



Customs and Excise Management Act 1979

1979 CHAPTER 2

PART VII

CUSTOMS AND EXCISE CONTROL: SUPPLEMENTARY PROVISIONS

Special requirements as to movement of certain goods

75 Explosives

- (1) No goods which are explosives within the meaning of the Explosives Act 1875 shall be loaded into any ship or aircraft for exportation, exported by land or shipped for carriage coastwise as cargo, until due entry has been made of the goods in such form and manner and containing such particulars as the Commissioners may direct.
- (2) Without prejudice to sections 53 and 60 above, any goods required to be entered under this section which are loaded, exported or shipped as mentioned in subsection (1) above without being entered under this section shall be liable to forfeiture, and the exporter or, as the case may be, shipper shall be liable on summary conviction to a penalty of £100.

76 Power to require pre-entry and clearance of goods

- (1) Without prejudice to any other requirement of this Act as to the entry or clearance of goods, the Commissioners may, where they are satisfied that it is expedient in the public interest, by order made by statutory instrument require with respect to any goods entry and clearance of the goods in such manner as the Commissioners may direct before their exportation or shipment for exportation, for carriage coastwise or as stores.
- (2) Without prejudice to sections 53 and 60 above, if any person required by virtue of an order made under this section to make entry or obtain clearance of any goods, ships or exports, or attempts to ship or export, those goods without such entry or clearance or

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otherwise contrary to the order, he shall be liable on summary conviction to a penalty of £100.

Additional provisions as to information

77 Information in relation to goods imported or exported

- (1) An officer may require any person—
- (a) concerned with the importation, exportation or shipment for carriage coastwise of goods of which an entry or specification is required for that purpose by or under this Act; or
 - (b) concerned in the carriage, unloading, landing or loading of goods which are being or have been imported or exported,
- to furnish in such form as the officer may require any information relating to the goods and to produce and allow the officer to inspect and take extracts from or make copies of any invoice bill of lading or other book or document whatsoever relating to the goods.
- (2) If any person without reasonable cause fails to comply with a requirement imposed on him under subsection (1) above he shall be liable on summary conviction to a penalty of £50.
- (3) Where any prohibition or restriction to which this subsection applies, that is to say, any prohibition or restriction under or by virtue of any enactment with respect to—
- (a) the exportation of goods to any particular destination;
 - (b) the exportation of goods of any particular class or description to any particular destination,
- is for the time being in force, then, if any person about to ship for exportation or to export any goods or, as the case may be, any goods of that class or description, in the course of making entry thereof before shipment or exportation makes a declaration as to the ultimate destination thereof, and the Commissioners have reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Commissioners are satisfied as to the truth of the declaration, and if they are not so satisfied the goods shall be liable to forfeiture.
- (4) Any person concerned in the exportation of any goods which are subject to any prohibition or restriction to which subsection (3) above applies shall, if so required by the Commissioners, satisfy the Commissioners that those goods have not reached any destination other than that mentioned in the entry delivered in respect of the goods.
- (5) If any person required under subsection (4) above to satisfy the Commissioners as mentioned in that subsection fails to do so, then, unless he proves—
- (a) that he did not consent to or connive at the goods reaching any destination other than that mentioned in the entry delivered in respect of the goods ; and
 - (b) that he took all reasonable steps to secure that the ultimate destination of the goods was not other than that so mentioned,
- he shall be liable on summary conviction to a penalty of three times the value of the goods or £100, whichever is the greater.

78 Customs and excise control of persons entering or leaving the United Kingdom

(1) Any person entering the United Kingdom shall, at such place and in such manner as the Commissioners may direct, declare any thing contained in his baggage or carried with him which—

- (a) he has obtained outside the United Kingdom; or
- (b) being dutiable goods or chargeable goods, he has obtained in the United Kingdom without payment of duty or tax,

and in respect of which he is not entitled to exemption from duty and tax by virtue of any order under section 13 of the Customs and Excise Duties (General Reliefs) Act 1979 (personal reliefs).

