

1987 No. 763

CUSTOMS AND EXCISE

**The Customs and Excise (Community Transit)
Regulations 1987**

<i>Made</i>	- - -	<i>27th April 1987</i>
<i>Laid before Parliament</i>		<i>6th May 1987</i>
<i>Coming into force</i>	-	<i>1st June 1987</i>

The Commissioners of Customs and Excise, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to customs matters of the European Communities(b), in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1. These Regulations may be cited as the Customs and Excise (Community Transit) Regulations 1987 and shall come into force on 1st June 1987.

2. In these Regulations—

“relevant Community provision” means any provision of a Community Regulation specified in the first and second columns of the Schedule to these Regulations and shall include any such provision as applied by—

- (a) Article 39 of Council Regulation (EEC) No. 222/77(c) to goods carried under the internal Community transit procedure;
- (b) Article 45 of Commission Regulation (EEC) No. 223/77(d) to a carriage operation starting within and ending outside the Economic Community;
- (c) Article 49 of Commission Regulation (EEC) No. 223/77 to carriage of goods under cover of an International Express Parcels Consignment Note;
- (d) Article 50/ of Commission Regulation (EEC) No. 223/77(e) to a carriage operation starting within and ending outside the Economic Community;

“the customs and excise Acts” has the same meaning as in section 1 of the Customs and Excise Management Act 1979(f);

“the Commissioners” means the Commissioners of Customs and Excise;

“CIM” means International Consignment Note;

“CTTN” means Community Transit Transfer Note.

(a) 1972 c.68.

(b) S.I. 1977/980.

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

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

(e) O.J. No. L38, 9.2.77, p.20, as amended by Commission Regulation (EEC) No. 902/80 (O.J. No. L97, 15.4.80, p.20).

(f) 1979 c.2.

Specification of transit routes

3. Goods moving under the internal or external Community transit procedure shall be moved by such routes within the United Kingdom as the Commissioners may specify.

Offences, penalty and forfeiture

4. In the event of any contravention or failure to comply with—

- (a) any relevant Community provision, or
- (b) any requirement or condition imposed by or under any such provision, or
- (c) any requirement imposed under regulation 3 hereof, or
- (d) any undertaking given pursuant to any such provision or requirement,

the person responsible for the contravention or failure and the person then in charge of the goods shall each be liable on summary conviction to a penalty of £2000 and any goods in respect of which the offence was committed shall be liable to forfeiture.

Supplementary

5.—(1) Section 139 of and Schedule 3 to the Customs and Excise Management Act 1979(a) (detention, seizure and condemnation of goods) shall apply to any goods liable to forfeiture under regulation 4 above as if the goods were liable to forfeiture under the customs and excise Acts.

(2) Sections 145 to 148 and 150 to 155 of the Customs and Excise Management Act 1979(b) (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under regulation 4 above and proceedings for such offences or for condemnation of anything as being forfeited under that regulation as they apply in relation to offences and penalties and proceedings for offences or for condemnation under the customs and excise Acts.

Revocation

6. The Customs and Excise (Community Transit) Regulations 1980(c) are hereby revoked.

King's Beam House
Mark Lane
London EC3R 7HE

27th April 1987

Philip Nash
Commissioner of Customs and Excise

(a) Section 139(7) was amended by the Criminal Justice Act 1982 (c.48), section 46, by the Criminal Procedure (Scotland) Act 1975 (c.21), section 289G (which was inserted by the Criminal Justice Act 1982, section 54), and by S.I. 1984/703 (N.I.3). The amounts of the penalties on the levels of the standard scale have been increased most recently by S.I. 1984/447, 1984/526 and S.R. (N.I.) 1984 No. 253.

(b) Section 147(2) was amended by the Magistrates' Courts Act 1980 (c.43), Schedule 7 paragraph 176; section 147(5) was repealed by the Criminal Justice Act 1982 (c.48), Schedule 14 paragraph 42; section 151 was amended by the Magistrates' Courts Act 1980, Schedule 7 paragraph 177; section 153(4) was inserted by the Finance Act 1981 (c.35), Schedule 8 Part 1 paragraph 9.

