



Jersey

CUSTOMS AND EXCISE (IMPORT AND EXPORT CONTROL) (JERSEY) ORDER 2006

Arrangement

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CUSTOMS AND EXCISE (IMPORT AND EXPORT CONTROL) (JERSEY) ORDER 2006

Made

9th October 2006

Coming into force

in accordance with Article 10

THE MINISTER FOR HOME AFFAIRS, in pursuance of Articles 19 and 73 of the Customs and Excise (Jersey) Law 1999¹, orders as follows –

1 Interpretation

In this Order, unless the context otherwise requires –

“1992 Order” means the Import and Export (Control) (Jersey) Order 1992²;

“2000 Law” means the Firearms (Jersey) Law 2000³;

“Agent” means the Agent of the Impôts;

“Channel Islands” includes the territorial sea adjacent to Jersey and the territorial sea adjacent to the Bailiwick of Guernsey;

“licence” means a licence granted under Article 4;

“photographic image” means a recording of light or other radiation on any medium on which an image is produced or from which an image may by any means be produced.

2 Prohibition on importing and exporting goods

Subject to the provisions of this Order –

- (a) a person shall not import goods into Jersey;
- (b) a person shall not export goods from Jersey; or
- (c) a person shall not ship goods as ships’ stores.

3 Exemptions from Article 2

- (1) Notwithstanding Article 2 –

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- (a) a person may import or export any goods (other than goods that are shipped as ships' stores) under the authority and in compliance with the terms and conditions of a licence;
 - (b) a person may import any goods –
 - (i) proved to the satisfaction of the Agent to have been brought to Jersey from any other of the British Islands, and
 - (ii) that are not specified in Schedule 1 or 2;
 - (c) a person may export any goods to any other of the British Islands except goods specified in Schedule 1 or 3;
 - (d) a person may import or export electrical energy by means of the submarine cable that enters Jersey at Archirondel in the Parish of St. Martin; and
 - (e) a person may ship any goods as ships' stores where –
 - (i) the Agent is satisfied that the goods are intended for use or consumption aboard the ship,
 - (ii) the shipment is permitted in writing by the Agent, and
 - (iii) all terms and conditions attached to the Agent's permission are complied with.
- (2) Notwithstanding Article 2 and without prejudice to the generality of paragraph (1)(a) –
- (a) a person may, under the authority and in compliance with the terms and conditions of a licence, import any goods that are specified in Schedule 1 or 2; and
 - (b) a person may, under the authority and in compliance with the terms and conditions of a licence, export any goods specified in Schedule 1 or 3.

4 Licence

- (1) The Minister may grant a licence to import or export goods.
- (2) Without prejudice to the generality of paragraph (1), a licence granted under this Order shall be in writing and may –
 - (a) apply generally in respect of the goods to which it relates; or
 - (b) relate to –
 - (i) the person to whom it is granted and the goods in respect of which it is granted, or
 - (ii) the specified goods in respect of which it is granted,and may make different provision for different goods or classes of goods.
- (3) The Minister may –
 - (a) include a condition or exception in a licence in respect of the goods or classes of goods to which it relates;
 - (b) provide that the licence shall expire on a specified date unless renewed; and
 - (c) modify or revoke a licence.

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- (4) A licence under this Order may make provision for the importation or exportation of any goods to which –
- (a) an enactment of the Parliament of the United Kingdom (whether or not it has been extended to Jersey by an Order in Council) and any subordinate legislation made under it applies;
 - (b) a Community instrument, within the meaning of the European Communities (Jersey) Law 1973⁴, applies; or
 - (c) an international obligation of the United Kingdom that has been extended to Jersey applies.

5 Permission for shipping of goods as stores

- (1) The Agent may give permission in writing for the shipping of goods as ships' stores.
- (2) The Agent may –
- (a) include a condition or exception in a permission in respect of the goods or classes of goods to which it relates;
 - (b) provide that the permission shall expire on a specified date or otherwise; and
 - (c) modify or revoke a permission.