In this subsection " chargeable goods " means goods on the importation of which value added tax is chargeable or goods obtained in the United Kingdom before 1st April 1973 which are chargeable goods within the meaning of the Purchase Tax Act 1963 ; and " tax " means value added tax or purchase tax.

(2) Any person entering or leaving the United Kingdom shall answer such questions as the proper officer may put to him with respect to his baggage and any thing contained therein or earned with him, and shall, if required by the proper officer, produce that baggage and any such thing for examination at such place as the Commissioners may direct.

(3) Any person failing to declare any thing or to produce any baggage or thing as required by this section shall be liable on summary conviction to a penalty of three times the value of the thing not declared or of the baggage or thing not produced, as the case may be, or £100, whichever is the greater.

(4) Any thing chargeable with any duty or tax which is found concealed, or is not declared, and any thing which is being taken into or out of the United Kingdom contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment, shall be liable to forfeiture.

79 Power to require evidence in support of information

(1) The Commissioners may, if they consider it necessary, require evidence to be produced to their satisfaction in support of any information required by or under Parts III to VII of this Act to be provided in respect of goods imported or exported.

(2) Without prejudice to subsection (1) above, where any question as to the duties chargeable on any imported goods, or the operation of any prohibition or restriction on importation, depends on any question as to the place from which the goods were consigned, or any question where they or other goods are to be treated as grown, manufactured or produced, or any question as to payments made or relief from duty allowed in any country or territory, then—

- (a) the Commissioners may require the importer of the goods to furnish to them, in such form as they may prescribe, proof of—
 - (i) any statement made to them as to any fact necessary to determine that question, or
 - (ii) the accuracy of any certificate or other document furnished in connection with the importation of the goods and relating to the matter in issue,

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and if such proof is not furnished to their satisfaction the question may be determined without regard to that statement or to that certificate or document; and

- (b) if in any proceedings relating to the goods or to the duty chargeable thereon the accuracy of any such certificate or document comes in question, it shall be for the person relying on it to furnish proof of its accuracy.

80 Power to require information or production of documents where origin of goods exported is evidenced under Community law or practice

- (1) Where on the exportation of any goods from the United Kingdom there has been furnished for the purpose of any Community requirement or practice any certificate or other evidence as to the origin of those goods, or as to payments made or relief from duty allowed in any country or territory, then, for the purpose of verifying or investigating that certificate or evidence. The Commissioners or an officer may require the exporter, or any other person appearing to the Commissioners or officer to have been concerned in any way with the goods, or with any goods from which, directly or indirectly, they have been produced or manufactured, or to have been concerned with the obtaining or furnishing of the certificate or evidence,—
 - (a) to furnish such information, in such form and within such time, as the Commissioners or officer may specify in the requirement; or
 - (b) to produce for inspection, and to allow the taking of copies or extracts from, such invoices, bills of lading, books or documents as may be so specified.
- (2) Any person who, without reasonable cause, fails to comply with a requirement imposed on him under subsection (1) above shall be liable on summary conviction to a penalty of £50.

Prevention of smuggling

81 Power to regulate small craft

- (1) In this section " small ships " means—
 - (a) ships not exceeding 100 tons register ; and
 - (b) hovercraft, of whatever size.
- (2) The Commissioners may make general regulations with respect to small ships and any such regulations may in particular make provision as to the purposes for which and the limits within which such ships may be used.
- (3) Different provision may be made by regulations under this section for different classes or descriptions of small ships.
- (4) The Commissioners may, in respect of any small ship, grant a licence exempting that ship from all or any of the provisions of any regulations made under this section.
- (5) Any such licence may be granted for such period, for such purposes and subject to such conditions and restrictions as the Commissioners see fit, and may be revoked at any time by the Commissioners.
- (6) Any small ship which, except under and in accordance with the terms of a licence granted under this section, is used contrary to any regulation made under this section,

and any ship granted such a licence which is found not to have that licence on board, shall be liable to forfeiture.

