



# Customs and Excise Management Act 1979

## 1979 CHAPTER 2

### PART XII

#### GENERAL AND MISCELLANEOUS

##### *General powers, etc.*

#### **157 Bonds and security.**

- (1) Without prejudice to any express requirement as to security contained in the customs and excise Acts, the Commissioners may, if they see fit, require any person to give security [<sup>F1</sup>(or further security) by bond, guarantee] or otherwise for the observance of any condition in connection with customs or excise.

<sup>F2</sup>(1A) .....

- (2) Any bond [<sup>F3</sup>, guarantee or other security] taken for the purposes of any assigned matter—
- (a) shall be taken [<sup>F4</sup>on behalf of Her Majesty]; and
  - (b) shall be valid notwithstanding that it is entered into by a person under full age; and
  - (c) may be cancelled at any time by or by order of the Commissioners.

<sup>F5</sup>  
...

#### **Textual Amendments**

**F1** Words in s. 157(1) substituted (28.7.2000) by [2000 c. 17, s. 27\(1\)\(2\)](#)

**F2** [S. 157\(1A\)](#) omitted (31.12.2020) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\), s. 57\(3\), Sch. 9 para. 3\(2\)](#) (with savings and transitional provisions in [2020 c. 26, Sch. 2 para. 7\(7\)-\(9\)](#)); S.I. [2020/1642, reg. 4\(c\)](#)

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- F3** Words in s. 157(2) inserted (28.7.2000) by [2000 c. 17, s. 27\(1\)\(4\)](#)
- F4** Words in s. 157(2)(a) substituted (31.12.2020) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\), s. 57\(3\), Sch. 9 para. 3\(3\)\(a\)](#) (with savings and transitional provisions in [2020 c. 26, Sch. 2 para. 7\(7\)-\(9\)](#)); S.I. 2020/1642, reg. 4(c)
- F5** Words in s. 157(2) omitted (31.12.2020) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\), s. 57\(3\), Sch. 9 para. 3\(3\)\(b\)](#) (with savings and transitional provisions in [2020 c. 26, Sch. 2 para. 7\(7\)-\(9\)](#)); S.I. 2020/1642, reg. 4(c)

## [<sup>F6</sup>157A General information powers in relation to persons entering or leaving the United Kingdom

- (1) The proper officer of Revenue and Customs may require any person entering or leaving the United Kingdom—
- (a) to produce the person's passport or travel documents for examination, or
  - (b) to answer any questions put by the proper officer of Revenue and Customs about the person's journey.
- (2) In subsection (1) “passport” means—
- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971),
  - (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom, or by or on behalf of an international organisation, or
  - (c) a document that can be used (in some or all circumstances) instead of a passport.
- (3) Subsections (1) and (2) apply in relation to a transit air passenger arriving at the passenger's final destination in the United Kingdom as they apply in relation to a person entering the United Kingdom.
- (4) For the purposes of subsection (3) a transit air passenger is a person—
- (a) who has arrived by air in the United Kingdom; and
  - (b) whose journey is continued or resumed by air to a destination in the United Kingdom which is not the place where the person is regarded for the purposes of this section as entering the United Kingdom;
- and the passenger's final destination is the destination of the continued or resumed journey.]

### Textual Amendments

- F6** S. 157A inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 98\(1\), 116\(3\)\(a\)](#); S.I. 2010/52, art. 2

## 158 Power to require provision of facilities.

- (1) A person to whom this section applies, that is to say, a revenue trader and any person required by the Commissioners under the Customs and Excise Acts 1979 to give security in respect of any premises or place to be used for the examination of goods by an officer, shall—

