

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR* HOME AFFAIRS**

AMENDMENTS TO CUSTOMS LEGISLATION – APPOINTMENTS OF PORTS, AIRPORTS,  
BOARDING STATIONS

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Amendments to Customs Legislation – Appointments of ports, airports, boarding stations”, dated 17<sup>th</sup> March 2025, they are of the opinion:-

1. To agree that the Committee *for* Home Affairs should have power to authorise persons to land goods and passengers at places other than an approved port, subject to specified conditions and restrictions, as further set out in section 3 of this Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

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AMENDMENTS TO CUSTOMS LEGISLATION – APPOINTMENTS OF PORTS, AIRPORTS,  
BOARDING STATIONS

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

17th March 2025

Dear Sir

**1 Executive Summary**

- 1.1 The purpose of this Policy Letter is to seek approval from the States of Deliberation to amend the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 (“the Customs Law”), and make appropriate consequential amendments to other related provisions, to provide legal provisions that would, in specific circumstances, enable the Committee *for* Home Affairs (“the Committee”) to authorise goods and passengers to be landed elsewhere than at a port or airport which has been appointed for the purpose of customs and excise.

**2 Background**

- 2.1 Any goods<sup>1</sup> imported into the Bailiwick must first be landed at a port or airport which has been appointed by the Committee for the purpose of customs and excise (hereafter referred to as an “approved port”). Under the Customs and Excise (Approved Ports) (Bailiwick of Guernsey) Order, 2019 (“the Approved

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<sup>1</sup> The Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 defines “goods” to include stores and baggage.

Ports Order”), the Committee has appointed the following areas as approved ports:

- St Peter Port Harbour, Guernsey
- St Sampson’s Harbour, Guernsey
- Braye Harbour, Alderney
- Guernsey Airport
- Alderney Airport

2.2 Approved ports are required for customs and excise purposes to allow for the appropriate and effective loading and unloading of goods and the embarkation and disembarkation of passengers, which allows customs duties to be conducted in the most effective manner possible. They require a suitable and effective infrastructure to be in place to achieve this.

2.3 The infrastructure for approved ports needs to meet customs, immigration and security control requirements to comply with stricter post Brexit requirements, including how Sanitary and Phytosanitary (SPS) goods and Safety and Security matters are dealt with, and suitably trained personnel to deal with such matters. As an example, the infrastructure would need to include: a segregation between cleared and uncleared passengers; an immigration control point; initial customs challenge/search facility; further private facility for more detailed/intrusive search; and remote IT set up. The port would also need to comply with the International Ship & Port Facility Code (ISPS) which includes the provision of a security plan linked to tiered threat levels. Therefore, it is a significant investment to become and maintain an approved port.

2.4 Under relevant provisions of customs legislation<sup>2</sup>, it is an offence to land goods anywhere other than at an approved port. In cases where the intended destination of a vessel (or aircraft), commencing its journey from a place outside of the Bailiwick, is not an approved port (i.e. Herm or Sark), all goods and passengers are required to first be landed at one of the approved ports before proceeding onto their intended destination.

2.5 There are circumstances when permitting such activity is appropriate, normally in support of a Bailiwick interest, such as encouraging tourism, and where

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<sup>2</sup> Section 7(6) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972; Article 2(1) of the Import (Control) (Guernsey) Order, 2010; and Article 2(1) of the Import (Control) (Alderney) Order, 2010.

upholding that goods and passengers are first landed at an approved port (which may involve significant additional distances for operators) is not proportionate to the low risk it poses to customs controls. Where the Committee is satisfied that customs controls can be adequately applied and that the Bailiwick's border security can be maintained, it is considered expedient to allow such activity<sup>3</sup>.

- 2.6 Being an archipelago, the Bailiwick has several smaller ports and landing points which do not have the adequate infrastructure or appropriate facilities (as outlined previously) to be appointed as an approved port but are suitable for landing limited volumes of goods and passengers from outside of the Bailiwick.
- 2.7 Providing a legal power for the Committee to authorise such activity will enable requests from vessel and aircraft operators (to land directly into ports and areas which are not formally appointed as approved ports) to be appropriately considered. Where authorised, appropriate conditions would be issued, and non-compliance would be an offence under the legislation. This would enable the Guernsey Border Agency to regulate the matter on a firmer legislative basis and take enforcement action where necessary.

