

SCHEDULE 3

Exercise of functions by officials other than police constables

PART 3

Application of 2016 Act to designated customs officials

Specific adaptations

Section 1 (power of a designated customs official)

10.—(1) Section 1 applies only in relation to a Revenue and Customs offence relating to a general customs matter or customs revenue matter.

(2) In sub-paragraph (1)—

- (a) “Revenue and Customs offence” has the meaning given by subsection (2) of section 23A of the Criminal Law (Consolidation) (Scotland) Act 1995⁽¹⁾;
- (b) “general customs matter” and “customs revenue matter” have the meaning given by Part 1 of the Borders, Citizenship and Immigration Act 2009.

Section 11 (authorisation for keeping in custody beyond 12 hour limit)

11. In section 11(2), for paragraph (a) read—

“(a) is of or above the grade of higher officer, and”.

Section 66 (cases involving removal of person)

12. Section 66 applies with the substitution for subsection (3) of—

“(3) Anything seized by a designated customs official in the course of a search carried out under this section may be retained by the designated customs official or by a constable.”.

(1) Section 23A was inserted by the Finance Act 2007 (c.11); subsection (2) was amended by the Employment Act 2008 (c.24), section 12(2) and the Criminal Finances Act 2017 (c.22), section 18(2).