



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

General customs functions of the Secretary of State

2 Power of Secretary of State to modify functions

- (1) The Secretary of State may by order—
 - (a) amend section 1(2) (matters that are general customs matters) so as to add, modify or remove a matter;
 - (b) amend that section so as to exclude its application in relation to a function of the Commissioners for Her Majesty's Revenue and Customs or to modify or remove a reference to a function previously so excluded;
 - (c) make provision for that section to apply in relation to a function conferred on the Commissioners by an enactment passed or made after the end of the session in which this Act is passed;
 - (d) modify any enactment (including an enactment passed or made after the passing of this Act) in consequence of provision made under any of paragraphs (a) to (c);
 - (e) make provision for a function of the Secretary of State or general customs officials to be treated, or not to be treated, as a general customs function.
- (2) The power under subsection (1)(a) may not be exercised to add any of the following to section 1(2)—
 - (a) a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 (c. 11),
 - (b) value added tax,
 - (c) a customs revenue matter (as to which, see section 7), or

Changes to legislation: *Borders, Citizenship and Immigration Act 2009, Section 2 is up to date with all changes known to be in force on or before 14 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*

- (d) a matter listed at section 7(2)(e).
- (3) The Secretary of State must consult the Treasury before exercising the power under this section.

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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](#)