

Statutory Document No. 2019/0265



Customs and Excise Act 1993

CUSTOMS (CONSEQUENTIAL AMENDMENTS) (EU EXIT) REGULATIONS 2019 (APPLICATION) (NO. 2) ORDER 2019¹

Approved by Tynwald: 17th July 2019
Coming into Operation: in accordance with article 2

The Treasury makes the following Order under sections 1 and 3 of the Customs and Excise Act 1993.

1 Title

This Order is the Customs (Consequential Amendments) (EU Exit) Regulations 2019 (Application) (No. 2) Order 2019.

2 Commencement

This Order comes into operation on IP completion day^{1,2}

3 [Revoked]³

4 Application of the Customs (Consequential Amendments) (EU Exit) Regulations 2019 to the Island

- (1) The Customs (Consequential Amendments) (EU Exit) Regulations 2019² apply to the Island, as part of the law of the Island, subject to the following exceptions, modifications and adaptations.
- (2) In regulation 1 (citation and commencement) —
 - (a) omit the words from “and come” to the end; and
 - (b) omit (as a consequence of sub-paragraph (a)), in the heading “and commencement”.

¹ Tynwald procedure – affirmative under section 3(1) of the Customs and Excise Act 1993.

² SI 2019/140.

- (3) In regulation 2(1) (amendment of the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977³), after “Regulations 1977”, insert **33**, as they have effect in the Island, **22**.
- (4) Omit regulation 3 (amendment of the Customs and Excise (Transit) Regulations 1993).
- (5) In regulation 4 (amendment of the Customs Traders (Accounts and Records) Regulations 1995⁴) –
- (a) in paragraph (1), after “Regulations 1995”, insert **33**, as they have effect in the Island, **22**;
- (b) for paragraph (2)(b), substitute –
- 33**(b) after the definition of “the Act” insert –

“**the export regulations**” means the Customs (Export) Regulations 2019⁵;

“**the import duty regulations**” means the Customs (Import Duty) Regulations 2019⁶;

“**the special procedures regulations**” means the Customs (Special Procedures and Outward Processing) Regulations 2019⁷;**”** **22**;
- (c) in paragraph (2)(c), after “Taxation (Cross-border Trade) Act 2018”, insert **33**, as it has effect in the Island **22**;
- (d) in paragraph (3)(a), for “32(1)(b)”, substitute **33** 35(1)(b) **22**;
- (e) in paragraph (3)(b) –
- (i) for “33(1)(b)”, substitute **33** 34(1)(b) **22**;
- (ii) omit “duty”; and
- (iii) for “13A”, substitute **33** 15 **22**;
- (f) in paragraph (3)(d), for “HMRC”, substitute **33** the Treasury **22**;
- (g) in paragraph (3)(e) –
- (i) for “14”, substitute **33** 15 **22**;
- (ii) for “33(3)”, substitute **33** 34(3) **22**; and
- (iii) for “13A”, substitute **33** 15 **22**; and
- (h) in paragraph (4) –
- (i) after “Taxation (Cross-border Trade) Act 2018”, insert **33**, as it has effect in the Island **22**; and
- (ii) for “regulation 2 of the export duty regulations”, substitute **33** regulation 3 of the export regulations **22**.

³ SI 1977/1404 (see GC 67/78)

⁴ SI 1995/1203 (see SD 316/95)

⁵ SD 2019/0156.

⁶ SD 2019/0152.

⁷ SD 2019/0154.

- (6) Omit regulation 5 (amendment of the Postal Packets (Revenue and Customs) Regulations 2011).
- (7) Omit the Schedule.
- (8) The text of the Customs (Consequential Amendments) (EU Exit) Regulations 2019 as applied to the Island by this Order is annexed to this Order.

5 Amendment of the Customs and Excise Legislation (Application) (No.2) Order 1978

- (1) As a consequence of article 4, the Customs and Excise Legislation (Application) (No.2) Order 1978⁸ is amended as follows.
- (2) For Part XVII of Schedule 2 (exceptions, adaptations and modifications subject to which the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977 (S.I. No. 1404)), substitute —

<u>Provision of Regulations</u>	<u>Subject matter</u>	<u>Exceptions, adaptations and modifications</u>
1	Commencement	Omit “come into operation on 12 th September 1977 and”.
3	Application of the Regulations	Omit “customs duties or”.
4	Charging provision	(a) In the words before paragraph (a), omit “duties of customs and”. (b) In paragraph (a), omit “the duties and”.
6	Failure to produce goods	Omit “duties of customs and”.
7	Exemption from charge	Omit “duties of customs or”.

