

EXPLANATORY MEMORANDUM TO

The Excise Warehousing (Etc.) (Amendment) Regulations 2008

2008 No. 2832

1. This explanatory memorandum has been prepared by HM Revenue and Customs and is laid before Parliament by Command of Her Majesty.

2. Description

The instrument changes the documentation needed to accompany the movement of goods in excise duty suspension from the place of importation to an excise warehouse.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 The instrument amends regulation 10A of the Excise Warehousing (Etc) Regulations 1988 (S.I. 1988/809) (“EWER”).

(Regulation 10A was inserted by regulation 27(1) and (2) of the Excise Goods (Accompanying Documents) Regulations 2002 (S.I. 2002/501)).

4.2 Goods, other than hydrocarbon oil, that have been imported from a place outside the Communities, may be entered for warehousing and moved from their place of importation to an excise warehouse without payment of duty. Regulation 10A(2)(b) EWER provides that at all times during the movement the goods are accompanied by a copy of copy 6 of the single administrative document (SAD) that was used to make the customs declaration for those goods.

4.3 Following changes to the systems and procedures for making customs declarations, the paper SAD is no longer available. All declarations are now made by electronic means. This means that there is no copy 6 SAD from which a copy can be taken in order to comply with the existing Regulation.

4.4 Therefore, the instrument substitutes a new document that must accompany the goods provided it meets the requirements set out in the instrument.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Regulation 10A EWER provides documentary requirements for the movement of excise goods from the place of importation to the excise warehouse without payment of duty in relation to goods that have been imported from a place outside of the Communities. All import declarations were made on a paper SAD which contained up to 8 copies. A photocopy of copy 6 of this declaration was used to accompany the goods from the place of importation to the excise warehouse. There were approximately 33,000 movements in 2007 with a value of approx £14 billion.

7.2 The copy of copy 6 of the SAD contained all details to identify the importer, the goods and the approved warehouse of receipt.

7.3 As the system has now changed and the paper SAD is no longer available, HMRC was approached by industry representatives because the trade could not comply with the requirements of regulation 10A EWER.

7.4 HMRC was asked to amend the Regulation so that a commercial document could be used instead of the copy of copy 6.

7.7 Notice 197 (Receipt and Removal of excise goods in an excise warehouse) will be revised to reflect the changes that this instrument makes.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

9. Contact

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