

STATUTORY INSTRUMENTS

1981 No. 1257

CUSTOMS AND EXCISE

The Control of Movement of Goods Regulations 1981

Made - - - - - 28th August 1981

Laid before Parliament 10th September 1981

Coming into Operation 1st October 1981

The Commissioners of Customs and Excise, in exercise of the powers conferred upon them by section 31 of the Customs and Excise Management Act 1979^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Control of Movement of Goods Regulations 1981 and shall come into operation on 1st October 1981.

Revocation

2. The Control of Movement of Goods Regulations 1980^(b) are hereby revoked.

Interpretation

3. In these Regulations—

“the Act” means the Customs and Excise Management Act 1979;

“approved place”—

(a) in relation to imported goods means a place approved by the Commissioners under section 20 or 25 of the Act for the clearance out of charge of such goods, and

(b) in relation to goods intended for export means a place appointed under section 159 of the Act for the examination of goods which is approved by the Commissioners under section 31 of the Act for the examination of such goods before their movement to a place of exportation;

“the loader” shall have the same meaning as in section 57 of the Act; that is to say the owner of the ship or aircraft in which the goods are to be exported or a person appointed by him;

“removal” means a movement of goods which is authorised under these Regulations and “remove” and “removed” shall be construed accordingly;

^(a) 1979 c.2, as amended by section 10(2) of the Finance Act 1981 (c.35).

^(b) S.I. 1980/761.

“removal document” means a document to be obtained from or approved by the Commissioners for the purposes of regulations 7 and 8 made in such form and containing such particulars as the Commissioners may direct under section 31(2A) of the Act and for the purpose of regulation 13 shall include a copy of the application referred to in regulations 5(2) and 6(2) stamped by the proper officer.

4.—(1) These Regulations shall not apply where any goods are moved under the internal or external Community transit procedure.

(2) The application of regulations 9 and 11 of these Regulations to goods carried under the provisions of an international convention having effect in the United Kingdom shall be without prejudice to any such provisions.

Restrictions on the movement of goods

5.—(1) Subject to regulation 8, no imported goods not yet cleared from customs or excise charge shall be moved between their place of importation and an approved place and, in the case of transit goods, between their place of importation and a place of exportation unless the movement is authorised by the proper officer upon application made to him.

(2) Save as the Commissioners otherwise allow, application under paragraph (1) above shall be made in writing by the importer or the person in charge of the goods on a document to be obtained from or approved by the Commissioners for that purpose.

6.—(1) Subject to regulations 7 and 8, no goods intended for export and made available at an approved place or a place designated by the proper officer under sections 53(4) or 58(3) of the Act for the purposes of examination shall be moved between any such place and a place of exportation unless the movement is authorised by the proper officer upon application made to him.

(2) Save as the Commissioners otherwise allow, application under paragraph (1) above shall be made in writing by the exporter or the person in charge of the goods on a document to be obtained from or approved by the Commissioners for that purpose.

Local export control

7.—(1) Where a notice under section 58A(3)(a)(i) of the Act is delivered by the exporter such notice shall replace the application required under regulation 6(1).

(2) Where the notice is for a single movement of goods, unless the proper officer previously gives his authority for the removal, it shall be deemed to be given on the date and at the time specified in the notice for the movement to commence.

(3) Where the notice is for more than one movement of goods, unless the proper officer previously gives his authority for each removal, it shall be deemed to be given immediately before each movement commences.

(4) Before each removal commences the exporter shall be in possession of a removal document.

Standing permission to remove

8. Where the Commissioners so permit, during a period specified by them, goods may be moved as contemplated in regulations 5 and 6 without an application to the proper officer on condition that before the commencement of each removal the person by whom or on whose behalf the goods are being

removed is in possession of a removal document; and, unless the proper officer previously gives his authority, it shall be deemed to be given immediately before the movement commences.

Specification of vehicles etc.

9.—(1) The Commissioners may in respect of any class or description of goods require that vehicles or containers in which goods of a particular class or description are removed shall be of a type specified by them for the removal of such goods.

(2) Save as provided by paragraph (3) below, no person shall remove any goods in respect of which a requirement under paragraph (1) above has been imposed unless the vehicle or container in which they are carried conforms to such requirement.

(3) The proper officer upon application made to him by the person in charge of goods to be removed may for the purposes of the removal in question relax any requirement imposed under paragraph (1) above.

Specification of routes

10. Vehicles and containers proceeding under a removal shall be moved by such routes as the Commissioners may specify.

Security of vehicles and containers

11.—(1) Before any goods are removed the vehicle or container carrying the goods shall be secured or identified by any such seals, locks or marks as the Commissioners may specify.

(2) Where in the United Kingdom seals, locks or marks are affixed for any customs or excise purpose in order to secure or identify vehicles or containers carrying goods which are to be removed they shall be so affixed by the proper officer or by such other person as the Commissioners may authorise.

12.—(1) Save in the circumstances hereunder mentioned, no person shall at any time during a removal—

- (a) wilfully break, open or remove any seal, lock or mark affixed for any customs or excise purpose to a vehicle or container; or
- (b) load or unload or assist in the loading or unloading of a vehicle or container.

(2) The circumstances referred to in paragraph (1) above are—

- (a) where authorisation has been given by the proper officer; or
- (b) in accordance with any general or special permission given by the Commissioners; or
- (c) in an emergency in order to safeguard the goods or to protect life or property.

Completion of removals, time limits and accidents

13.—(1) Save as the Commissioners otherwise allow, the person in charge of goods proceeding under a removal shall complete the removal by producing the goods together with the vehicle or container in which they are carried and delivering a removal document to the proper officer at the approved place or, in the case of goods intended for export, at the place of exportation.

(2) The Commissioners may allow the removal of goods intended for export to be completed by the person in charge of the goods placing them and any container in which they are carried under the control of the loader and delivering the removal document to him.

14. The person in charge of goods proceeding under a removal shall complete the removal within such period as the Commissioners may specify.

15. Where as a result of an accident or other occurrence arising during a removal a vehicle or container is delayed or diverted from a specified route the person in charge of the goods shall as soon as practicable give sufficient notification of the accident or occurrence as required by the Commissioners to the local office of customs and excise.

28th August 1981.
King's Beam House,
Mark Lane,
London, EC3R 7HE.

N. Godfrey,
Commissioner of Customs and Excise.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Control of Movement of Goods Regulations 1980.

The Regulations prescribe the procedure for the movement within the United Kingdom of —

- (a) imported goods which are to be cleared at an approved place other than at their port of importation or place of landing;
- (b) goods in transit through the United Kingdom; and
- (c) goods for exportation which are made available for customs examination prior to their movement to the port or place of exportation at a place approved for such examination or at a place designated by a customs officer.

In relation to such goods, the Regulations—

- (1) require application to be made in due form before a movement begins, unless permission to waive that requirement is given by the Commissioners;
- (2) provide for special arrangements to apply where application is in respect of goods to be moved under the local export control procedure;
- (3) require that they shall be carried in vehicles or containers which are suitable having regard to their class or description;
- (4) enable the Commissioners to impose requirements as to routes and time limits for movements;
- (5) provide that vehicles or containers in which they are carried shall be adequately secured or identified and enable the Commissioners to specify the seals, locks or marks to be used for that purpose and the person or persons who may affix or remove them;
- (6) prohibit unauthorised loading or unloading of vehicles or containers or interference with their security during a movement;
- (7) require their production, together with a document covering the removal, at the destination and require notification to be given of delays or diversions from specified routes.

The Regulations do not affect goods moving to or from bonded warehouses, licensed or registered factories or goods moving under the Community Transit procedure.

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