
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1260

CUSTOMS AND EXCISE

**The Ship's Report, Importation and Exportation
by Sea Regulations 1981**

Made - - - - - 28th August 1981
Laid before Parliament 10th September 1981
Coming into Operation 1st October 1981

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by sections 35(4), 42(1) and 66(1) (a) and (c) of the Customs and Excise Management Act 1979(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement, application, interpretation and revocation

1.—(1) These Regulations may be cited as the Ship's Report, Importation and Exportation by Sea Regulations 1981 and shall come into operation on 1st October 1981.

(2) These Regulations shall not apply to pleasure craft as defined in the Pleasure Craft (Arrival and Report) Regulations 1979(b).

(3) In these Regulations "the Act" means the Customs and Excise Management Act 1979.

(4) The following Regulations are hereby revoked:—

- (a) The Ship's Report, Importation and Exportation by Sea Regulations 1965(c);
- (b) The Ship's Report, Importation and Exportation by Sea Regulations 1965 (Amendment) Regulations 1971(d);
- (c) The Ship's Report Regulations 1979(e).

PART I

PROCEDURE FOR SHIP'S REPORT REQUIRED UNDER SECTION 35(1) OF THE ACT

Report procedure

2. Subject to regulation 6 of these Regulations, the procedure for making report of a ship of which report is required under section 35(1) of the Act is that preliminary and final report of the ship should be made in the manner prescribed in regulations 3 and 4 of these Regulations.

(a) 1979 c. 2, as amended by section 10(2) of the Finance Act 1981 (c. 35).
(b) S.I. 1979/564. (c) S.I. 1965/1993. (d) S.I. 1971/1300. (e) S.I. 1979/565.

Preliminary report

3. Preliminary report shall be made by the master, or a person authorised by him:—

- (a) in the case of a ship boarded by an officer, by completing and delivering to that officer immediately the forms directed by the Commissioners for that purpose under section 35(1) of the Act; or
- (b) in any other case, by completing and delivering to the proper place designated at the port of arrival the forms referred to in sub-paragraph (a) within 3 hours of the ship having reached its place of loading or unloading, or within such longer period as the Commissioners may in any particular case authorise.

Final report by ship's master or by an agent

4.—(1) Final report shall be made within 24 hours of the arrival of the ship by the master completing and delivering to the proper officer at the proper place designated at the port of arrival the forms directed by the Commissioners for that purpose under section 35(1) of the Act and by his attendance there for the purpose of answering such questions as may be put to him on any of the matters referred to in section 35(6) of the Act:

Provided that for the purpose of facilitating the discharge of the cargo or for other sufficient reasons, the proper officer may permit the master to make final report at any other place.

(2) Final report as prescribed in paragraph (1) of this regulation may be made by an agent authorised in writing by the master, save that where that agent is unable to answer any of the questions that may be put to him on any of the matters referred to in section 35(6) of the Act the master, if the proper officer so requires in writing, shall himself make report.

Copies of report documents

5. The master, or any person or agent authorised by him, shall on request by the proper officer furnish copies of any of the forms directed for the purposes of preliminary or final report under section 35(1) of the Act.

Modified procedure for report

6. The Commissioners may relax all or any of the requirements of regulations 2 to 5 of these Regulations as they think fit in relation to any ship arriving at any port in the United Kingdom.

PART II**PROCEDURE FOR SHIP ARRIVING AT A PORT AND FOR THE UNLOADING,
LANDING AND REMOVAL OF GOODS IMPORTED BY SEA***Procedure for ship arriving at a port*

7.—(1) On the arrival of a ship at a port the master shall—

- (a) where a boarding station has been appointed at that port, immediately bring the ship to at that boarding station;
- (b) thereafter, or where no boarding station has been appointed at that port, bring the ship as quickly up to the proper mooring or unloading place as the nature of the port will permit without touching at any

other place except as may be necessary for the safe navigation of the ship:

Provided always that nothing in this regulation shall affect the provisions of any regulations made under the powers conferred by the enactments relating to public health in force respectively in England and Wales, Scotland and Northern Ireland with respect to ships which are to be taken to mooring stations within the meaning of those regulations.

(2) The ship shall not be moved from the said mooring or unloading place:—

- (a) except directly to some other mooring or unloading place; and
- (b) unless the proper officer has been informed of such movement.

Unloading, landing and removal of goods imported by sea

8. Goods imported by sea shall not be landed except at an approved wharf, and shall not be unloaded, landed or removed from the place of landing or from a transit shed:—

- (a) outside such hours as the Commissioners may appoint;
- (b) without the authority of the proper officer;
- (c) until final report of the importing ship has been made, save as permitted by the Commissioners;
- (d) until due entry of the goods has been made, save as permitted by the Commissioners; or
- (e) on a Sunday or a holiday, save as permitted by the Commissioners:

Provided that:—

- (i) paragraphs (a), (c), (d) and (e) of this regulation shall not apply in relation to whales and fresh fish (including shellfish) of British taking brought by British ships;
- (ii) paragraphs (c) and (d) shall not apply in relation to the unloading or landing of goods for deposit in a transit shed; and
- (iii) paragraph (d) shall not apply in relation to passengers' baggage.

Transfer of imported goods from one ship to another for landing

9. Goods unloaded from an importing ship into another ship for landing at an approved wharf shall not, except with the permission of the proper officer, be again removed into another ship before being so landed, but shall forthwith be taken to and landed at that wharf.

