



# Customs and Excise Management Act 1979

## 1979 CHAPTER 2

### PART XI

#### DETENTION OF PERSONS, FORFEITURE AND LEGAL PROCEEDINGS

##### *Detention of persons*

#### **138 Provisions as to detention of persons.**

- (1) 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 may be detained by any officer <sup>F1</sup> or any member of Her Majesty's armed forces or coastguard at any time within [<sup>F2</sup>20 years] from the date of the commission of the offence.
- (2) Where it was not practicable to detain any person so liable at the time of the commission of the offence, or where any such person having been then or subsequently detained for that offence has escaped, he may be detained by any officer <sup>F1</sup> or any member of Her Majesty's armed forces or coastguard at any time and may be proceeded against in like manner as if the offence had been committed at the date when he was finally detained.
- (3) Where any person who is a member of the crew of any ship in Her Majesty's employment or service is detained by an officer for an offence under the customs and excise Acts, the commanding officer of the ship shall, if so required by the detaining officer, keep that person secured on board that ship until he can be brought before a court and shall then deliver him up to the proper officer.
- [<sup>F3</sup>(4) Where any person has been arrested by a person who is not an officer—
  - (a) by virtue of this section; or
  - (b) by virtue of section 24 of the Police and Criminal Evidence Act 1984 in its application to offences under the customs and excise Acts, [<sup>F4</sup>or

*Status: Point in time view as at 19/02/2004.*

*Changes to legislation: Customs and Excise Management Act 1979, Cross Heading: Detention of persons is up to date with all changes known to be in force on or before 06 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)*

(c) by virtue of Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 in its application to such offences,]

the person arresting him shall give notice of the arrest to an officer at the nearest convenient office of customs and excise.]

#### Textual Amendments

- F1** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, [Sch. 7 Pt. I](#) and by [S.I. 1989/1341 \(N.I. 12\)](#), art. 90(2)(3), [Sch. 7 Pt. I](#)
- F2** Words substituted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), s. [11\(1\)\(3\)](#)
- F3** S. 138(4) substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 para. 37](#)
- F4** Words added by [S.I. 1989/1341 \(N.I. 12\)](#), art. 90(1), [Sch. 6 para. 9](#)

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

- C1** S. 138 amended (2.8.1993) by [S.I. 1993/1813](#), art. 6, [Sch. 3 para. 2\(1\)\(a\)\(2\)\(c\)](#); s. 138 amended by the said [S.I. 1993/1813](#), art. 6, [Sch. 3 para. 2](#) as incorporated (with modifications) (1.12.1997) by [S.I. 1994/1405](#), art. 6, [Sch. 3 para. 3](#)
- S. 138 applied (1.3.1995) by [S.I. 1995/271](#), [reg. 12\(1\)](#)
- S. 138 applied (15.11.1996) by [S.I. 1996/2721](#), [reg. 12\(1\)](#)
- S. 138 applied (with modifications) (15.7.1998) by [S.I. 1998/1531](#), [reg. 4\(3\)](#)
- S. 138 applied (1.5.1999) by [S.I. 1999/1261](#), [reg. 4\(3\)](#)
- S. 138 applied (14.10.1999) by [S.I. 1999/2821](#), [reg. 4\(3\)](#)
- S. 138 applied (14.10.1999) by [S.I. 1999/2822](#), [reg. 4\(3\)](#)
- S. 138 applied (25.5.2000) by [S.I. 2000/1408](#), [reg. 3\(3\)](#)
- S. 138 applied (28.9.2000) by [S.I. 2000/2620](#), [reg. 12\(1\)](#)
- S. 138 applied (31.3.2002) by [S.I. 2002/868](#), [reg. 4\(3\)](#)
- C2** S. 138 applied (6.2.2004) by [The Democratic Republic of Congo \(Financing and Financial Assistance and Technical Advice, Assistance and Training\) \(Penalties and Licences\) Regulations 2004 \(S.I. 2004/221\)](#), regs. 1(1), [4\(3\)](#)
- C3** S. 138 applied (19.2.2004) by [The Sudan \(Technical Assistance and Financing and Financial Assistance\) \(Penalties and Licences\) Regulations 2004 \(S.I. 2004/373\)](#), regs. 1(1), [4\(3\)](#)

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