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- (a) provide and maintain such appliances and afford such other facilities reasonably necessary to enable an officer to take any account or make any examination or search or to perform any other of his duties on the premises of that trader or at the bonded premises or place as the Commissioners may direct;
  - (b) keep any appliances so provided in a convenient place approved by the proper officer for that purpose; and
  - (c) allow the proper officer at any time to use anything so provided and give him any assistance necessary for the performance of his duties.
- (2) Any person who contravenes or fails to comply with any provision of subsection (1) above shall be liable on summary conviction to a penalty of [<sup>F7</sup>level 3 on the standard scale].
- (3) A person to whom this section applies shall provide and maintain any fitting required for the purpose of affixing any lock which the proper officer may require to affix to the premises of that person or any part thereof or to any vessel, utensil or other apparatus whatsoever kept thereon, and in default—
  - (a) the fitting may be provided or any work necessary for its maintenance may be carried out by the proper officer, and any expenses so incurred shall be paid on demand by that person; and
  - (b) if that person fails to pay those expenses on demand, he shall in addition be liable on summary conviction to a penalty of [<sup>F7</sup>level 3 on the standard scale].
- (4) If any person to whom this section applies or any servant of his—
  - (a) wilfully destroys or damages any such fitting as is mentioned in subsection (3) above or any lock or key provided for use therewith, or any label or seal placed on any such lock; or
  - (b) improperly obtains access to any place or article secured by any such lock; or
  - (c) has any such fitting or any article intended to be secured by means thereof so constructed that that intention is defeated,he shall be liable on summary conviction to a penalty of [<sup>F7</sup>[<sup>F8</sup>level 5 on the standard scale]][<sup>F8</sup>£20,000] and may be detained.

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#### Textual Amendments

- 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** S. 158(4)(c): sum substituted for words (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 2 para. 1(17)** (with reg. 5(1))
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#### Modifications etc. (not altering text)

- C1** S. 158 applied (1.4.2017) by [The Raw Tobacco \(Approval Scheme\) Regulations 2016 \(S.I. 2016/1172\)](#), regs. 1(3), 22, **Sch. 2 para. 1**
- C2** Ss. 158-160 applied (with modifications) (6.4.2018) by [The Soft Drinks Industry Levy \(Enforcement\) Regulations 2018 \(S.I. 2018/264\)](#), regs. 1(1), 2, **Sch.** (with regs. 3-5)
- C3** S. 158 modified (1.8.2018) by [The Tobacco Products Manufacturing Machinery \(Licensing Scheme\) Regulations 2018 \(S.I. 2018/75\)](#), regs. 1(3), **16(e)**

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## 159 Power to examine and take account of goods.

- (1) Without prejudice to any other power conferred by the Customs and Excise Acts 1979, an officer may examine and take account of any goods—
- (a) which are imported; or
  - [<sup>F9</sup>(aa) which are subject to the control of any officer of Revenue and Customs as a result of Part 1 of the Taxation (Cross-border Trade) Act 2018; or
  - (ab) which have been discharged from a Customs procedure under Part 1 of the Taxation (Cross-border Trade) Act 2018 so far as necessary for the purpose of verifying any Customs declaration or any document required to accompany it; or]
  - (b) which are in a warehouse or Queen’s warehouse; or
  - [<sup>F10</sup>(bb) which are in a free zone; or]
  - (c) which have been loaded into any ship or aircraft at any place in the United Kingdom [<sup>F11</sup>or the Isle of Man]; or
  - (d) which are [<sup>F12</sup>declared] for exportation or for use as stores; or
  - (e) which are brought to any place in the United Kingdom for exportation or for shipment for exportation or as stores; or
  - (f) in the case of which any claim for drawback, allowance, rebate, remission or repayment of duty is made;
- and may for that purpose [<sup>F13</sup>open or unpack any container or] require any container to be opened or unpacked [<sup>F14</sup>and search it or anything in it.] .
- (2) Any examination of goods by an officer under the Customs and Excise Acts 1979 shall be made at such place as the Commissioners appoint for the purpose.
- (3) In the case of such goods as the Commissioners may direct, and subject to such conditions as they see fit to impose, an officer may permit goods to be skipped on the quay or bulked, sorted, lotted, packed or repacked before account is taken thereof.
- (4) Any opening, unpacking, weighing, measuring, repacking, bulking, sorting, lotting, marking, numbering, loading, unloading, carrying or landing of goods or their containers for the purposes of, or incidental to, the examination by an officer, removal or warehousing thereof shall be done, and any facilities or assistance required for any such examination shall be provided, by or at the expense of the proprietor of the goods [<sup>F15</sup>; but if an officer opens or unpacks any container, or searches it or anything in it, the Commissioners are to bear the expense of doing so.]
- [<sup>F16</sup>(4A) But, in the case of anything done for the purpose of verifying any Customs declaration or any document required to accompany it—
- (a) the reference in subsection (4) to the proprietor of the goods is a reference to the declarant, and
  - (b) if, while the goods are being moved to a place for examination, an act which was not authorised by the Commissioners is, without reasonable excuse, done by any person in relation to the goods, the declarant is liable on summary conviction to a penalty of level 3 on the standard scale.
- (4B) In subsection (4A) “the declarant”, in relation to a Customs declaration in respect of any goods, means—
- (a) the person who has made the declaration, or
  - (b) the person on whose behalf it was made.]

