



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

Customs revenue officials

11 Designation of customs revenue officials

- (1) The Director of Border Revenue may designate—
 - (a) an immigration officer, or
 - (b) any other official in the department of the Secretary of State by whom general customs functions are exercisable,as a customs revenue official.
- (2) A customs revenue official—
 - (a) has, in relation to a customs revenue matter, the same functions as an officer of Revenue and Customs would have, and
 - (b) may exercise the functions conferred on the Director by section 7 (customs revenue functions).
- (3) If a function within subsection (2) is exercisable—
 - (a) in relation to a customs revenue matter, and
 - (b) in relation to any other matter,the function is exercisable by a customs revenue official in relation to the customs revenue matter only.
- (4) So far as is appropriate for the purposes of or in connection with this section, references to an officer of Revenue and Customs, or to Her Majesty's Revenue and Customs, in an enactment, instrument or document to which this section applies are to be construed as including a reference to a customs revenue official.

Changes to legislation: *Borders, Citizenship and Immigration Act 2009, Cross Heading: Customs revenue officials is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) References in this section to functions of an officer of Revenue and Customs are to functions conferred by an enactment to which this section applies.
- (6) This section applies to—
 - (a) an enactment passed or made, or an instrument or document issued, before this Act is passed, and
 - (b) subject to express provision to the contrary, an enactment passed or made, or an instrument or document issued, after this Act is passed.
- (7) This includes—
 - (a) section 2(4) of the Commissioners for Revenue and Customs Act 2005 (c. 11) (continuation of anything begun by one officer by another),
 - (b) section 6 of that Act (officers' initial functions),
 - (c) section 25(1), (1A) and (5) of that Act (conduct of civil proceedings),
 - (d) section 25A(1) of that Act (certificates of debt),
 - (e) section 26 of that Act (rewards),
 - (f) section 31 of that Act (obstruction),
 - (g) section 32 of that Act (assault), and
 - (h) section 33 of that Act (power of arrest) other than in its application to an offence under section 30 of that Act (impersonation),
 but does not otherwise include any enactment contained in that Act.
- (8) This section has effect subject to—
 - (a) any limitation specified in the official's designation under section 12 (supplementary provisions about designation), and
 - (b) any designation of the official under section 3 (designation of general customs officials).

12 Designation: supplementary

- (1) A designation under section 11 is subject to such limitations as may be specified in the designation.
- (2) A limitation specified under subsection (1) may, in particular, relate to—
 - (a) the functions that are exercisable by virtue of the designation, or
 - (b) the purposes for which those functions are exercisable.
- (3) A designation under section 11—
 - (a) may be permanent or for a specified period,
 - (b) may (in either case) be withdrawn, and
 - (c) may be varied.
- (4) The power to designate, or to withdraw or vary a designation, is exercised by the Director of Border Revenue giving notice to the official in question.
- (5) The Director may designate an official under section 11 only if the Director is satisfied that the official—
 - (a) is capable of effectively carrying out the functions that are exercisable by virtue of the designation,
 - (b) has received adequate training in respect of the exercise of those functions, and

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(c) is otherwise a suitable person to exercise those functions.

13 Directions by the Director

A customs revenue official must comply with the directions of the Director of Border Revenue in the exercise of customs revenue functions.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)