### **3 Proposal**

- 3.1 This Policy Letter is proposing to make an amendment to the relevant provisions of customs legislation to include the provision for the Committee to authorise persons to land goods and passengers at places other than an approved port, subject to certain conditions and restrictions.
- 3.2 The Committee would publish criteria setting out the circumstances when authorisation would be considered and the conditions and restrictions that would likely be imposed. The Bailiwick's interests, such as encouraging tourism, and reducing commercial costs by avoiding lengthier journeys to call at an approved port purely for administrative purposes, will be factored into the criteria. Ultimately, border security and the ability to adequately apply customs controls would underpin the outcome of any request.

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<sup>3</sup> The Committee *for* Home Affairs has previously issued a limited number of administrative concessions to facilitate the landing of goods and passengers in these circumstances. These concessions include the direct landing of 'day trip' passengers from Jersey into Sark and direct landings of helicopters into Brecqhou and Jethou.

- 3.3 Authorisations would not be granted where the principles extend beyond that of those currently given to vessel and aircraft operators on an administrative basis. For example, vessels carrying passengers arriving from outside the Common Travel Area (who require Immigration clearance), and goods imported from outside the Customs Union (which require full customs import declarations), will fall outside of the scope for authorisation and must continue to arrive at an approved port where the appropriate infrastructure exists for handling such arrivals. This will ensure that the GBA can continue to effectively discharge the Bailiwick's obligations under the Customs Arrangement and membership of the Common Travel Area.
- 3.4 Non-compliance with the conditions and restrictions of an authorisation would be an offence under the proposed provisions and in extreme cases would result in the authorisation being revoked and/or enforcement action being taken.
- 3.5 Approved ports come with certain safeguards, such as set procedures for the loading and unloading of goods, and the embarkation and disembarkation of passengers, together with the presence of Customs officers and appropriate port facilities. Authorisation to operate outside of an approved port is likely to place additional resource requirements upon the Guernsey Border Agency. Therefore, where vessel or aircraft operators are given authorisation to operate outside of an approved port, it is deemed appropriate that a fee be levied to make an application.
- 3.6 The Committee would create an appropriate charging policy for applications depending on their nature, as some applications may be for a single movement whereas others may be required for a regular schedule service; in any case, it is anticipated that authorisations would be for no more than 12 months to enable regular reviews. This charging structure would be based on the principle of cost recovery, principally considering the additional resources that each authorisation would place upon the Guernsey Border Agency.

#### **4 Legislative requirements**

- 4.1 The proposed amendments to the Customs Law are as follows:

1. **Issuance of authorisations**

Provide the ability for the Committee to issue a concession under the

Customs Law to allow goods and passengers to be landed elsewhere than at an approved port. This provision would put the current administrative practice on a legislative foundation. This would ensure that vessel and aircraft operators are compliant with the law and allow non-compliance to be dealt with in a more appropriate manner.

**2. Concession charges**

A provision in the Customs Law to allow for a fee to be charged in respect of applications granted to vessel and aircraft operators allowing goods and passengers to be landed elsewhere than at an approved port.

- 4.2 Consequential amendments to other related legislative provisions such as the Import (Control) (Guernsey) Order, 2010 and the Import (Control) (Alderney) Order, 2010 are likely to be necessary.

**5 Other engagement and consultation**

- 5.1 The Committee, in conjunction with the Law Officers' Chambers has identified the legislative proposals required, as summarised in section 3 of this Policy Letter.
- 5.2 The Committee has also consulted with the States of Alderney and Chief Pleas of Sark so that both islands are fully informed and engaged in this process.

**6 Compliance with Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees**

- 6.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 6.2 In accordance with Rule 4(1):
- a) The propositions contribute to the States' objectives and policy plans in accordance with the Committee's Workplan in order to provide a secure border and facilitate the effective movement of people.
  - b) In preparing the propositions, consultation has been undertaken with the States of Alderney and the Chief Pleas of Sark.

- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) The financial implications to the States of carrying the proposal into effect are set out in section 4 of this Policy Letter.

6.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's purpose and policy responsibilities regarding law enforcement, including policing and customs.
- b) The propositions have the unanimous support of the Committee.

Yours faithfully

R G Prow  
President

S P J Vermeulen  
Vice-President

S Aldwell  
L McKenna  
A W Taylor

P A Harwood OBE  
Non-States Member