Foreword

This notice cancels and replaces Notice 204 (June 2003). Details of any changes to the previous version can be found in paragraph 1.2 of this notice.

Further help and advice

If you need general advice or more copies of HM Revenue & Customs notices, please ring the National Advice Service on 0845 010 9000. You can call between 8.00 am and 8.00 pm, Monday to Friday.

If you have hearing difficulties, please ring the Textphone service on 0845 000 0200.

If you would like to speak to someone in Welsh, please ring 0845 010 0300, between 8.00 am and 6.00 pm, Monday to Friday.

All calls are charged at the local rate within the UK. Charges may differ for mobile phones.

Other notices on this or related subjects

Notice 206 Revenue Traders’ Records
Notice DS5 UK Duty Stamps Scheme

1. Introduction

1.1 What is this Notice about?

This notice sets out the United Kingdom's requirements for Occasional Importers.

It contains our:

i. general conditions and requirements;

ii. application procedures; and

ii. duty payment procedures.

It also sets out your rights and obligations as an Occasional Importer.

This notice and the others mentioned are available both on paper and on our website.

1.2 What has changed?

This notice has been restructured and rewritten to improve readability.
Changes | We have
--- | ---
1 | Included information about the scheme of duty stamping for spirits, which HMRC introduced in February 2006, and how it affects Occasional Importers.

You can access details of any changes to this notice since July 2006 either on our website at www.hmrc.gov.uk or by telephoning our National Advice Service on 0845 010 9000.

This notice and others mentioned are available both on paper and our website.

1.3 Who should read this notice?

You must read it if you are bringing or want to bring into the UK excise goods from other EU member states, on a one-off, or infrequent basis, in the course of your business.

You will find more details about the procedures to follow throughout the notice.

1.4 What other notices will I need?

You will need:

<table>
<thead>
<tr>
<th>Title</th>
<th>Notice Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Traders' Records</td>
<td>206</td>
</tr>
<tr>
<td>UK Duty Stamps Scheme</td>
<td>DS5</td>
</tr>
</tbody>
</table>

1.5 What does this notice not cover?

This Notice does not cover:

<table>
<thead>
<tr>
<th>Title</th>
<th>Information available in Notice…</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compound, seizure &amp; restoration</td>
<td>12</td>
</tr>
<tr>
<td>Goods and/or vehicles seized by Customs &amp; Excise</td>
<td>12a</td>
</tr>
<tr>
<td>Intrastat – General Guide</td>
<td>60</td>
</tr>
<tr>
<td>Excise goods: Holding and movement</td>
<td>197</td>
</tr>
<tr>
<td>Excise goods: Registered Mobile Operators</td>
<td>202</td>
</tr>
<tr>
<td>Registered Excise Dealers and Shippers</td>
<td>203</td>
</tr>
</tbody>
</table>
1.6 What if I need advice about any of these notices?

If you need any advice, or wish to obtain any of the forms and notices mentioned in this notice, you should contact our National Advice Service on 0845 010 9000. You will find details on our Internet website at www.hmrc.gov.uk

1.7 Who must I contact if I have a query?

Your first point of contact is our National Advice Service on 0845 010 9000. Our advisers will deal with your initial query or, subject to the nature of your enquiry, they will route you to the National Occasional Importers Centre.

1.8 What if I need more detailed Occasional Importers advice?

If your query is about a specific Occasional Importer consignment you should contact our National Occasional Importers Centre on 0151 703 1232 between 09.00 and 16.30, Monday to Friday.

1.9 How long will it take for you to respond to my enquiry?

We will respond in line with our Charter Standards. You will find more information about this in Notice 400 HM Customs and Excise Charter.
1.10 How will you cover the issue of gender within this notice?

Any use of male words such as ‘he’ or ‘him’ equally includes reference to the female gender.

2. Legal Background

2.1 Where will I find details of the law?

You will find the primary legal provisions applicable to the contents of this notice in:

<table>
<thead>
<tr>
<th>Full Title</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Customs and Excise Management Act 1979</td>
<td>CEMA</td>
</tr>
<tr>
<td>The Rehabilitation of Offenders Act 1974</td>
<td>ROA</td>
</tr>
<tr>
<td>Finance Act 1994</td>
<td>FA</td>
</tr>
</tbody>
</table>

You will find detailed requirements in:

<table>
<thead>
<tr>
<th>Full Title</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Excise Goods (Holding, Movement, Warehousing and REDS) Regulations 1992 (SI 1992 No. 3135)</td>
<td>HMWR</td>
</tr>
<tr>
<td>The Revenue Traders (Accounts and Records) Regulations 1992 (SI 1992 No. 3150)</td>
<td>RTAR</td>
</tr>
<tr>
<td>The Duty Stamps Regulations 2006 (SI 2006/202)</td>
<td></td>
</tr>
</tbody>
</table>

You will find the conditions, which cover movements of excisable goods to and from other Member States of the EU in Council Directive

iv. 92/12/EEC OJ L 76.23.2.92 (as amended); and

Commission Regulations:

v. 2719/92 OJ L 276 19.9.92; and
2.2 Where can I get copies of the law and regulations?

You can obtain copies of these from the Stationery Office. You will find more details on the Office of Public Sector Information website at www.opsi.gov.uk

2.3 How do you refer to the law?

When we directly refer to the law in this notice, we will show the standard abbreviations as shown in paragraph 2.1.

