
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 5

Further provision about enforcement

Imports and exports: assistance by customs officials

33.—(1) A customs official may assist an enforcing authority by seizing and detaining any material if the condition in paragraph (2) is met.

(2) The condition is that the customs official has reasonable grounds to suspect the material is being exported or imported in breach of any one or more of the following provisions of the Mercury Regulation—

- (a) Article 3(1) (which prohibits the export of mercury);
 - (b) Article 3(2) (which prohibits the export of listed mercury compounds);
 - (c) Article 3(4) (which prohibits the export of mercury compounds not listed under Article 3(2) for the purposes of reclaiming mercury);
 - (d) Article 4(1) (which prohibits the import of mercury and listed mixtures of mercury, including mercury waste, other than for disposal as waste where the exporting country has no conversion capacity);
 - (e) Article 4(2) (which prohibits the import of other mixtures of mercury and mercury compounds for purposes of reclaiming mercury);
 - (f) Article 4(3) (which prohibits the import of mercury for use in artisanal and small-scale gold mining and processing);
 - (g) Article 5(1) (which prohibits the export, import and manufacturing of listed mercury-added products);
 - (h) Article 8(1) (which prohibits placing on the market new mercury-added products).
- (3) A customs official is for the purposes of this regulation a person who is—
- (a) a general customs official designated under section 3 of the Borders, Citizenship and Immigration Act 2009(1), or
 - (b) a customs revenue official designated under section 11 of that Act.
- (4) Anything seized and detained must—
- (a) not be detained for longer than 5 working days, and
 - (b) be dealt with in such manner as the Secretary of State may direct.

(5) A working day is for the purposes of paragraph (4) any day except a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in any part of the United Kingdom.

(1) 2009 c.11.

(2) 1971 c.80, amended by section 1 of the St Andrew's Day Bank Holiday (Scotland) Act 2007 (asp 2).

Status: *This is the original version (as it was originally made).*
