
STATUTORY INSTRUMENTS

1992 No. 3156

**The Customs and Excise (Personal
Reliefs for Special Visitors) Order 1992**

PART I

PRELIMINARY

1. This Order may be cited as the Customs and Excise (Personal Reliefs for Special Visitors) Order 1992 and shall come into force on 1st January 1993.

PART II

INTERPRETATION

2. In this Order—

“acquisition” means an acquisition of goods from another member State within the meaning of section 2A of the Value Added Tax Act 1983(1), and “acquired” shall be construed accordingly;

“duty” means any duty of customs or duty of excise;

“importation” means an importation from a place outside the member States, and “imported” shall be construed accordingly;

“relief” means the remission of any duty or tax which is chargeable and which a person, whether the person upon whom the relief is conferred or some other person, would be liable to pay were it not for the relief conferred;

“supply” means a supply within the meaning of section 3 of the Value Added Tax Act 1983(2) and “supplied” shall be construed accordingly;

“tax” means value added tax;

“United Kingdom national” means a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;

“used”, in relation to a person’s use of consumable property, includes having the property at his disposal;

“warehouse” means a warehouse within the meaning of section 1(1) of the Customs and Excise Management Act 1979(3), and “removal from warehouse” shall be construed accordingly.

(1) 1983 c. 55; section 2A is to be inserted by section 14(2) of and paragraph 3 of Schedule 3 to the Finance (No. 2) Act 1992 (c. 48) on a day to be appointed in accordance with section 14(3) of that Act.
(2) 1983 c. 55.
(3) 1979 c. 2.

PART III

CONDITIONS ATTACHING TO PART VI RELIEFS

3. In this Part—

“entitled person” means an entitled person for the purposes of Part VI.

4. It shall be a condition of the relief conferred under article 16 below that the entitled person deliver or cause to be delivered to the supplier of the motor vehicle a certificate in the form numbered 1 in the Schedule to this Order—

(a) containing full information in respect of the matters specified therein; and

(b) signed—

(i) as to Part A, by the entitled person upon whom the relief is conferred;

(ii) as to Part B, by the head of the mission or other body or organisation of which the entitled person is a member;

(iii) as to Part C, by the Secretary of State or a person authorised to sign on his behalf; and

(iv) as to Part D, by the supplier,

before the supply is made.

PART IV

CONDITIONS ATTACHING TO PART VII RELIEFS

5.—(1) In this Part—

“entitled person” means an entitled person for the purposes of Part VII.

(2) For the purposes of articles 6 and 7 below, any reference to a certificate shall be construed as including a reference to a copy of such a certificate.

6.—(1) It shall be a condition of relief conferred under article 19 below that the entitled person deliver or cause to be delivered in accordance with paragraph (2) below five certificates in the form numbered 2 in the Schedule to this Order—

(a) containing full information in respect of the matters specified therein; and

(b) signed—

(i) as to Part A, by the entitled person upon whom the relief is conferred; and

(ii) as to Part B, by the officer commanding the visiting force or other body or organisation of which the entitled person is a member or by a person authorised to sign on his behalf.

(2) The certificates referred to in paragraph (1) above shall be delivered before the supply is made as follows:

(a) two certificates shall be delivered to the visiting force or other body or organisation of which the entitled person is a member;

(b) two certificates shall be delivered to the proper officer; and

(c) one certificate shall be delivered to the supplier of the motor vehicle.

7.—(1) It shall be a condition of relief conferred under article 20 below in respect of a motor vehicle that the entitled person deliver or cause to be delivered in accordance with paragraph (2) below four certificates in the form numbered 3 in the Schedule to this Order—

- (a) containing full information in respect of the matters specified therein; and
 - (b) signed—
 - (i) as to Part A, by the entitled person upon whom the relief is conferred; and
 - (ii) as to Part B, by the officer commanding the visiting force or other body or organisation of which the entitled person is a member or by a person authorised to sign on his behalf.
- (2) The certificates referred to in paragraph (1) above shall be delivered before the goods are removed by or on behalf of the entitled person as follows:
- (a) one certificate shall be delivered to the visiting force or other body or organisation of which the entitled person is a member; and
 - (b) three certificates shall be delivered to the proper officer.

PART V

CONDITIONS ATTACHING TO ALL RELIEFS

8. In this Part—

“entitled person” means an entitled person for the purposes of either part VI or Part VII of this Order.

9. An entitled person upon whom any relief is conferred under any Part of this Order shall be bound by the conditions described in the following provisions of this Part and in Part III or IV above, as the case may be.

10.—(1) It shall be a condition of the relief that the goods shall not be lent, hired-out, given as security or transferred by the entitled person or any other person without the prior authorisation in writing of the Commissioners.

(2) Where the Commissioners authorise such disposal as is mentioned in paragraph (1) above, they may discharge the relief and the entitled person to whom the relief was afforded shall forthwith pay the duty or tax at the rate then in force, provided that where a lower rate was in force when relief was afforded the amount payable shall be determined by reference to the lower rate.