PART III

LOADING OF GOODS INTO AN EXPORTING SHIP AND MANIFESTS

Loading of goods into an exporting ship

10.—(1) (a) In paragraph (3) of this regulation “loader” means the owner of the ship into which goods are to be shipped, or a person appointed by him, except that, where the ship is subject to charter by demise, “loader” means the charterer or a person appointed by him:

(b) In paragraph (4) of this regulation:—

(i) and in sub-paragraph (ii) below, “Community transit document” means a document which is being used in accordance with a Community Regulation governing Community transit requiring, amongst other matters or conditions, that the goods which are to be moved under the external or internal Community transit procedure be covered by that document, and

(ii) “loading pass” means a document relating to goods which a proper officer in his discretion may issue indicating the existence of a Community transit document relating to those goods and containing such other information as the proper officer considers appropriate.

(2) Subject to paragraph (3) of this regulation, no person shall load into a ship or make waterborne for loading any goods for exportation or as stores:—

- (a) outside such hours as the Commissioners may appoint;
- (b) except at an approved wharf;
- (c) without the authority of the proper officer, save as permitted by him;
- (d) before entry outwards of the ship; or
- (e) on a Sunday or a holiday, save as permitted by the Commissioners.

(3) Paragraph (2)(c) of this regulation shall not apply to a loader if, in relation to the goods due to be loaded by him, he is acting under a direction of the Commissioners pursuant to subsection (4) or (5) of section 57 of the Act (directions that certain goods should not be loaded without authority of a proper officer, and directions relaxing such requirements and substituting other requirements).

(4) Where the goods are said to be moving under the external or internal Community transit procedure the proper officer may withhold his authority required by paragraph (2)(c) of this regulation until the person applying for his authority either, produces to him the Community transit document or, instead of it, furnishes him with a loading pass which satisfies him that the goods are being moved under one of the aforementioned procedures.

Delivery of manifest and contingent manifest facility

11.—(1) The manifest due to be delivered pursuant to paragraph (2), or (3)(c), of this regulation shall:—

- (a) contain such particulars as the Commissioners direct of all goods shipped as cargo into the exporting ship which has been cleared outwards;
- (b) be accompanied by such other documents relating to the cargo as the Commissioners direct; and
- (c) be accompanied by a declaration, made by the person discharging the obligation to deliver the manifest, that the manifest contains a true account of the cargo of the exporting ship which has been cleared outwards.

(2) Subject to paragraph (3) (b) of this regulation and save as may be permitted otherwise by the Commissioners, the owner or master of every exporting ship, or in the case of the exporting ship being subject to a charter by demise at the time of its clearance outwards, the charterer or master of that ship shall by himself or his agent deliver a manifest to the proper officer within 14 days after the clearance outwards of the ship.

(3)(a) In sub-paragraphs (b) and (c) below the expression "any terminating day" means such day, if any, which is the first to be specified by the Commissioners or the person who has been permitted by them to be subject to sub-paragraph (c) below in accordance with respectively the first or the second of the following procedures:—

- (i) a day specified by the Commissioners in a notice served on the person permitted by them to be subject to sub-paragraph (c) below or deposited at the address given for these purposes in the application described in sub-paragraph (b) below, being a day occurring at least one month after the day of the service or deposit of the notice, and
- (ii) a day specified by the person permitted by the Commissioners to be subject to sub-paragraph (c) below in a notice furnished to them and containing such particulars as they may require, being a day occurring at least one month after the day on which the notice was furnished;

(b) Where, as a consequence of an application (containing such particulars as the Commissioners may require) by the owner of a ship to be used as an exporting ship, or, in the case where such a ship will be subject to a charter by demise at the time of a clearance outwards of it, by the person who will be the charterer at the time, the Commissioners permit him in their discretion to be subject to sub-paragraph (c) below, paragraph (2) of this regulation shall not apply in respect of the clearance outwards of the aforementioned ship occurring on or after the day appointed by the Commissioners for these purposes and not later than any terminating day;

(c) In the case of the clearance outwards of an exporting ship which occurs on or after the day appointed by the Commissioners for these purposes and not later than any terminating day, the person permitted by the Commissioners to be subject to this sub-paragraph, shall by himself or his agent deliver a manifest to the proper officer within 7 days, or such longer period as may be permitted by the Commissioners, after a demand for it is made by the proper officer on him within 6 months after the aforementioned clearance outwards.

28th August 1981.

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

N. Godfrey

Commissioner of Customs and Excise

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations re-enact, with modifications described below, the Ship's Report, Importation and Exportation by Sea Regulations 1965 as varied by the Ship's Report, Importation and Exportation by Sea Regulations 1965 (Amendment) Regulations 1971 and the Ship's Report Regulations 1979 and lay down:—

- (1) the procedure for making report of a ship arriving at a port, either from overseas or carrying goods brought in the ship from overseas and not yet cleared ;
- (2) the procedure to be followed on the arrival of a ship at a port ;
- (3) provisions for regulating the unloading, landing, movement and removal of goods on importation by sea ; and
- (4) provisions for regulating the loading of goods into ships for exportation or as stores, and the documents required to be furnished.

The modifications:—

- (a) limit the requirement that no goods shall be loaded without the authority of the proper officer to goods not otherwise covered by Commissioners directions under other statutory provisions.
- (b) enable an exporter to deliver a loading pass instead of showing a Community transit document to the loader or to the export officer where certain goods are moving under a Community transit procedure.
- (c) provide for waiver of the standard rule that a manifest of export cargo be delivered to Customs within 14 days of any sailing in those cases where the details are maintained in suitable records and can be produced on demand by Customs if needed by them.
- (d) remove all former requirements relating to the Customs Assigned Number (CAN) system which was abolished by the Finance Act 1981.

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