



Taxation (Cross-border Trade) Act 2018

2018 CHAPTER 22

PART 1

IMPORT DUTY

UK's customs union

31 Territories forming part of a customs union with UK

- (1) This section applies if arrangements are entered into between—
 - (a) Her Majesty's government in the United Kingdom, and
 - (b) the government of a country or territory outside the United Kingdom, establishing a customs union between the United Kingdom and the country or territory.
- (2) Arrangements establish a “customs union” between the United Kingdom and a country or territory if—
 - (a) they provide that no duty is to be chargeable by reference to movements of goods, or goods of a specified description, between the United Kingdom and the country or territory, and
 - (b) they provide for the same, or substantially the same, rules for charging duty on imports of goods, or goods of a specified description, from places outside the United Kingdom or the country or territory.
- (3) For this purpose—

“duty” means—

 - (a) import duty, or
 - (b) any duty (however described) imposed by the law of the country or territory that is of a similar character to import duty, and

“specified” means specified in the arrangements.
- (4) If Her Majesty by Order in Council declares that it is expedient that the arrangements should have effect for the purposes of import duty, the arrangements have effect for those purposes despite any enactment.

Changes to legislation: There are currently no known outstanding effects for the Taxation (Cross-border Trade) Act 2018, Cross Heading: UK's customs union. (See end of Document for details)

- (5) In the case of a customs union between the United Kingdom and the European Union, Her Majesty may not make a declaration by Order in Council under subsection (4) unless the arrangements have been approved by an Act of Parliament.
- (6) HMRC Commissioners may make regulations generally for carrying out any arrangements having effect in accordance with this section.
- (7) Among other things, the regulations may—
- (a) modify or disapply provision made by or under this Part or any other Act,
 - (b) treat anything done by the government of a country or territory as if done by the appropriate authority or person in the United Kingdom, and
 - (c) apply or replicate, with or without modifications, provision relating to duty under the law of a country or territory as that provision has effect from time to time.
- (8) Examples of the kind of provision within subsection (7)(b) are—
- (a) provision treating an agreement entered into by a country or territory as if it were entered into by Her Majesty's government in the United Kingdom, and
 - (b) provision treating a system for determining the amount of duty established under the law of a country or territory as if it were the customs tariff mentioned in section 8.

Commencement Information

11 S. 31 in force for specified purposes at 13.9.2018, see s. 57(1)(a)

12 S. 31 in force at 31.12.2020 in so far as not already in force by [S.I. 2020/1642](#), [reg. 4\(a\)](#)

Changes to legislation:

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