



# Taxation (Cross-border Trade) Act 2018

## 2018 CHAPTER 22

### PART 1

#### IMPORT DUTY

##### *Incurring of liability to import duty*

#### **4 When liability to import duty incurred**

- (1) If—
  - (a) chargeable goods are declared for the free-circulation procedure, and
  - (b) HMRC accept the declaration,a liability to import duty is incurred at the time of the acceptance.
- (2) If chargeable goods are declared for—
  - (a) a storage procedure,
  - (b) a transit procedure, or
  - (c) an inward processing procedure,the general rule is that a liability to import duty is not incurred by reference to the importation of the goods.
- (3) This rule is subject to the following two exceptions—
  - (a) if there is no entitlement to make the Customs declaration concerned, a liability to import duty is incurred at the time the (purported) declaration is made, and
  - (b) if there is a breach by any person of any requirement relating to the procedure, a liability to import duty is incurred at the time at which the breach first occurs.
- (4) In the case of goods declared for an authorised use procedure or temporary admission procedure—
  - (a) a liability to import duty is incurred at the time the declaration is accepted by HMRC,

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*Status: Point in time view as at 04/03/2019. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Taxation (Cross-border Trade) Act 2018, Section 4. (See end of Document for details)*

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- (b) if there is an entitlement to make the declaration for the procedure, the rate of import duty is lower than the normal rate (see section 19(4)),
  - (c) if there is no such entitlement, the liability is at the normal rate, and
  - (d) if there is a breach of a requirement relating to the procedure, a further liability to import duty arises at the time of the breach at the normal rate reduced to take account of the amount of any earlier liability.
- (5) In the case of goods declared for a temporary admission procedure, see also section 19(5).
- (6) In this section any reference to the breach of a requirement relating to a special Customs procedure is to—
- (a) a breach, occurring while the procedure has effect, of the terms of the declaration for the procedure or of any other requirement imposed in relation to the procedure by or under Schedule 2, or
  - (b) a breach, occurring at any time after the declaration was made, of any other requirement imposed by an HMRC officer in relation to the goods for which the declaration was made.
- (7) In this section “the normal rate” means the rate that, at the time of the declaration or breach (as the case may be), would be applicable if section 19(4) were ignored.

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**Commencement Information**

**II** S. 4 in force for specified purposes at 13.9.2018, see s. 57(1)(a)

**Status:**

Point in time view as at 04/03/2019. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Taxation (Cross-border Trade) Act 2018, Section 4.