
STATUTORY INSTRUMENTS

2020 No. 948

The Afghanistan (Sanctions) (EU Exit) Regulations 2020

PART 7

Enforcement

Trade enforcement: application of CEMA

43.—(1) Where the Commissioners investigate or propose to investigate any matter with a view to determining—

- (a) whether there are grounds for believing that a relevant offence has been committed, or
- (b) whether a person should be prosecuted for such an offence,

the matter is to be treated as an assigned matter.

(2) In paragraph (1) “assigned matter” has the meaning given by section 1(1) of CEMA ^{M1}.

(3) In this regulation a “relevant offence” means an offence under Part 4 (Trade).

(4) Section 138 of CEMA ^{M2} (arrest of persons) applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence as it applies to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence for which the person is liable to be arrested under the customs and excise Acts ^{M3}, but as if—

- (a) any reference to an offence under, or for which a person is liable to be arrested under, the customs and excise Acts were to a relevant offence;
- (b) in subsection (2), the reference to any person so liable were to a person who has committed, or whom there are reasonable grounds to suspect of having committed, a relevant offence.

(5) The provisions of CEMA mentioned in paragraph (6) apply in relation to proceedings for a relevant offence as they apply in relation to proceedings for an offence under the customs and excise Acts, but as if—

- (a) any reference to the customs and excise Acts were to any of the provisions referred to in paragraph (3);
- (b) in section 145(6), the reference to an offence for which a person is liable to be arrested under the customs and excise Acts were to a relevant offence;
- (c) in section 151, the reference to any penalty imposed under the customs and excise Acts were to any penalty imposed under these Regulations in relation to a relevant offence;
- (d) in section 154(2)—
 - (i) the reference to proceedings relating to customs or excise were to proceedings under any of the provisions mentioned in paragraph (3), and
 - (ii) the reference to the place from which any goods have been brought included a reference to the place to which goods have been exported, supplied or delivered or the place to or from which technology has been transferred.

(6) The provisions of CEMA are sections 145, 146, 147, 148(1), 150, 151, 152, 154 and 155^{M4} (legal proceedings).

Commencement Information

I1 Reg. 43 in force at 31.12.2020 by S.I. 2020/1514, reg. 16(2)

Marginal Citations

- M1** The definition of “assigned matter” in section 1(1) of CEMA was amended by the Commissioners for Revenue and Customs Act 2005 (c.11), **Schedule 4**, paragraph 22(a); the Scotland Act 2012 (c.11), **section 24(7)**; and the Wales Act 2014 (c.29), **section 7(1)**.
- M2** Section 138 of CEMA was amended by the Police and Criminal Evidence Act 1984 (c.60), section 114(1), **Schedule 6**, paragraph 37 and Schedule 7, Part 1; the Finance Act 1988 (c.39), **section 11**; the Serious Organised Crime and Police Act 2005 (c.15), **Schedule 7**, paragraph 54; S.I. 1989/1341 (N.I.12); and S.I. 2007/288.
- M3** “The customs and excise Acts” is defined in section 1 of CEMA.
- M4** Section 145 of CEMA was amended by the Police and Criminal Evidence Act 1984, section 114(1); the Commissioners for Revenue and Customs Act 2005 (c. 11), **Schedule 4**, paragraph 23(a); and S.I. 2014/834. Section 147 was amended by the Magistrates' Courts Act 1980 (c. 43), **section 154** and Schedule 7, paragraph 176; the Criminal Justice Act 1982 (c. 48), section 77, **Schedule 14**, paragraph 42; the Finance Act 1989 (c. 26), **section 16(2)**; and the Criminal Justice Act 2003 (c. 44), section 41, **Schedule 3**, paragraph 50. Section 152 was amended by the Commissioners for Revenue and Customs Act 2005, section 50, Schedule 4, paragraph 26, and section 52, Schedule 5. Section 155 was amended by the Commissioners for Revenue and Customs Act 2005, section 50, Schedule 4, paragraph 27, and section 52, Schedule 5.

Changes to legislation:

There are currently no known outstanding effects for the The Afghanistan (Sanctions) (EU Exit) Regulations 2020, Section 43.