



Import, Export and Customs Powers (Defence) Act 1939

1939 CHAPTER 69 2 and 3 Geo 6

An Act to provide for controlling the importation, exportation and carriage coastwise of goods and the shipment of goods as ships' stores; to provide for facilitating the enforcement of the law relating to the matters aforesaid and the law relating to trading with the enemy; and to provide for purposes connected with the matters aforesaid. [1st September 1939]

Modifications etc. (not altering text)

C1 Act excluded by S.I. 1980/565, art. 2, Sch. 2, Pt. II

Commencement Information

II Act wholly in force at Royal Assent

1 Control of importation and exportation.

- (1) The Board of Trade may by order make such provisions as the Board think expedient for prohibiting or regulating, in all cases or any specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order, the importation into, or exportation from, the United Kingdom or any specified part thereof, or the carriage coastwise or the shipment as ships' stores, of all goods or goods of any specified description.
- (2) An order under this section may be varied or revoked by a subsequent order.
- (3) An order under this section may suspend wholly or in part the operation of any enactment, proclamation, Order in Council or order prohibiting or regulating the importation, exportation, shipment as ships' stores or carriage coastwise of any goods; and an order under this section may contain such provisions (including penal provisions) as appear to the Board of Trade to be necessary for securing the due operation and enforcement of the order.

Status: Point in time view as at 09/07/1991.

Changes to legislation: There are currently no known outstanding effects for the Import, Export and Customs Powers (Defence) Act 1939. (See end of Document for details)

- (4) For the avoidance of doubt it is hereby declared that, without prejudice to the provisions of the [^{F1}enactments for the time being in force relating to customs or excise] with respect to ships and aircraft, the taking into or out of the United Kingdom of ships or aircraft may be prohibited or regulated by an order under this section as an importation or exportation of goods, notwithstanding that the ships or aircraft are conveying goods or passengers, and whether or not they are moving under their own power.
- (5) Notwithstanding anything in [^{F1}section 145 of the ^{M1}Customs and Excise Management Act 1979], a prosecution for an offence under an order made in pursuance of this section may, in England or Northern Ireland, be instituted by, or under the authority of, the Board of Trade.

Subordinate Legislation Made

- P1** [S. 1](#): for previous exercises of this power see Index to Government Orders.
[S. 1](#): s. 1 power exercised by [S.I.1991/1583](#)

Textual Amendments

- F1** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#). Sch. 4 para. 12 Table Pt. I

Modifications etc. (not altering text)

- C2** [S. 1](#) restricted by [International Cocoa Agreement Act 1973 \(c. 46\)](#), [s. 1\(6\)](#)
C3 Functions of Board of Trade now exercisable concurrently by Secretary of State: [S. I. 1970/1537](#), [art. 2\(1\)](#)

Marginal Citations

- M1** [1979 c. 2](#).

2 Power to impose charges.

- (1) The Treasury may by order provide for imposing and recovering, in connection with any scheme of control contained in an order under the preceding section, such charges as may be specified in the first-mentioned order; and any order under this section may be varied or revoked by a subsequent order of the Treasury.
- (2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the order so directs, be paid into such public fund or account as may be specified in the order.
- (3) Any order under this section shall be laid before the Commons House of Parliament . . .
^{F2}
- (4) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

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Textual Amendments

F2 Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

3 Application and extension of law as to prohibited goods.

- (1) If any goods—
- (a) are imported, exported, carried coastwise or shipped as ships' stores in contravention either of an order under this Act or of the law relating to trading with the enemy, or
 - (b) are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried or shipped in contravention either of an order under this Act or of the law relating to trading with the enemy,
- those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his agent, or the shipper of the goods, shall be liable, in addition to any other penalty under the [^{F3}enactments for the time being in force relating to customs or excise], to a customs penalty of [^{F4}level 5 on the standard scale].
- (2) If any such order as aforesaid prohibits the exportation of any goods unless consigned to a particular place or person, and such goods so consigned are delivered otherwise than to that place or person, as the case may be, the vessel in which the goods were exported shall be deemed to have been used in the conveyance of prohibited goods.
- (3) If any goods are imported, exported, carried coastwise or shipped as ships' stores, or are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried or shipped, an officer of Customs and Excise may require any person possessing or having control of the goods to furnish proof that the importation, exportation or carriage coastwise of the goods or the shipment of the goods as ships' stores, as the case may be, is not unlawful by virtue either of an order under this Act or of the law relating to trading with the enemy; and if such proof is not furnished to the satisfaction of the Commissioners of Customs and Excise, [^{F5}then, unless the contrary is proved, the goods shall be deemed to be prohibited goods and shall be forfeited].

