

*Draft Order laid before the House of Commons under section 24(6) of the Finance Act 2003, for approval by resolution of that House.*

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## DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

## **CUSTOMS**

### The Finance Act 2003, Part 3 (Amendment) Order 2018

*Made* - - - - **\*\*\***  
*Coming into force* - - **\*\*\***

The Treasury, in exercise of the powers conferred by sections 24(5) and 41(1) of the Finance Act 2003<sup>(1)</sup>, makes the following Order:

#### **Citation and commencement**

1. This Order may be cited as the Finance Act 2003, Part 3 (Amendment) Order 2018 and comes into force on XX XXXXX 20XX.

#### **Interpretation**

2. In this Order “the Act” means the Finance Act 2003.

#### **Amendment of Part 3 of the Act**

3. Part 3 of the Act is amended as follows.

4. In section 24 (introductory)<sup>(2)</sup> —

(a) in subsection (2)(b) and (c), for “Community” substitute “Union”;

(b) in subsection (3) —

(i) omit the entries for “the Community Customs Code”, “Community export duty” and “Community import duty”;

(ii) in the entry for “preferential tariff country”, for “Article 20(3)(d) of the Community Customs Code” substitute “Article 56(2)(d) of the Union Customs Code”;

(c) at the end of that subsection insert —

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(1) 2003 c.14.

(2) Section 24 was amended by article 4(1) of the Treaty of Lisbon (Changes in Terminology) Order [S.I. 2011/1043](#).

““Union Customs Code” means Regulation (EU) No 952/2013<sup>(3)</sup> of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;

“Union export duty” means export duty, as defined in Article 5(21) of the Union Customs Code;

“Union import duty” means import duty, as defined in Article 5(20) of the Union Customs Code.”;

(d) in subsections (4) and (5)(a), for “Community Customs Code” substitute “Union Customs Code”.

5. In section 26 (penalty for contravention of relevant rule)<sup>(4)</sup> —

(a) in subsection (8), for paragraph (c) substitute —

“(c) in the case of customs duty, Union export duty or Union import duty, Union customs legislation;”;

(b) in subsection (8)(d), for “Community customs rules as they apply” substitute “Union customs legislation as it applies”;

(c) in subsection (9) —

(i) omit the definition of “Community customs rules”;

(ii) at the end insert —

““Union customs legislation” means customs legislation, as defined in Article 5(2) of the Union Customs Code.”.

## Application

6. The provisions of this Order have effect in respect of conduct which begins on or after the day upon which this Order comes into force.

Date

*Name*  
*Name*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

<sup>(3)</sup> OJ No L 269, 10.10.2013, p 1.

<sup>(4)</sup> Section 26 was amended by article 6(2)(b) of Part 2 of the Treaty of Lisbon (Changes in Terminology) Order [S.I. 2011/1043](#).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Part 3 of the Finance Act 2003 (c.14) (“FA2003”). Part 3 makes provision for and in connection with a penalty scheme in relation to taxes and duties on importation and exportation.

This Order makes amendments to Part 3 that are consequential on the repeal of the Community Customs Code (“CCC”) and Commission Regulation (EEC) No 2454/93 and their replacement by the Union Customs Code (“UCC”) and Commission Implementing Regulation (EU) 2015/2447.

Article 1 provides for the coming into force of the Order.

Articles 4 and 5 amend sections 24 and 26 FA2003 respectively to replace references to the CCC with the relevant corresponding reference to the UCC.

Article 6 provides that the Order applies to conduct beginning on or after the day this Order comes into force.

A Tax Information and Impact Note (TIIN) covering this instrument will be published on the gov.uk website at the following link <https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins>.