



# Customs and Excise Management Act 1979

## 1979 CHAPTER 2

### PART XI **U.K.**

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

##### *Forfeiture*

#### **139 Provisions as to detention, seizure and condemnation of goods, etc. **U.K.****

- (1) Any thing liable to forfeiture under the customs and excise Acts may be seized or detained by any officer or constable or any member of Her Majesty's armed forces or coastguard.
- (2) Where any thing is seized or detained as liable to forfeiture under the customs and excise Acts by a person other than an officer, that person shall, subject to subsection (3) below, either—
  - (a) deliver that thing to the nearest convenient office of customs and excise; or
  - (b) if such delivery is not practicable, give to the Commissioners at the nearest convenient office of customs and excise notice in writing of the seizure or detention with full particulars of the thing seized or detained.
- (3) Where the person seizing or detaining any thing as liable to forfeiture under the customs and excise Acts is a constable and that thing is or may be required for use in connection with any proceedings to be brought otherwise than under those Acts it may, subject to subsection (4) below, be retained in the custody of the police until either those proceedings are completed or it is decided that no such proceedings shall be brought.
- (4) The following provisions apply in relation to things retained in the custody of the police by virtue of subsection (3) above, that is to say—
  - (a) notice in writing of the seizure or detention and of the intention to retain the thing in question in the custody of the police, together with full particulars as

*Status: Point in time view as at 02/04/2007. This version of this provision has been superseded.*

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- to that thing, shall be given to the Commissioners at the nearest convenient office of customs and excise;
- (b) any officer shall be permitted to examine that thing and take account thereof at any time while it remains in the custody of the police;
- (c) nothing in [<sup>F1</sup>section 31 of the Police (Northern Ireland) Act 1998] shall apply in relation to that thing.
- (5) Subject to subsections (3) and (4) above and to Schedule 3 to this Act, any thing seized or detained under the customs and excise Acts shall, pending the determination as to its forfeiture or disposal, be dealt with, and, if condemned or deemed to have been condemned or forfeited, shall be disposed of in such manner as the Commissioners may direct.
- (6) Schedule 3 to this Act shall have effect for the purpose of forfeitures, and of proceedings for the condemnation of any thing as being forfeited, under the customs and excise Acts.
- (7) If any person, not being an officer, by whom any thing is seized or detained or who has custody thereof after its seizure or detention, fails to comply with any requirement of this section or with any direction of the Commissioners given thereunder, he shall be liable on summary conviction to a penalty of [<sup>F2</sup>level 2 on the standard scale].
- (8) Subsections (2) to (7) above shall apply in relation to any dutiable goods seized or detained by any person other than an officer notwithstanding that they were not so seized as liable to forfeiture under the customs and excise Acts.

#### Textual Amendments

- F1** Words in s. 139(4)(c) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 14**; S.R. 1999/176, **art. 3**
- F2** 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

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

- C1** S. 139 extended by S.I. 1987/1521, **reg. 3(2)**; 1987/2105, reg. 5(1); 1988/1476, art. 5(1)
- C2** S. 139 extended (E.W.S.) by **Scotch Whisky Act 1988 (c. 22, SIF 109:1), s. 1(4)**
- C3** S. 139 amended by S.I. 1988/1852 (N.I. 19), **art. 4(2)**
- C4** S. 139 extended (01.01.1992) by S.I. 1991/2724, **reg. 10(1)**  
S. 139 extended (01.01.1992) by S.I. 1991/2725, **reg. 6(1)**
- C5** S. 139 extended (01.01.1992) by S.I. 1991/2727, **reg. 7(1)**
- C6** S. 139 applied (23.6.1993) by S.I. 1993/1353, **reg. 4(1)**  
S. 139 applied (1.7.1995) (with modifications) by S.I. 1995/1447, **reg. 4(1)**  
S. 139 applied (1.7.1999) (with modifications) by S.I. 1999/1618, **regs. 5(1), 6**  
S. 139 applied (1.7.1999) by S.I. 1999/1618, **reg. 6(4)(a)**  
S. 139 applied in part (1.7.1999) by S.I. 1999/1618, **reg. 6(5)**
- C7** S. 139 applied (1.7.2004) by **The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004 (S.I. 2004/1473), regs. 1, 8(5)(a)** (with reg. 2(3))
- C8** S. 139 applied (1.7.2004) by **The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004 (S.I. 2004/1473), regs. 1, 7(1)** (with reg. 2(3))
- C9** S. 139(1)(2)(3)(4) applied (with modifications) by 1995 c. 32, s. 12B(3) (as inserted (with effect in accordance with s. 40(7) of the amending Act) by **London Olympic Games and Paralympic Games Act 2006 (c. 12), s. 40(2), Sch. 3 para. 14** (with s. 40(5)); S.I. 2007/1064, art. 2(c))

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**C10** S. 139(7)(8) applied (with modifications) by 1995 c. 32, s. 12B(3) (as inserted (with effect in accordance with s. 40(7) of the amending Act) by London Olympic Games and Paralympic Games Act 2006 (c. 12), s. 40(2), **Sch. 3 para. 14** (with s. 40(5)); S.I. 2007/1064, art. 2(c))

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