(c) S.I. 1980/762.

SCHEDULE

Regulation 2

RELEVANT COMMUNITY PROVISIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Community Regulations</i>	<i>Relevant Provisions</i>	<i>Subject Matter of Provisions</i>
Council Regulation (EEC) No. 222/77 of 13 December 1976(a) on Community transit, as amended(b)	Article 13	Principal's responsibility for production of goods at office of destination and for observance of time limits, identification measures and provisions relating to Community transit procedure
	Article 19—paragraph 1	Community transit documents to accompany goods
	Article 21	Consignment and Community transit documents to be produced at each office of transit
	Article 22—the first sentence of paragraph 1	Carrier to give each office of transit a transit advice note
	Article 24—the first sentence of paragraph 1	Transfer of goods under supervision of customs authorities
	Article 27—paragraph 1	Principal to furnish guarantee
Commission Regulation (EEC) No. 223/77 of 22 December 1976(d) on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure	Article 4—first paragraph(c)	Document for dispatch or export of goods to be presented to office of departure together with Community transit declaration to which it relates
	Article 28	Restrictions, etc. on exportation from Community to be stated on Community transit document
	Article 29—last sentence of paragraph 1	When restricted etc. goods not placed under Community transit procedure Control Copy to be endorsed with statement of restriction on export
	Article 42—paragraph 1	CIM to be produced at office of departure

(a) O.J. No. L 38, 9.2.77, p.1.

(b) There are amendments not relevant to these Regulations.

(c) Article 4 was amended by Commission Regulation (EEC) No. 1209/85 (O.J. No. L124, 9.5.85, p.19).

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

SCHEDULE (continued)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Community Regulations</i>	<i>Relevant Provisions</i>	<i>Subject Matter of Provisions</i>
	Article 44— paragraph 1	Railway authorities to forward to office of destination sheets of CIM
	Article 50(i)— paragraph 1(a)	CTTN to be produced at office of departure
	Article 50(i)— paragraph 6(a)	CTTN to be produced at office of destination
	Article 50(k)— paragraph 1(a)	Transport undertaking to forward to office of destination sheets of CTTN
	Article 61— paragraph 1(b)	Authorised consignor to comply with simplified formalities applicable at offices of departure and destination, and conditions of authorisation
	Article 65— paragraph 1	Authorised consignee to notify excess quantities, shortages, etc., and to send documents to office of destination
	Article 78— first sentence	Authorised consignor to make a copy of each T2L status declaration
	Article 80— paragraph 1(c)	Formalities to be complied with by authorised consignor under T2L simplified procedure

(a) Articles 50(i) and (k) were inserted by Commission Regulation (EEC) No. 902/80 (O.J. No. L97, 15.4.80, p. 20).

(b) Section II of Title IV (simplified formalities) was amended by Commission Regulations (EEC) Nos. 1601/77 (O.J. No. L182, 22.7.77, p. 1), 902/80, 1482/83 (O.J. No. L151, 9.6.83, p. 29) (as corrected in O.J. No. L285, 18.10.83, p. 24), and 1209/85.

(c) Section II of Title V (T2L simplified procedure) was amended by Commission Regulation (EEC) No. 1209/85.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace The Customs and Excise (Community Transit) Regulations 1980. They provide for a penalty and forfeiture in the case of breaches of certain provisions of Community legislation relating to the transit of goods. The penalty and the forfeiture procedure are governed by the Customs and Excise Management Act 1979.

The principal changes effected by these Regulations are an increase in the penalty to £2,000 and the inclusion of additional provisions of Community legislation.

These Regulations also give the Commissioners of Customs and Excise the power to require goods under the internal or external Community transit procedure within the United Kingdom to be moved by routes specified by them.

The Community legislation is contained in Council Regulation (EEC) No. 222/77 and Commission Regulation (EEC) No. 223/77 respectively as amended.