



Jersey

**CUSTOMS AND EXCISE (SAFETY AND
SECURITY) (EXPORT) (JERSEY) ORDER
2019**

Official Consolidated Version

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Jersey

CUSTOMS AND EXCISE (SAFETY AND SECURITY) (EXPORT) (JERSEY) ORDER 2019

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Jersey

CUSTOMS AND EXCISE (SAFETY AND SECURITY) (EXPORT) (JERSEY) ORDER 2019

THE MINISTER FOR HOME AFFAIRS makes this Order under Article 6 of the [Customs and Excise \(Jersey\) Law 1999](#) and Regulation 3 of the [EU Legislation \(Customs Union, Import and Export Control\) \(Jersey\) Regulations 2018](#), and having consulted the Minister for External Relations –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

- “Agent” means the Agent of the Impôts or any proper officer of the Impôts;
- “approved port” means a port designated by the Agent as an approved port for the purposes of this Order;
- “Arrangement” means the Arrangement set out in Part 2 of the Schedule to the Crown Dependencies Customs Union (Jersey) (EU Exit) Order 2019 of the United Kingdom;
- “Customs Law” means the [Customs and Excise \(Jersey\) Law 1999](#);
- “customs office of exit” means the office of the Jersey Customs and Immigration Service in St. Helier or such other office as the Agent may stipulate;
- “customs territory” means the territory of the customs union between the United Kingdom, Jersey, the Bailiwick of Guernsey and the Isle of Man established by the Arrangement;
- “exit summary declaration” or “EXD” means such a declaration as must be submitted under Article 3.

2 Application

- (1) This Order applies in respect of all goods being exported from Jersey to a place outside the customs territory, except –
 - (a) in respect of goods of a type listed in the Schedule; or
 - (b) in any of the situations described in paragraph (2)(a) to (e).
- (2) This Order does not apply where –

- (a) a vessel transporting goods between ports in the customs territory is to call at a sea port outside the customs territory, and the goods are to remain loaded on the vessel during the call at that sea port;
- (b) an aircraft transporting goods between airports in the customs territory is to call at an airport outside the customs territory, and the goods are to remain loaded on the aircraft during the call at that airport;
- (c) in a sea port or airport, goods are not unloaded from the means of transport which carried them into the customs territory and will carry them out of that territory;
- (d) goods were loaded at a previous sea port or airport in the customs territory, and –
 - (i) a customs declaration or a waiver from the obligation to submit such a declaration, however described in either case, was accepted by the Agent, and
 - (ii) the goods were not unloaded from the means of transport which will carry them out of the customs territory;
- (e) the goods were brought into Jersey but were rejected by the Agent and immediately returned to the country or territory of export.

3 Requirement to submit exit summary declaration

- (1) Except in such a situation as described in Article 2(2), where goods to which this Order applies are to be exported from Jersey to a place outside the customs territory, a safety and security exit summary declaration (“EXD”) must be prepared in respect of the goods, and submitted to the Agent at the customs office of exit, in accordance with this Order.
- (2) The Agent may permit the EXD to be submitted at a customs office other than the customs office of exit, if that other office immediately makes available to the customs office of exit, by electronic communication or an equivalent means, the information contained in the EXD.
- (3) An EXD must be in such form, and contain such information, as may be specified by a direction of the Agent, and in particular every form must contain a statement to the effect that submitting a form which is untrue in a material particular, including by omission, is an offence under Article 59 of the Customs Law.
- (4) In any particular case the Agent may require such additional information to be provided, whether by means of the form or otherwise, as the Agent thinks necessary for the purpose set out in paragraph (5).
- (5) The purpose mentioned in paragraph (4) is the purpose of ensuring that sufficient information is provided in respect of the goods to enable a safety and security risk analysis to be carried out in relation to export of the goods.

4 Person who must submit exit summary declaration

- (1) The EXD must be submitted by the carrier of the goods, and for the purposes of this Order the carrier is, subject to paragraphs (2) and (3), the person who exports the goods or who assumes responsibility for the carriage of the goods out of Jersey.
- (2) In the case of combined transportation, the carrier is the person who operates the means of transport which, on arrival of the active means of transport at its destination

outside the customs territory, will move by itself to transport the goods beyond that destination.

- (3) In the case of maritime or air traffic under a vessel-sharing or contracting arrangement, the carrier is the person who concludes a contract and issues a bill of lading or air way bill for the carriage of the goods out of the customs territory.
- (4) In this Article and in Article 5 and 6, “combined transportation” refers to circumstances where goods arrive at an airport or port by a means of transport which itself is transported on an active means of transport (for example, goods arriving at a port on a lorry which is itself transported on a ship).
- (5) With the carrier’s consent, an EXD may be submitted on behalf of the carrier –
 - (a) by the exporter, consignee or other person in whose name or on whose behalf the carrier acts; and
 - (b) by a person who is able to present the goods, or to enable the goods to be presented, at the customs office of exit.

