
STATUTORY INSTRUMENTS

1996 No. 2686

ANIMALS

The Import of Seal Skins Regulations 1996

<i>Made</i>	- - - -	<i>19th October 1996</i>
<i>Laid before Parliament</i>		<i>25th October 1996</i>
<i>Coming into force</i>	- -	<i>15th November 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972⁽¹⁾, being the Minister designated⁽²⁾ for the purposes of that subsection in relation to the regulation and control, in the interests of conservation, of the import, export, landing, keeping, transportation and commercial display of, and trade in and disposal of, fauna and flora (including their parts and derivatives), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Import of Seal Skins Regulations 1996 and shall come into force on 15th November 1996.

Prohibition of import of certain seal skins

2.—(1) Subject to paragraph (3) below, the commercial importation of any of the following is hereby prohibited—

- (a) raw, tanned or dressed furskins of relevant seals (including furskins of such seals assembled in plates, crosses or similar forms), and
- (b) articles made wholly or partly of furskins of relevant seals.

(2) In paragraph (1) above “relevant seals” means—

- (a) whitecoat pups of the species *Phoca (Pagophilus) groenlandica* (harp seal), or
- (b) pups of the species *Cystophora cristata* (hooded seal).

(3) This regulation does not apply to products resulting from traditional hunting by the Inuit people.

(1) 1972 c. 68.
(2) S.I.1985/956.

Forfeiture of items unlawfully imported

3. Where an item to which regulation 2 applies is being or has been imported, a person commissioned by the Commissioners of Customs and Excise or a person authorised by them may require any person possessing or having control of the item to furnish proof that its importation is or was not unlawful by virtue of that regulation; and if such proof is not furnished to the satisfaction of the said Commissioners the item shall be liable to forfeiture under the Customs and Excise Management Act 1979(3).

Penalties

4.—(1) In section 50 of the Customs and Excise Management Act 1979 (Penalty for improper importation of goods)—

(a) in subsection (4)(4) for the words “5 or (5A)” there shall be substituted the words “(5), (5A) or (5B)”, and

(b) after subsection (5A)(5) there shall be inserted the following subsection—

“(5B) In the case of an offence under subsection (2) or (3) above in connection with the prohibition contained in regulation 2 of the Import of Seal Skins Regulations 1996, subsection (4) above shall have effect as if—

(a) for paragraph (a) there were substituted the following—

“(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both”; and

(b) in paragraph (b) for the words “7 years” there were substituted the words “2 years”.”.

(2) In section 170 of the Customs and Excise Management Act 1979 (Penalty for fraudulent evasion of duty, etc.)—

(a) in subsection (3)(6) for the words “4 or (4A)” there shall be substituted the words “(4), (4A) or (4B)”, and

(b) after subsection (4A)(7) there shall be inserted the following subsection—

“(4B) In the case of an offence under subsection (1) or (2) above in connection with the prohibition contained in regulation 2 of the Import of Seal Skins Regulations 1996, subsection (3) above shall have effect as if—

(a) for paragraph (a) there were substituted the following—

“(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both”; and

(b) in paragraph (b) for the words “7 years” there were substituted the words “2 years”.”.

(3) 1979 c. 2.

(4) Subsection (4) was amended by the Forgery and Counterfeiting Act 1981 (c. 45), section 23(1) and the Finance Act 1988 (c. 39), section 12(1)(a) and (6).

(5) Subsection (5A) was inserted by the Forgery and Counterfeiting Act 1981, section 23(1).

(6) Subsection (3) was amended by the Forgery and Counterfeiting Act 1981, section 23(3) and the Finance Act 1988 (c. 39), section 12(1)(a) and (6).

(7) Subsection (4A) was inserted by the Forgery and Counterfeiting Act 1981, section 23(3).

Signed by the authority of the Secretary of State

19th October 1996

James Clappison
Parliamentary Under Secretary of State
Department of the Environment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [83/129/EEC](#) (OJNo. L 91, 9.4.83, p. 30), as amended by Council Directives [85/444/EEC](#) (OJ No. L 259, 1.10.85, p. 70) and [89/370/EEC](#) (OJ No. L 163, 14.6.89, p. 37) concerning the importation into Member States of skins of certain seal pups and products derived therefrom.

Regulation 2 prohibits the importation of skins of whitecoat pups of the harp seal and of hooded seal pups. Regulation 3 makes provision as to forfeiture of improperly imported goods, and regulation 4 makes provision as to the level of penalties for improper importation which may be imposed under sections 50 and 170 of the Customs and Excise Management Act [1979 \(c. 2\)](#).