



HARBOURS & PILOTAGE COMMITTEE

A COMMITTEE OF THE CHIEF PLEAS OF SARK
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In response to a request for clarification from the Harbours and Pilotage Committee about approved ports into the Bailiwick of Guernsey, Chief Officer Rob Prow of The Guernsey Border Agency responded with the following statement: -

- **Legislation:** The customs Law of 1972 (as amended) applies to the whole Bailiwick. Sark is not a Customs approved Port under this Law. The extended Immigration Acts also apply Bailiwick wide. Sark has no Import & Export legislation so it has no protection should goods (all manner of restrictions inc. firearms, explosives, offensive weapons, dual use goods, WMD, CITES, counterfeit goods, trade sanctions et al) be allowed to enter directly without first being cleared through an approved port.
- **Indirect taxation:** Sark's excise duty is collected by the GBA in Guernsey upon export to Sark. If the Customs port approval situation was to change Sark's duty collection arrangements would need to be re-visited.
- **Freight controls:** The Bailiwick of Guernsey, whilst not in the EU, is part of the Customs territory of the EEC. This means that goods imported require clearance in accordance with compliance to EU Customs regulations.
- **Passport controls:** The Bailiwick of Guernsey is part of the Common Travel Area. All passengers who arrive directly from outside of the CTA must be examined by an accredited Officer, passports electronically scrutinised and Home Office warning index checks initiated. The UK has the power to remove the Bailiwick from the CTA if the controls do not match those in place in the UK.
- **Customs & Immigration resources:** In a modern and sometimes dangerous world, trained and accredited Officers are required to discharge these statutory based regimes. Drug trafficking, financial crime and immigration legislation is extremely complex and criminals ever more sophisticated. In addition Human Rights based legislation provides a demanding framework of compliance.
- **Reputational issues:** The Bailiwick is under scrutiny internationally (IMF, OECD, EU Commission et al) and with regard to good governance from the UK. Our performance in relation to international drug trafficking (Vienna convention) immigration controls (Membership of CTA) and financial crime (FATF - Anti Money laundering requirements) means that the GBA has to discharge its responsibilities across the Bailiwick to the levels expected of it.

- **Commercial services:** Whilst the law does not distinguish between commercial or private voyages, the GBA has always applied a risk based approach to enforcing the approved port regime. As with the many small harbours and anchorages around the Bailiwick the GBA generally sees commercial movements as the highest risk. This is particularly so with regard to Sark which, as said, has no Import or Export legislation and excise duty is collected on Sark's behalf. The private vessel, smuggling, immigration and other crime risk is managed throughout the Bailiwick by Leopardess patrols and occasional visits. When private vessels are intercepted, if there are no other aggravating circumstances (e.g. other offences detected) those vessels are simply warned that they should seek clearance at an approved port first. Indeed the GBA has never sought to apply controls on private vessels from Jersey or of course intra-island.
- **Resources & logistics:** For a port to become Customs approved there are requirements that would need to be resourced. Passenger examination requires passport control facilities, search benches, search equipment and private interview rooms, commensurate to the services envisaged. The Port would also require fully appointed, trained and accredited Officers to man those control points. By way of example Braye Harbour in Alderney is an approved Port and is so resourced. Such resources, facilities, Officer training and accreditation, come at a considerable cost and the GBA is not currently resourced to meet those costs and neither does Sark's harbour have any customs or passport examination infrastructure.

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