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- (5) If any imported goods which an officer has power under the Customs and Excise Acts 1979 to examine are without the authority of the proper officer removed from customs and excise charge before they have been examined, those goods shall be liable to forfeiture.
- (6) If any goods falling within subsection (5) above are removed by a person with intent to defraud Her Majesty of any duty chargeable thereon or to evade any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment, that person shall be guilty of an offence under this subsection and may be detained.
- (7) A person guilty of an offence under subsection (6) above shall be liable—
- (a) on summary conviction, to a penalty of [<sup>F17</sup>the prescribed sum][<sup>F17</sup>£20,000] or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
  - (b) on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding [<sup>F18</sup>7 years], or to both.
- (8) Without prejudice to the foregoing provisions of this section, where by this section or by or under any other provision of the Customs and Excise Acts 1979 an account is authorised or required to be taken of any goods for any purpose by an officer, the Commissioners may, with the consent of the proprietor of the goods, accept as the account of those goods for that purpose an account taken by such other person as may be approved in that behalf by both the Commissioners and the proprietor of the goods.

#### Textual Amendments

- F9** S. 159(1)(aa)(ab) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 107\(2\)\(a\)](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); [S.I. 2020/1642](#), reg. 4(a)
- F10** S. 159(1)(bb) inserted by [Finance Act 1984 \(c. 43, SIF 40:1\)](#), s. 8, [Sch. 4 Pt. II para. 5](#)
- F11** Words inserted by [Isle of Man Act 1979 \(c. 58\)](#), [Sch. 1 para. 22](#)
- F12** Word in s. 159(1)(d) substituted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 107\(2\)\(b\)](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); [S.I. 2020/1642](#), reg. 4(a)
- F13** Words in s. 159(1) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), s. 117(4)(a)
- F14** Words in s. 159(1) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), s. 117(4)(b)
- F15** Words in s. 159(4) inserted (21.7.2008) by [Finance Act 2008 \(c. 9\)](#), s. 117(5)
- F16** S. 159(4A)(4B) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 107\(3\)](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); [S.I. 2020/1642](#), reg. 4(a)
- F17** S. 159(7)(a): sum substituted for words (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 2 para. 1\(18\)](#) (with reg. 5(1))
- F18** Words substituted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), s. 12(1)(a)(6)

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

- C2** Ss. 158-160 applied (with modifications) (6.4.2018) by [The Soft Drinks Industry Levy \(Enforcement\) Regulations 2018 \(S.I. 2018/264\)](#), regs. 1(1), 2, [Sch.](#) (with regs. 3-5)

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- C4** S. 159 modified (10.1.2012) by [The Postal Packets \(Revenue and Customs\) Regulations 2011 \(S.I. 2011/3036\)](#), regs. 1, 7 (with reg. 25)
- C5** S. 159(1) amended by [S.I. 1990/2167](#), art. 4, [Sch. para. 24](#)
- C6** S. 159(2) excluded by 1994 c. 9, s. 24(10) (as inserted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), s. [46\(4\)](#))

