not yet cleared on importation.
- (3) This section applies to every aircraft arriving at any place in the United Kingdom—
  - (a) from any place or area outside the United Kingdom; or
  - (b) carrying passengers or goods taken on board that aircraft at a place outside the United Kingdom, being passengers or goods either—
    - (i) bound for a destination in the United Kingdom and not already cleared at a customs and excise airport; or
    - (ii) bound for a destination outside the United Kingdom.
- (4) The Commissioners may make regulations prescribing the procedure for making report under this section.

*Status: Point in time view as at 24/07/1991.*

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- (5) If the person by whom the report should be made fails to make report as required by or under this section—
- (a) he shall be liable on summary conviction to a penalty of [<sup>F1</sup>level 3 on the standard scale]; and
  - (b) any goods required to be reported which are not duly reported may be detained by any officer until so reported or until the omission is explained to the satisfaction of the Commissioners, and may in the meantime be deposited in a Queen's warehouse.
- (6) The person making the report shall at the time of making it answer all such questions relating to the ship, aircraft or vehicle, to the goods carried therein, to the crew and to the voyage, flight or journey as may be put to him by the proper officer; and if he refuses to answer he shall be liable on summary conviction to a penalty of [<sup>F2</sup>level 3 on the standard scale].
- (7) If at any time after a ship or aircraft carrying goods brought therein from any place outside the United Kingdom arrives [<sup>F3</sup>in or over United Kingdom waters], or after a vehicle crosses the boundary into Northern Ireland, and before report has been made in accordance with this section—
- (a) bulk is broken; or
  - (b) any alteration is made in the stowage of any goods carried so as to facilitate the unloading of any part thereof before due report has been made; or
  - (c) any part of the goods is staved, destroyed or thrown overboard or any container is opened,
- and the matter is not explained to the satisfaction of the Commissioners, the master of the ship or commander of the aircraft or the person in charge of the vehicle shall be liable on summary conviction to a penalty of [<sup>F4</sup>level 3 on the standard scale].
- (8) For the purposes of subsection (7) above, the guard of a railway train shall be deemed to be the person in charge of any vehicle forming part of that train.
- [<sup>F5</sup>(9) References in this section to a place, area or destination outside the United Kingdom do not include referenes to a place, area or destination in the Isle of Man and in subsection (3)(b)(i) above the reference to a destination in the United Kingdom includes a reference to a destination in the Isle of Man.]

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6
- F2** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6
- F3** Words substituted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3, Sch. 1 para. 4(2)
- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6
- F5** S. 35(9) inserted by Isle of Man Act 1979 (c. 58), Sch. 1 para. 6

#### Modifications etc. (not altering text)

- C1** S. 35(1) amended by S.I. 1990/2167, art. 4, Sch. para. 5(1)

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**C2** S. 35(7) amended by S.I. 1990/2167, art. 4, **Sch. para. 5(2)**

### **36 Provisions as to Her Majesty's ships, etc.**

- (1) The person in command of any ship having a commission from Her Majesty or any foreign State which has on board any goods loaded in any place outside the United Kingdom [<sup>F6</sup>and the Isle of Man] shall, before any such goods are unloaded, or at any time when called upon to do so by the proper officer, deliver to the proper officer an account of the goods in accordance with subsection (2) below, and if he fails so to do he shall be liable on summary conviction to a penalty of [<sup>F7</sup>level 3 on the standard scale].
- (2) An account of goods under subsection (1) above shall be in such form, and shall contain to the best of the knowledge of the person delivering the account such particulars, and shall be delivered in such manner, as the Commissioners may direct.
- (3) The person delivering such an account shall when delivering it answer all such questions relating to the goods as may be put to him by the proper officer and if he refuses to answer he shall be liable on summary conviction to a penalty of [<sup>F8</sup>level 3 on the standard scale].
- (4) Subject in the case of ships having a commission from Her Majesty to any regulations made by the Treasury, the provisions of Parts III to VII of this Act as to the boarding and search of ships shall have effect in relation to such a ship as aforesaid as they have effect in relation to any other ship, and any officer may remove to a Queen's warehouse any goods loaded as aforesaid found on board the ship.