2.4 What happens if I fail to meet my legal obligations?

If you do not meet your legal obligations we may impose civil penalties for breaches of the regulations and the conditions set out in this notice. For serious offences we may prosecute you.

If you import or arrange for the importation of excise goods without the appropriate and correctly completed accompanying documentation, and without prior payment of duty, the goods and vehicle will be liable to forfeiture, and you will be liable to civil penalty.

2.5 Can I appeal against any civil penalties which you impose?

Yes. If we impose any civil penalties, then we will inform you in writing and give our reasons. You will have the right to an independent review of our decision. If you do not agree with the outcome of the review, you can appeal to the VAT and Duties Tribunal.

You will find further details about civil penalties in Notice 209 Civil Penalties: fixed, geared and daily.

2.6 What should I do if I have a complaint?

You will find further details in Notice 1000 Complaints and putting things right

3. About Occasional Importers – general

3.1 What are Occasional Importers?

Occasional Importers are traders who may obtain excise goods commercially from other EU countries, on a one-off or infrequent basis, in the course of their business.
You need to apply to us to be an Occasional Importer, on a consignment-by-consignment basis. We will issue you with a uniquely numbered C&E 1165 Occasional Importers form for each consignment.

3.2 Which excise goods are covered?

- mineral oils (also known as hydrocarbon oils);
- alcohol and alcoholic drinks; and
- manufactured tobacco (cigarettes, cigars, hand-rolling tobacco, other smoking tobacco and Chewing tobacco).

3.3 How does the Occasional Importers scheme work?

To take advantage of the Occasional Importers scheme you must follow a few basic procedures:

- before undertaking any Occasional Importers movement of excise goods, you must provide us with advance information about the consignment;
- complete & return the C&E 1165 Occasional Importers form and secure payment of the UK duty due on the goods;
- complete and return a Duty Stamps declaration form for ordering duty stamps if applicable (see section 9);
- supply the consignor with evidence that the UK duty has been secured (copy 2 of the endorsed C&E 1165);
- notify any changes to NOIC immediately;
- advise the NOIC immediately of the arrival of the goods at the delivery address and comply with any ‘Standing Time’ arrangements we have specified; and
- on completion ensure that the duty due is paid in full.

You can find a simplified flowchart of the Occasional Importers scheme in Annex 1.

3.4 When I contact NOIC what information must I provide in support of my application?

You must provide evidence to show that the Occasional Importers consignment is being made in the course of your business.
Before we issue you with an endorsed C&E 1165 form we will ask you for trading details and information about the consignment.

This will include:

- your name, address & business telephone number;
- the nature of your business;
- details of your supplier and customers;
- delivery address;
- details of the consignment you wish to import (e.g. brand and quantities); and
- details of the transporter you will use (including vehicle registration details, where you have them at this time).
- details of any excise goods on which duty stamps should be affixed (alcoholic spirits).

3.5 May Occasional Importers receive excise duty suspended goods from UK suppliers?

No.

3.6 May Occasional Importers receive excise duty suspended goods from suppliers based in non-EU countries?

No. The Occasional Importers scheme is for traders to obtain excise goods commercially from other EU countries, on a one-off, or infrequent basis, in the course of their business.

3.7 Can I dispatch goods in duty suspension?

No.

3.8 Are there any special requirements to follow if I want to bring in cigarettes or hand rolling tobacco as an Occasional Importer?

Yes. There are fiscal marking and Health Warnings requirements that you must be aware of and follow.
Anyone who manufactures, imports, holds, moves, or sells cigarettes or hand-rolling tobacco needs to be aware of, and comply with, the fiscal marking requirements for “specified tobacco products”.

Specified tobacco products are:

- Cigarettes; and
- Hand-rolling tobacco (with the exception of hand-rolling tobacco which is intended for retail sale in loose form and is supplied by the manufacturer or importer in packets containing 500 grams or more).

All Occasional Importers consignments must also show the appropriate ‘Health Warnings’.

You should contact NOIC if you wish to discuss your particular requirements.

3.9 Do the same procedures for fiscal marking apply to chewing tobacco?

Chewing tobacco is excisable in the UK but not in some Member States.

Chewing tobacco is not a ‘specified tobacco product’ and, therefore, does not need to follow the same procedures for fiscal marking in the UK.

3.10 Could an Occasional Importer who brings in unmarked tobacco products be committing an offence?

Yes. Since 1 July 2001 it is a criminal offence to possess, transport, display, sell, offer for sale or otherwise deal in unmarked tobacco products, which are required to carry a fiscal mark (see section 8G of the “Tobacco Products Duty Act 1979”). An Occasional Importer, importing unmarked tobacco products, could be committing such an offence and the tobacco will be liable to seizure. You may also be liable to penalties or prosecution.

If you receive unmarked tobacco products, which should bear a fiscal mark, you should keep the consignment on your premises and immediately notify NOIC.

It is your responsibility to ensure that your supplier understands the significance of the fiscal mark and only consigns to you cigarettes and hand-rolling tobacco, which bear a compliant fiscal mark.
3.11 Where can I obtain further information on tobacco products and fiscal marks?

You can find more information about tobacco products and fiscal marks in Notice 476 Tobacco Products Duty and by contacting NOIC.

