

Statutory Document No. 2019/0105



Customs and Excise Management Act 1986

WHARVES, EXAMINATION STATIONS AND TEMPORARY STORAGE FACILITIES (APPROVAL CONDITIONS) REGULATIONS 2019

Laid before Tynwald: 21st May 2019
Coming into Operation: in accordance with regulation 2

The Treasury makes the following Regulations under sections 13(1A)(a), 15(1A)(a), 18(1A)(a) and 180(1) of the Customs and Excise Management Act 1986¹.

1 Title

These Regulations are the Wharves, Examination Stations and Temporary Storage Facilities (Approval Conditions) Regulations 2019.

2 Commencement

These Regulations come into operation on exit day².

3 Interpretation

In these Regulations, “exit day” has the same meaning as in the European Union and Trade Act 2019.

4 Approval conditions

- (1) A place must meet paragraphs 1 to 4 in relation to paragraphs 5 to 15 in the Schedule before the grant of approved wharf³ status.
- (2) A part of, or a place at, a customs and excise airport must meet paragraphs 1 to 4 in relation to paragraphs 5 to 15 in the Schedule (except paragraph 14) before the grant of examination station⁴ status.

¹ Sections 13, 15 and 18 of the Customs and Excise Management Act 1986 have been amended by GC 79/92, SD 86/93, SD 208/94 and most recently by the Customs and Excise Management Act 1986 (Amendment) Order 2019 [SD 2019/0081].

² Tynwald procedure - negative under section 180(1) of the Customs and Excise Management Act 1986.

³ “Approved wharf” has the meaning as in section 13A of the Customs and Excise Management Act 1986, as amended by SD 2019/0081.

- (3) A place must meet paragraphs 1 to 4, in relation to paragraphs 5 to 9 and paragraphs 12 to 15 in the Schedule before the grant of temporary storage facility⁵ status.

MADE 28/03/2019

A L CANNAN
Minister for the Treasury

⁴ “Examination station” has the meaning as in section 15A of the Customs and Excise Management Act 1986, as amended by SD 2019/0081.

⁵ “Temporary storage facility” has the meaning as in section 18A of the Customs and Excise Management Act 1986, as amended by SD 2019/0081.

SCHEDULE

[Regulation 4]

**APPROVAL CONDITIONS FOR WHARVES, EXAMINATION STATIONS AND
TEMPORARY STORAGE FACILITIES UNDER REGULATION 3**

1. The place, or part of the customs and excise airport, must provide officers⁶ with unconditional and continuous access while they are in the course of their duties to such amenities from paragraphs 5 to 15 below as regulation 4 stipulates for an approved wharf, an examination station or a temporary storage facility, as the case requires.
2. The amenities must be adequate in terms of scale, security and privacy for the proper conduct of the formalities and controls conducted by those officers at the individual place or individual part of the airport.
3. The amenities must include, where and as appropriate, complimentary –
 - (a) electricity;
 - (b) gas; and
 - (c) water and drainage.
4. The amenities must, where and as appropriate, be –
 - (a) clean and clear of waste;
 - (b) illuminated, ventilated, and at an adequate temperature; and
 - (c) in a state of repair reflecting fair use.

Amenities

5. Parking areas for vehicles under the control of those officers as part of their duties.
6. Furnished office accommodation (that includes telephony and internet-access, complimentary in each case).
7. Lavatory facilities.
8. Kitchen accommodation that is furnished and has a refrigerator and plumbed

⁶ “Officer” has the same meaning as section 184(1) of the Customs and Excise Management Act 1986.

sink.

9. Changing room and showering facilities.
10. Space and general equipment for the proper display of customs information signs and publications (for example, direction signs, posters, pamphlets).
11. Space and general equipment for the proper conduct of –
 - (a) customs formalities (as defined in section 184(1) of the Customs and Excise Management Act 1986⁷);
 - (b) controls on cash entering or leaving the Island (as provided for in Part VA of the Customs and Excise Management Act 1986); and
 - (c) formalities relating to retail exports (by and under regulation 131 of the Value Added Tax Regulations 1996).
12. Furnished office accommodation ensuring the proper conduct of interviews carried out by those officers in the course of their duties.
13. Space to examine imported goods properly, both without and with any specialised equipment under the control of those officers in the course of their duties.
14. Space to examine vehicles properly, both without and with any specialised equipment under the control of those officers in the course of their duties.
15. Space to store for up to two weeks all goods that are subject to investigation by those officers in the course of their duties.

⁷ The definition of “customs formalities” was inserted by SD 2019/0081.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the Wharves, Examination Stations and Temporary Storage Facilities (Approval Conditions) Regulations 2019 and come into operation on exit day.

These Regulations require temporary storage facilities (formerly known as transit sheds), airport examination stations and approved wharves to provide the amenities necessary for the conduct there of import and export customs formalities and other controls. These are binding conditions of their approval as such if given by the Treasury after these Regulations come into operation.

The amenities in question must be suitable for each individual location, and must be provided unconditionally and on a continuous basis when officers are on duty there.

These Regulations form part of a package of measures to provide for a new Customs regime in the Island, corresponding to provisions in the United Kingdom, following the United Kingdom's decision to leave the European Union.