STATUTORY INSTRUMENTS

2018 No. 1260

The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2018

5.—(1) The Schedule is amended as follows.

(2) In the entries under the heading "Report", for the entry headed "sections 20, 22 and 25 of the Act M1 " substitute—

"Section 20(1B), 22(1B) and 25(1B) of the Act		
Section 20(1A) and 22(1A) of the Act		
Any pre-approval conditions T specified in regulations made under section 20(1) or 22(1A) of the Act.	The approved person.	£2,500.
Any conditions or restrictions T attaching to any approval given under the provisions of section 20(1B), 22(1B) or 25(1B) of the Act.	The approved person.	£1,000.
The Customs (Temporary Storage Facilities Approval Conditions and Miscellaneous Amendments) (EU Exit) Regulations 2018		
Any pre-approval conditions T contained in Schedule 1 to the Regulations or specified by an officer of HMRC under Schedule 2 to the Regulations.	The approved person.	£2,500.".

(3) In the entry headed "section 21(2) of the Act", in column 1, omit "from within the customs territory".

- (4) In the entry headed "section 33(1) of the Act"—
 - (a) in column 1, for "an aircraft", substitute " a vehicle which is an aircraft or railway vehicle ", and
 - (b) in column 2, for "commander of the aircraft", substitute "vehicle operator".
- (5) In the entry headed "section 33(2) of the Act"—

- (a) in column 1 after "an aerodrome" insert " or railway customs area and all buildings and goods thereon ", and
- (b) in column 2 after "the aerodrome" insert " or railway customs area ".

(6) In the entry headed "section 33(3) of the Act", for column 1 substitute "Obligation to comply with any record keeping requirements contained in section 33(3)(a), (b) and (c) of the Act. ".

(7) After the entry headed "section 33(3) of the Act" insert—

"Section 33(3A) of the Act

Section 33(3A) of the Act

Obligation to comply with any The person in control of the £2,500". record keeping requirements railway customs area. contained in section 33(3A)(a), (b) and (c) of the Act.

(8) After the entry headed "section 34(1) of the Act", insert-

"Section 34(1A) of the Act

Section 34(1A) of the Act

Obligation to comply with The railway vehicle operator, $\pounds 2,500$.". any instructions given under or the owner of the railway section 34(1A) of the Act. customs area.

(9) In the entry headed "section 35(1) of the Act" for the entries in columns 2 and 3 substitute—

"The vehicle operator.	£1,000.".	
------------------------	-----------	--

(10) In the entry headed "section 35(6) of the Act"—

- (a) In paragraph (a) in column 1, for "ship or aircraft" substitute "vehicle",
- (b) in paragraph (d) in column 1, for "or flight" substitute ", flight or ^{F1}... journey ",
- (c) for the entries in column 2 and 3, substitute—

"The vehicle operator. £1,000.".

£1,000.".

(11) In the entry headed "section 35(7) of the Act", for the entries in columns 2 and 3 substitute—

"The vehicle operator.

(12) After the entry headed "section 35(7) of the Act" insert—

"Section 35A of the Act

To provide confirmation of a The vehicle operator.£1,000.".Customs declaration as requiredin accordance with regulationsmade under section 35A.

(13) For the entry headed "section 64(1) the Act" substitute—

"Section 64(1) and (1A) of the Act Except as otherwise provided The vehicle operator. £1,000.". for in regulations made under section 64(1A), no vehicle other than a road vehicle is to depart from the United Kingdom until clearance for departure has been obtained from the proper

officer.

(14) In the entry headed "section 78(1) of the Act", in column 1, at the end of both paragraphs (a) and (b), insert " or any regulations made under section 19(1) of the Taxation (Cross-border Trade) Act 2018 ".

(15) Omit the heading "Goods brought into the customs territory (United Kingdom)" and the entries listed under that heading up to and including the entry headed "Article 137 of the Code ^{M3}".

(16) Under the heading "Presentation of Goods to Customs"-

- (a) omit the entries from the entry headed "Regulation 3 of the [^{F2}Importation] Regulations" up to and including the entry headed "Article 139(7) of the Code ^{M4}", and
- (b) after the entry headed "directions made on 2 August 2011 under section 30 of the Act" insert—

"The Customs (Import Duty) (EU Exit) Regulations 2018

Regulation 4(1) and (2)

Obligation to give notification to HMRC The person responsible for $\pounds 2,500$. of the importation of goods into the United giving the notification. Kingdom.