3.12 Are there any other marking requirements for excise goods that I need to be aware of?

Yes. In February 2006 HMRC introduced a duty stamps scheme for spirits sold in the UK. Subject to certain exceptions, spirits in bottle sizes of 35 cl or more with an alcoholic strength of 30% abv or more which are intended for retail sale in the UK, and on which UK excise duty is paid on or after 1 October 2006, must bear a duty stamp.

You can find more information about duty stamps in section 9 of this Notice and in Notice DS5: UK Duty Stamps Scheme.

3.13 May Occasional Importers receive goods, which have been duty-paid in the EU?

Yes. Occasional Importers may receive excise goods on which the excise duty has already been paid in another Member State. This does not affect the requirement to pay or secure the UK duty on the goods before the supplier dispatches them.

3.14 Can I buy goods as an Occasional Importer whilst visiting other EU countries?

Yes. If you intend to buy goods in the course of your business, before you leave the UK you must pay UK duty and obtain your endorsed Occasional Importers C&E 1165 form.

You must ensure that:

- the total UK duty liability of your purchases does not exceed your pre-payment;
- our officers can easily verify the full extent of any transactions; and
- the appropriate documents (C&E 1165 copy 2 and an Accompanying Administrative Document (AAD)/Simplified Administrative Accompanying Document (SAAD) – see below) accompany the goods at all times.
If you purchase excise goods for your business, which are not covered by the pre-payment, and you do not notify us in advance of the importation, the goods may be liable to forfeiture.

3.15 What else must I do as an Occasional Importer whilst visiting another EU country?

When buying duty paid goods, which you intend to bring to the UK, you may find yourself responsible for completing the 3-part SAAD for the goods.

You can use commercial documents instead of an SAAD provided that they contain the same information. The layout of data on commercial documents can differ. However, each item of information must have the same box number as on the SAAD. You must ensure that such commercial documents are marked, ‘Simplified accompanying document (excise goods) for fiscal control purposes.’

Whether you decide to use the SAAD or commercial documents, it is up to you to produce the forms you will need. We do not provide supplies of accompanying documents.

3.16 I am based in another Member State can I use the UK Occasional Importers scheme?

Yes. Provided you follow all the procedures set out in this notice and also comply with any conditions in force in your own Member State.

You must notify your intentions to us in advance, make arrangements to secure the UK duty, and obtain an endorsed Occasional Importers form C&E 1165. You should allow up to 15 working days for the NOIC to process and return your form before proceeding.

3.17 Can I bring excise goods in from another EU country without going through these procedures?

Yes. You may choose to:

- apply for approval as a registered excise dealer and shipper (REDS) and comply with the procedures described in Notice 203 (you will be required to have adequate duty deferment facilities, keep an up-to-date duty account, and submit monthly returns); or
- use the services of a REDS agent acting on your behalf; or
• use the services of an authorised warehousekeeper who receives goods on your behalf into a "tax warehouse" (If you are the owner of goods held in duty-suspension in a warehouse you must be registered under the Warehousekeepers and Owners of Warehoused Goods Regulations 1999)]. For more details see Notice 201.

3.18 What information must I supply for trade statistics?

You will find more details about this and trading in the Single Market in Notice 725 The Single Market and information about Intrastat in Notice 60 Intrastat General Guide.

4. Completion of forms

4.1 What forms do I need to complete or provide?

<table>
<thead>
<tr>
<th>Title</th>
<th>Details …</th>
</tr>
</thead>
<tbody>
<tr>
<td>C&amp;E 1165</td>
<td>Certificate of payment. Additional information in support of application, completed by Occasional Importers</td>
</tr>
<tr>
<td>SAAD</td>
<td>Details to be completed by supplier; or importer, if applicable.</td>
</tr>
<tr>
<td>AAD</td>
<td>Details to be completed by the consignor.</td>
</tr>
<tr>
<td>Duty Stamps declaration if you are importing spirits (see section 9)</td>
<td>Details to be completed by the Occasional Importer</td>
</tr>
</tbody>
</table>

4.2 What details are required on the C&E 1165 form?

We ask you to provide details of:

• Occasional Importer – name, address & business telephone;
• VAT Registration (if applicable);
• Consignor;
• Delivery address (if different from your business address);
• Transporter (including vehicle registration);
• Tax Type (as indicated in Volume 1, Part 12 of the UK Tariff) & rate of duty;
• Consignment (type of excise goods, brand, strength, quantity etc);
• Intended date of arrival in the UK & port of entry; and
• Amount of excise duty & VAT payable (you will need to calculate these).

4.3 How do I complete the C&E 1165?

There are notes for completion, which accompany the C&E 1165. These provide full details of how to complete the form.

If you are still in doubt, after reading the notes, you should contact the National Occasional Importers Centre and they will be able to assist you further.

4.4 How far in advance should I apply for my C&E 1165?

You should set aside sufficient time to:

• allow for receipt of the form (including postal delays); and
• inform your supplier that duty has been secured.

Under our Charter, provided we receive accurate and complete details from you, we aim to process your C&E 1165 form within 15 working days.

4.5 What else must I do?

You should follow the procedures outlined elsewhere in this notice.

In the event of any changes affecting your application, you must notify the NOIC immediately.