6 Designated port and customs airport

- (1) No goods shall be –
- (a) unshipped, landed or put on shore; or
 - (b) shipped, put off or waterborne to be shipped for exportation,
- at any place other than a port or customs airport designated in accordance with Article 12 of the Customs and Excise (Jersey) Law 1999.
- (2) Paragraph (1) does not apply to goods to which Article 3(1)(d) or (e) refer.

7 Prohibition on importation or exportation by other enactment

Nothing in this Order, or any licence or permission granted under it, shall be construed as operating to permit the importation or exportation of any goods whose importation or exportation is restricted or prohibited by any other enactment.

8 Transitional provisions

- (1) This Article applies to –
- (a) a licence granted by the Minister or the Agent under the 1992 Order in relation to any specified person or goods that is in force when this Order comes into force; and
 - (b) a permission granted by the Agent under the 1992 Order that is in force when this Order comes into force.

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- (2) After the coming into force of this Order –
- (a) the Minister may, during the transitional period referred to in paragraph (3), modify or revoke a licence to which this Article applies; and
 - (b) the Agent may, during the transitional period referred to in paragraph (3), modify or revoke a permission to which this Article applies.
- (3) The transitional period referred to in paragraph (2) is the period that commences when this Order comes into force and ends on the date on which the licence or permission ceases to have effect.

9 Revocation

The 1992 Order⁵ is revoked.

10 Citation and commencement

This Order may be cited as the Customs and Excise (Import and Export Control) (Jersey) Order 2006 and shall come into force on the same day as Article 19 of the Customs and Excise (Jersey) Law 1999 comes into force.

SENATOR W. KINNARD

Minister for Home Affairs

SCHEDULE 1

(Article 3)

GOODS FOR WHICH LICENCE TO IMPORT OR EXPORT IS REQUIRED

Goods that shall not be imported or exported except under the authority and in compliance with the terms and conditions of a licence.

1. Any indecent or obscene thing.
2. Any thing –
 - (a) being a book, magazine or other publication consisting wholly or mainly of pictorial matter; or
 - (b) being or containing a recording capable, with or without the use of other equipment, of reproduction in visual, audio or audio-visual form,
which is of a kind likely to fall into the hands of children or young persons and portrays –
 - (i) the commission of crime,
 - (ii) any act of violence or cruelty, or
 - (iii) any incident of a repulsive or horrible nature,in such a way that it would as a whole tend to corrupt a child or young person into whose hands it might fall.
3. Any dog of –
 - (a) the type commonly known as –
 - (i) the Dogo Argentino,
 - (ii) the Fila Braziliera,
 - (iii) the Japanese Tosa (or Tosa), or
 - (iv) the Pit Bull Terrier; or
 - (b) any other type which appears to have been bred for fighting.
4. Any decoding equipment that is designed or adapted to be used primarily for the purpose of enabling the reception of programmes transmitted in the provision of a proscribed service within the meaning of section 178 of the Broadcasting Act 1990 of the United Kingdom as that section has effect in Jersey by virtue of the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991.
5. Any explosives, within the meaning of the Convention on the Marking of Plastic Explosives for the Purpose of Detection done at Montreal on 1st March 1991, other than explosives deemed to be marked for the purposes of that Convention.
6. Any toxic chemical or precursor (including mixtures of them) listed in Schedule 1 to the Annex on Chemicals to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of

Chemical Weapons and on their Destruction, signed at Paris on 13th January 1993 and any toxic chemical or precursor listed in Schedule 2 to that Annex or any chemical mixture containing any such toxic chemical or precursor, or any good containing, or containing a chemical mixture itself containing, any such toxic chemical or precursor originating in or consigned from any non-State Party to the Convention, except –

- (a) goods or chemical mixtures which contain one per cent or less by weight of a chemical listed in Category A of Schedule 2 to the Convention;
 - (b) goods or chemical mixtures which contain 10 per cent or less by weight of a chemical listed in Category B of Schedule 2 to the Convention; or
 - (c) consumer goods that are either packaged for retail sale for personal use or packaged for individual use.
7. Any anti-personnel mine or component of an anti-personnel mine, as defined in section 1 of the Landmines Act 1998 of the Parliament of the United Kingdom as that section has effect in Jersey by virtue of the Landmine Act 1998 (Jersey) Order 2001.

