

FINANCE ACT 2010

EXPLANATORY NOTES

INTRODUCTION

Section 57: Opening of Postal Packets

Summary

1. **Section 57** amends section 106 of the Postal Services Act 2000 (PSA) (power to detain postal packets containing contraband) to bring this process into line with the customs checks carried out on postal packets in other circumstances. It allows officers acting on behalf of the Commissioners for HM Revenue & Customs (HMRC) to open suspect packets in the presence of a representative of the postal company without reference to the addressee. It will come into force on Royal Assent of Finance Bill 2010.

Details of the Section

2. Subsection (2) amends section 106(4) of PSA to remove the requirement for the addressee to be present and, instead requires a representative of the postal operator to be present.
3. Subsection (3) deletes section 106(5) of PSA as the Commissioners will no longer be giving notice for the addressee to attend when packets are opened.
4. Subsection (4) deletes section 106(7)(b) of PSA as packets will no longer be forwarded to absent addressees.

Background Note

5. This section supports HMRC's strategy to improve effectiveness in combating tobacco smuggling in the post. The section will address the current legal constraint whereby HMRC has to contact addressees before opening postal packets which then alerts them to HMRC's interest.