- (7) Every boat belonging to a British ship and every other vessel not exceeding 100 tons register, not being a fishing boat entered in the fishing boat register under the Merchant Shipping Act 1894, and every hovercraft, shall be marked in such manner as the Commissioners may direct, and any such boat, vessel or hovercraft which is not so marked shall be liable to forfeiture.

82 Power to haul up revenue vessels, patrol coasts, etc.

- (1) The person in command or charge of any vessel in the service of Her Majesty which is engaged in the prevention of smuggling—
- (a) may haul up and leave that vessel on any part of the coast or of the shore or bank of any river or creek; and
 - (b) may moor that vessel at any place below high water mark on any part of the coast or of any such shore or bank.
- (2) Any officer and any person acting in aid of an officer or otherwise duly engaged in the prevention of smuggling may for that purpose patrol upon and pass freely along and over any part of the coast or of the shore or bank of any river or creek, over any railway or aerodrome or land adjoining any aerodrome, and over any land in Northern Ireland within the prescribed area.
- (3) Nothing in this section shall authorise the use of or entry into any garden or pleasure ground.

83 Penalty for removing seals, etc.

- (1) Where, in pursuance of any power conferred by the customs and excise Acts or of any requirement imposed by or under those Acts, a seal, lock or mark is used to secure or identify any goods for any of the purposes of those Acts and—
- (a) at any time while the goods are in the United Kingdom or within the limits of any port or on passage between ports in the United Kingdom, the seal, lock or mark is wilfully and prematurely removed or tampered with by any person ; or
 - (b) at any time before the seal, lock or mark is lawfully removed, any of the goods are wilfully removed by any person , ,
- that person and the person then in charge of the goods shall each be liable on summary conviction to a penalty of , \pounds 500
- (2) For the purposes of subsection (1) above, goods in a ship or aircraft shall be deemed to be in the charge of the master of the ship or commander of the aircraft.
- (3) Where, in pursuance of any Community requirement or practice which relates to the movement of goods; between countries or of any international agreement to which the United Kingdom is a party and which so relates,—
- (a) a seal, lock or mark is used (whether in the United Kingdom or elsewhere) to secure or identify any goods for customs or excise purposes ; and
 - (b) at any time while the goods are in the United Kingdom, the seal , lock or mark is wilfully and prematurely removed or tampered with by any person,
- that person and the person then in charge of the goods shall each be liable on summary conviction to a penalty of \pounds 500.

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84 Penalty for signalling to smugglers

- (1) In this section references to a " prohibited signal " or a " prohibited message " are references to a signal or message connected with the smuggling or intended smuggling of goods into or out of the United Kingdom.
- (2) Any person who by any means makes any prohibited signal or transmits any prohibited message from any part of the United Kingdom or from any ship or aircraft for the information of a person in any ship or aircraft or across the boundary shall be liable on summary conviction to a penalty of £100, or to imprisonment for a term not exceeding 6 months, or to both, and may be detained ; and any equipment or apparatus used for sending the signal or message shall be liable to forfeiture.
- (3) Subsection (2) above applies whether or not the person for whom the signal or message is intended is in a position to receive it or is actually engaged at the time in smuggling goods.
- (4) If, in any proceedings under subsection (2) above, any question arises as to whether any signal or message was a prohibited signal or message, the burden of proof shall lie upon the defendant or claimant.
- (5) If any officer or constable or any member of Her Majesty's armed forces or coastguard has reasonable grounds for suspecting that any prohibited signal or message is "being or is about to be made or transmitted from any ship, aircraft, vehicle, house or place, he may board or enter that ship, aircraft, vehicle, house or place and take such steps as are reasonably necessary to stop or prevent the sending of the signal or message.