## 160 Power to take samples.

- (1) An officer may at any time take samples of any goods—
- which he is empowered by the Customs and Excise Acts 1979 to examine; or
  - which are on premises where goods chargeable with any duty are manufactured, prepared or subjected to any process; or
  - which, being dutiable goods, are held by any person as stock for his business or as materials for manufacture or processing.
- (2) Where an officer takes from any vessel, pipe or utensil on the premises of any of the following revenue traders, that is to say, a distiller, [<sup>F19</sup>registered brewer], producer of wine, producer of made-wine or maker of cider, a sample of any product of, or of any materials for, the manufacture of that trader—
- the trader may, if he wishes, stir up and mix together the contents of that vessel, pipe or utensil before the sample is taken; and
  - the sample taken by the officer shall be deemed to be representative of the whole contents of that vessel, pipe or utensil.
- (3) Any sample taken under this section shall be disposed of and accounted for in such manner as the Commissioners may direct.
- (4) Where any sample is taken under this section from any goods chargeable with [<sup>F20</sup>a duty of excise] after that duty has been paid, other than—
- a sample taken when goods [<sup>F21</sup>are imported]; or
  - a sample taken from goods in respect of which a claim for drawback, allowance, rebate, remission or repayment of that duty is being made,
- and the sample so taken is to be retained, the officer taking it shall, if so required by the person in possession of the goods, pay for the sample on behalf of the Commissioners such sum as reasonably represents the wholesale value thereof.

### Textual Amendments

- F19** Words in s. 160(2) substituted (1.6.1993) by [Finance Act 1991 \(c. 31\)](#), s. 7(4)(5), [Sch. 2 para. 1\(a\)](#); [S.I. 1993/1152](#), art. 3, [Sch. 1 Pt. 2](#)
- F20** Words in s. 160(4) substituted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 108\(a\)](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, [Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(a)
- F21** Words in s. 160(4)(a) substituted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 108\(b\)](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, [Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(a)

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

- C2** Ss. 158-160 applied (with modifications) (6.4.2018) by [The Soft Drinks Industry Levy \(Enforcement\) Regulations 2018 \(S.I. 2018/264\)](#), regs. 1(1), 2, [Sch.](#) (with regs. 3-5)

[<sup>F22</sup>**160Z** ~~Examination of goods and samples: supplementary~~

- (1) This section applies if, for the purpose of verifying any Customs declaration or any document required to accompany it—
  - (a) goods are examined under section 159, or
  - (b) a sample of any goods is taken under section 160.
- (2) The declarant is entitled to be present or represented when the goods are examined or the sample is taken.
- (3) The Commissioners may require the declarant to be present or represented when the goods are examined or the sample is taken, and a person who, without reasonable excuse, contravenes or fails to comply with a direction under this subsection is liable on summary conviction to a penalty of level 3 on the standard scale.
- (4) Once any goods have been examined or a sample from them has been taken (“the examined or sampled goods”), the Commissioners are entitled to regard the examined or sampled goods as representative of all the goods (“the declared goods”) in respect of which the declaration is made.
- (5) But if the declarant proves to the satisfaction of the Commissioners that the examined or sampled goods do not represent all the declared goods, the declarant may require the Commissioners to re-examine any of the declared goods or take a further sample from them.
- (6) If the declared goods are no longer under the control of the Commissioners, they may refuse the request if they are not satisfied that the declared goods have remained in the same condition as they were in when they ceased to be under the control of the Commissioners.
- (7) In this section “the declarant”, in relation to a Customs declaration in respect of any goods, means—
  - (a) the person who has made the declaration, or
  - (b) the person on whose behalf it was made.]

**Textual Amendments**

- F22** [S. 160ZA](#) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 109](#) (with savings and transitional provisions in [S.I. 2020/1449](#), reg. 3 and 2020 c. 26, [Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(a)

[<sup>F23</sup>**161** **Power to search premises: writ of assistance.**

- (1) The powers conferred by this section are exercisable by an officer having a writ of assistance if there are reasonable grounds to suspect that anything liable to forfeiture under the customs and excise Acts—
  - (a) is kept or concealed in any building or place, and



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- (b) is likely to be removed, destroyed or lost before a search warrant can be obtained and executed.
- (2) The powers are—
  - (a) to enter the building or place at any time, whether by day or night, on any day, and search for, seize, and detain or remove any such thing, and
  - (b) so far as is necessary for the purpose of such entry, search, seizure, detention or removal, to break open any door, window or container and force and remove any other impediment or obstruction.
- (3) An officer shall not exercise the power of entry conferred by this section by night unless accompanied by a constable.
- (4) A writ of assistance shall continue in force during the reign in which it is issued and for six months thereafter.]