Regulation 4(3)

Notification of importation: Obligation to The person giving the £1,000.". comply with any of the requirements in notification. regulation 4(3)(a), (b) or (c).

(c) omit the headings ^{F3}... " [^{F4}Article 149] of the Code", Article 51 of the Code" and "Article 147 of the Code" and the entries listed under those headings.

(17) For the headings "Customs Declarations", "Authorised economic operators", "Simplified and Local Procedures", "Customs Procedure with Economic Impact", "End Use" and "Free Zones" and the entries listed under those headings substitute—

"Authorisations and Approvals The Customs (Import Duty) (EU Exit) Regulations 2018 Regulation 89(5) The approved person. £2,500. The approved person must comply with any conditions

specified in or under the Regulations relating to the approval or the notification of the approval.

The approved person.

person

the

making

£2,500.

responsible £2,500.

Customs

Regulation 90 The approved person must notify HMRC if they cease to satisfy eligibility criteria for approval or they fail to meet any condition to which their approval is subject or there are material changes to the information [F5specified in a notice published by HMRC under paragraph (ba) of regulation 90 or] given in their application.

Customs Declarations

Section 3(1) of the 2018 Act and The paragraph 1(1) of Schedule 1 to for the 2018 Act declaration. Chargeable goods which are presented to Customs on import must be declared for a Customs procedure by the making of a Customs declaration.

Section 6(4)(a) of the 2018 Act The person providing the false £2,500. providing Persons false information. information in connection with a chargeable Customs declaration where the person knew or ought reasonably to have known that the information was false.

The Customs (Import Duty) (EU Exit) Regulations 2018

[^{F6}Regulation 4A(2) When [^{F6}The person in possession or [^{F6}£1,000.] required to do so by an HMRC control of the goods.]

officer, the person who is in possession or control of the goods must produce to the officer evidence that the person took reasonable steps to ensure that the person would be informed whether the relevant criteria would be met.]

The person who notifies the £1,000. make importation of the goods.

Requirement to temporary а storage

Regulation 8(2)

declaration in accordance with paragraph (5).

0. 0.
0.
0.]
0.]
0.]
0.]

An eligible person who makes a transitional simplified Customs declaration must, when required to do so by an HMRC officer—		
(a) allow access by the officer to the transitional EIDR electronic system operated by the person; or		
(b) provide to the officer from that system such information, as the officer reasonably requires in order to verify transitional EIDR records or records showing whether or not any goods have been imported which are subject to a prohibition or restriction on import imposed under an enactment.		
Regulation 32(1) Requirement to comply with the simplified customs declaration process as required by regulation 32(1).	The authorised declarant F8	£2,500.
Regulation 32(2) An authorised declarant ^{F9} must make available for inspection by an HMRC officer by the end of the applicable period, any documents required to accompany the Customs declaration in question.	The authorised declarant F10	£2,500.
Regulation 37(5) ^{F11} Requirement to allow access to EIDR electronic system ^{M6} or provide information. An authorised EIDR declarant ^{M7F12} must, when required to do so by an HMRC officer— (a) allow access by the officer to the EIDR electronic system operated by the declarant; or (b) provide to the officer from that system such information, as the officer reasonably requires in order to verify EIDR records or records showing whether or not any goods have been	The authorised EIDR declarant F13	£2,500.".

imported which are subject to a prohibition or restriction on import imposed under an enactment.

(18) Omit the heading "Transit, Customs status of goods and Community transit" and the entries under it.

- (19) Omit the heading "Provisions concerning bananas" and the entry under it.
- (20) In the entries under the heading "Information and records"—
 - (a) in column 1 of the entry headed "Article 15 of the Code and section 23 of the 1994 Act", omit "Article 15 of the Code and" and for "section 23" substitute "Section 23", and
 - (b) in column 1 of the entry headed "Article 51 of the Code, the Customs Traders (Accounts and Records) Regulations 1995"—
 - (i) in the heading omit "Article 51 of the Code, ",
 - (ii) in the heading for "the Customs" substitute "The Customs", and
 - (iii) omit "Article 51(1) of the Code and by".