#### **Textual Amendments**

- F6** Words inserted by *Isle of Man Act 1979 (c. 58), Sch. 1 para. 7*
- F7** Words substituted by virtue of (E.W.) *Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46* and (S.) *Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G* and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6
- F8** Words substituted by virtue of (E.W.) *Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46* and (S.) *Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G* and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6

### **37 Entry of goods on importation.**

- (1) The importer of any goods, other than goods which are exempt from the requirements of this section, shall deliver to the proper officer an entry thereof in such form and manner [<sup>F9</sup>, containing such particulars and accompanied by such documents] as the Commissioners may direct.
- (2) The following goods are exempt from the requirements of this section—
  - (a) whales and fresh fish (including shell-fish) of British taking brought by British ships;
  - [<sup>F10</sup>(aa) free zone goods (other than goods which are chargeable with any excise duty);]
  - (b) passengers' baggage; and
  - (c) Community transit goods.
- (3) Subject to subsections (4) and (5) below, goods may be entered under this section—

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- (a) for home use [<sup>F11</sup>or for free circulation], if so eligible; or
  - [<sup>F12</sup>(aa) in the case of goods which are chargeable with any excise duty, as free zone goods;]
  - (b) for warehousing; or
  - (c) for transit or transhipment; or
  - (d) for inward processing [<sup>F13</sup>or other processing under Community arrangements]; or
  - (e) in such cases as the Commissioners may permit, for temporary retention with a view to subsequent re-exportation.
- (4) All goods imported by means of a pipe-line and chargeable with duty shall be entered for warehousing.
- (5) The Commissioners may—
- (a)
  - [<sup>F14</sup>(b) subject to subsection (4) above, direct that goods of any class or description specified in the direction shall not be permitted to be entered for warehousing.
- [<sup>F15</sup>(6) Except with the permission of the Commissioners no entry shall be delivered before the goods have been presented at the proper office of customs and excise.
- (7) Where the Commissioners permit an entry to be delivered before presentation of the goods, the goods must be presented at the proper office of customs and excise within such time as the Commissioners may allow; and if the goods are not so presented the entry shall be treated as not having been delivered.
- (8) Goods shall be treated as presented at the proper office of customs and excise if notice is given, in such form and manner as the Commissioners may direct to the proper officer of the arrival of the goods at that office or at such other place as may be specified by directions given by the Commissioners.
- (9) Acceptance of an entry by the proper officer shall be signified in such manner as the Commissioners may direct.]

#### Textual Amendments

- F9** Words substituted by Finance Act 1981 (c. 35, SIF 40:1), s. 10(1), **Sch. 6 para. 1(2)**
- F10** S. 37(2)(aa) inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 8, **Sch. 4 Pt. II para. 3(a)**
- F11** Words inserted by Finance Act 1981 (c. 35, SIF 40:1), s. 10(1), **Sch. 6 para. 1(3)**
- F12** S. 37(3)(aa) inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 8, **Sch. 4 Pt. II para. 3(b)**
- F13** Words inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 9, **Sch. 5 para. 1**
- F14** S. 37(5)(a) repealed by Finance Act 1981 (c. 35, SIF 40:1), ss. 10(1), 139(6), Sch. 6 para. 1(4), **Sch. 19 Pt. I**
- F15** S. 37(6)–(9) substituted for s. 37(6)(7) by Finance Act 1981 (c. 35, SIF 40:1), s. 10(1), **Sch. 6 para. 1(5)**

#### Modifications etc. (not altering text)

- C3** S. 37 modified by S.I. 1986/260, **regs. 5(b)**, 18

#### [<sup>F16</sup>37A Initial and supplementary entries.

- (1) Without prejudice to section 37 above, a direction under that section may—

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- (a) provide that where the importer is authorised for the purposes of this section, the entry may consist of an initial entry and a supplementary entry; and
- (b) . . . <sup>F17</sup>make such supplementary provision in connection with entries consisting of initial and supplementary entries as the Commissioners think fit.

