

**Changes to legislation:** There are currently no known outstanding effects for the *The Customs (Temporary Storage Facilities Approval Conditions and Miscellaneous Amendments) (EU Exit) Regulations 2018, SCHEDULE 1.* (See end of Document for details)

SCHEDULE 1

Regulation 2(1)

- 1. The person who is responsible for operating the TSF (“the operator”) must—
  - (a) be established in the United Kingdom;
  - (b) save where the operator is an authorised economic operator approved in accordance with regulations made under sections 22 and 23 of the Act, provide an undertaking that the TSF will be operated in accordance with the conditions in these Regulations and any other conditions or restrictions that may be attached to the grant of approval of the TSF;
  - <sup>F1</sup>(c) . . . . .
  - (d) ensure that there are effective systems in place to prevent goods stored in the TSF from being removed from control without having been released for a Customs procedure under section 3 of the Act;
  - (e) ensure that there are adequate real time information sharing arrangements in place between the TSF and any TSF to which goods are intended to be transferred to (“the transferee TSF”); and
  - (f) take reasonable steps to ensure that prior to the movement of any goods to a transferee TSF, the transferee TSF has—
    - (i) agreed to the transfer,
    - (ii) acknowledged that the goods are in the transferee TSF's possession or control for the purposes of section 6(2) of the Act (liability for the payment of any import duty in respect of the goods being transferred), and
    - (iii) entered details of the movement of the goods transferred into the transferee TSF's record keeping system.

**F1** Sch. 1 para. 1(c) omitted (31.12.2020) by virtue of [The Customs \(Import Duty, Transit and Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/326\)](#), regs. 1(2), **5(2)(a)**; [S.I. 2020/1643](#), reg. 2, [Sch.](#)

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**Commencement Information**

**I1** Sch. 1 para. 1 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, [Sch.](#)

2. The TSF must not be used for the purposes of retail sale.

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**Commencement Information**

**I2** Sch. 1 para. 2 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, [Sch.](#)

3. Where it is intended to store goods in the TSF which are likely to present a danger, to spoil other goods or to require special facilities for other reasons, the TSF must be adequately equipped to store those goods safely.

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**Commencement Information**

**I3** Sch. 1 para. 3 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, [Sch.](#)

<sup>F2</sup>4. The operator, and any directors or senior employees of the operator—

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- (a) must not have been involved in a breach of an obligation relating to tax or a Customs obligation, which in the opinion of an officer of Revenue and Customs is—
  - (i) a serious breach having regard to the circumstances, nature and number of breaches; and
  - (ii) relevant to the suitability of the operator to operate a TSF; and
- (b) must not have a criminal conviction which in the opinion of an officer of Revenue and Customs is—
  - (i) serious having regard to the type of conviction; and
  - (ii) relevant to the suitability of the operator to operate a TSF.

**F2** Sch. 1 paras. 4, 5 inserted (31.12.2020) by [The Customs \(Import Duty, Transit and Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/326\)](#), regs. 1(2), **5(2)(b)** (as amended by [S.I. 2020/1449](#), regs. 1(3), **14(2)**); [S.I. 2020/1643](#), reg. 2, **Sch.**

**5.** In this Schedule—

“Customs obligation” has the same meaning as in regulation 2 of the Customs (Import Duty) (EU Exit) Regulations 2018;

“EUCL” means the direct EU legislation referred to in paragraph 1(1) of Schedule 7 to the Act;

“EU Customs Code” means—

- (a) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;
- (b) Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning provisions of the Union Customs Code;
- (c) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code; and
- (d) Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446;]

**F2** Sch. 1 paras. 4, 5 inserted (31.12.2020) by [The Customs \(Import Duty, Transit and Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/326\)](#), regs. 1(2), **5(2)(b)** (as amended by [S.I. 2020/1449](#), regs. 1(3), **14(2)**); [S.I. 2020/1643](#), reg. 2, **Sch.**

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