

STATUTORY INSTRUMENTS

1979 No. 207

CUSTOMS AND EXCISE

The Customs Warehousing Regulations 1979

Made - - - - 27th February 1979*Laid before Parliament* 8th March 1979*Coming into Operation* 1st April 1979

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Interpretation
3. Application

PART II

CONTROL OF CUSTOMS WAREHOUSES
AND WAREHOUSED GOODS

4. Time of warehousing
5. Entry of goods
6. Receipt of goods
7. Period of storage
8. Stock accounts and other records
9. Stocktaking
10. Warehousing and marking of packages and lots
11. Stowage and production of goods
12. Operations on warehoused goods
13. Removal of goods from customs warehouse
14. Schedules of removal of goods in lieu of entry

PART III

DUTY CHARGEABLE ON WAREHOUSED GOODS

15. Customs duty chargeable on goods removed for home use
16. Customs duty chargeable on compensating products
17. Abandonment and destruction of warehoused goods
18. Customs duty chargeable on missing or deficient goods

PART IV
REVOCATION

19. Revocation of approvals of customs warehouses
20. Revocation of the Warehousing Regulations 1975

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 93 of the Customs and Excise Management Act 1979(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Customs Warehousing Regulations 1979 and shall come into operation on 1st April 1979.

Interpretation

2. In these Regulations—

“the Act of 1979” means the Customs and Excise Management Act 1979;

“compensating products” has the same meaning as in Regulation 1(2) of the Inward Processing Relief Regulations 1977(b);

“computer” has the same meaning as, by virtue of section 10 of the Civil Evidence Act 1968(c), it has in Part I of that Act;

“customs duty” means any charge payable on imported goods other than excise duty or value added tax;

“exportation” does not include exportation of goods covered by an internal Community transit document as prescribed in Regulations (EEC) 222/77(d) or 223/77(e) or covered by a document equivalent thereto under Community law;

“occupier” means the person who has given security to the Crown in respect of a customs warehouse;

“package” includes any bundle and any box, cask or other receptacle whatsoever;

“proprietor” means the proprietor of goods in a customs warehouse.

Application

3. These Regulations shall apply to all customs warehouses and to all goods warehoused therein but do not apply to goods kept therein by virtue of section 92(4) of the Act of 1979.

PART II

CONTROL OF CUSTOMS WAREHOUSES AND WAREHOUSED GOODS

Time of warehousing

4. Goods brought to a customs warehouse for warehousing or rewarehousing shall be deemed to be warehoused or rewarehoused, as the case may be, when they are put in the customs warehouse for that purpose.

(a) 1979 c. 2.

(b) S.I. 1977/910.

(c) 1968 c. 64.

(d) O.J. No. L38, 9.2.77, p. 1.

(e) O.J. No. L38, 9.2.77, p. 20.

Entry of goods

5. Without prejudice to Regulation 4, when any goods other than goods entered for warehousing under section 37 of the Act of 1979 are brought to a customs warehouse for warehousing or rewarehousing, their proprietor shall, before the goods are warehoused or rewarehoused, as the case may be, deliver to the proper officer an entry thereof in such form and manner and containing such particulars as the Commissioners may direct.

Receipt of goods

6. Save as the Commissioners may otherwise allow, when any goods are brought to a customs warehouse for warehousing or rewarehousing, the occupier shall without delay notify the proper officer in writing of any deficiency, surplus or other discrepancy between the particulars of the goods shown on the receipt documents and the goods received.

Period of storage

7. Goods warehoused under these Regulations may remain in storage in a customs warehouse for a period of up to five years:

Provided that the Commissioners may, having regard to the nature of the goods, extend or shorten that period.

Stock accounts and other records

8.—(1) The occupier shall, if so required by the Commissioners, keep stock accounts in such form and manner as the proper officer shall approve, and paragraphs (2) and (3) below shall apply only to an occupier so required.

(2) When any goods are warehoused or any warehoused goods are removed from a customs warehouse the occupier shall enter forthwith in the stock accounts such particulars of the goods as the proper officer may require; and when any operation authorised under Regulation 12 is carried out on any warehoused goods, the occupier shall enter forthwith in the stock accounts such further particulars relating to those goods as the proper officer may require.

(3) The occupier shall keep the stock accounts at the customs warehouse unless the proper officer consents to their being kept at some other place.