[ Without prejudice to section 37 above, a direction under that section may —

- <sup>F18</sup>(1A)
- (a) provide that where the importer is not authorised for the purposes of this section but a person who is so authorised is appointed as his agent for the purpose of entering the goods, the entry may consist of an initial entry made by the person so appointed and a supplementary entry so made, and
  - (b) make such supplementary provision in connection with entries consisting of initial and supplementary entries made as mentioned in paragraph (a) above as the Commissioners think fit.]

[ Where—

- <sup>F19</sup>(2)
- (a) an initial entry made under subsection (1) above has been accepted and the importer has given security by deposit of money or otherwise to the satisfaction of the Commissioners for payment of the unpaid duty, or
  - (b) an initial entry made under subsection (1A) above has been accepted and the person making the entry on the importer's behalf has given such security as is mentioned in paragraph (a) above,

the goods may] be delivered without payment of any duty chargeable in respect of the goods, but any such duty shall be paid within such time as the Commissioners may direct.

- (3) An importer who makes an initial entry [<sup>F20</sup>under subsection (1) above] shall complete the entry by delivering the supplementary entry within such time as the Commissioners may direct.

[ A person who makes an initial entry under subsection (1A) above on behalf of an <sup>F21</sup>(3A) importer shall complete the entry by delivering the supplementary entry within such time as the Commissioners may direct.]

- (4) For the purposes of the customs and excise Acts an entry of goods shall be taken to have been delivered when an initial entry of the goods has been delivered, and accepted when an initial entry has been accepted.]

#### Textual Amendments

- F16** Ss. 37A–C inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 9, **Sch. 5 para. 2**
- F17** Word repealed by Finance Act 1990 (c. 29, SIF 40:1), ss. 7, 132, Sch. 3 para. 2(2), **Sch. 19 Pt. 1**
- F18** S. 37A(1A) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 2(3)**
- F19** Words substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 2(4)**
- F20** Words inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 2(5)**
- F21** S. 37A(3A) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 2(6)**

### 37B Postponed entry.

- (1) The Commissioners may, if they think fit, direct that where—
  - (a) such goods as may be specified in the direction are imported by an importer authorised for the purposes of this subsection;

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- (b) the importer has delivered a document relating to the goods to the proper officer, in such form and manner, containing such particulars and accompanied by such documents as the Commissioners may direct; and
- (c) the document has been accepted by the proper officer,

the goods may be delivered before an entry of them has been delivered or any duty chargeable in respect of them has been paid.

[<sup>F22</sup>(1A) The Commissioners may, if they think fit, direct that where—

- (a) such goods as may be specified in the direction are imported by an importer who is not authorised for the purposes of this subsection;
- (b) a person who is authorised for the purposes of this subsection is appointed as his agent for the purpose of entering the goods;
- (c) the person so appointed has delivered a document relating to the goods to the proper officer, in such form and manner, containing such particulars and accompanied by such documents as the Commissioners may direct; and
- (d) the document has been accepted by the proper officer,

the goods may be delivered before an entry of them has been delivered or any duty chargeable in respect of them has been paid.]

(2) The Commissioners may, if they think fit, direct that where—

- (a) such goods as may be specified in the direction are imported by an importer authorised for the purposes of this subsection;
- (b) the goods have been removed from the place of importation to a place approved by the Commissioners for the clearance out of charge of such goods; and
- (c) the conditions mentioned in subsection (3) below have been satisfied,

the goods may be delivered before an entry of them has been delivered or any duty chargeable in respect of them has been paid.

(3) The conditions are that—

- (a) on the arrival of the goods at the approved place the importer delivers to the proper officer a notice of the arrival of the goods in such form and containing such particulars as may be required by the directions;
- (b) within such time as may be so required the importer enters such particulars of the goods and such other information as may be so required in a record maintained by him at such place as the proper officer may require; and
- (c) the goods are kept secure in the approved place for such period as may be required by the directions.

