

**DRAFT CUSTOMS AND EXCISE (JERSEY) LAW 199 (P.21/99):  
AMENDMENTS**

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**Lodged au Greffe on 30th March 1999  
by the Finance and Economics Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## **Report**

Following the lodging “au Greffe” of the draft Customs and Excise (Jersey) Law 199 , the Attorney General has advised that it would be appropriate, in order to ensure consistency of treatment with both imports and exports, to restore the general offences previously covered by the Import and Export (Control) (Jersey) Law 1946. Consequently, a parallel provision regarding imports (Article 33) to that already existing for exports (Article 37) has been prepared, which is in addition to the principal Article which deals with the subject (Article 61).

The proposed amendment to Article 48 ensure consistency with the provisions of the proposed new Criminal Procedure (Prescription of Offences) (Jersey) Law 199 , currently in the course of preparation.

The proposed amendment to Article 74 enables the Law to be brought into force on more than one appointed day, as it is now considered preferable to have this flexibility to enable a smoother implementation of the new Law.

### **Explanatory Note**

The proposed amendment to Article 33 inserts, as paragraph (1), an offence of importing goods contrary to a statutory prohibition or restriction. It was noticed that the general offence in relation to exportation in Article 37 was not mirrored in relation to importation. The amendment restores that omission and these two offences replace a similar offence concerned with both imports and exports under the Import and Export (Control) (Jersey) Law 1946 which is to be repealed.

The proposed amendment to Article 48 removes wording which is redundant in the light of the proposed Criminal Procedure (Prescription of Offences) (Jersey) Law 199 (P.34/99) and the fact that prosecutions under the new Customs Law, unlike the existing 1972 Law, do not have to be commenced within three years of the commission of the offence.

The proposed amendment to Article 74 enables the Law to be brought into force on more than one appointed day. It is now considered preferable to have this flexibility to enable a smoother implementation of the new Law.

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PAGE 77, ARTICLE 33 -

*Substitute the following Article -*

“ARTICLE 33

**Improper importation of goods**

(1) If any goods are imported contrary to any prohibition or restriction for the time being in force under or by virtue of any enactment, the goods shall be liable to forfeiture and the importer and any agent of his concerned in the importation shall each be guilty of an offence.

(2) Any person who -

(a) imports or causes to be imported any goods concealed in a container holding goods of a different description; or

(b) directly or indirectly imports or causes to be imported or entered any goods found not to correspond with the entry required to be made in respect of those goods in accordance with Article 25, whether before or after delivery,

shall be guilty of an offence.

(3) A person guilty of an offence under this Article shall be liable to a fine not exceeding three times the value of the goods in respect of which the offence was committed or level 4 on the standard scale, whichever is the greater.”.

PAGE 91, ARTICLE 48 -

*Substitute the following Article -*

“ARTICLE 48

**Power of arrest**

Any person who has committed, or whom there are reasonable grounds to suspect of having committed, any offence under this Law may be arrested by an officer.”.

PAGE 110, ARTICLE 74 -

*After the word “appoint” there shall be inserted the words “and different days may be appointed for different provisions or different purposes of this Law”.*

FINANCE AND ECONOMICS COMMITTEE