



Jersey

CUSTOMS AND EXCISE (SAFETY AND SECURITY) (IMPORT) (JERSEY) ORDER 2021

Official Consolidated Version

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CUSTOMS AND EXCISE (SAFETY AND SECURITY) (IMPORT) (JERSEY) ORDER 2021

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Jersey

CUSTOMS AND EXCISE (SAFETY AND SECURITY) (IMPORT) (JERSEY) ORDER 2021

THE MINISTER FOR HOME AFFAIRS makes this Order under Article 6 of the [Customs and Excise \(Jersey\) Law 1999](#) –

Commencement [\[see endnotes\]](#)

1 Interpretation

In this Order –

- “Agent” means the Agent of the Impôts or any proper officer of the Impôts;
- “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 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;
- “declarant” means the person submitting an entry summary declaration or the person in whose name such a declaration is submitted;
- “economic operator” means a person who, in the course of his or her business, is involved in activities covered by the Customs Law (including any legislation made under it) and the Agreement;
- “entry summary declaration” or “ENS” means such a declaration as must be submitted under Article 3;
- “HMRC” means Her Majesty’s Revenue and Customs;
- “Import Control System” includes any replacement or successor system;
- “UK Border Force” means the Border Force law command within the Home Office of Her Majesty’s Government.

2 Application

- (1) This Order applies in respect of all goods imported into Jersey from a place outside the customs territory, except –
 - (a) in respect of goods of a type listed in the Schedule;
 - (b) in any of the situations described in paragraph (2)(a) to (c); or

- (c) in respect of goods imported into Jersey from a place in a Member State of the European Union before 1st July 2022.
- (2) This Order does not apply where –
 - (a) a vessel is carrying goods within the territorial waters of a territory of the customs union and does not stop within the territory of the customs union;
 - (b) an aircraft is carrying goods within the airspace of a territory of the customs union and does not stop within the territory of the customs union; or
 - (c) an international agreement provides (whether expressly or not) that an ENS is not required.

3 Requirement to submit entry summary declaration

- (1) Except in a situation described in Article 2(2), where goods to which this Order applies are to be imported into Jersey from a place outside the customs territory, an entry summary declaration (“ENS”) must be prepared in respect of the goods, and submitted to Her Majesty’s Government through the United Kingdom’s Import Control System, in such manner as determined by Her Majesty’s Government and in accordance with this Order.
- (2) Despite paragraph (1) –
 - (a) the ENS may be submitted through the commercial, port or transport information systems, provided that –
 - (i) the system contains the necessary particulars contained in the ENS,
 - (ii) those particulars are available to Her Majesty’s Government within the time limits specified for the ENS, and
 - (iii) Her Majesty’s Government has indicated that it will accept the ENS submitted through such a system; and
 - (b) where the particulars of the ENS are accessible to Her Majesty’s Government in the economic operator’s computer, instead of submitting the ENS, the economic operator may notify Her Majesty’s Government of those particulars if Her Majesty’s Government indicates that this is permissible.
- (3) Despite paragraph (1), where Her Majesty’s Government has indicated that the particulars contained within the ENS may be notified in a different manner or form, the economic operator may, in accordance with any specified time limits, provide those particulars in that manner or form.
- (4) In any particular case the Agent, UK Border Force or HMRC may require such additional information to be provided, whether by means of the form or otherwise, as the Agent, UK Border Force or HMRC (as the case may be) 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 the importation of the goods.
- (6) In this Article, “specified time limit” is the time limit that applies in relation to the goods under Article 7, 8, or 10.

4 Amendment of entry summary declaration

- (1) A declarant may, in such form and manner as HMRC may specify, apply to HMRC to amend one or more particulars after the ENS has been submitted.
- (2) An amendment may not be made after –
 - (a) the Agent or HMRC has established that the particulars of the ENS are incorrect;
 - (b) the Agent has informed the person who submitted the ENS that he or she intends to examine the goods; or
 - (c) the goods have been presented to the Agent.

5 Invalidation of entry summary declaration

Where the goods for which an ENS has been submitted are not imported into Jersey, the Agent must invalidate the ENS immediately on the earlier of –

- (a) an application by the declarant;
- (b) the expiration of the period of 200 days after the ENS was submitted.

6 Person who must submit entry summary declaration

- (1) The ENS 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 imports the goods or who assumes responsibility for the carriage of the goods into Jersey.
- (2) In the case of combined transportation, the carrier is the person who operates the means of transport which, once brought into Jersey, moves by itself as an active means of transport.
- (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 waybill for the carriage of the goods into the customs territory.
- (4) With the carrier's consent, an ENS may be submitted on behalf of the carrier –
 - (a) by the importer, consignee or other person in whose name or on whose behalf the carrier acts; or
 - (b) by a person who is able to present the goods, or to enable the goods to be presented, to customs officers on arrival in Jersey.
- (5) Where the particulars in the ENS cannot be obtained from the carrier or a person referred to in paragraph (4), the Agent may require any other person who has those particulars to provide any necessary information.