(4) Save as the Commissioners may otherwise allow, the occupier and the proprietor shall retain for at least two years from the date that any warehoused goods are removed from a customs warehouse the original or a copy of any record, account or other document in his possession relating to those goods:

Provided that the Commissioners may require the retention of any record, account or other document as aforesaid for at least three years where the goods to which they relate are agricultural products or products processed therefrom.

(5) The occupier and the proprietor shall, if so requested by the proper officer, produce any such record, account or other document referred to in paragraph (4) above and shall permit the proper officer to take copies thereof, and in the case of any account or record required to be kept under these Regulations, to make notes therein:

Provided that if the information which would otherwise be contained in any such record, account or other document is—

- (a) stored in a computer, or
- (b) contained on a film (including a microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom,

the occupier or proprietor shall, on request, produce that information in the form of a transcript or legible reproduction.

Stocktaking

9.—(1) The occupier shall take stock of warehoused goods when the proper officer may for reasonable cause so require.

(2) When the occupier takes stock of the goods deposited in his customs warehouse, whether or not in pursuance of a requirement under paragraph (1) above, he shall notify the proper officer forthwith in writing of any deficiency, surplus or other discrepancy revealed thereby, and if so required by the proper officer shall provide him with a copy of the stocktaking account.

Warehousing and marking of packages and lots

10.—(1) Save as the Commissioners may otherwise allow, goods shall be warehoused in the packages or lots in which they were first entered for warehousing and their proprietor shall mark and keep marked those packages or lots as the proper officer may require.

(2) No alteration shall be made to warehoused goods or to their packaging or marking except with the authority of the proper officer.

(3) Any goods in respect of which this Regulation is contravened shall be liable to forfeiture.

Stowage and production of goods

11. Save as the Commissioners may otherwise allow, the occupier shall so stow every package or lot of warehoused goods that safe and easy access may be had thereto and shall produce to the proper officer on request any such goods which have not been lawfully removed from the customs warehouse.

Operations on warehoused goods

12.—(1) The Commissioners shall authorise, subject to such conditions as they may impose, such operations on warehoused goods as are needed to ensure their preservation or to improve their packaging or their marketable quality.

(2) The operations referred to in this Regulation are the usual forms of handling listed in Article 1.1 of Council Directive 71/235/EEC(a).

(3) The conditions referred to in paragraph (1) of this Regulation may relate to—

- (a) the parts of customs warehouses in which operations may be carried out; and

(a) O.J. No. L143, 29.6.71, p. 28 (OJ/SE 1971 (II) p. 398).

(b) the nature of the goods.

(4) The person intending to carry out any operation to which this Regulation applies shall first obtain an authorisation from the proper officer.

(5) The Commissioners may for reasonable cause revoke, or vary the conditions relating to, any authorisation granted under this Regulation.

(6) Any goods upon which any operation is carried out in breach of this Regulation shall be liable to forfeiture.

(7) The Inward Processing Relief Regulations 1977(a) shall apply to any operation carried out on warehoused goods which is not one to which this Regulation applies.

Removal of goods from customs warehouse

13.—(1) Save as the Commissioners may otherwise allow, before any goods are removed from a customs warehouse their proprietor shall deliver to the proper officer an entry thereof in such form and manner and containing such particulars as the Commissioners may direct.

(2) Goods may be entered under this Regulation for—

- (a) home use, if so eligible,
- (b) exportation,
- (c) shipment as stores, or
- (d) transfer to another customs procedure providing for suspension of, or relief from, customs duty.

(3) The Commissioners may allow goods to be entered under this Regulation for removal without payment of customs duty for—

- (a) rewarehousing in another customs warehouse; or
- (b) temporary removal for such purposes and such periods as they may allow.

(4) Where goods are entered under this Regulation they shall forthwith be removed from the customs warehouse; but if the Commissioners allow those goods to remain therein they shall for customs purposes be treated as having been removed at the time of entry.

(5) Save as provided for by these Regulations, no goods shall be removed or be treated as having been removed from a customs warehouse until any customs duty chargeable thereon has been paid, secured or otherwise accounted for.

(6) Warehoused goods shall not be removed from a customs warehouse except with the authority of and in accordance with any requirement made by the proper officer.

(7) The Commissioners may allow the proprietor of any warehoused goods to remove samples thereof from a customs warehouse with or without entry or payment of customs duty.

Schedules of removal of goods in lieu of entry

14.—(1) Upon application by the occupier the Commissioners may allow the removal of goods from a customs warehouse without prior delivery of an

(a) S.I. 1977/910.

entry provided that a schedule of the time and date of removal is kept in such form and containing such particulars as the Commissioners may direct.

