3. TEMPORARY IMPORTATION

The Aircraft (Temporary Importation) Regulations, 1949

1949 No. 2429

Made - - - - 24*th December*, 1949
Coming into Operation 1*st January*, 1950

The Lords Commissioners of His Majesty's Treasury in pursuance of section 10 of the Finance Act, 1938(a), hereby make the following Regulations.

1. If any aircraft of the class or description defined in Part IV of these Regulations is imported into the United Kingdom either by

(i) a person who is not principally resident therein and intends to make only a temporary stay therein and who is the owner of such aircraft or has possession or control of it, or

(ii) a person whose principal place of business is outside the United Kingdom and who so imports such aircraft temporarily in the course of a commercial flight,

such aircraft shall be exempt from duties of Customs if the requirements of either Part I or Part II of these Regulations are observed and so long as the following conditions are fulfilled :—

(*a*) the aircraft while in the United Kingdom shall not be lent, sold, hired, given away, exchanged or used for the transport for remuneration of persons whose journeys begin and end within the United Kingdom or for the industrial or commercial transport of goods from a place inside the United Kingdom to another place inside the United Kingdom ;

(*b*) the aircraft shall be exported,

(i) where a valid pass-book has been issued in respect of such aircraft by an accredited association and the importation was by a person described in (i) above for his private use, before the expiration of the validity of such pass-book or within such further period as the Commissioners may in special circumstances allow ;

(ii) in all other cases within such period from the date of importation as the Commissioners may allow, notwithstanding that the period of validity of any valid pass-book issued in respect of such aircraft may be greater than the period so allowed by the Commissioners ;

(*c*) the aircraft shall be produced to the Officer at the time of exportation ; and

(*d*) such other conditions as may be imposed by the Commissioners for the protection of the Revenue.

PART I

2. If the person importing the aircraft is a member of an accredited association, or complies with the proviso to this Article, and desires to avail himself of the provisions of this Part, he shall :—

(*a*) at the time of importation produce to the Officer, for the purpose of its being duly signed and stamped, a valid pass-book which has been issued to him by an accredited association and in respect of which all the rules and conditions relating to pass-books have been complied with ;

(a) 1 & 2 Geo. 6. c. 46.

(*b*) at the time of importation satisfy the Officer that the aircraft imported corresponds in all respects with the aircraft described in the pass-book and that the value thereof is correctly stated in the pass-book ;

(*c*) at the time of exportation produce the pass-book and satisfy the Officer that the aircraft to be exported corresponds with the aircraft described in the pass-book.

Provided that if the person importing the aircraft produces a pass-book issued by an accredited association but not issued to him, that pass-book shall for the purpose of these Regulations be deemed to have been issued to him if on being required to do so he satisfies the Officer that he has been given authority in writing by the person to whom the pass-book was issued to make use of it for the purpose for which it is produced.

PART II

3. If the person importing the aircraft is not a member of an accredited association or does not comply with the proviso to Article 2 of these Regulations or does not desire to avail himself of the provisions of Part I of these Regulations, he shall:—

(*a*) at the time of importation, either deposit with the Officer at the port or place of importation such sum as the Commissioners may require for securing the duty which would otherwise be payable, or satisfy the Commissioners by the giving of security or otherwise that the provisions of these Regulations will be observed ; and

(*b*) at the time of importation deliver to the Officer in duplicate a claim for exemption in the prescribed form.

4. One copy of the said claim shall be returned by the Officer to the importer duly signed and stamped and the importer shall, at the time of exporting the aircraft deliver to the Officer the copy so returned, together with, in the case of final exportation, a claim in writing for the repayment of the sum, if any, deposited by him on the importation of the aircraft, or, where a bond has been given in lieu of deposit, for the bond to be cancelled.

5. If the Officer is satisfied that the aircraft produced for exportation corresponds with the aircraft described on the copy of the said claim, and that it will be forthwith finally exported, the sum, if any, deposited shall be repaid to the importer.

