



# Customs and Excise Management Act 1979

## 1979 CHAPTER 2

### PART VII

#### CUSTOMS AND EXCISE CONTROL: SUPPLEMENTARY PROVISIONS

##### *Forfeiture of ships, etc. for certain offences*

#### **88 Forfeiture of ship, aircraft or vehicle constructed, etc. for concealing goods.**

Where—

- (a) a ship is or has been [<sup>F1</sup>in United Kingdom waters]; or
- (b) an aircraft is or has been at any place, whether on land or on water, in the United Kingdom; or
- (c) a vehicle is or has been within the limits of any port or at any aerodrome or, while in Northern Ireland, within the prescribed area,

while constructed, adapted, altered or fitted in any manner for the purpose of concealing goods, that ship, aircraft or vehicle shall be liable to forfeiture.

#### **Textual Amendments**

**F1** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), s. 3, [Sch. 1 para. 4\(3\)\(b\)](#)

#### **Modifications etc. (not altering text)**

**C1** [S. 88](#) amended by [S.I. 1987/2114](#), [reg. 2](#) and by [S.I. 1990/2167](#), art. 4, [Sch. para. 19](#)

#### **89 Forfeiture of ship jettisoning cargo, etc.**

- (1) If any part of the cargo of a ship is thrown overboard or is staved or destroyed to prevent seizure—

*Status: Point in time view as at 01/02/2005.*

*Changes to legislation: Customs and Excise Management Act 1979, Cross Heading: Forfeiture of ships, etc. for certain offences is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) while the ship is [<sup>F2</sup>in United Kingdom waters]; or
- (b) where the ship, having been properly summoned to bring to by any vessel in the service of Her Majesty, fails so to do and chase is given, at any time during the chase,

the ship shall be liable to forfeiture.

- (2) For the purposes of this section a ship shall be deemed to have been properly summoned to bring to—
- (a) if the vessel making the summons did so by means of an international signal code or other recognised means and while flying her proper ensign; and
  - (b) in the case of a ship which is not a British ship, if at the time when the summons was made the ship was [<sup>F2</sup>in United Kingdom waters].

#### Textual Amendments

**F2** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), s. 3, [Sch. 1 para. 4\(3\)\(c\)](#)

### 90 Forfeiture of ship or aircraft unable to account for missing cargo.

Where a ship has been within the limits of any port [<sup>F3</sup>in the United Kingdom or the Isle of Man], or an aircraft has been in the United Kingdom [<sup>F3</sup>or the Isle of Man], with a cargo on board and a substantial part of that cargo is afterwards found [<sup>F3</sup>in the United Kingdom] to be missing, then, if the master of the ship or commander of the aircraft fails to account therefor to the satisfaction of the Commissioners, the ship or aircraft shall be liable to forfeiture.

#### Textual Amendments

**F3** Words inserted by [Isle of Man Act 1979 \(c. 58\)](#), [Sch. 1 para. 20](#)

### 91 Ships failing to bring to.

- (1) If, save for just and sufficient cause, any ship which is liable to forfeiture or examination under or by virtue of any provision of the Customs and Excise Acts 1979 does not bring to when required to do so, the master of the ship shall be liable on summary conviction to a penalty of [<sup>F4</sup>level 2 on the standard scale].
- (2) Where any ship liable to forfeiture or examination as aforesaid has failed to bring to when required to do so and chase has been given thereto by any vessel in the service of Her Majesty and, after the commander of that vessel has hoisted the proper ensign and caused a gun to be fired as a signal, the ship still fails to bring to, the ship may be fired upon.

#### Textual Amendments

**F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G and (N.I.) by [S.I. 1984/703](#), (N.I. 3) art. 5

**Status:**

Point in time view as at 01/02/2005.

**Changes to legislation:**

Customs and Excise Management Act 1979, Cross Heading: Forfeiture of ships, etc. for certain offences is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.