#### Textual Amendments

**F23** S. 161 and s. 161A substituted for s. 161 (28.7.2000) by [2000 c. 17, s. 25](#)

#### <sup>F24</sup>**161A Power to search premises: search warrant.**

- (1) If a justice of the peace is satisfied by information upon oath given by an officer that there are reasonable grounds to suspect that anything liable to forfeiture under the customs and excise Acts is kept or concealed in any building or place, he may by warrant under his hand authorise any officer, and any person accompanying an officer, to enter and search the building or place named in the warrant.
- (2) An officer or other person so authorised has power—
  - (a) to enter the building or place at any time, whether by day or night, on any day, and search for, seize, and detain or remove any such thing, and
  - (b) so far as is necessary for the purpose of such entry, search, seizure, detention or removal, to break open any door, window or container and force and remove any other impediment or obstruction.
- [<sup>F25</sup>(2A) The power in subsection (2)(a) includes power to search for and remove documents relating to any such thing (including documents about title, storage and movement).]
- (3) Where there are reasonable grounds to suspect that any still, vessel, utensil, spirits or materials for the manufacture of spirits is or are unlawfully kept or deposited in any building or place, [<sup>F26</sup>subsections (1), (2) and (2A)] above apply in relation to any constable as they would apply in relation to an officer.
- (4) The powers conferred by a warrant under this section are exercisable until the end of the period of one month beginning with the day on which the warrant is issued.
- (5) A person other than a constable shall not exercise the power of entry conferred by this section by night unless accompanied by a constable.

#### Textual Amendments

**F24** S. 161 and s. 161A substituted for s. 161 (28.7.2000) by [2000 c. 17, s. 25](#)



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- F25** S. 161A(2A) inserted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 29(2), **Sch. 13 para. 16(2)**; S.I. 2011/777, art. 2
- F26** Words in s. 161A(3) substituted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 29(2), **Sch. 13 para. 16(3)**; S.I. 2011/777, art. 2

## 162 Power to enter land for or in connection with access to pipelines.

Where any thing conveyed by a pipe-line is chargeable with a duty of customs and excise which has not been paid, an officer may enter any land adjacent to the pipe-line in order to get to the pipe-line for the purpose of exercising in relation to that thing any power conferred by or under the Customs and Excise Acts 1979 [<sup>F27</sup>or by or under Part 1 of the Taxation (Cross-border Trade) Act 2018] or to get from the pipe-line after an exercise of any such power.

This section does not extend to Northern Ireland.

### Textual Amendments

- F27** Words in s. 162 inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(1)(a), **Sch. 7 para. 110** (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)

### Modifications etc. (not altering text)

- C7** S. 162 modified by S.I. 1983/947, **regs. 12, 13** (which S.I. is revoked 1.1.1993 by S.I. 1992/3152, **reg. 1(2)**)
- C8** S. 162 amended by S.I. 1985/1032, **reg. 11(a)** (which S.I. is revoked 1.1.1993 by S.I. 1992/3152, **reg. 1(2)**)
- C9** S. 162 amended (1.1.1993) by S.I. 1992/3152, **reg. 11(a)**.

## 163 Power to search vehicles <sup>F28</sup>...

- (1) Without prejudice to any other power conferred by the Customs and Excise Acts 1979 [<sup>F29</sup>or Part 1 of the Taxation (Cross-border Trade) Act 2018], where there are reasonable grounds to suspect that any vehicle <sup>F30</sup>... is or may be carrying any goods which are—
- (a) chargeable with any duty which has not been paid or secured; or
  - (b) in the course of being unlawfully removed from or to any place; or
  - (c) otherwise liable to forfeiture under the customs and excise Acts,
- any officer or constable or member of Her Majesty's armed forces or coastguard may stop and search that vehicle <sup>F31</sup>....