5 Time limits: export by sea

- (1) The time limits in this Article are subject to Article 7.
- (2) Paragraph (3) applies where the first port of call after leaving Jersey, of the vessel on which goods are to leave the customs territory, is in a country or territory outside the customs territory.
- (3) In a case where this paragraph applies, the EXD must be submitted no later than 2 hours before the scheduled departure of the vessel from Jersey.
- (4) Where –
 - (a) paragraph (3) does not apply; and
 - (b) the goods are not containerised cargo,the EXD must be submitted no later than 4 hours before the scheduled departure of the vessel on which the goods are to leave the customs territory.
- (5) Where –
 - (a) paragraph (3) does not apply; and
 - (b) the goods are containerised cargo,the EXD must be submitted no later than 24 hours before the scheduled departure of the vessel on which the goods are to leave the customs territory.
- (6) In this Article, “vessel” includes a ship or other means of transport by sea, regardless of whether or not, in combined transportation of goods, the vessel is engaged as the active means of transport.

6 Time limits: export by air

- (1) The time limit in this Article is subject to Article 7.
- (2) An EXD in respect of goods leaving the customs territory by air must be submitted no later than 30 minutes before the scheduled departure of the aircraft on which the goods are to leave Jersey.
- (3) In this Article, “aircraft” includes an aeroplane or other means of transport by air, regardless of whether or not, in combined transportation of goods, the aircraft is engaged as the active means of transport.

7 Time limits may be varied

In any case where the Agent considers it necessary or expedient to do so for the purpose set out in Article 3(4), the Agent may impose a time limit for submission of the EXD other than the time limit which would otherwise apply under Article 5 or 6.

8 Amendment and cancellation of exit summary declaration

- (1) Subject to paragraph (2) a person who has submitted an EXD may, with the consent of the Agent, amend the EXD or any information contained in it.
- (2) No amendment may be made under paragraph (1) where the Agent –
 - (a) has informed the person submitting the EXD that the goods are to be examined;
 - (b) has established that the EXD is inaccurate or incomplete in a material particular; or
 - (c) has granted release of the goods for exit.
- (3) Where the goods for which an EXD has been submitted are not taken out of the customs territory, the Agent may cancel the EXD –
 - (a) following an application made by the person who submitted the EXD, and upon being satisfied that the goods will not be exported to a place outside the customs territory;
 - (b) within the period of 150 days beginning with the day on which the EXD was submitted.

9 Citation and commencement

This Order may be cited as the Customs and Excise (Safety and Security) (Export) (Jersey) Order 2019 and comes into force on the commencement of Article 2 of the [European Union \(Repeal and Amendment\) \(Jersey\) Law 2018](#).

SCHEDULE

(Article 2)

LIST OF GOODS TO WHICH THIS ORDER DOES NOT APPLY

The types of goods to which this Order does not apply are –

- (a) electrical energy;
- (b) goods leaving Jersey by pipeline;
- (c) items of correspondence;
- (d) goods moved under the rules of the Acts of the Universal Postal Union;
- (e) personal effects, household linen, furnishings and equipment intended for the personal use of the persons concerned or for meeting their household needs, provided that the goods are not carried under a transport contract;
- (f) goods contained in travellers' personal baggage;
- (g) goods moved under cover of an ATA or CPD carnet;
- (h) goods moved under form 302 provided for in the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done in London on 19th June 1951;
- (i) goods carried on a vessel moving between ports in the customs territory, without any intervening call at any port outside the customs territory;
- (j) goods carried on an aircraft moving between airports in the customs territory without any intervening call at an airport outside the customs territory;
- (k) weapons and military equipment taken out of the customs territory by the authorities in charge of the military defence of the United Kingdom, in military transport or transport operated for the sole use of the military authorities;
- (l) any of the following taken out of the customs territory directly to offshore installations operated by a person established in the customs territory, namely –
 - (i) goods to be used for construction, repair, maintenance or conversion of offshore installations,
 - (ii) goods to be used to fit or equip offshore installations, or
 - (iii) provisions to be used or consumed on offshore installations;
- (m) goods for which relief can be claimed under the Vienna Convention on diplomatic relations of 18th April 1961, the Vienna Convention on consular relations of 24th April 1963, other consular conventions or the New York Convention on special missions of 16th December 1969;
- (n) goods which are supplied for incorporation as part of, or accessories in, vessels or aircraft and for the operation of the engines, machines and other equipment of vessels or aircraft, and provisions to be consumed or sold on board vessels or aircraft;
- (o) any other goods as may be specified by a direction of the Agent for this purpose.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Customs and Excise (Safety and Security) (Export) (Jersey) Order 2019	R&O.118/2019	11 p.m. on 31 December 2020 (R&O.189/2020)	

◦Projets available at statesassembly.gov.je

Table of Endnote References