85 Penalty for interfering with revenue vessels, etc.

- (1) Any person who save for just and sufficient cause interferes in any way with any ship, aircraft, vehicle, buoy, anchor, chain, rope or mark which is being used for the purposes of any functions of the Commissioners under Parts III to VII of this Act shall be liable on summary conviction to a penalty of £25.
- (2) Any person who fires upon any vessel, aircraft or vehicle in the service of Her Majesty while that vessel, aircraft or vehicle is engaged in the prevention of smuggling shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years.

86 Special penalty where offender armed or disguised

Any person concerned in the movement, carriage or concealment of goods—

- (a) contrary to or for the purpose of contravening any prohibition or restriction for the time being in force under or by virtue of any enactment with respect to the importation or exportation thereof; or
- (b) without payment having been made of or security given for any duty payable thereon,

who, while so concerned, is armed with any offensive weapon or disguised in any way, and any person so armed or disguised found in the United Kingdom in possession of any goods liable to forfeiture under any provision of the customs and excise Acts relating to imported goods or prohibited or restricted goods, shall be liable on conviction on indictment to imprisonment for a term not exceeding 3 years and may be detained.

87 Penalty for offering goods for sale as smuggled goods

If any person offers any goods for sale as having been imported without payment of duty, or as having been otherwise unlawfully imported, then, whether or not the goods were so imported or were in fact chargeable with duty, the goods shall be liable to forfeiture and the person so offering them for sale shall be liable on summary conviction to a penalty of three times the value of the goods or £100, whichever is the greater, and may be detained.

Forfeiture of ships, etc. for certain offences

88 Forfeiture of ship, aircraft or vehicle constructed, etc. for concealing goods

Where—

- (a) a ship is or has been within the limits of any port or within 3 or, being a British ship, 12 nautical miles of the coast of the United Kingdom ; or
- (b) an aircraft is or has been at any place, whether on land or on water, in the United Kingdom ; or
- (c) a vehicle is or has been within the limits of any port or at any aerodrome or, while in Northern Ireland, within the prescribed area,

while constructed, adapted, altered or fitted in any manner for the purpose of concealing goods, that ship, aircraft or vehicle shall be liable to forfeiture.

89 Forfeiture of ship jettisoning cargo, etc.

(1) If any part of the cargo of a ship is thrown overboard or is staved or destroyed to prevent seizure—

- (a) while the ship is within 3 nautical miles of the coast of the United Kingdom ; or
- (b) where the ship, having been properly summoned to bring to by any vessel in the service of Her Majesty, fails so to do and chase is given, at any time during the chase,

the ship shall be liable to forfeiture.

(2) For the purposes of this section a ship shall be deemed to have been properly summoned to bring to—

- (a) if the vessel making the summons did so by means of an international signal code or other recognised means and while flying her proper ensign; and
- (b) in the case of a ship which is not a British ship, if at the time when the summons was made the ship was within 3 nautical miles of the coast of the United Kingdom.

90 Forfeiture of ship or aircraft unable to account for missing cargo

Where a ship has been within the limits of any port, or an aircraft has been in the United Kingdom, with a cargo on board and a substantial part of that cargo is afterwards found to be missing, then, if the master of the ship or commander of the aircraft fails to account therefor to the satisfaction of the Commissioners, the ship or aircraft shall be liable to forfeiture.

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91 Ships failing to bring to

- (1) If, save for just and sufficient cause, any ship which is liable to forfeiture or examination under or by virtue of any provision of the Customs and Excise Acts 1979 does not bring to when required to do so, the master of the ship shall be liable on summary conviction to a penalty of £50.
- (2) Where any ship liable to forfeiture or examination as aforesaid has failed to bring to when required to do so and chase has been given thereto by any vessel in the service of Her Majesty and, after the commander of that vessel has hoisted the proper ensign and caused a gun to be fired as a signal, the ship still fails to bring to, the ship may be fired upon.