[<sup>F32</sup>(1A) The officer, constable or member may use reasonable force if necessary for the purpose of exercising the power in subsection (1).]

- (2) If when so required by any such officer, constable or member the person in charge of any such vehicle <sup>F33</sup>... refuses to stop or to permit the vehicle <sup>F33</sup>... to be searched, he shall be liable on summary conviction to a penalty of [<sup>F34</sup>level 3 on the standard scale].

[<sup>F35</sup>(3) <sup>F36</sup>... The power to stop and search in subsection (1) above shall not be available in respect of aircraft which are airborne.]

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### Textual Amendments

- F28** Words in s. 163 heading omitted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(5\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)
- F29** Words in s. 163(1) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(2\)\(a\)\(i\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)
- F30** Words in s. 163(1) omitted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(2\)\(a\)\(ii\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)
- F31** Words in s. 163(1) omitted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(2\)\(b\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)
- F32** S. 163(1A) inserted (15.3.2018) by [Finance Act 2018 \(c. 3\)](#), s. 47
- F33** Words in s. 163(2) omitted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(3\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)
- F34** 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 (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 54) and (N.I.) by S.I. 1984/703, (N.I. 3) arts. 5, 6
- F35** S. 163(3) inserted (16.7.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\)](#), s. 10(4).
- F36** Words in s. 163(3) omitted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by virtue of [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), s. 57(1)(a), [Sch. 7 para. 111\(4\)](#) (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)

### Modifications etc. (not altering text)

- C10** S. 163 amended by S.I. 1988/1852 (N.I. 19), art. 4(2)
- C11** S. 163 extended (E.W.S.) by [Scotch Whisky Act 1988 \(c. 22, SIF 109:1\)](#), s. 1(4)
- C12** S. 163 applied (with modifications) (6.4.2018) by [The Soft Drinks Industry Levy \(Enforcement\) Regulations 2018 \(S.I. 2018/264\)](#), regs. 1(1), 2, [Sch.](#) (with regs. 3-5)

### [<sup>F37</sup>163A] Power to search articles.

- (1) Without prejudice to any other power conferred by the Customs and Excise Acts 1979, where there are reasonable grounds to suspect that a person in the United Kingdom (referred to in this section as “the suspect”) has with him, or at the place where he is, any goods to which this section applies, an officer may—
  - (a) require the suspect to permit a search of any article that he has with him or at that place, and
  - (b) if the suspect is not under arrest, detain him (and any such article) for so long as may be necessary to carry out the search.
- (2) The goods to which this section applies are [<sup>F38</sup>alcoholic products], or tobacco products, which are—

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- (a) chargeable with any duty of excise, and
  - (b) liable to forfeiture under the customs and excise Acts.
- (3) Notwithstanding anything in subsection (4) of section 24 of the <sup>M1</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (detention and questioning by customs officers), detention of the suspect under subsection (1) above shall not prevent his subsequent detention under subsection (1) of that section.]

#### Textual Amendments

**F37** S. 163A inserted (28.7.2000) by 2000 c. 17, s. 26

**F38** Words in s. 163A(2) substituted (1.8.2023) by Finance (No. 2) Act 2023 (c. 30), s. 120(2), Sch. 13 para. 5; S.I. 2023/884, reg. 2(1)(j) (with reg. 10)

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

**C13** S. 163A applied (with modifications) (1.4.2017) by The Raw Tobacco (Approval Scheme) Regulations 2016 (S.I. 2016/1172), regs. 1(3), 22, Sch. 2 para. 5

#### Marginal Citations

**M1** 1995 c. 39.

### 164 Power to search persons.

- (1) Where there are reasonable grounds to suspect that any person to whom this section applies [<sup>F39</sup>(referred to in this section as “the suspect”)] is carrying any article—
- (a) which is chargeable with any duty which has not been paid or secured; or
  - (b) with respect to the importation or exportation of which any prohibition or restriction is for the time being in force under or by virtue of any enactment.

[<sup>F40</sup>an officer may exercise the powers conferred by subsection (2) below and, if the suspect is not under arrest, may detain him for so long as may be necessary for the exercise of those powers and (where applicable) the exercise of the rights conferred by subsection (3) below].

