



# 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 [<sup>F4</sup> or 24A] of the Police and Criminal Evidence Act 1984 in its application to offences under the customs and excise Acts, [<sup>F5</sup> or

*Status: Point in time view as at 18/03/2011.*

*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 30 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 <sup>F6</sup>or 26A ] 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 in s. 138(4)(b) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 7 para. 54**; S.I. 2005/3495, art. 2(1)(m)
- F5** Words added by S.I. 1989/1341 (N.I. 12), art. 90(1), **Sch. 6 para. 9**
- F6** Words in s. 138(4)(c) inserted (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), art. 1(2), **Sch. 1 para. 18**

#### 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)**
- C4** S. 138 applied (26.2.2004) by The Liberia (Technical Assistance and Financing and Financial Assistance) (Penalties and Licences) Regulations 2004 (S.I. 2004/432), regs. 1(1), **4(3)**
- C5** S. 138 applied (17.5.2004) by The Burma (Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance and Shipment of Equipment) (Penalties and Licences) Regulations 2004 (S.I. 2004/1315), regs. 1(1), **4(3)**
- C6** S. 138 applied (9.2.2005) by The Export Control (Iraq and Ivory Coast) Order 2005 (S.I. 2005/232), arts. 1(1), **5(3)**
- C7** S. 138 applied by SI 2003/318, art. 11(4) (as added (28.3.2005) by The Trade in Controlled Goods (Embargoed Destinations) (Amendment) Order 2005 (S.I. 2005/445), arts. 1, **3**)
- C8** S. 138 applied by SI 2003/2764, art. 21(8) (as added (28.3.2005) by The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) Order 2005 (S.I. 2005/468), arts. 1, **5**)
- C9** S. 138 applied by SI 2003/2765, art. 12(4) (as added (28.3.2005) by The Trade in Goods (Control) (Amendment) Order 2005 (S.I. 2005/443), arts. 1, **4**)
- C10** S. 138 applied (27.6.2005) by The Export Control (Democratic Republic of Congo) Order 2005 (S.I. 2005/1677), arts. 1(1), **7(2)**

*Status: Point in time view as at 18/03/2011.*

*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 30 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)*

- C11 S. 138 applied (26.11.2005) by [The Export Control \(Uzbekistan\) Order 2005 \(S.I. 2005/3257\)](#), arts. 1(1), **6(2)**
- C12 S. 138 applied (27.7.2006) by [The Export Control \(Liberia\) Order 2006 \(S.I. 2006/2065\)](#), arts. 1(1), **7(2)**
- C13 S. 138 applied (30.7.2006) by [The Technical Assistance Control Regulations 2006 \(S.I. 2006/1719\)](#), regs. 1(1), **6(2)**
- C14 S. 138 applied (11.10.2006) by [The Lebanon \(Technical Assistance, Financing and Financial Assistance\) \(Penalties and Licences\) Regulations 2006 \(S.I. 2006/2681\)](#), regs. 1(1), **5(2)**
- C15 S. 138 applied (11.10.2006) by [The Burma \(Sale, Supply, Export, Technical Assistance, Financing and Financial Assistance\) \(Penalties and Licences\) Regulations 2006 \(S.I. 2006/2682\)](#), art. 1(1), **reg. 6(2)**
- C16 S. 138 applied (27.4.2007) by [The Export Control \(North Korea\) Order 2007 \(S.I. 2007/1334\)](#), arts. 1(1), **7(3)**
- C17 S. 138 applied (26.5.2007) by [The Export Control \(Iran\) Order 2007 \(S.I. 2007/1526\)](#), arts. 1(1), **6(3)**
- C18 S. 138 applied (23.4.2008) by [The Export Control \(Burma\) Order 2008 \(S.I. 2008/1098\)](#), arts. 1(1), **11(3)**
- C19 S. 138 applied (6.4.2009) by [The Export Control Order 2008 \(S.I. 2008/3231\)](#), arts. 1, **41(3)**
- C20 S. 138 applied by 1983 c. 18, s. 1D(2) (as inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 17 para. 3**; S.I. 2009/3074, art. 2(q))
- C21 S. 138 applied by SI 2009/1749, art. 13(2) (as substituted (11.12.2009) by [The North Korea \(United Nations Sanctions\) \(Amendment\) Order 2009 \(S.I. 2009/3213\)](#), arts. 1(1), **11**)
- C22 S. 138 applied (20.2.2010) by [The Export Control \(Guinea\) Order 2010 \(S.I. 2010/364\)](#), arts. 1(1), **7(3)**
- C23 S. 138 applied by S.I. 2009/886, art. 11(2) (as substituted (17.12.2010) by [The Iran \(United Nations Sanctions\) \(Amendment\) Order 2010 \(S.I. 2010/2978\)](#), arts. 1(1), **15**)
- C24 S. 138 applied (17.2.2011) by [The Export Control \(Somalia\) Order 2011 \(S.I. 2011/146\)](#), arts. 1(1), **5(3)**
- C25 S. 138 applied (17.2.2011) by [The Export Control \(Liberia\) Order 2011 \(S.I. 2011/145\)](#), arts. 1(1), **6(3)**
- C26 S. 138 applied (18.3.2011) by [The Export Control \(Libya\) Order 2011 \(S.I. 2011/825\)](#), arts. 1(1), **7(3)**

**Status:**

Point in time view as at 18/03/2011.

**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 30 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.