



Finance Act 2003

2003 CHAPTER 14

PART 3

TAXES AND DUTIES ON IMPORTATION AND EXPORTATION: PENALTIES

Preliminary

24 **Introductory**

- (1) This Part makes provision for and in connection with the imposition of liability to a penalty where a person—
- (a) engages in any conduct for the purpose of evading any relevant tax or duty, or
 - (b) engages in any conduct by which he contravenes a duty, obligation, requirement or condition imposed by or under legislation relating to any relevant tax or duty.
- (2) For the purposes of this Part “relevant tax or duty” means any of the following—
- (a) customs duty;
 - (b) [^{F1}Union] export duty;
 - (c) [^{F2}Union] import duty;
 - (d) import VAT;
 - (e) customs duty of a preferential tariff country.
- (3) In this Part—
- “appeal tribunal” means a [^{F3}the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal];
 - “the Commissioners” means the Commissioners of Customs and Excise;
 - ^{F4}
 - ^{F4}
 - ^{F4}
 - “contravene” includes fail to comply with;

Status: Point in time view as at 30/03/2018.

Changes to legislation: Finance Act 2003, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 21 July 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)

“customs duty of a preferential tariff country” includes a reference to any charge imposed by a preferential tariff country and having an equivalent effect to customs duty payable on the importation of goods into the territory of that country;

“demand notice” means a demand notice within the meaning of section 30;

[^{F5}“HMRC” means “Her Majesty’s Revenue and Customs.”]

“import VAT” means value added tax chargeable by virtue of section 1(1)(c) of the Value Added Tax Act 1994 (c. 23) (importation of goods from places outside the member States);

“notice” means notice in writing;

“preferential tariff country” means a country outside the [^{F6}European Union] which is, or is a member of a group of countries which is, party to an agreement falling within [^{F7}Article 56(2)(d) of the Union Customs Code] (preferential tariff agreements with the Community);

“prescribed” means specified in, or determined in accordance with, regulations made by the Treasury;

“relevant rule”, in relation to any relevant tax or duty, has the meaning given by subsection (8) of section 26 (as read with subsection (9) of that section);

“representative”, in relation to any person, means—

- (a) his personal representative,
- (b) his trustee in bankruptcy or interim or permanent trustee,
- (c) any receiver or liquidator appointed in relation to that person or any of his property,

or any other person acting in a representative capacity in relation to that person.

[^{F8}“Union Customs Code” means Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;

“Union export duty” means export duty, as defined in Article 5(21) of the Union Customs Code;

“Union import duty” means import duty, as defined in Article 5(20) of the Union Customs Code.]

- (4) References in this Part to the [^{F9}Union Customs Code] are references to that Code as from time to time amended, whether before or after the coming into force of this Part.
- (5) The Treasury may by order amend this Part for the purpose of replacing any reference to, or to a provision of,—
 - (a) the [^{F10}Union Customs Code], or
 - (b) any instrument referred to in this Part by virtue of an order under this subsection,
 with a reference to, or (as the case may be) to a provision of, a different instrument.
- (6) A statutory instrument containing an order under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.
- (7) Except for this subsection and section 41 (which accordingly come into force on the passing of this Act), this Part comes into force on such day as the Treasury may by order appoint.

Status: Point in time view as at 30/03/2018.

Changes to legislation: Finance Act 2003, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 21 July 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)

Textual Amendments

- F1** Word in s. 24(2)(b) substituted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(a\)](#) (with art. 6)
- F2** Word in s. 24(2)(c) substituted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(a\)](#) (with art. 6)
- F3** Words in s. 24(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 360\(2\)](#)
- F4** Words in s. 24(3) omitted (30.3.2018) by virtue of [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(b\)\(i\)](#) (with art. 6)
- F5** Words in s. 24(3) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 360\(3\)](#)
- F6** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 4 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F7** Words in s. 24(3) substituted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(b\)\(ii\)](#) (with art. 6)
- F8** Words in s. 24(3) inserted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(c\)](#) (with art. 6)
- F9** Words in s. 24(4) substituted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(d\)](#) (with art. 6)
- F10** Words in s. 24(5)(a) substituted (30.3.2018) by [The Finance Act 2003, Part 3 \(Amendment\) Order 2018 \(S.I. 2018/461\)](#), arts. 1, [4\(d\)](#) (with art. 6)

Commencement Information

- I1** S. 24 partly in force; s. 24(7) in force at 10.7.2003, see s. 24(7)
- I2** S. 24(1)-(6) in force at 27.11.2003 by [S.I. 2003/2985](#), [art. 2](#)

Status:

Point in time view as at 30/03/2018.

Changes to legislation:

Finance Act 2003, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 21 July 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.