4.6 What must I do if I subsequently find I do not need the C&E 1165?

If you find that your circumstances have changed and you no longer need the C&E 1165, you should notify the NOIC immediately. Our staff will advise you what to do next. We will cancel your C&E 1165 and ask you to return the form to us in the pre-paid envelope we provide.
4.7 What must I do if I discover I cannot import the goods through the port of arrival I declared on the C&E 1165?

You must inform NOIC immediately. Our staff will advise you what steps to take.

4.8 What must I do if I wish to take delivery of more than one consignment?

You will need to apply for a separate C&E 1165.

You must contact NOIC and inform them of the circumstances.

4.9 What must I do if goods are to be delivered to more than one delivery address?

You will have to complete a C&E 1165 for each delivery address for each consignment.

5. Occasional Importers – procedures

5.1 What must I do before the goods are dispatched?

You must complete the C&E 1165 form in full and send it along with a banker’s draft, guaranteed cheque, or postal order for the total amount of UK duty payable.

If you present a non-guaranteed cheque it may take up to 10 working days to clear and we will not be able to process your form until that time.

Do not proceed until we return the form to you.

5.2 How quickly will you deal with my application?

We deal with all applications in accordance with our Charter Standards.

Provided we receive accurate and complete details from you we will process your C&E 1165 form within 15 working days.

You will find more information about this in Notice 400 HM Customs and Excise Charter.
5.3 What happens if I am unable to provide some of the details on the C&E 1165?

If you cannot provide some of the key details we may not be able to fully process your C&E 1165 form. We need to know:

- The date the goods are being brought into the UK;
- The UK port the goods are travelling through;
- Your delivery address (if not the same as your business address);
- Your VAT details (if you are VAT registered); and
- Details of the actual consignment (type of excise goods, brand, quantity and value).

There may be circumstances, where you do not know all the information to complete the C&E 1165 (for example, details of your transporter or the vehicle registration number). You should let NOIC know as soon as possible, and certainly before arrival in the UK. See section 4.6.

If you have any doubts about the information you are providing you should contact NOIC, who should be able to assist you.

5.4 What should I do with the returned copy 2 of the form?

When NOIC returns copy 2 of the C&E 1165 form you should send or present this to your supplier in the EU. **Photocopies or faxed copies of the C&E 1165 are not acceptable.**

Under the terms of Council Directive 92/12/EEC the original form must also accompany the consignment of excise goods sent to you. Your supplier should keep a copy for his records.

Keep a copy of C&E 1165 (copy 2) for your records. You should quote your C&E 1165 reference number on any correspondence or contact that you have with us about your Occasional Importers consignment.
5.5 Are there any other documents that must travel with the goods?

Yes. In order to comply with Community provisions you must ensure the appropriate accompanying documents travel with the goods. This will be either an accompanying administrative document (AAD) or simplified accompanying administrative document (SAAD), as described below.

There are specific arrangements for accompanying administrative documents for imports which you must comply with:

<table>
<thead>
<tr>
<th>Which arrangements ...</th>
<th>Document provisions ...</th>
</tr>
</thead>
</table>
| For imports under Community Duty Suspended arrangements consigned to an Occasional Importer | • Excise goods must at all times be accompanied by an AAD (copies 2, 3 & 4) that complies with the Community provisions; and  
• If the consignee of the excise goods is an Occasional Importer, a certificate of payment (endorsed C&E 1165) must accompany the accompanying administrative document and the excise goods at all times until those goods arrive at their ultimate destination; |
| Imports not under Community Duty Suspension Arrangements (i.e. for excise goods consigned from another Member State where the excise duty for that Member State has been paid) | • excise goods must be accompanied by a SAAD (copies 2 & 3) that complies with the Community provisions;  
• excise goods must be consigned to the person shown on the SAAD as the recipient; and  
• if the consignee of the excise goods is an Occasional Importer, a certificate of payment (endorsed C&E 1165 copy 2) must accompany the accompanying administrative document and the excise goods at all times until those goods arrive at their ultimate destination. |

Further information on the use of AAD and SAAD can be found in Notice 197 Excise Goods - Holding and Movement

5.6 Do I have to notify you of any changes?

Yes. You need to immediately notify NOIC of any changes, affecting the C&E 1165. You must tell NOIC of the following changes:

- Delivery address;
- Vehicle registration;
- Transporter details;
- Date of expected arrival (especially any change of more than 24 hours to this date);
• Port of arrival in the UK; and
• Consignment (including brand, volume, ABV, quantity and value).

We would expect you to notify NOIC of these changes, as soon as they become known, and certainly before arrival in the UK. See section 1.8 for contact details.

**Failure to notify these changes may render the goods liable to forfeiture and you liable to a civil penalty.**

### 5.7 What must I do when I receive the goods?

As soon as you receive the goods, you must inform NOIC (by phone) of their arrival and adhere to any ‘Standing Time’ requirement notified to you on your C&E 1165 form.

If our staff attend during this time you should follow their instructions.

Once the ‘Standing Time’ has passed, you may unload and check your consignment, and then enter full details in your duty accounts immediately.

You will find further accounting information in section 8

It is your responsibility to ensure that any goods which are required to bear a duty stamp have one affixed within 14 days of the importation of the goods (see section 9).

