



Office of the Clerk of Tynwald

Document Withdrawn

The following document was laid before
Tynwald on

21st May 2019

Motion for approval was not made

Statutory Document No. 2019/0157



Customs and Excise Act 1993

CUSTOMS (CONSEQUENTIAL AMENDMENTS) (EU EXIT) REGULATIONS 2019 (APPLICATION) ORDER 2019

Approved by Tynwald:

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) Order 2019.

2 Commencement

- (1) This Order comes into operation on the day it is approved by Tynwald¹.
- (2) However, when it is approved it shall be deemed to have come into operation on exit day².

3 Interpretation

In this Order, “**exit day**” has the same meaning as in the European Union and Trade Act 2019.

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

- (1) The Customs (Consequential Amendments) (EU Exit) Regulations 2019³ apply to the Island, as part of the law of the Island, subject to the following exceptions, modifications and adaptations.

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

² Under section 3(2) of the Customs and Excise Act 1993 an order under section 1 of that Act may be made retrospective and be deemed to have come into operation from such day or days as may be specified in the order, not being earlier than the date on which the corresponding provision had effect in the United Kingdom.

- (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”.
- (3) In regulation 2(1) (amendment of the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977⁴), after “Regulations 1977”, insert **33**, as they have effect in the Island, **32**.
- (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 1995⁵) —
- (a) in paragraph (1), after “Regulations 1995”, insert **34**, as they have effect in the Island, **32**;
 - (b) for paragraph (2)(b), substitute —
 - 34**(b) after the definition of “the Act” insert —
 - “**the export regulations**” means the Customs (Export) Regulations 2019⁶;
 - “**the import duty regulations**” means the Customs (Import Duty) Regulations 2019⁷;
 - “**the special procedures regulations**” means the Customs (Special Procedures and Outward Processing) Regulations 2019⁸;**32**;
 - (c) in paragraph (2)(c), after “Taxation (Cross-border Trade) Act 2018”, insert **34**, as it has effect in the Island **32**;
 - (d) in paragraph (3)(a), for “32(1)(b)”, substitute **34** 35(1)(b) **32**;
 - (e) in paragraph (3)(b) —
 - (i) for “33(1)(b)”, substitute **34** 34(1)(b) **32**;
 - (ii) omit “duty”; and
 - (iii) for “13A”, substitute **34** 15 **32**;
 - (f) in paragraph (3)(d), for “HMRC”, substitute **34** the Treasury **32**;
 - (g) in paragraph (3)(e) —
 - (i) for “14”, substitute **34** 15 **32**;
 - (ii) for “33(3)”, substitute **34** 34(3) **32**; and
 - (iii) for “13A”, substitute **34** 15 **32**; and

³ SI 2019/140.

⁴ SI 1977/1404 (see GC 67/78)

⁵ SI 1995/1203 (see SD 316/95)

⁶ SD 2019/0156.

⁷ SD 2019/0152.

⁸ SD 2019/0154.

- (h) in paragraph (4) —
- (i) after “Taxation (Cross-border Trade) Act 2018”, insert **63**, as it has effect in the Island **62**; and
- (ii) for “regulation 2 of the export duty regulations”, substitute **63** regulation 3 of the export regulations **62**.
- (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 1978⁹ 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”.

⁹ GC 67/78, with relevant amendment by GC 29/80.

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 1995¹⁰ is amended as follows.
- (2) For the Schedule, substitute –

SCHEDULE

[Article 3]

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 –</p> <p>34 “the export regulations” means the Customs (Export) Regulations 2019;</p> <p>“the import duty regulations” means the Customs (Import Duty) Regulations 2019;</p> <p>“the special procedures regulations” means the Customs (Special Procedures and Outward Processing) Regulations 2019 35.</p> <p>(c) After the definition of “customs trader”, insert –</p> <p>36 “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. 37.</p>
4	Specific records in the case of certain traders	<p>(a) For paragraph (1), substitute –</p> <p>38(1) Subject to paragraph (2), a customs trader required by regulation 35(1)(b) of the import</p>

¹⁰ SD 316/95.



		<p>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 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</p>
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		<p>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 by regulation 15 of the special procedures regulations. 22.</p>
5	Records specified in public notices	For “Commissioners”, substitute 23 Treasury 22 .
6	Records relating to customs declarations	<p>For paragraph (2), substitute —</p> <p>24(2) In this regulation “customs declaration” means —</p> <ul style="list-style-type: none"> (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.

MADE 28/03/2019

A L CANNAN
Minister for the Treasury



EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in Island law the Customs (Consequential Amendments) (EU Exit) Regulations 2019¹¹ (“the applied Regulations”). It is deemed to have come into operation on exit day.

Under the terms of the Customs and Excise Agreement between the United Kingdom and the Isle of Man Governments, the Island is obliged to keep its customs law correspondent with that of the United Kingdom.

Regulations 2 and 4 of the applied Regulations amend the Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977¹² and the Customs Traders (Accounts and Records) Regulations 1995¹³, as both sets of regulations have effect in the Island, to address deficiencies in Island law arising from the withdrawal of the United Kingdom from the European Union.

¹¹ SI 2019/140.

¹² The Customs Duties and Agricultural Levies (Goods for Free Circulation) Regulations 1977 were applied in the Island by the Customs and Excise Legislation (Application) (No. 2) Order 1978 [GC 67/78] and subsequently amended most recently by SD 2018/0238.

¹³ The Customs Traders (Accounts and Records) Regulations 1995 were applied in the Island by the Customs Traders (Accounts and Records) Regulations 1995 (Application) Order 1995 [SD 316/95] and subsequently amended most recently by SD 2018/0238.

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 2018¹⁴.

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**,¹⁵ 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".

¹⁴ 2018 c.22. The Treasury is the appropriate minister for the purposes of section 56(1) by virtue of subsection (5) of that section.

¹⁵ 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**,¹⁶ 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 2019¹⁷;

“the import duty regulations” means the Customs (Import Duty) Regulations 2019¹⁸;

“the special procedures regulations” means the Customs (Special Procedures and Outward Processing) Regulations 2019¹⁹;

(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

¹⁶ S.I. 1995/1203, amended by S.I. 2011/1043.

¹⁷ SD 2019/0156.

¹⁸ SD 2019/0152.

¹⁹ 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>.