SCHEDULE 2

(Article 3)

GOODS FOR WHICH LICENCE TO IMPORT IS REQUIRED

Goods that shall not be imported except under the authority and in compliance with the terms and conditions of a licence.

1. Bovine somatotrophin (“BST”).
2. Bumble bee (*Bombus terrestris terrestris* (L) or *Bombus terrestris audax* (Harris)).
3. HIV testing kits, that is to say, diagnostic kits the purpose of which is to detect the presence of human immunodeficiency virus of any type (“HIV”) and any HIV antibodies, or any component part of such a kit unless the person importing such a kit is a registered medical practitioner or pharmacist.
4. Cows milk in liquid form, whether or not processed.
5. Any of the following firearms and ammunition –
 - (a) any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;
 - (b) any accessory to such a weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
 - (c) any firearm (including a lethal barrelled weapon) which is so designed or adapted that 2 or more missiles can be successively discharged without repeated pressure on the trigger;
 - (d) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing or for inflicting electric shock;
 - (e) any cartridge with a bullet designed to explode on or immediately before impact, any ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in subparagraph (d) and, if capable of being used with a firearm of any description, any grenade, bomb (or other like missile), rocket or shell designed to explode on or immediately before impact;
 - (f) any shot gun ammunition containing less than 5 pellets larger than .23 of an inch in diameter;
 - (g) any smooth-bore revolver gun having a series of chambers that revolve when the gun is fired other than one which is chambered for 9mm. rim-fire cartridges or loaded at the muzzle end of each chamber;
 - (h) any rocket launcher or mortar for projecting a stabilized missile, other than a mortar designed for line throwing or pyrotechnic purposes or as signalling apparatus;

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- (i) any component part that is the breech closing mechanism, the trigger mechanism or the chamber and barrel of any lethal barrelled weapon or other weapon referred to in sub-paragraph (a), (c), (d), (g) or (h);
 - (j) ammunition, including grenades, bombs, and other like missiles, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other things.
6. Paragraph 5 shall not apply to the following –
- (a) an air rifle, air gun or air pistol including a rifle, gun or pistol powered by compressed carbon dioxide for use under water;
 - (b) an air rifle, air gun or air pistol including a rifle, gun or pistol powered by compressed carbon dioxide with a muzzle energy of less than one foot-pound;
 - (c) cartridges containing 5 or more shot, none of which exceeds .23 of an inch in diameter;
 - (d) ammunition for an air rifle, air gun or air pistol including a rifle, gun or pistol powered by compressed carbon dioxide;
 - (e) blank cartridges not exceeding one inch in diameter measured immediately in front of the rim or cannellure of the base of the cartridge;
 - (f) any antique firearm which is acquired as a curiosity or ornament;
 - (g) firearms and ammunition, including parts of firearms, where they are imported by a person who holds a firearms certificate issued under Article 3 of the 2000 Law and the importation has been approved by either the Minister;
 - (h) firearms and ammunition including parts of firearms where they are imported by a person who holds a permit issued under Article 50 of the 2000 Law or a person who is registered as a firearm dealer under Article 20 of the 2000 Law;
 - (i) firearms and ammunition, including parts of firearms where they are imported by –
 - (i) a person who is in the service of the Crown,
 - (ii) a police officer, or
 - (iii) an officer,who has purchased or acquired the firearms or ammunition for the use of the public service in accordance with Article 13 of the 2000 Law and has obtained the written authorization of the Minister to the purchase or acquisition.

SCHEDULE 3

(Article 3)

GOODS FOR WHICH LICENCE TO EXPORT IS REQUIRED

Goods that shall not be exported except under the authority and in compliance with the terms and conditions of a licence.