PART III

6. If any person importing or having imported an aircraft in accordance with these Regulations desires to import separately, accessories or component parts required for the repair of such aircraft, he shall :—

(*a*) at the time of importation deposit with the Officer at the port or place of importation such sum as the Commissioners may require for securing the duty ;

(*b*) at the time of importation deliver to the Officer in duplicate a claim for exemption in the prescribed form and give such information in relation to the claim as the Commissioners may require ;

(*c*) comply with such conditions as may be imposed by the Commissioners ;

(*d*) export the articles as part of the said aircraft, or separately, before the expiration of the period of temporary importation allowed in the case of the said aircraft or before the expiration of such further period as the Commissioners may allow ; and

(*e*) export, destroy or abandon to the Crown, under such conditions as the Commissioners may prescribe, all goods which have been displaced by the articles so imported.

7. One copy of the said claim shall be returned by the Officer to the importer duly signed and stamped, and the importer shall at the time of exporting the aircraft deliver to the Officer the copy so returned together with a claim in writing for the repayment of the sum deposited by him on the importation of the articles. If the Officer is satisfied that the articles so imported have been added to the said aircraft and that the displaced goods have been destroyed or abandoned to the Crown, or have been duly exported or are being exported with the said aircraft, the sum deposited shall be repaid to the importer.

8. If any accessories or component parts imported separately are exported otherwise than as part of the said aircraft, the importer shall on making entry thereof for exportation deliver to the Officer the copy of the claim returned as aforesaid, together with a claim in writing for the repayment of the amount deposited by him on the importation of the articles. If the Officer is satisfied that the articles produced for exportation correspond with the articles described on the copy of the said claim and that they will be exported forthwith, the sum deposited shall be repaid to the importer.

PART IV

9.—(1) For the purposes of these Regulations a person shall be considered as not principally resident in the United Kingdom if he has resided there for less than six months in a year on an average for either touring or business purposes, irrespective of whether he is the proprietor or lessee of the house or apartment which he occupies in the United Kingdom.

(2) The years to be considered in calculating the average period of residence mentioned in sub-paragraph (1) shall be those which in the opinion of the Commissioners are appropriate to the circumstances of each case.

10. In these Regulations unless the context otherwise requires :—

(1) the expression " aircraft " includes all balloons, whether captive or free, kites, gliders, airships, and flying machines, and includes any accessories or component parts of such aircraft required for, and imported in or forming part of, such aircraft, but does not include any accessories or component parts imported separately ;

(2) the expression " pass-book " means the carnet de passages en douanes issued under the guarantee of the aeronautical clubs or associations belonging to the Federation Aeronautique Internationale ;

(3) the expression " accredited association " means an association or club belonging to the Federation Aeronautique Internationale aforesaid ;

(4) the expression " Officer " means the proper Officer of Customs and Excise ;

(5) the expression " Commissioners " means the Commissioners of Customs and Excise ;

(6) the expression " prescribed " means prescribed by the Commissioners

11.—(1) The " Aircraft (Temporary Importation) Regulations, 1939 "(a), are hereby revoked.

(a) S.R. & O. 1939 (No. 921) I, p. 601.

(2) These Regulations may be cited as the "Aircraft (Temporary Importation) Regulations, 1949".

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(4) These Regulations shall come into operation on the first day of January, nineteen hundred and fifty.

Dated this twenty-fourth day of December, 1949.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

(This Note does not form part of these Regulations, but is intended to indicate their general purport.)

These regulations provide for the temporary importation of aircraft without payment of Customs duty and purchase tax, in accordance with the International Customs Convention on Touring and the Agreement relating thereto, signed in Geneva on the 16th June, 1949. They replace similar Regulations made in 1939.

The Commercial Road Vehicles (Temporary Importation) Regulations, 1949

1949 No. 2430

Made - - - - 24*th December*, 1949
Coming into Operation 1*st January*, 1950

The Lords Commissioners of His Majesty's Treasury in pursuance of section 10 of the Finance Act, 1938(b), hereby make the following Regulations.

1. If any vehicle as defined in Part IV of these Regulations is imported into the United Kingdom by a person whose principal place of business is outside the United Kingdom and who so imports such vehicle temporarily in the course of a journey which begins and ends outside the United Kingdom, such vehicle shall be exempt from duties of Customs if the requirements of either Part I or Part II of these Regulations are observed and so long as the following conditions are fulfilled :—

(*a*) the vehicle while in the United Kingdom shall not be lent, sold, hired, given away or exchanged or used for the purpose of picking up passengers or goods at any place within the United Kingdom for conveyance to another place within the United Kingdom;

(a) 52 & 53 Vict. c. 63. (b) 1 & 2 Geo. 6. c. 46.