[<sup>F41</sup>(2) The officer may require the suspect—

- (a) to permit such a search of any article which he has with him; and
- (b) subject to subsection (3) below, to submit to such searches of his person, whether rub-down, strip or intimate,

as the officer may consider necessary or expedient; but no such requirement may be imposed under paragraph (b) above without the officer informing the suspect of the effect of subsection (3) below.

- (3) If the suspect is required to submit to a search of his person, he may require to be taken—
- (a) except in the case of a rub-down search, before a justice of the peace or a superior of the officer concerned; and
  - (b) in the excepted case, before such a superior;
- and the justice or superior shall consider the grounds for suspicion and direct accordingly whether the suspect is to submit to the search.

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(3A) A rub-down or strip search shall not be carried out except by a person of the same sex as the suspect; and an intimate search shall not be carried out except by a suitably qualified person.]

(4) This section applies to the following persons, namely—

- (a) any person who is on board or has landed from any ship or aircraft;
- (b) any person entering or about to leave the United Kingdom;
- (c) any person within the dock area of a port;
- (d) any person at a [<sup>F42</sup>regulated aerodrome];
- [<sup>F43</sup>(da) any person in, entering or leaving a railway customs area;
- (db) any person who is on board a railway vehicle which—
  - (i) is in a railway customs area,
  - (ii) has entered the United Kingdom but has not yet arrived at a railway customs area in the course of its journey, or
  - (iii) has left a railway customs area and has not yet left the United Kingdom in the course of its journey;]
- (e) any person in, entering or leaving any approved wharf or [<sup>F44</sup>temporary storage facility] which is not in a port;
- [<sup>F45</sup>(ee) any person in, entering or leaving a free zone;]
- (f) in Northern Ireland, any person travelling from or to any place which is on or beyond the boundary.

[<sup>F46</sup>(5) In this section—

“intimate search” means any search which involves a physical examination (that is, an examination which is more than simply a visual examination) of a person’s body orifices;

“rub-down search” means any search which is neither an intimate search nor a strip search;

“strip search” means any search which is not an intimate search but which involves the removal of an article of clothing which—

- (a) is being worn (wholly or partly) on the trunk; and
- (b) is being so worn either next to the skin or next to an article of underwear;

“suitably qualified person” means a registered medical practitioner or a registered nurse.

(6) Notwithstanding anything in subsection (4) of section 48 of the Criminal Justice (Scotland) Act <sup>M2</sup>1987 (detention and questioning by customs officers), detention of the suspect under subsection (1) above shall not prevent his subsequent detention under subsection (1) of that section.]

#### Textual Amendments

**F39** Words inserted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), [s. 10\(1\)\(a\)\(b\)](#)

**F40** Words substituted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), [s. 10\(1\)\(a\)\(b\)](#)

**F41** S. 164(2)–(3A) substituted for s. 164(2)(3) by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), [s. 10\(2\)](#)

**F42** Words in [s. 164\(4\)\(d\)](#) substituted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [s. 340\(3\)\(f\)](#)

**F43** [S. 164\(4\)\(da\)\(db\)](#) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\)](#), [s. 57\(1\)\(a\)](#), [Sch. 7 para. 112\(a\)](#) (with

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savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)

**F44** Words in s. 164(4)(e) substituted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(1)(a), **Sch. 7 para. 112(b)** (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)

**F45** S. 164(4)(ee) inserted by Finance Act 1984 (c. 43, SIF 40:1), s. 8, **Sch. 4 para. 6**

**F46** S. 164(5)(6) inserted by Finance Act 1988 (c. 39, SIF 40:1), **s. 10(3)**

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

**C14** S. 164 amended by S.I. 1990/2167, art. 4, **Sch. para. 25**

**C15** S. 164 restricted (1.1.1993) by Finance (No. 2) Act 1992 (c. 48), **s. 4(1)(3)(h)(6)**.

**C16** S. 164 applied (26.5.2016) by Psychoactive Substances Act 2016 (c. 2), **ss. 55(1), 63(2)**; S.I. 2016/553, reg. 2