1. Any of the following items of cultural or artistic value to Jersey –
 - (a) objects, or other material, of archaeological interest found within or relating to the Channel Islands;
 - (b) a photographic image –
 - (i) recorded in the Channel Islands or by any person at any time ordinarily resident in the Channel Islands,
 - (ii) more than 50 years old, and
 - (iii) of a value exceeding £500;
 - (c) a painting, sculpture or other physical representation –
 - (i) of the topography of any part of the Channel Islands,
 - (ii) of a person having any connection with any of the Channel Islands,
 - (iii) commemorating any event connected with any of the Channel Islands, or
 - (iv) made by any person at any time ordinarily resident in any of the Channel Islands,
that is 50, or more, years old and has a value exceeding £6,000;
 - (d) a print –
 - (i) of the topography of any part of the Channel Islands,
 - (ii) of any person having any connection with any of the Channel Islands,
 - (iii) commemorating any event connected with any of the Channel Islands, or
 - (iv) made by any person at any time ordinarily resident in any of the Channel Islands,
that is 50, or more, years old and has a value exceeding £1,000;
 - (e) any item of silver made –
 - (i) in the Channel Islands, or
 - (ii) by a person at any time ordinarily resident in the Channel Islands,
that is 50, or more, years old and has a value exceeding £1,000;
 - (f) any item of furniture made –
 - (i) in the Channel Islands, or

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- (ii) by a person at any time ordinarily resident in the Channel Islands,
that is 50, or more, years old and has a value exceeding £3,000;
 - (g) a clock made –
 - (i) in the Channel Islands, or
 - (ii) by a person at any time ordinarily resident in the Channel Islands,
that is 50, or more, years old and has a value exceeding £3,000;
 - (h) any book manufactured or produced –
 - (i) in the Channel Islands, or
 - (ii) by a person at any time ordinarily resident in the Channel Islands or with a Channel Island connection,
that is 50, or more, years old and has a value exceeding £1,000;
 - (i) any other item –
 - (i) manufactured or produced in the Channel Islands or by a person at any time ordinarily resident in the Channel Islands,
 - (ii) that is more than 50 years old, and
 - (iii) has a value exceeding £6,000.
2. Any –
- (a) manuscripts, including maps and musical scores, singly or in collections, more than 50 years old;
 - (b) archives, and any elements thereof, of any kind, on any medium, which are more than 50 years old;
 - (c) architectural, scientific and engineering drawings produced by hand, more than 50 years old,
manufactured or produced in the Channel Islands, or by a person at any time ordinarily resident in the Channel Islands or with a Channel Island connection;
 - (d) elements forming an integral part of artistic, historical or religious monuments, which have been dismembered.
3. Paragraphs 1 and 2 do not apply to –
- (a) a birth, marriage or death certificate or other document relating to the personal affairs of the person who has exported it or the spouse of that person;
 - (b) a letter or any other writings written by or to the person who has exported the letter or writings, or the spouse of that person;
 - (c) any object exported by a person if –
 - (i) the object is the personal property of that person and has been manufactured or produced by that person, and
 - (ii) that person is not a company within the meaning of the Companies (Jersey) Law 1991,
or the spouse, widow or widower of that person.

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4. Any object of cultural interest as described in Schedule 1 to the Export of Objects of Cultural Interest (Control) Order 2003 of the United Kingdom (S.I.2757 of 2003) other than an exportation of such objects that complies with the Open General Export Licence (Objects of Cultural Interest) of the United Kingdom.
 5. Any goods to which –
 - (a) Part I or Part II of Schedule 1; or
 - (b) Schedule 1A,to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 of the United Kingdom (S.I.2764 of 2003) applies.

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- ¹ *chapter 24.660*
 - ² *chapter 05.350.50*
 - ³ *chapter 23.200*
 - ⁴ *chapter 17.210*
 - ⁵ *chapter 05.350.50*