

THE CUSTOMS ACT 1988

Regulations made by the Minister under section 163 of the Customs Act 1988

1. These regulations may be cited as the Customs (Computer Document) Regulations 1994.
2. In these regulations—
 - “Act” means the Customs Act 1988;
 - “computer” means any device for processing and storing information, and any reference to information being derived from other information is a reference to its being derived therefrom by calculation, comparison or any other process.
3. Where a computer system has been approved by the Comptroller under section 16A of the Act, the conditions to be satisfied for the purpose of section 158A of the Act are that—
 - (a) the statement contained in the document was processed by the computer during a period over which the computer was being used to process and store information; and
 - (b) throughout the material period the computer was operating properly or, if not, that in any respect in which it was not operating properly or was out of operation during that part of the material period was not such as to affect the processing or storing of the statement contained in the document or the accuracy of its contents.
4. For the purposes of section 16A of the Act, where over any period the function of processing or storing information in relation to any activities carried on over that period was performed by computers whether—
 - (a) by a combination of computers operating over that period;
 - (b) by different computers, or by different combination of computers, operating in succession over that period;
 - (c) in any other manner involving the successive operation over that period, in whatever order, of one or more computers or one or more combination of computers,all the computers used for that purpose during that period shall be treated for the purposes of section 16A of the Act as constituting a single computer and references in the Act to a computer shall be construed accordingly.
5. For the purposes of section 158A of the Act—
 - (a) information shall be taken to be supplied to a computer where it is supplied thereto in any appropriate form and whether it is so supplied directly, or by means of any appropriate equipment, with or without human intervention;
 - (b) the document shall be taken to be produced by a computer whether it was produced by it directly, or by means of any appropriate equipment, with or without human intervention.
6. In any proceedings where a document containing a statement is produced by virtue of section 158A of the Act, a certificate—
 - (a) identifying the document containing the statement and describing the manner in which it was produced;
 - (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
 - (c) dealing with any of the matters to which the conditions specified in regulation 3 relate,

and purporting to be signed by a person holding a responsible position in relation to the operation of the relevant device or the management of the

relevant activities, as the case may be, shall be evidence of any matter stated in the certificate.

7. These regulations shall be deemed to have come into operation on 28 July 1994.

Made by the Minister on 26 August 1994.

Note: The electronic version of the enactments is for information purposes only. The authoritative version is the printed version.

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