6 Amendment of the Customs Traders (Accounts and Records) Regulations 1995 (Application) Order 1995

- (1) As a consequence of article 4, the Customs Traders (Accounts and Records) Regulations 1995 (Application) Order 1995⁹ is amended as follows.
- (2) For the Schedule, substitute —

SCHEDULE

[Article 3]

⁸ GC 67/78, with relevant amendment by GC 29/80.

⁹ SD 316/95.

**EXCEPTIONS, MODIFICATIONS AND ADAPTATIONS SUBJECT TO WHICH
THE CUSTOMS TRADERS (ACCOUNTS AND RECORDS) REGULATIONS 1995
(S.I. 1995 No. 1203) SHALL HAVE EFFECT IN THE ISLAND**

<u>Regulation</u>	<u>Subject matter</u>	<u>Exceptions, modifications and adaptations</u>
1	Citation and commencement	Omit the words from “and shall” to the end.
2	Interpretation	<p>(a) Omit the definition of “the Commission Regulation”.</p> <p>(b) After the definition of “the Act”, insert — ☒ “the export regulations” means the Customs (Export) Regulations 2019; “the import duty regulations” means the Customs (Import Duty) Regulations 2019; “the special procedures regulations” means the Customs (Special Procedures and Outward Processing) Regulations 2019 ☒.</p> <p>(c) After the definition of “customs trader”, insert — ☒ “outward processing declaration” means a declaration of goods for “an outward processing procedure” within the meaning given in section 36(2) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island. ☒.</p>
4	Specific records in the case of certain traders	<p>(a) For paragraph (1), substitute — ☒ (1) Subject to paragraph (2), a customs trader required by regulation 35(1)(b) of the import duty regulations to make a supplementary Customs declaration must keep and preserve a copy of every such supplementary Customs declaration made by him or on his behalf and a copy of every simplified Customs declaration so made.</p> <p>(1A) Subject to paragraph (2), a customs trader required to make</p>

		<p>a supplementary export declaration –</p> <p>(a) by regulation 34(1)(b) of the export regulations; or</p> <p>(b) by virtue of regulation 15 of the special procedures regulations, must keep and preserve a copy of every such supplementary export declaration made by him or on his behalf and a copy of every simplified export declaration so made. 22.</p> <p>(b) In paragraph (2) –</p> <p>(i) after “paragraph (1)”, insert 23 or (1A) 22; and</p> <p>(ii) for “that paragraph”, substitute 23 the paragraph in which the reference to the trader is made 22.</p> <p>(c) In paragraph (3), for “using a data-processing technique”, substitute 23 in an electronic form or submitted, or otherwise made available to the Treasury, electronically 22.</p> <p>(d) In paragraph (4) –</p> <p>(i) omit the definition of “data-processing technique”;</p> <p>(ii) omit the definition of “simplified declaration”; and</p> <p>(iii) insert –</p> <p>23 “simplified Customs declaration” has the meaning given by regulation 15 of the import duty regulations;</p> <p>“simplified export declaration” has the meaning given by regulation 34(3) of the export regulations, including as that provision is applied to an outward processing declaration</p>
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		by regulation 15 of the special procedures regulations. 22 .
5	Records specified in public notices	For “Commissioners”, substitute 23 Treasury 22 .
6	Records relating to customs declarations	For paragraph (2), substitute — 24 (2) In this regulation “customs declaration” means — (a) a declaration of goods for a Customs procedure for the purposes of section 3(1) of the Taxation (Cross-border Trade) Act 2018, as it has effect in the Island; (b) an outward processing declaration; or (c) an export declaration within the meaning given in regulation 3 of the export regulations. 22 .

7 Revocation

The Customs (Consequential Amendments) (EU Exit) Regulations 2019 (Application) Order 2019¹⁰ is revoked.

MADE 19/06/2019

¹⁰ SD 2019/0157.

2019 No. 140

EXITING THE EUROPEAN UNION

CUSTOMS

The Customs (Consequential Amendments) (EU Exit) Regulations 2019

Made - - - - - 29th January 2019

Laid before the House of Commons 31st January 2019

Coming into force in accordance with regulation 1

The Treasury make the following Regulations in exercise of the powers conferred by section 56(1) and (7)(c) of the Taxation (Cross-border Trade) Act 2018¹¹.

Citation and commencement

1. These Regulations may be cited as the Customs (Consequential Amendments) (EU Exit) Regulations 2019 ~~and come into force on exit day.~~

Amendment of the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977

2. (1) The Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977, **as they have effect in the Island**,¹² are amended as follows.

(2) In regulation 3 omit "customs duties or".

(3) In regulation 4—

(a) in the words before paragraph (a) omit "duties of customs and";

(b) in paragraph (a) omit "the duties and".

(4) In regulation 6 omit "duties of customs and".

(5) In regulation 7 omit "duties of customs or".

