

Tel: (0703) 472870

Southampton SO2 5PR

13th. November, 1993

Dear Mr. Webb,

Enclosed is a copy of the letter that I received from a David Hubbard in reply to my letter to Sir John Cope. As you can see from the second paragraph, the interpretation of Section 141(1)(b) of the Customs and Excise Management Act given by, presumably, Mr. Rea is at odds with the action that he has taken in that part of the material seized from me is not of foreign origin, and some of that which is of foreign origin may nevertheless be traded quite legally in this country. I have written to Mr. Rea about this, but as yet have received no reply.

Moving on to another matter, I have also received from my friend David Lass (of the Irish Council for Civil Liberties) some extracts from a book on Customs and Excise Law and Practice written by a Gavin McFarlane. I also enclose copies of these for your information. I hope you find them both interesting and useful.

With kind regards,

Yours sincerely,



*Ed Webb*

RECEIVED 16 NOV 1993

It is of course, not clear that you can recover your seized property. If a person believes that seizure of their goods is unjustified there is a statutory provided right of appeal in Schedule 3 to the Customs and Excise Management Act 1979. Where an appeal is involved Customs are required to maintain possession of the goods pending the appeal. If their representative should attend to show cause why the seized material should not be confiscated or forfeit.

Customs tell me that you are, in fact, not appealed against seizure and that the judicial legal proceedings are the matter to be decided by the court. In these circumstances, I would not wish to comment further on the matters you have raised since they will quite properly be for the court to consider.

I hope that this helps to clarify the position.

Yours sincerely,  
David Hubbard  
DAVID HUBBARD

53/2/mr Hubbard/15.29.10



COPY

Treasury Chambers, Parliament Street,  
London, SW1P 3AG

[REDACTED]  
Southampton  
[REDACTED]

1st November 1993

Dear [REDACTED]

Thank you for your letter of 6 October to the Paymaster General about your treatment by Customs and Excise. I have been asked to reply. I should first make clear that while the Paymaster General has Ministerial responsibility for HM Customs and Excise and for policy in their field, the Commissioners of Customs and Excise are an independent prosecuting authority under statute.

Customs tell me that in applying Section 141(1)(b) of the Customs and Excise Management Act 1979 to your case their intention is to seize only material of foreign origin which cannot be traded lawfully in this country. They believe that all material not falling into this category has been returned to you but will review their action in the light of any evidence you produce to them to the contrary. If you wish to take up this offer you should contact the case officer, Mr M Rea, at Southampton Customs.

It is, of course, not true that you have no recourse in law to recover your seized property. If a person believes that seizure of their goods is unjustified there is a statutorily provided right of appeal in Schedule 3 to the Customs and Excise Management Act 1979. Where an appeal is received Customs are required to institute proceedings for a court to decide whether seizure should be maintained. These are civil proceedings which the appellant or their representative should attend to show cause why the seized material should not be condemned as forfeit.

Customs tell me that you have, in fact, now appealed against seizure and they are instituting legal proceedings for the matter to be decided by the court. In these circumstances, I would not wish to comment further on the matters you have raised since they will quite properly be for the court to consider.

I hope that this helps to clarify the position.

Yours sincerely,

David Hubbard  
DAVID HUBBARD  
Private Secretary