[<sup>F23</sup>(3A) The Commissioners may, if they think fit, direct that where—

- (a) such goods as may be specified in the direction are imported by an importer who is not authorised for the purposes of this subsection;
- (b) a person who is authorised for the purposes of this subsection is appointed as his agent for the purpose of entering the goods;
- (c) the goods have been removed from the place of importation to a place approved by the Commissioners for the clearance out of charge of such goods; and
- (d) the conditions mentioned in subsection (3B) below have been satisfied.

the goods may be delivered before an entry of them has been delivered or any duty chargeable in respect of them has been paid.

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- (3B) The conditions are that—
- (a) on the arrival of the goods at the approved place the person appointed as the agent of the importer for the purpose of entering the goods delivers to the proper officer a notice of the arrival of the goods in such form and containing such particulars as may be required by the directions;
  - (b) within such time as may be so required the person appointed as the agent of the importer for the purpose of entering the goods enters such particulars of the goods and such other information as may be so required in a record maintained by him at such place as the proper officer may require; and
  - (c) the goods are kept secure in the approved place for such period as may be required by the directions.]
- (4) The Commissioners may direct that the condition mentioned in subsection (3)(a) [<sup>F24</sup>or (3B)(a)] above shall not apply in relation to any goods specified in the direction and such a direction may substitute another condition.
- (5) No goods shall be delivered under [<sup>F25</sup>subsection (1) or (2) above] unless the importer gives security by deposit of money or otherwise to the satisfaction of the Commissioners for the payment of any duty chargeable in respect of the goods which is unpaid.
- [<sup>F26</sup>(5A) No goods shall be delivered under subsection (1A) or (3A) above unless the person appointed as the agent of the importer for the purpose of entering the goods gives security by deposit of money or otherwise to the satisfaction of the Commissioners for the payment of any duty chargeable in respect of the goods which is unpaid.]
- (6) Where goods of which no entry has been made have been delivered under [<sup>F27</sup>subsection (1) or (2) above], the importer shall deliver an entry of the goods under section 37(1) above within such time as the Commissioners may direct.
- [<sup>F28</sup>(6A) Where goods of which no entry has been made have been delivered under subsection (1A) or (3A) above, the person appointed as the agent of the importer for the purpose of entering the goods shall deliver an entry of the goods under section 37(1) above within such time as the Commissioners may direct.]
- (7) For the purposes of section 43(2)(a) below such an entry shall be taken to have been accepted—
- (a) in the case of goods delivered by virtue of a direction under subsection (1) [<sup>F29</sup>or (1A)] above, on the date on which the document mentioned in that subsection was accepted; and
  - (b) in the case of goods delivered by virtue of a direction under subsection (2) above, on the date on which particulars of the goods were entered as mentioned in subsection (3)(b) above. [<sup>F30</sup>and
  - (c) in the case of goods delivered by virtue of a direction under subsection (3A) above, on the date on which particulars of the goods were entered as mentioned in subsection (3B)(b) above.]

#### Textual Amendments

**F22** S. 37B(1A) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, Sch. 3 para. 3(2)

**F23** S. 37B(3A)(3B) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, Sch. 3 para. 3(3)

**F24** Words inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, Sch. 3 para. 3(4)

**F25** Words substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, Sch. 3 para. 3(5)

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- F26** S. 37B(5A) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 3(6)**
- F27** Words substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 3(7)**
- F28** S. 37B(6A) inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 3(8)**
- F29** Words inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 3(9)(a)**
- F30** Words inserted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 3(9)(b)**

### **37C Provisions supplementary to ss. 37A and 37B.**

- (1) The Commissioners may, if they think fit—
  - (a) authorise any [<sup>F31</sup>person] for the purposes of section 37A, or 37B(1) [<sup>F32</sup>, (1A), (2) or (3A)] above; and
  - (b) suspend or cancel the authorisation of any [<sup>F33</sup>person] where it appears to them that he has failed to comply with any requirement imposed on him by or under this Part of this Act or that there is other reasonable cause for suspension or cancellation.
- (2) The Commissioners may give directions—
  - (a) imposing such requirements as they think fit on any [<sup>F34</sup>person] authorised under this section; or
  - (b) varying any such requirements previously imposed.
- (3) If any person without reasonable excuse contravenes any requirement imposed by or under section 37A, 37B or this section he shall be liable on summary conviction to a penalty of level 4 on the standard scale.