### 5.8 What certificate of receipt must I provide?

After unloading and checking the goods are complete, you must endorse copy 2 & 3 of the SAAD, or copies 2, 3 & 4 of the AAD to acknowledge receipt. Show the following details:

• the date and place of receipt of the goods;
• a description of the goods received;
• if the goods agree with the accompanying document’s description, the words ‘consignment checked’ (if the goods do not agree with the consignor’s description, please follow the procedures set out in section [8], as appropriate;
• your C&E 1165 reference number; and
• an authorised signature.

You must deliver your C&E 1165 copy 2 (and any allowable additional duty) to our National Occasional Importers Centre within 4 business working days of receipt of the goods. Please keep a copy for your records.
If you have over-paid any duty, submit a written request for repayment to our NOIC along with C&E 1165 copy 2. Please enclose all relevant supporting documentation (e.g. dispatch note, invoice, copies of AAD/SAAD).

5.9 Are there different requirements for a SAAD or AAD?

Yes.

<table>
<thead>
<tr>
<th>Accompanying document</th>
<th>Requirement …</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAAD</td>
<td>You must keep in your records copy 2 of the accompanying document together with a photocopy of the copy 3 you have issued back to the supplier, if required.</td>
</tr>
<tr>
<td>AAD</td>
<td>You must keep in your records copies 2 &amp; 4 of the accompanying document. Copy 3 must be sent back to the consignor so as to arrive by the fifteenth day of the following month of the date of receipt.</td>
</tr>
</tbody>
</table>

If you import or arrange for the importation of excise goods without the appropriate and correctly completed accompanying documentation, and without prior payment of duty, the goods and vehicle will be liable to forfeiture, and you will be liable to civil penalty.

We may not be able to issue further C&E 1165s, where there are Occasional Importer consignments still outstanding. It is in your interest, therefore, to return the correctly completed Occasional Importers documentation to us within the required timescales.

5.10 What if I lose the C&E 1165?

You must notify NOIC, who will cancel the original application. You will need to re-apply.

5.11 How should I work out the duty?

We have provided examples of how to calculate the duty for excise goods in Annex 2. Please refer to these and to section 8, which tells you more about how to account for the duty.
5.12 How should I account for VAT on my transactions?

If you are registered for VAT, you should account for acquisition VAT on your VAT return for the period covering the date of acquisition of the goods. You will find more details about this in Notice 725 see 3.18.

If you are not registered for VAT, you must make arrangements to pay the VAT at the current rate on the total value of the goods, including the excise duty. You may use your Occasional Importers C&E 1165 form to pay VAT, but you will not be able to calculate the actual VAT payable until you have obtained the goods.

6. General Information

6.1 Are there times when you will visit my business & premises?

Yes.

<table>
<thead>
<tr>
<th>We may visit ...</th>
<th>In order to ...</th>
</tr>
</thead>
</table>
| your business, from time to time | • check your business records, systems & premises;  
• check the details of your application; and  
• give you guidance. |
| the delivery address shown on the C&E 1165 | • check the consignment. We will agree a period of ‘Standing Time’ with you in advance. |
| your transporter | • verify the movement details shown on the endorsed C&E 1165 form. |

When we visit you must do all of the following:

• admit us to your premises;
• produce records for us to check; and
• allow us to inspect any stock.

Alternatively, there may be occasions when we ask you to come to one of our offices to discuss your Occasional Importer C&E 1165.

6.2 Will you make an appointment?

We will normally make an appointment. Occasionally, visits are made without an appointment, but the attending officer will give the reason for the unannounced visit.
We aim to carry out our visits as quickly and efficiently as possible. You can help by providing the relevant records and help us understand them, especially if there is anything special or unusual about your particular business.

6.3 Am I responsible for the safety of Customs & Excise personnel?

Yes. While our officers are on your premises you must ensure their safety at all times.

6.4 What help can I expect from you?

You can expect that we will:

- identify ourselves by name on arrival, and produce an identity card;
- explain the main purpose of the visit;
- be polite and considerate and deal with your tax affairs confidentially;
- keep claims on your and your staff's time to a minimum; and
- where possible, try to resolve matters during the visit.

6.5 How you can help us

You can help by:

- advising us as soon as possible about the reasons for any significant changes in the tax or duties you have declared or the systems used to calculate the declarations. You should do this by contacting our NOIC;
- keeping your records, declarations and payments up to date;
- providing us with the information and explanations we request;
- asking us if you are unsure of any matter connected with the duty or tax. We may not look at all aspects of your records and business, so you cannot assume that you are accounting for everything correctly just because no errors are found. So it is in your own interest to ask if you are unsure;
- helping us to understand your business and records;
- replying to enquiries within the specified time; and
• quoting your C&E 1165 reference number when you contact us.

6.6 What if I disagree with a decision made by your visiting officer?

If you disagree with a decision, discuss it first with the visiting officer.

If you still disagree, then write to the officer or the contact they give you, setting out clearly the reasons why you disagree and giving any further information.

You may have the right to an independent review of our decision. If you do not agree with the outcome of the review, you can appeal to the VAT and Duties Tribunal.

You can find out more information in Notices 989 & 1000.

7. Irregularities

7.1 What if the goods arrive without the accompanying document (AAD or SAAD)?

You must inform our NOIC immediately (by phone).

Ask the consignor or supplier to provide a replacement document by the fastest means available.