(21) In the entries under the heading "Assistance in examination of goods", omit the entry headed "articles 239 and 240 of the Implementing Regulation".

(22) In the entries under the heading "Preference", omit the entries commencing with the entry headed "articles 64 and 56(2)(d) [^{F14} and (e)] of the Code" up to and including the entry headed "articles 52, 65 and 80 of the Council Regulation 1168/2009".

(23) Before the entry headed "The Customs and Excise (Personal Reliefs for Special Visitors) Order 1992 insert the heading—

"Reliefs"

(24)	After the entry	headed "T	he Customs	s and Excise	(Personal	Reliefs for	: Special	Visitors)
Order 1	992 insert—							

"RoRo Vehicles **M8** The Customs (Import Duty) (EU Exit) Regulations 2018 Chargeable goods destined for **RoRo** listed locations Regulation 131(1) and (2)The person responsible for £1,000. Where chargeable goods to making the declaration. be imported are carried by a RoRo vehicle which is boarded onto a train or vessel destined for a RoRo listed destination, a declaration in respect of the goods must be made in accordance with regulation 131(2). Regulation 131(3) The declarant. £1,000

The Customs declaration or temporary storage declaration must not be amended or withdrawn save as provided for in the paragraph. Regulation 131(4) The person in possession or £1,000. Evidence of compliance with control of the RoRo vehicle. regulation 131(2) must be produced to an HMRC officer when required. Regulation 131(6) The responsible person. £1,000. When required to do so by an HMRC officer, the person who is responsible for providing the service of operating a train or vessel destined for a RoRo listed location on to which a RoRo vehicle carrying goods is boarded ("the responsible person") must produce to the officer evidence that the person reasonably believed that paragraph (2) of the regulation had been complied with in respect of [^{F15}all goods to which paragraph (2) applies] on board the train or vessel. **Special Procedures** The Customs (Special Procedures and Outward (EU Processing) Exit) **Regulations 2018** M9 **Regulation 8** £2,500. The authorised person. Declarations treated as application for authorisation. Requirement to comply with any conditions set out in a notice published by HMRC under paragraph (4) of regulation 8. Regulation 42(7)Any person to whom rights £2,500. Requirement to comply with and obligations in relation to an obligation that has been a relevant non-transit Part 1 transferred as specified in procedure are transferred under an approval notification under regulation 42. paragraph (7) of regulation 42. Regulation 44 specified in £1,000. The person paragraph (2) of regulation 44.

Requirement to keep and preserve records in a form specified in a notice by HMRC and update such records within a specified period after the occurrence of a specified event if required to do so by a notice published under paragraph (3) of regulation 44.		
Regulation 17 Goods not to be removed from a customs warehouse		£2,500.
save as permitted under the Regulations.	The holder of the procedure MIO	£2,500.
	The person approved by HMRC to operate premises as a place to keep goods declared for a storage procedure.	£2,500.
CTC, TIR and UK Transit		
[^{F16} The Customs Transit Procedures (EU Exit) Regulations] 2018		
Paragraphs 4(1)(c), 29(1)(c) of Schedule 1 and paragraph 4(1) of Schedule 3. Requirement to provide a guarantee.	The holder of the procedure M12	£2,500.
Paragraphs 4(1)(a) and 29(1)(a) of Schedule 1 and paragraph (8) (1) of Schedule 3. Requirement to present the goods intact and with the required information at the HMRC customs office of destination in the United Kingdom within the applicable time-limit and in compliance with the measures taken by HMRC and other customs authorities to ensure their identification.	The holder of the procedure.	£2,500.
Paragraphs 6(1) and 18(1) of	The carrier.	£2,500.
Schedule 2. [^{F17} Where goods are moved] under a TIR transit procedure, requirement to present on	The TIR carnet holder M13	£2,500

