

## Customs and Excise Administration

### Administration

HMRC (Her Majesty's Revenue and Customs) undertake the function of customs duty collection and administration in the UK on behalf of the EU. HMRC also control prohibited and restricted goods, collect statistical information and play a significant part in the application of the Common Agricultural Policy.

Customs controls generally take place at a port or airport upon import or exportation. There are procedures whereby authorised traders can carry out clearance functions at their own premises or at certain approved locations.

Customs legislation requires persons involved in trade in goods to provide and retain certain documentation. Information must generally be kept for four years. Records may take various formats.

### Powers to Search and Enquire

Customs officers may board and search ships within the limits of a port, aircraft at airports, or vehicles that are entering, leaving or about to leave the United Kingdom or within the limits of or entering or leaving a port, airport, transit shed, customs warehouse or free zone.

Customs Officers have access to every part of any ship or aircraft at a port or airport and of any vehicle. They may cause any goods to be marked before they are unloaded from a ship, aircraft or vehicle, lock up, seal, mark or otherwise secure any goods carried in the ship, aircraft or vehicle or any place or container in which they are so carried, break open any place or container which is locked and of which the keys are withheld, and seize any goods found concealed on board any such ship, aircraft or vehicle.

Officers may ask questions with respect to the baggage of people entering or leaving the United Kingdom and any thing contained in it or carried with them. They may inspect such baggage. Any person entering the UK from outside the EU who fails to declare any thing or to produce any baggage or thing as required (unless it they are entitled to exemption from duty and tax commits an offence.

## **Powers of Enquiry and Detention**

Officers may ask any person entering or leaving ports, airports and free zone with respect to any goods. That person shall, if required by the officer, produce those goods for examination at such place as the Commissioners may direct. Officers may board a vehicle and search any part of it. Officers may, at any time, enter upon and inspect a free zone and all buildings and goods within the zone.

Officers may detain any person who has committed, or whom there are reasonable grounds to suspect of having committed, any offence for which he is liable to be detained under the customs and excise Acts at any time within 20 years from the date of the commission of the offence.

Officers may examine and take account of any goods: which are imported, which are in a warehouse, which are in a free zone, which have been loaded into any ship or aircraft at any place in the United Kingdom or the Isle of Man, which are entered for exportation or for use as stores, which are brought to any place in the United Kingdom for exportation or for shipment for exportation or as stores, or in the case of which any claim for drawback, allowance, rebate, remission or repayment of duty is made.

Officers may take samples of certain goods, enter premises with a writ or search warrant and stop and search vehicles or vessels where there are reasonable grounds to suspect that they are carrying or may be carrying any goods which are chargeable with any duty which has not been paid or secured, in the course of being unlawfully removed from or to any place, or otherwise liable to forfeiture under the customs and excise Acts

If an officer has reasonable grounds to suspect that

- any person who is on board or has landed from any ship or aircraft,
- any person entering or about to leave the United Kingdom,
- any person within the dock area of a port,
- any person at a customs and excise airport,
- any person in, entering or leaving any approved wharf or transit shed which is not in a port,
- any person in, entering or leaving a free zone, or

is carrying any article which is chargeable with any duty which has not been paid or secured or (if being imported or exported) of which any prohibition or restriction is in force, they may detain them and search them. This search must be approved by a superior officer or justice of the peace.

## **Seizure**

Any thing chargeable with any duty or tax which is found concealed, or is not declared, and any thing which is being taken into or out of the UK contrary to any prohibition or restriction can be seized. Officers may seize ships or aircraft that have been in the UK or vehicles that have been in a port or airport and are constructed, adapted, altered or fitted for concealing goods, ships that have thrown overboard or destroyed any part of the cargo to prevent seizure while the ship is in United Kingdom waters or any aircraft where the master or commander fails to account for a substantial part of the cargo that has been on board.

Officers may seize any ship, aircraft, vehicle, animal, container (including any article of passengers baggage) or other thing which has been used for the carriage, handling, deposit or concealment of any thing that has become liable to forfeiture under the customs and excise Acts, or any other thing mixed, packed or found with the thing so liable.

## **Civil penalties**

HMRC can impose civil penalties on traders in breach of customs and excise regulations. False declarations and dishonest claims for repayment of duty or relief from duty are likely to be met with civil evasion penalties. So too will repeated examples of poor record-keeping. The size of the penalty is influenced by the level of co-operation given to investigating officers.

---

*This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances. This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.*

*While we have taken care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.*