Excise goods in duty-suspension found to be travelling in the UK without the appropriate accompanying documents are liable to forfeiture.

You should, therefore, take steps to make sure that the consignor provides accompanying documents and arranges for them to travel with the goods at all times.

If you require further assistance, our staff at the NOIC will inform you of the procedures to follow.

7.2 What if the goods are not what I have ordered?

If the goods are not what you ordered (for example, a different brand or product) you should account for the goods (or refuse to accept them) when they arrive and advise the NOIC. Our staff will advise you what steps to take.

7.3 What if I do decide to accept these goods?

Notify our National Occasional Importers Centre.
You must take full account of the goods immediately and enter the details to your duty account records. More information can be found in section 8;

We do not issue retrospective C&E 1165 applications under any circumstances. We will not ask you to complete an additional C&E 1165, but we will give you the necessary guidance how to secure the duty that is due.

7.4 What if I decide not to accept these goods?

These goods are treated as ‘surpluses on receipt’. Notify the NOIC immediately and they will give you advice on how to proceed.

7.5 What if I discover shortages on receipt?

For goods received under duty suspension arrangements you must record the actual quantities received in the space provided on copies [2,3 & 4] of the accompanying document. If there is a shortage, copy 3 of the AAD must be sent to NOIC within 3 days of receipt, complete with the copy 2 of the C&E 1165. NOIC will make a note of any comments or actions on the copy and will return the copy 3 of the AAD to the occasional importer, who can then arrange for it to be returned to the consignor.

For shortages on goods received that have already been duty paid in the member state of dispatch, you should bring it to our attention when submitting the completed copy 2 of the C&E 1165.

Make sure you enter the actual goods received in your records.

NOIC will advise you what steps to take to account for the duty on any chargeable losses in the consignment.

7.6 What if I discover surpluses on receipt?

You must account for duty on all surpluses. Notify the NOIC immediately and they will give you advice on how to proceed.

If you do not pay duty on any excess goods you receive they will be liable to forfeiture.

7.7 What if the goods do not arrive on the intended date?

As soon as you become aware that the goods will not arrive on the intended date of arrival indicated on your C&E 1165, or have not arrived on the expected date, you should notify NOIC.

Notification of any changes of more than 24 hours to the expected date of arrival must be notified to NOIC immediately.
Our staff will advise you what steps to take.

8. Accounting for duty

8.1 How should I work out the duty on the goods?

You are responsible for working out, or having someone else work out on your behalf, the correct UK duty due on each consignment.

You must:

- determine the correct three digit tax type code for each product; and
- use the correct code for each class of goods received.

You should then calculate the duty due on the consignment. Annexe [2] provides examples to help you with your duty calculation.

8.2 What rate of duty do I use?

You must use the rate in force for the particular goods when the duty is due (i.e. the date of bringing the goods into the UK).

8.3 Where can I find out more information about tax types and duty rates?

Current duty rates and tax types are published in Volume 1 of the Customs and Excise Tariff, and from the Stationery Office at www.hmso.gov.uk

You should contact our National Advice Service if you have any enquiries about duty rates or the tax type or the category of the goods.

8.4 Must I keep a duty account and records for my Occasional Importers consignments?

Yes.

<table>
<thead>
<tr>
<th>If you are...</th>
<th>You...</th>
</tr>
</thead>
<tbody>
<tr>
<td>responsible for payment of excise duty</td>
<td>must maintain a permanent record, in summary form, of all the excise duty payable.</td>
</tr>
</tbody>
</table>
The excise duty account must show... | For...
---|---
• every figure that goes on a return; | • each Occasional Importers consignment. You should make sure that your duty account is kept fully up to date.
• the total duty due to us; | • the total duty due from us;
• the net duty due from, or to, us; | • any adjustments made; and
• payment details or a payment reference (as detailed on your C&E 1165 copy 2). |

The account must have an audit trail. This means that each entry in the account must be traceable back to the relevant source document. Similarly it must be possible to trace any source document to the relevant entry in the duty account.

You will find more information about record keeping in Notice 206 Revenue trader’s records.

### 8.5 When do I pay the duty payable on the consignment?

At the time of completing your C&E 1165 application form and submitting it to the NOIC you should send a banker’s draft, guaranteed cheque or postal order for the total amount of UK duty payable.

### 8.6 What method of payment will you accept?

The NOIC will only accept a banker’s draft, postal order or cheque.

You should be aware that if you present a non-guaranteed cheque it can take 10 working days to clear, and we are unable to fully process your form until it has cleared.

If you pay by cheque and also need duty stamps to affix to bottles of spirits (see section 9), we will not provide them until the cheque clears.

### 9. UK Duty Stamps

#### 9.1 What goods are required to bear a stamp?

All bottles and other retail containers of spirits, and wine or made wine, with a strength of 30% alcohol by volume or more, with a capacity of 35cl or more, are required to bear a duty stamp when removed to home use in the UK.

#### 9.2 Are there different types of duty stamp?

The duty stamp is available in two formats:
vii. A product specific stamp (referred to in the law as a type A stamp) to be attached directly to the bottle (referred to in this notice as a freestanding stamp); and

viii. A stamp (referred to in the law as a type B stamp) incorporated into bottle labels and printed by the industry's own label printers (referred to in this notice as a label stamp).