#### **Textual Amendments**

- F31** Word substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 4(2)(a)**
- F32** Words substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 4(2)(b)**
- F33** Word substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 4(3)**
- F34** Word substituted by Finance Act 1990 (c. 29, SIF 40:1), s. 7, **Sch. 3 para. 4(4)**

### **[<sup>F35</sup>38 Acceptance of incomplete entry.**

- (1) The proper officer may, if he thinks fit, accept an entry which does not in every respect comply with section 37 above.
- (2) Where an entry is accepted under this section the importer shall, within such time as the Commissioners may allow, deliver to the proper officer such of the particulars or documents as were required to be, but were not, contained in or delivered with the entry or, if the proper officer so permits, deliver to him a substituted entry complying in all respects with section 37 above.]

#### **Textual Amendments**

- F35** S. 38 substituted by Finance Act 1981 (c. 35, SIF 40:1), s. 10(1), **Sch. 6 para. 2**



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**[<sup>F36</sup>38A Examination of goods for purpose of making entry.**

- (1) For the purpose of enabling entry to be made of any goods which are in customs and excise charge the proper officer shall, on the application of the importer, allow the examination of the goods and the taking of samples of the goods.
- (2) Any such application shall be made in such form and manner and contain such particulars as the Commissioners may direct.
- (3) Any examination or taking of samples under this section shall be carried out in accordance with such directions as may be given by the Commissioners and shall be at the risk and at the expense of the importer.]

**Textual Amendments**

**F36** S. 38A inserted by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), s. 10(1), [Sch. 6 para. 3](#)

**[<sup>F37</sup>38B Correction and cancellation of entry.**

- (1) Where goods have been entered for home use or for free circulation the importer may correct any of the particulars contained in an entry of the goods after it has been accepted if—
  - (a) the goods have not been cleared from customs and excise charge;
  - (b) he has not been notified by an officer that the goods are to be examined; and
  - (c) the entry has not been found by an officer to be incorrect.
- (2) The proper officer may permit or require any correction allowed by subsection (1) above to be made by the delivery of a substituted entry.
- (3) An entry of goods may at the request of the importer be cancelled at any time before the goods are cleared from customs and excise charge if the importer proves to the satisfaction of the Commissioners that the entry was delivered by mistake or that the goods cannot be cleared for free circulation.]

**Textual Amendments**

**F37** S. 38B inserted by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), s. 10(1), [Sch. 6 para. 4](#)

**39 Entry of surplus stores.**

- (1) With the permission of the proper officer, surplus stores of any ship or aircraft—
  - (a) if intended for private use and in quantities which do not appear to him to be excessive, may be entered and otherwise treated as if they were goods imported in the ship or aircraft; or
  - (b) in any other case may, subject to subsection (2) below, be entered for warehousing notwithstanding that they could not lawfully be imported as merchandise.
- (2) Goods entered for warehousing by virtue of subsection (1)(b) above shall not, except with the sanction of the Commissioners, be further entered, or be removed from the warehouse, otherwise than for use as stores.

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#### 40 Removal of uncleared goods to Queen’s warehouse.