7 Time limits: import by sea

- (1) Except where Article 9 or 10 applies, where the ENS relates to goods being imported into Jersey by sea, it must be submitted within the time limits set out in this Article.
- (2) An ENS must be submitted no later than 24 hours before the goods are loaded onto the vessel on which they are to be brought into Jersey where –
 - (a) the goods are containerised cargo; and
 - (b) paragraph (4) does not apply.

- (3) An ENS must be submitted no later than 4 hours before the arrival of the vessel in Jersey where –
 - (a) the goods are bulk or break cargo; and
 - (b) paragraph (4) does not apply.
- (4) An ENS must be submitted no later than 2 hours before the arrival of the vessel in Jersey where the goods are coming from –
 - (a) Ireland;
 - (b) Norway;
 - (c) the Faroe Islands;
 - (d) Iceland; or
 - (e) ports on the Baltic Sea, the North Sea, the English Channel, or the Atlantic coast of Europe from the point where it meets the English Channel to and including the port of Algeciras.
- (5) 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.

8 Time limits: import by air

- (1) Except where Article 9 or 10 applies, where the ENS relates to goods being imported into Jersey by air, it must be submitted –
 - (a) for flights with a duration of less than 4 hours, before the time of the actual departure of the aircraft;
 - (b) for flights with a duration of 4 or more hours, no later than 4 hours before the arrival of the aircraft in Jersey.
- (2) 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.

9 Time limits: force majeure

The time limits in Articles 7 and 8 do not apply in the case of force majeure.

10 Time limits: power of Agent to impose different time limits

In any case where the Agent considers it necessary or expedient to do so for the purpose set out in Article 3(5), the Agent may impose a time limit for submission of the ENS other than the time limit which would otherwise apply under Article 7 or 8.

11 Citation and commencement

This Order may be cited as the Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021 and comes into force 7 days after it is made.

SCHEDULE

(Article 2(1))

TYPES 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 entering Jersey by pipeline;
- (c) items of correspondence;
- (d) 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;
- (e) goods in respect of which a verbal customs declaration is permitted under Article 18 of the Customs Law, provided that they are not carried under a transport contract;
- (f) goods contained in travellers' personal baggage other than goods which –
 - (i) are not within Article 1(21)(b) of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No. 952/3013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1),
 - (ii) have a value in excess of £1500, and
 - (iii) are carried in a goods vehicle as defined in Article 2(1) of the [Road Traffic \(Jersey\) Law 1956](#);
- (g) goods moved or used under cover of the 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;
- (h) weapons and military equipment brought into 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;
- (i) goods brought into the customs territory directly from offshore installations operated by persons established in the customs territory which were –
 - (i) incorporated in the offshore installations for the purposes of their construction, repair, maintenance or conversion,
 - (ii) used to fit or equip the offshore installations,
 - (iii) provisions used or consumed on the offshore installations,
 - (iv) non-hazardous waste from the offshore installations;
- (j) goods entitled to relief pursuant to 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 of 16th December 1969 on special missions;
- (k) goods on board a vessel or aircraft –

- (i) which have been supplied for incorporation as parts of or accessories in those vessels and aircraft,
 - (ii) for the operation of the engines, machines and other equipment of those vessels or aircrafts,
 - (iii) which are foodstuffs and other items to be consumed or sold on board;
- (l) goods brought into Jersey directly from the United Kingdom, Guernsey or the Isle of Man;
- (m) products of sea-fishing and other products taken from the sea outside the customs territory by customs territory fishing vessels;
- (n) vessels, and the goods carried upon them, entering the territorial waters of Jersey with the sole purpose of taking on board supplies without connecting to any of the Jersey port facilities;
- (o) goods covered by –
 - (i) an ATA carnet issued in accordance with the Customs Convention on the ATA carnet for the temporary admission of goods done at Brussels on 6th December 1961, or
 - (ii) a CPD carnet issued in accordance with the Convention on temporary admission done at Istanbul on 26th June 1990,provided they are not carried under a transport contract;
- (p) goods which are in transit through, and are not unloaded in, Jersey;
- (q) goods which are unloaded in Jersey as a result of an unscheduled stop of a vessel or aircraft in which they are being carried arising from circumstances of force majeure;
- (r) goods, other than items of correspondence, contained in a postal parcel or package and conveyed under the responsibility of or by a postal operator in accordance with the provisions of the Universal Postal Convention concluded at Hamburg on 27th July 1984;
- (s) goods in a consignment, the intrinsic value of which does not exceed £19, provided that the Agent, with the agreement of the economic operator, can carry out a risk analysis in respect of the goods using the information contained in, or provided by, the system used by the economic operator;
- (t) any other goods in respect of which the Agent is satisfied that, if they were to be imported into the United Kingdom from outside the customs territory, an entry declaration would not be required to be submitted to Her Majesty's Government;
- (u) 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) (Import) (Jersey) Order 2021	R&O.134/2021	5 November 2021	

◦Projets available at statesassembly.gov.je

Table of Endnote References

There are currently no endnote references