(2) The particulars of the time and date of removal of goods shall be entered in the schedule at the time and date of their removal.

(3) The schedule kept under this Regulation shall be furnished to the proper officer by the first working day after the end of the period to which it relates and that period shall be one month or such shorter period as the Commissioners may in a particular case specify.

PART III

DUTY CHARGEABLE ON WAREHOUSED GOODS

Customs duty chargeable on goods removed for home use

15.—(1) The customs duty and the rate thereof chargeable on any warehoused goods removed from a customs warehouse for home use shall be those in force for goods of that class or description at the time of their removal.

(2) Subject to paragraph (3) of this Regulation, the value for customs purposes of warehoused goods of any class or description shall be that ascertained or accepted by the Commissioners at the time of their removal from customs warehouse for home use.

(3) The quantity of warehoused goods of any class or description shall be ascertained for customs purposes by reference either to the account taken of them at the time of their removal from customs warehouse for home use, or, at the option of the proprietor thereof, to the account last taken of them before they were subjected to any operation authorised by Regulation 12; and in the latter case, that option shall apply equally to ascertaining the value and description of the goods for customs purposes.

(4) Nothing in this Regulation shall affect Regulations 3 and 4 of the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977(a).

(5) References in this Regulation and in Regulation 14 to removal of goods include references to goods treated as having been removed under Regulation 13(4) of these Regulations.

Customs duty chargeable on compensating products

16. Notwithstanding any other provision of these Regulations where any goods are imported into the United Kingdom for inward processing and the Commissioners allow compensating products derived from such goods which have been warehoused for exportation to be entered for home use the customs duty payable shall be calculated on the basis of the value and at the rate applicable to the imported goods at the time of their entry.

Abandonment and destruction of warehoused goods

17.—(1) The Commissioners shall allow the proprietor of warehoused goods to abandon them provided that their abandonment does not involve expense to the Crown.

(2) Damaged warehoused goods may be destroyed under the supervision of the proper officer and no duty shall be payable on them:

(a) S.I. 1977/1404.

Provided that where any scrap or waste resulting from their destruction is entered for removal for home use, customs duty shall be chargeable thereon in accordance with Regulation 15.

Customs duty chargeable on missing or deficient goods

18.—(1) Where any goods are removed from a customs warehouse otherwise than under these Regulations they shall be deemed to have been removed for home use.

(2) Where the date of removal of goods from a customs warehouse otherwise than under these Regulations cannot be ascertained, the goods shall be deemed to have been removed for home use during the period when the highest rate of customs duty applicable to such goods was in force between the date of their deposit in the customs warehouse (or, in the case of goods of which an account has been taken, the date the last account was taken) and the date when the loss or deficiency came to the notice of the proper officer.

PART IV

REVOCATION

Revocation of approvals of customs warehouses

19. The period prescribed by the Commissioners at the end of which the revocation of their approval of a customs warehouse is to take effect shall be two working days ending with the date specified in their notice of intention to revoke or such longer period as they may, upon application by the occupier, allow.

Revocation of the Warehousing Regulations 1975

20. The Warehousing Regulations 1975(a) are hereby revoked.

B. H. Knox,

Commissioner of Customs and Excise.

27th February 1979.

King's Beam House,
Mark Lane,
London EC3R 7HE.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into force on 1st April 1979, prescribe the conditions under which goods may be put into, stored in and removed from a customs warehouse and subjected to operations therein. Customs warehouse is defined in the Customs and Excise Management Act 1979.

The Regulations reproduce many of the provisions of the Warehousing Regulations 1975 which applied to bonded warehouses approved for goods liable to duties of customs or excise, or both customs and excise, and which are revoked by these Regulations and corresponding Excise Warehousing Regulations. They differ from the excise warehousing provisions by the inclusion of the requirements of Council Directive 69/74 EEC (OJ No. L58, 8.3.69, p. 7 (OJ/SE 1969 (I) p. 82)) on the harmonisation of provisions laid down by law, regulations or administrative action relating to customs warehousing procedure.

The most important differences are to be found in Regulation 12 (operations on warehoused goods), Regulation 13(4) (allowing goods remaining in a warehouse to be treated as if they had been physically removed therefrom), Regulation 14 (permitting the scheduling of removal of goods), Regulation 17 (duty on goods abandoned or destroyed), and Regulation 19 (revocation of approvals).

SI 1979/207
ISBN 0-11-093207-2

