



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

General customs officials

3 Designation of general customs officials

- (1) The Secretary of State by whom general customs functions are exercisable may designate—
 - (a) an immigration officer, or
 - (b) any other official in that Secretary of State's department,as a general customs official.
- (2) A general customs official—
 - (a) has, in relation to a general customs matter, the same functions as an officer of Revenue and Customs would have, and
 - (b) may exercise the functions conferred on the Secretary of State by section 1 (general customs functions of the Secretary of State).
- (3) This does not prevent the exercise of the Secretary of State's functions by any other official of the Secretary of State.
- (4) If a function within subsection (2) is exercisable—
 - (a) in relation to a general customs matter, and
 - (b) in relation to any other matter,the function is exercisable by a general customs official in relation to the general customs matter only.

- (5) So far as is appropriate for the purposes of or in connection with this section, references to an officer of Revenue and Customs, or to Her Majesty's Revenue and Customs, in an enactment, instrument or document to which this section applies are to be construed as including a reference to a general customs official.
- (6) References in this section to functions of an officer of Revenue and Customs are to functions conferred by an enactment to which this section applies.
- (7) This section applies to—
- an enactment passed or made, or an instrument or document issued, before this Act is passed, and
 - subject to express provision to the contrary, an enactment passed or made, or an instrument or document issued, after this Act is passed.
- (8) This includes—
- section 2(4) of the Commissioners for Revenue and Customs Act 2005 (c. 11) (continuation of anything begun by one officer by another),
 - section 6 of that Act (officers' initial functions),
 - section 25(1) and (5) of that Act (conduct of civil proceedings in a magistrates' court or in the sheriff court),
 - section 25A(1) of that Act (certificates of debt),
 - section 31 of that Act (obstruction),
 - section 32 of that Act (assault), and
 - section 33 of that Act (power of arrest) other than in its application to an offence under section 30 of that Act (impersonation),
- but does not otherwise include any enactment contained in that Act.
- (9) This section has effect subject to—
- any limitation specified in the official's designation under section 4 (supplementary provisions about designation), and
 - any designation of the official under section 11 (designation of customs revenue officials).

4 Designation: supplementary

- (1) A designation under section 3 is subject to such limitations as may be specified in the designation.
- (2) A limitation specified under subsection (1) may, in particular, relate to—
- the functions that are exercisable by virtue of the designation, or
 - the purposes for which those functions are exercisable.
- (3) A designation under section 3—
- may be permanent or for a specified period,
 - may (in either case) be withdrawn, and
 - may be varied.
- (4) The power to designate, or to withdraw or vary a designation, is exercised by the Secretary of State giving notice to the official in question.
- (5) The Secretary of State may designate an official under section 3 only if the Secretary of State is satisfied that the official—

- (a) is capable of effectively carrying out the functions that are exercisable by virtue of the designation,
- (b) has received adequate training in respect of the exercise of those functions, and
- (c) is otherwise a suitable person to exercise those functions.

5 Directions by the Secretary of State

A general customs official must comply with the directions of the Secretary of State in the exercise of general customs functions.