However, as an occasional importer, you can only use freestanding stamps. Freestanding stamps are available showing the following product types:

ix. whisky/whiskey;
  x. gin;
  xi. vodka;
  xii. rum;
  xiii. brandy; and
  xiv. Other product.

The product type on the freestanding stamp must refer to the description of the contents of the bottle to which it is attached.

9.3 Where can I find out more about duty stamps?

If you import spirits which you think may be required to bear a duty stamp you should also read Notice DS5 – UK Duty Stamps Scheme.

9.4 How do I acquire duty stamps

As an Occasional Importer you can only acquire freestanding duty stamps (see section 5 of Notice DS5).

When NOIC send you a C&E 1165 form they will also send you a declaration to complete. You should complete this and return it to the NOIC along with the C&E 1165 and your payment.

NOIC will provide you with duty stamps for your consignment at the same time as they return the endorsed copy 2 of your C&E 1165. NOIC will only supply sufficient stamps for the consignment you are importing.

9.5 What information will I need to provide in order to obtain stamps?

xv. You will need to provide the following information on the declaration NOIC send you: Your name and address

xvi. The address to which the stamps are to be delivered. (This must be the address where you intend affixing the stamps.)
xvii. The type of product you are importing i.e. whisky, gin, vodka, rum, brandy, or other product and its alcoholic strength.

Xviii. The number of bottles you are importing and their size.

You must also sign a declaration confirming that the goods do not already bear duty stamps.

9.6 When can stamps be affixed

Duty stamps can be affixed at any point between production and removal to home use in the UK. For most UK businesses this means that duty stamps must be affixed before the point at which UK duty is paid or accounted for. However, in the case of Occasional Importers who import bottles of spirits which do not already bear duty stamps, you must affix duty stamps within 14 days of importing the goods.

If you fail to affix stamps within 14 days of the arrival of the goods, they will be liable to forfeiture. In addition, you may also be liable to civil penalties.

9.7 Do I have to pay for stamps?

No. NOIC will supply you with duty stamps free of charge.

9.8 What happens if, having ordered stamps, I receive goods which already bear a stamp?

If the goods you receive already bear duty stamps, and you have received duty stamps from NOIC you must return them to NOIC. Failure to do so may render you liable to a civil penalty for each stamp that you fail to return.

9.9 How do I know how many stamps to order?

You should order a duty stamp for each bottle in the consignment which is required to bear one.

9.10 What if I don’t have enough stamps?

If you receive more goods than you ordered, you are required to notify the NOIC as described in section 7.6. When the NOIC have received payment of the additional duty due, they will provide sufficient additional stamps.

You should note that, where this happens, stamps must still be affixed to the goods within 14 days of their arrival in the UK. It is, therefore, in your interests to ensure that NOIC receive payment of any additional duty as soon as possible.
9.11 When will I receive stamps that I have ordered?

You will receive duty stamps at the same time as you receive the endorsed copy 2 of the C&E 1165 from the NOIC.

9.12 Do I have to affix stamps before the duty point?

No. You can affix duty stamps up to 14 days after the date of importation of the consignment.

9.13 In what premises can I affix duty stamps?

You are required to inform the NOIC, on the declaration they provide, of the premises you intend using to affix duty stamps. The stamps must then be affixed in the premises you have notified.

9.14 What if I lose the stamps you send me or they get damaged?

If stamps NOIC have provided are lost, stolen or damaged you should inform NOIC by the end of the business day following the day own which the loss or the discovery of its occurrence occurred. The NOIC will then provide you with replacement stamps.

9.15 What happens if the goods I receive are not in accordance with my order and I do not have the correct stamps or have the wrong number?

Where irregularities occur you should contact the NOIC as advised is section 7 of the Notice. When contacting the NOIC you should also explain that you have incorrect duty stamps. The NOIC will then advise you of the correct action to take.

Annex 1 Occasional Importers scheme - flowchart

Overview of Occasional Importers Scheme
Annex 2 Examples of duty calculations

The following examples may assist you in calculating Excise duty.

Wines and Cider

Wines including: made wine, sparkling wine, Port and Sherry and Cider not exceeding 8.5%. These are calculated as follows:

To find the Excise duty on a case of still wine (exceeding 5.5% but not exceeding 15%) containing 12 bottles of 75cl @ 7% Alcohol:

- Convert to bulk hectolitres (hl): $12 \times 0.75 / 100 = 0.09$ hl.
- The duty rate for the produce is then applied to bulk volume calculated.
- Obtain the duty rate from Part 12 Volume 1 of the Tariff.
- Multiply the bulk hectolitres by the current rate of duty), i.e. £158.69 per hl (April 2003).
- Therefore the duty on a case is: $12 \times 0.75 / 100 \times £158.69 = £14.28.$

Beer

Beer is calculated by converting the bulk litres into hectolitres and multiplying by the alcohol by volume (abv) figure declared. The current Excise duty rate is then applied to this figure.

To find the Excise duty on 150 cases of Beer each containing 24 bottles of 33cl 5% abv:

- Convert to bulk hectolitres: $24 \times 0.33 \times 150 / 100 = 11.88$hl.
- The bulk hectolitre figure is multiplied by the declared abv amount: $11.88 \times 5 = 59.4 \text{ hl}\% \text{ abv}.$
- Obtain the duty rate from Part 12, Volume 1 of the Tariff.
- Multiply the hl\% abv amount by the current Beer duty rate. The current rate (April 2003) is £12.22.
- Therefore the duty on 150 cases is: £12.22 x 59.4 = £725.87.