F6

Textual Amendments

- F3** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#). Sch. 4 para. 12 Table Pt. I
- F4** Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 156, (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G and (N.I.) by S.I. 1984/703, (N.I.3), arts. 5, 6
- F5** Words substituted by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), [Sch. 1 para. 5\(1\)](#)
- F6** Words repealed by [Customs and Excise Act 1952 \(c. 44\)](#) Sch. 12 Pt. I

Modifications etc. (not altering text)

- C4** S. 3(3) extended by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#), [Sch. 1 para. 5\(2\)\(3\)](#)

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Textual Amendments

F7 Ss. 4–6, 7(3) repealed by [Customs and Excise Act 1952 \(c. 44\)](#), [Sch. 12 Pt. I](#)

7 Provisions as to ultimate destination of goods.

[^{F8}(1) Where a person about to export goods from the United Kingdom, in the course of making entry thereof before shipment, makes a declaration as to the ultimate destination thereof, and the Commissioners of Customs and Excise have reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Commissioners are satisfied as to the truth of the declaration, and, if the Commissioners are not so satisfied the goods shall be forfeited.]

[^{F8}(2) Any exporter or shipper of goods which have been exported from the United Kingdom shall, if so required by the Commissioners of Customs and Excise, satisfy the Commissioners that those goods have not reached any enemy or any enemy territory, and if he fails so to do, he shall incur a customs penalty of treble the value of the goods or [^{F9}level 3 on the standard scale] at the election of the Commissioners, unless he proves that he did not consent to or connive at the goods reaching an enemy or enemy territory, and that he took all reasonable steps to secure that the ultimate destination of the goods was not other than that specified in the documents shown or furnished to the officers of Customs and Excise in connection with the exportation of the goods.]

(3) ^{F10}

Textual Amendments

F8 Ss. 7(1)(2) repealed (*prosp*) by [2002 c. 28](#), [ss. 15\(4\)](#), [16\(2\)](#) (with [s. 16\(7\)](#))

F9 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [s. 156](#), ([E.W. Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#)), [ss. 38, 46](#), ([S. Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#)), [ss. 289F, 289G](#) and ([N.I.](#)) by [S.I. 1984/703](#), ([N.I.3](#)), [arts. 5, 6](#)

F10 Ss. 4–6, 7(3) repealed by [Customs and Excise Act 1952 \(c. 44\)](#), [Sch. 12 Pt. I](#)

8 Interpretation, &c.

(1) For the purposes of this Act—

- (a) the Isle of Man shall be deemed to form part of the United Kingdom;
- (b) the expression “enemy” means—
 - (i) any State, or Sovereign of a State, at war with His Majesty;
 - (ii) any individual resident in enemy territory;
 - (iii) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this subsection, is an enemy;
 - (iv) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty; or
 - (v) any other person, who for the purposes of any Act relating to trading with the enemy is to be deemed to be an enemy;

but does not include any person by reason only that he is an enemy subject;

- (c) the expression “enemy subject” means—

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- (i) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or
 - (ii) a body of persons constituted or incorporated in, or under the laws of, any such State; and
 - (d) the expression “enemy territory” means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.
- (2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of, any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings taken by virtue of this Act, be conclusive evidence of the facts stated in the certificate.
- (3) F11

Textual Amendments

F11 S. 8(3) repealed by [Industrial Expansion Act 1968 \(c. 32\)](#), [Sch. 4](#)

9 Short title, construction and duration of Act.

- (1) This Act may be cited as the Import, Export and Customs Powers (Defence) Act 1939.
- (2) This Act shall be construed as one with the [^{F12M2}Customs and Excise Management Act 1979].
- (3) F13

Textual Amendments

F12 Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#). Sch. 4 para. 12 Table Pt. I

F13 S. 9(3) repealed by [Import and Export Control Act 1990 \(c. 45, SIF 40:3\)](#), [s. 1](#)

Marginal Citations

M2 1979 c. 2.

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