- (1) Where in the case of any imported goods—
- (a) entry has not been made thereof by the expiration of the relevant period; or
  - [<sup>F38</sup>(b) at the expiration of 21 clear days from the date when they were presented at the proper office of customs and excise they have not been produced for examination and clearance and the failure to produce them is attributable to an act or omission for which the importer is responsible; or]
  - (c) being goods imported by sea and not being in large quantity, they are at any time after the arrival of the importing ship at the port at which they are to be unloaded the only goods remaining to be unloaded from that ship at that port,
- the proper officer may cause the goods to be deposited in a Queen’s warehouse.
- (2) Where any small package or consignment of goods is imported, the proper officer may at any time after the relevant date cause that package or consignment to be deposited in a Queen’s warehouse to await entry.
- (3) Without prejudice to section 99(3) below, if any goods deposited in a Queen’s warehouse by the proper officer under this section are not cleared by the importer thereof—
- (a) in the case of goods which are in the opinion of the Commissioners of a perishable nature, forthwith; or
  - (b) in any other case, within 3 months after they have been so deposited or such longer time as the Commissioners may in any case allow,
- the Commissioners may sell them.
- (4) In this section—
- (a) “the relevant period” means a period of, in the case of goods imported by air, 7 or, in any other case, 14 clear days from the relevant date; and
  - (b) “the relevant date” means, subject to subsection (5) below, the date when report was made of the importing ship, aircraft or vehicle or of the goods under section 35 above, or, where no such report was made, the date when it should properly have been made.
- (5) Where any restriction is placed upon the unloading of goods from any ship or aircraft by virtue of any enactment relating to the prevention of epidemic and infectious diseases, then, in relation to that ship or aircraft, “the relevant date” in this section means the date of the removal of the restriction.

##### Textual Amendments

**F38** S. 40(1)(b) substituted by Finance Act 1981 (c. 35, SIF 40:1), s. 10(1), Sch. 6 para. 5

##### Modifications etc. (not altering text)

**C4** S. 40 modified by S.I. 1986/260, regs. 5(c), 18

#### 41 Failure to comply with provisions as to entry.

Without prejudice to any liability under any other provision of the Customs and Excise Acts 1979, and person making entry of goods on their importation who fails to comply with any of the requirements of this Part of this Act in connection with that entry shall be liable on summary conviction to a penalty of [<sup>F39</sup>level 2 on the standard scale], and

*Status: Point in time view as at 24/07/1991.*

*Changes to legislation: Customs and Excise Management Act 1979, Cross Heading: Inward entry and clearance is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the goods in question shall be liable to forfeiture [<sup>F40</sup>but this section shall not apply to—

- (a) any failure which has been or may be remedied by virtue of section 38(B)(1); or
- (b) any failure in respect of an entry which by virtue of section 38(B)(3) has been or may be cancelled at his request.]

#### Textual Amendments

- F39** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and (N.I.) by [S.I. 1984/703](#), (N.I. 3) art. 5
- F40** Words and s. 41(a)(b) inserted by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), [s. 10\(1\)](#), [Sch. 6 para. 6](#)

## 42 Power to regulate unloading, removal, etc. of imported goods.

- (1) The Commissioners may make regulations—
- (a) prescribing the procedure to be followed by a ship arriving at a port, an aircraft arriving at a customs and excise airport, or a person conveying goods into Northern Ireland by land;
  - (b) regulating the unloading, landing, movement and removal of goods on their importation;

and different regulations may be made with respect to importation by sea, air or land respectively.

- (2) If any person contravenes or fails to comply with any regulation made under this section or with any direction given by the Commissioners or the proper officer in pursuance of any such regulation, he shall be liable on summary conviction to a penalty of [<sup>F41</sup>level 3 on the standard scale] and any goods in respect of which the offence was committed shall be liable to forfeiture.

#### Textual Amendments

- F41** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) by [S.I. 1984/703](#), (N.I. 3) arts. 5, 6

#### Modifications etc. (not altering text)

- C5** [S. 42\(1\)\(a\)](#) amended by [S.I. 1990/2167](#), art. 4, [Sch. para. 6](#)

**Status:**

Point in time view as at 24/07/1991.

**Changes to legislation:**

Customs and Excise Management Act 1979, Cross Heading: Inward entry and clearance is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.