Spirits

Duty is charged to the alcohol content. This is calculated by multiplying the bulk litres by the percentage proof of the product. The Excise duty is then obtained by multiplying this amount by the spirit duty rate.
To calculate the Excise duty on a 100 cases of 40% whisky each containing 12 x 75cl.

- Volume per case: $12 \times 0.75 = 9$ litres.
- Alcohol volume is then calculated as: $40\%$ of 9 litres = $0.40 \times 9 = 3.6$ litres of alcohol.
- Total alcohol volume for the consignment: $100 \times 3.6 = 360$ litres of alcohol.
- The current rate of duty (April 2003) for spirits is £19.56 per litre of alcohol.
- Therefore the duty on 100 cases is: $360 \times 19.56 = £7041.60$.

**Glossary**

**AAD:** Administrative Accompanying Document for goods moving in excise duty suspension between EC member states.

**CEMA:** The Customs & Excise Management Act 1979.

**Chewing tobacco:** Block of compacted tobacco, similar in nature to resin (other forms are possible), which is chewed in order to extract the nicotine from the tobacco. Liable to tobacco products duty.

**Consignee:** The person to whom duty suspended goods are consigned and who accounts for those goods in the Member State of destination. This may be:

- a warehousekeeper who is approved to store the goods in duty suspension;
- a registered trader who accounts for duty on arrival; or
- a non-registered trader who must have accounted for the duty to his fiscal authority before the goods are despatched. The movement is authorised.

**Consignor:** The authorised person from whose premises goods are despatched in duty suspension.

**Duty Stamp:** A stamp attached to spirits, with an abv of 30 % or above in bottle sizes of 35 cl or above to indicate that UK duty has been or will be paid.

**EGAD:** The Excise Goods (Accompanying Documents) Regulations 2002 (SI 2002 No.501)

**Excise duty:** For the purpose of this notice, an indirect tax on certain goods, for example, beer, wine, made-wine, cider, perry, spirits, mineral oil, cigarettes and other tobacco products. Both UK-produced and imported goods are subject to excise duty.
Excise goods: Goods which are liable to excise duty.

Fiscal mark: In the context of this notice: A mark carried on packets of cigarettes and hand-rolling tobacco indicating that tobacco products duty has been paid.


Occasional Importers: For the purpose of this notice, Occasional Importers are traders who may obtain excise goods commercially from other EU countries, on a one-off, or infrequent basis, in the course of their business.

Revenue trader: In the context of this notice, anyone carrying on a trade or business concerned with the buying, selling, importation, exportation, dealing in, or handling, financing or facilitation of excise goods, and the financing or facilitation of any such transactions or activities. For full definition see the "Customs and Excise Management Act 1979", section 1 "Interpretation").


SAAD: Simplified Administrative Accompanying Document for duty paid goods moving between EC member states.

Specified tobacco products: In the context of this notice, “specified tobacco products" are those tobacco products listed in regulation 21(2) of “The Tobacco Products Regulations 2001”. Those products are:

- cigarettes; and
- hand-rolling tobacco (with the exception of hand-rolling tobacco which is intended for retail sale in loose form and is supplied by the manufacturer or importer in packets containing 500 grams or more).

Supplier: In the context of this notice a person who supplies duty paid excise goods.

Tariff: The short title for the Integrated Tariff of the United Kingdom which sets out information about:

- the valuation of goods for import duty purposes, including excise and VAT duties
- measures affecting the import, export and transit of goods.

Tax warehouse: An EU term for premises approved under the legislation of the Member State in which the premises are located for the:

- production;
- processing;
• holding;
• receipt; or
• dispatch

of excise goods under duty-suspension arrangements.

VAT: Value Added Tax is charged on the importation of goods at the same time as if the goods had been supplied in the UK. It is chargeable in addition to customs/ excise duties – calculated on a value which includes such charges.

Do you have any comments?

We would be pleased to receive any comments or suggestions you may have about this notice. Please write to:

HM Revenue & Customs
3rd Floor West
Ralli Quays
3 Stanley Street
SALFORD
M60 9LA

Please note this address is not for general enquiries. You should ring our National Advice Service about those.

If you have a complaint or suggestion

If you have a complaint please try to resolve it on the spot with our officer. If you are unable to do so, or have a suggestion about how we can improve our service, you should contact one of our Regional Complaints Units. You will find the telephone number under ‘Revenue & Customs’ or under ‘Customs and Excise’ in your local telephone book. Ask for a copy of our code of practice ‘Complaints and putting things right’ (Notice 1000). You will find further information on our website at http://www.hmrc.gov.uk.

If we are unable to resolve your complaint to your satisfaction you can ask the Adjudicator to look into it. The Adjudicator, whose services are free, is a fair and unbiased referee whose recommendations are independent of HM Revenue & Customs.

You can contact the Adjudicator at:

The Adjudicator’s Office
Haymarket House
28 Haymarket
LONDON
SW1Y 4SP
Notice 204 Occasional Importers – EU trade in excise goods
July 2006

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