#### Marginal Citations

**M2** 1987 c. 41(39:1).

### [<sup>F47</sup>164A Powers to search for cash

- (1) The provisions of this Act which fall within subsection (2) (search powers for officers of Revenue and Customs etc.) apply in accordance with subsection (3)—
  - (a) for the purposes of searching for cash—
    - (i) which is recoverable property or is intended by any person for use in unlawful conduct; and
    - (ii) the amount of which is not less than the minimum amount;
  - (b) for the purposes of searching for cash to ensure compliance with the Cash Control Regulation; or
  - (c) for purposes connected to any such purposes.
- (2) The provisions of this Act which fall within this subsection are—
  - (a) section 28(1) (powers of access etc.);
  - (b) section 77(1) and (2) (information powers);
  - (c) section 159(1) to (4) (powers to examine and take account of goods); and
  - (d) section 164 (power to search persons including intimate searches).
- (3) Those provisions apply for the purposes mentioned in subsection (1) as if—
  - (a) any reference in them to goods included a reference to cash; and
  - (b) in section 164(1)—
    - (i) the reference to an article were a reference to cash; and
    - (ii) paragraphs (a) and (b) were omitted.
- (4) The Treasury may by regulations provide for—
  - (a) any provision of this Act to apply with modifications for the purposes of the provisions applied by subsections (1) to (3), or
  - (b) any other enactment to apply, with or without modifications, for the purposes of the provisions so applied.
- (5) This section does not limit the scope of any powers that exist apart from this section (whether under this Act or otherwise).

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(6) In this section—

“the 2002 Act” means the Proceeds of Crime Act 2002;

“cash”—

(a) so far as relating to purposes falling within subsection (1)(a) above, has the meaning given by section 289(6) and (7) of the 2002 Act; and

(b) so far as relating to purposes falling within subsection (1)(b) above, has the same meaning as in the Cash Control Regulation;

“the Cash Control Regulation” means Regulation (EC) No. 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the [<sup>F48</sup>European Union] ;

“minimum amount” has the meaning given by section 303 of the 2002 Act;

“modifications” includes omissions;

“recoverable property” has the meaning given by section 316(1) of the 2002 Act;

“unlawful conduct” has the meaning given by section 241 of the 2002 Act.]

#### Textual Amendments

**F47** S. 164A inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 99\(1\), 116\(3\)\(b\)](#); S.I. 2010/52, art. 2

**F48** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\), arts. 2, 3, 4 \(with art. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)\)](#)

#### <sup>F49</sup>165 Power to pay rewards.

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#### Textual Amendments

**F49** S. 165 repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 21\(k\), Sch. 5](#); S.I. 2005/1126, art. 2(2)(h)(i)

#### 166 Agents.

(1) If any person requests an officer or a person appointed by the Commissioners to transact any business relating to an assigned matter with him on behalf of another person, the officer or person so appointed may refuse to transact that business with him unless written authority from that other person is produced in such form as the Commissioners may direct.

(2) Subject to subsection (1) above, anything required by the Customs and Excise Acts 1979 to be done by the importer or exporter of any goods may, except where the Commissioners otherwise require, be done on his behalf by an agent.

[<sup>F50</sup>(3) For the purposes of import duty, this section has effect only to the extent that alternative provision has not been made by Part 1 of the Taxation (Cross-border Trade) Act 2018 (see, in particular, section 21 of that Act).]

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### Textual Amendments

**F50** S. 166(3) inserted (13.9.2018 for specified purposes, 31.12.2020 in so far as not already in force) by Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(1)(a), **Sch. 7 para. 113** (with savings and transitional provisions in S.I. 2020/1449, reg. 3 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(a)



**Changes to legislation:**

Customs and Excise Management Act 1979, Cross Heading: General powers, etc. is up to date with all changes known to be in force on or before 23 April 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95(1A)(1B) inserted by [2023 c. 30 s. 110\(2\)](#)
- s. 119(7) inserted by [S.I. 2022/109 reg. 2\(3\)\(f\)](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 160(2A) inserted by [2023 c. 30 Sch. 13 para. 26\(3\)](#)