11. It shall be a condition of the relief that the goods are used exclusively by the entitled person or members of his family forming part of his household.

12. Where relief has been afforded and subsequently the Commissioners are not satisfied that any condition attaching to such relief, whether by virtue of a provision of this Order or otherwise, has been complied with, then, unless the Commissioners sanction the non-compliance in writing, the duty or tax shall become payable forthwith and the goods shall be liable to forfeiture.

13. Where relief has been afforded, but any duty or tax subsequently becomes payable by virtue of article 12 above, the following persons shall be jointly and severally liable to pay it—

- (a) the entitled person upon whom the relief was conferred;
- (b) any person who, at or after the time of the non-compliance with the condition which has caused the duty or tax to become payable, has been in possession of the goods.

PART VI DIPLOMATS ETC

14. In this Part–

“entitled person” means:

- (a) any person enjoying any privilege or immunity by virtue of his being–
 - (i) a diplomatic agent for the purposes of the Diplomatic Privileges Act 1964(4),
 - (ii) a senior officer of the Commonwealth Secretariat for the purposes of the Commonwealth Secretariat Act 1966(5),
 - (iii) a consular officer for the purposes of the Consular Relations Act 1968(6),
 - (iv) a representative or a person recognised as holding a rank equivalent to a diplomatic agent for the purposes of the International Organisations Act 1968(7), or
- (b) any person enjoying, under or by virtue of section 2 of the European Communities Act 1972(8), any privilege or immunity similar to those enjoyed under or by virtue of the enactments referred to in paragraph (a) above by the persons therein specified,
who is neither a United Kingdom national nor a permanent resident of the United Kingdom.

15. Where any tobacco product or beverage containing alcohol is removed from warehouse in the course of its being supplied to an entitled person, payment of any duty or tax chargeable in respect of the removal from warehouse or supply shall not be required.

16.—(1) Subject to the following provisions of this article, where an entitled person purchases a motor vehicle which has been manufactured in a country, other than the United Kingdom, which is–

- (a) a member State; or
- (b) a member of the European Free Trade Association,

payment of any tax chargeable in respect of the supply shall not be required.

(2) No relief shall be afforded under paragraph (1) above if the entitled person has previously been afforded relief in respect of any other motor vehicle, whether under paragraph (1) above or otherwise, unless he has disposed of all previous motor vehicles in respect of which relief has been so afforded and paid any duty or tax which was required to be paid under article 10(2) above.

(3) Where the spouse of the entitled person is present in the United Kingdom, paragraph (2) above shall apply as if the words “(or all but one)” were inserted after the words “motor vehicles”.

17. Nothing in this Part of this Order shall be taken as conferring relief in respect of any duty or tax which is subject to remission or refund by or under any of the enactments referred to in article 14 above.

PART VII VISITING FORCES AND HEADQUARTERS

18. In this Part–

“entitled person” means a person who is–

(4) 1964 c. 81.
(5) 1966 c. 10.
(6) 1968 c. 18.
(7) 1968 c. 48.
(8) 1972 c. 68.

- (a) for the purposes of any provision of the Visiting Forces Act 1952⁽⁹⁾, a serving member of a visiting force of a country, other than the United Kingdom, which is a party to the North Atlantic Treaty, or a person recognised by the Secretary of State as a member of a civilian component of such a force, or
- (b) a person who is a military or civilian member of a headquarters or organisation designated for the purposes of any provision of the International Headquarters and Defence Organisations Act 1964⁽¹⁰⁾,

who is neither a United Kingdom national nor a permanent resident of the United Kingdom.

19. Subject to article 22 below, where an entitled person purchases a motor vehicle which has been manufactured in a country which is—

- (a) a member State; or
- (b) a member of the European Free Trade Association,

payment of any tax in respect of the supply shall not be required.

20. Subject to article 22 below, where an entitled person imports, acquires or removes from warehouse any goods, payment of any duty or tax chargeable in respect of the importation, acquisition or removal from warehouse shall not be required.

21. Subject to article 22 below, where a gift of goods, other than tobacco products or beverages containing alcohol, is made to an entitled person by dispatching them to him from a place outside the United Kingdom, payment of any duty or tax chargeable in respect of their acquisition or importation shall not be required.

22.—(1) No relief shall be afforded under this Part of this Order in respect of a motor vehicle if the entitled person has previously been afforded relief under this Order in respect of any other motor vehicle, unless he has disposed of all previous motor vehicles in respect of which relief has been so afforded and paid any duty or tax which was required to be paid under article 10(2) above.

(2) Where the spouse of the entitled person is present in the United Kingdom, paragraph (1) above shall apply as if the words “(or all but one)” were inserted after the words “motor vehicles”.

New King’s Beam House,
22 Upper Ground,
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10th December 1992

Leonard Harris
Commissioner of Customs and Excise

⁽⁹⁾ 1952 c. 67.

⁽¹⁰⁾ 1964 c. 5.