arrival at the HMRC customs office of destination: the goods together with the road vehicle, the combination of vehicles or the container: the TIR Carnet; any information required by HMRC. Paragraphs 3(2), 4(1) and 14(1) The TIR carnet holder. £2,500. of Schedule 2. The TIR Carnet holder is required to submit without delay, goods and the TIR Carnet for the TIR transit procedure at the HMRC customs office of entry or customs office departure, as the case may be. Paragraphs 4(4) and 29(3) of A carrier or recipient of £2,500. Schedule 1 and paragraph 8(1) goods who accepts the goods of Schedule 3. knowing they are moving under A carrier or recipient of goods a common or UK transit who accepts goods knowing procedure. that they are moving under a common or UK transit procedure is also responsible for presentation of the goods intact at the customs office of destination within the timelimit set by the HMRC customs office of departure and in compliance with the measures taken by HMRC and other customs authorities to ensure their identification Paragraphs 4(1)(b) and 29(1)(b) The holder of the procedure. £2,500. of Schedule 1 and paragraph 8(1) of Schedule 3. Requirement to observe the customs provisions relating to the procedure. Paragraph 61(6) of Schedule 1 The authorised issuer. £2,500. F18 Requirement to meet the obligation that T2L or T2LF data drawn up in accordance with paragraph 61 must contain the endorsement: "signature waived" in place of the authorised issuer's signature.

Paragraphs 4(8) and 29(7) of Schedule 1 and paragraph 8(1) of Schedule 3. Requirement to notify all offences and irregularities related to the common or UK transit procedure to the HMRC customs office of destination.	The holder of the procedure	£2,500.
Paragraphs 2(1) and 27(1) of Schedule 1. Requirement to present the goods together with the Master Reference Number (MRN) of the declaration at each HMRC customs office of transit.	The carrier.	£2,500.
Paragraphs 3(1) and 28(1) of Schedule 1 and paragraph 7 of Schedule 3. Other than where this requirement is waived or not required under these regulations, the carrier must present goods together with the MRN to HMRC under the circumstances described in paragraph 3(1) or 28(1) of Schedule 1 or paragraph 7 of Schedule 3.	The carrier.	£2,500.
Paragraphs 6(1) and 18(1) of Schedule 2. In the circumstances described in paragraph 8(1) or paragraph 18(1) of Schedule 2, requirement to present to the HMRC customs office within official opening hours unless otherwise agreed by HMRC: the goods together with the road vehicle, the combination of vehicles or the container, the TIR Carnet and any information required by HMRC.	The carrier.	£2,500.
Paragraphs 5(1), 30(1) of Schedule 1 and paragraph 8(2) of Schedule 3. Requirement to present the goods, the MRN of the declaration and any information required by HMRC or other customs authority at the HMRC office of destination during	The carrier. The holder of the procedure.	£2,500. £2,500.

the official opening hours; or, where allowed by the office of destination and at the request of the person concerned, outside the official opening hours or at any other place.

Paragraphs 7(1), 31(1) of The authorised consignee. Schedule 1, paragraphs 8(1)and 20(1) of Schedule 2 and paragraph 8(3) of Schedule 3. Requirement to: immediately notify the HMRC customs office of destination of the arrival of the goods and inform them of any irregularities or incidents that occurred during transport; wait for permission from the HMRC customs office of destination before unloading the goods; enter, after unloading, the results of the inspection and any other relevant information relating to the unloading into the authorised consignee's records without delay; notify HMRC at that HMRC customs office of destination of the results of the inspection of the goods and inform them of any irregularities no later than the third day following the day on which permission was received to unload the goods. Paragraphs 8(2) and 20(2) of The authorised consignee. £2,500. Schedule 2. The authorised consignee must ensure that the TIR Carnet for the TIR transit procedure is presented, within the time-limit laid down in the authorisation, at the HMRC customs office of destination for the purposes of terminating the TIR transit procedure in accordance with paragraph 7(1) of Schedule 2. Paragraph 63 of Schedule 1. The holder of the procedure, Requirement to comply with the authorised consignee, or £2,500. business continuity procedure

the consignee.

^{£2,500}

in a public notice made under paragraph 63 of Schedule 1.

[^{F19}Unaccompanied Goods

The Customs (Import Duty) (EU Exit) Regulations 2018 Regulation 131C(1) The person responsible for £1,000. Where unaccompanied goods making the declaration. are to be imported on a through train destined for St Pancras International, a declaration in respect of the goods must be made in accordance with regulation 131C(1). Regulation 131C(2) The declarant. £1,000. The Customs declaration or temporary storage declaration must not be amended or withdrawn save as provided for in the paragraph. Regulation 131C(4) The responsible person. £1,000."] When required to do so by an HMRC officer, the person who is responsible for providing the service of operating a through train onto which the goods are loaded must produce to the officer evidence that the person took reasonable steps to ensure that paragraph (1) of the regulation had been, or would be, complied with in respect of the goods.