¹¹ 2018 c.22. The Treasury is the appropriate minister for the purposes of section 56(1) by virtue of subsection (5) of that section.

¹² S.I. 1977/1404 was applied in the Island by GC 67/78.

Amendment of the Customs and Excise (Transit) Regulations 1993

3. ... Omitted.

Amendment of the Customs Traders (Accounts and Records) Regulations 1995

4. (1) The Customs Traders (Accounts and Records) Regulations 1995, **as they have effect in the Island**,¹³ are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “the Commission Regulation”;

~~(b) after the definition of “the Act” insert—~~

~~“the export regulations” means the Customs (Export) (EU Exit) Regulations 2019~~(e)~~;~~

~~“the import duty regulations” means the Customs (Import Duty) (EU Exit) Regulations 2018;~~

~~“the special procedures regulations” means the Customs (Special Procedures and Outward Processing) (EU Exit) Regulations 2018~~(f)~~;~~

(b) after the definition of “the Act” insert –

“the export regulations” means the Customs (Export) Regulations 2019¹⁴;

“the import duty regulations” means the Customs (Import Duty) Regulations 2019¹⁵;

“the special procedures regulations” means the Customs (Special Procedures and Outward Processing) Regulations 2019¹⁶;

(c) after the definition of “customs trader” insert—

“outward processing declaration” means a declaration of goods for “an outward processing procedure” within the meaning given in section 36(2) of the Taxation (Cross-border Trade) Act 2018, **as it has effect in the Island.**”

(3) In regulation 4—

(a) for paragraph (1) substitute—

“(1) Subject to paragraph (2), a customs trader required by regulation ~~32(1)(b)~~ **35(1)(b)** of the import duty regulations to make a supplementary Customs declaration must keep

¹³ S.I. 1995/1203, amended by S.I. 2011/1043.

¹⁴ SD 2019/0156.

¹⁵ SD 2019/0152.

¹⁶ SD 2019/0154.

and preserve a copy of every such supplementary Customs declaration made by him or on his behalf and a copy of every simplified Customs declaration so made.”;

(b) after paragraph (1) insert—

“(1A) Subject to paragraph (2), a customs trader required to make a supplementary export declaration—

(a) by regulation ~~33(1)(b)~~ **34(1)(b)** of the export ~~duty~~ regulations; or

(b) by virtue of regulation ~~13A~~ **15** of the special procedures regulations,

must keep and preserve a copy of every such supplementary export declaration made by him or on his behalf and a copy of every simplified export declaration so made.”;

(c) in paragraph (2)—

(i) after “paragraph (1)” insert “or (1A)”; and

(ii) for “that paragraph” substitute “the paragraph in which the reference to the trader is made”;

(d) in paragraph (3) for “using a data-processing technique” substitute “in an electronic form or submitted, or otherwise made available to HMRC ~~the Treasury~~, electronically”;

(e) in paragraph (4)—

(i) omit the definition of “data-processing technique”;

(ii) omit the definition of “simplified declaration”;

(iii) insert—

““simplified Customs declaration” has the meaning given by regulation ~~14~~ **15** of the import duty regulations;

“simplified export declaration” has the meaning given by regulation ~~33(3)~~ **34(3)** of the export regulations, including as that provision is applied to an outward processing declaration by regulation ~~13A~~ **15** of the special procedures regulations.”.

(4) For regulation 6(2) substitute—

“(2) In this regulation “customs declaration” means—

- (a) a declaration of goods for a Customs procedure for the purposes of section 3(1) of the Taxation (Cross-border Trade) Act 2018, **as it has effect in the Island**;
- (b) an outward processing declaration; or
- (c) an export declaration within the meaning given in ~~regulation 2 of the export duty regulations~~ **regulation 3 of the export regulations.**".

Amendment of the Postal Packets (Revenue and Customs) Regulations 2011

5. ..Omitted.

*Mike Freer
Jeremy Quin*

29th January 2019

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

...Omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Treasury and make provision in consequence of the Taxation (Cross-border Trade) Act 2018 (c. 22) ("the Act"). This is an EU Exit statutory instrument.

These Regulations amend customs instruments to reflect changes made by and under the Act, in particular in relation to duty suspended under inward processing relief arrangements becoming payable in the United Kingdom, penalties relating to contravention of provisions relating to transit, records requirements imposed on customs traders and customs requirements and procedures for goods imported or exported in the post.

This instrument will be covered by an overarching HMRC impact assessment (second edition) which will be published and available on the website at <https://www.gov.uk/government/collections/customs-vat-and-excise-regulations-leaving-the-euwith-no-deal>.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Art 2 amended by SD2020/0403.

³ Art 3 revoked by SD2020/0403.