Textual Amendments F1 Word in reg. 5(10)(b) omitted (19.2.2019) by virtue of The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(3)(a) F2 Word in reg. 5(16)(a) substituted (19.2.2019) by The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(3)(b) F3 Words in reg. 5(16)(c) omitted (19.2.2019) by virtue of The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(3)(c)(i) F4 Words in reg. 5(16)(c) substituted (19.2.2019) by The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(3)(c)(ii) F5 Words in reg. 5(17) inserted (31.12.2020) by The Taxation (Cross-border Trade) (Miscellaneous Provisions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1346), regs. 1(2), 6(2); S.I. 2020/1643, reg. 2. Sch.

F6 Words in reg. 5(17) inserted (3.10.2019) by The Customs and Excise (Miscellaneous Provisions and Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1215), regs. 1(3)(g), **19(2)**

- F7 Words in reg. 5(17) inserted (29.10.2020) by The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), **5(2)(a)**
- **F8** Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), **5(2)(b)**
- **F9** Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), 5(2)(c)(i)
- F10 Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), 5(2)(c)(ii)
- F11 Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), 5(2)(d)(i)
- F12 Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), 5(2)(d)(ii)
- **F13** Words in reg. 5(17) omitted (29.10.2020) by virtue of The Customs (Transitional Arrangements) (EU Exit) Regulations 2020 (S.I. 2020/1088), regs. 1(3), **5(2)(d)(iii)**
- F14 Words in reg. 5(22) inserted (19.2.2019) by The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), **3(3)(d)**
- F15 Words in reg. 5(24) substituted (29.3.2019) by The Taxation (Cross-border Trade) (Miscellaneous Provisions) (EU Exit) Regulations 2019 (S.I. 2019/486), regs. 1(2), 11(3)
- F16 Words in reg. 5(24) substituted (19.2.2019) by The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(4)(a)
- F17 Words in reg. 5(24) substituted (19.2.2019) by The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), 3(4)(b)
- **F18** Words in reg. 5(24) omitted (19.2.2019) by virtue of The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/148), regs. 1(2), **3(4)(c)**
- F19 Words in reg. 5(24) inserted (31.12.2020) by The Taxation (Cross-border Trade) (Miscellaneous Provisions) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1346), regs. 1(2), 6(3); S.I. 2020/1643, reg. 2, Sch.

Commencement Information

II Reg. 5 in force at 31.12.2020 by S.I. 2020/1643, reg. 2, Sch.

Marginal Citations

- M1 "The Act" is defined in S.I. 2003/3113 as the Customs and Excise Management Act 1979 (c. 2). Sections 20(1B), 22(1A) and (1B), 25(1B), 33(3A), 34(1A), 35A and 64(1A) of the Act were inserted by paragraphs 1, 10, 12, 16, 24, 25, 28 and 66 of Schedule 7 to the Taxation (Cross-border Trade) Act 2018.
- M2 S.I. 2018/1247.
- M3 The entry for "article 137" was inserted by regulation 4(10) of S.I. 2018/483.
- M4 The entry for "article 139(7)" was inserted by regulation 4(13) of S.I. 2018/483.
- **M5** S.I. 2018/1248.
- M6 "EIDR records", "EIDR electronic system" and "EIDR procedure" are defined in regulation 36 of S.I 2018/1248.
- M7 "an authorised EIDR declarant" is defined in regulation 37 of S.I. 2018/1248.
- M8 "RoRo vehicle" is defined in regulation 2 of S.I. 2018/1248.
- M9 S.I. 2018/1249.
- M10 The holder of the procedure is defined in regulation 2 of S.I. 2018/1249.
- M11 S.I. 2018/1258
- M12 "The holder of the procedure" is defined in paragraph 3(5) of S.I. 2018/1250.
- M13 "TIR Carnet holder" is defined in article 1(o) of the TIR Convention as defined in paragraph 1 of Schedule 2 to S.I. 2018/1250.

Changes to legislation:

There are currently no known outstanding effects for the The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2018, Section 5.