



Briefing Note 7—The Threat of Customs Law

Do you think that:

HM Customs and Excise must have a search warrant to search your home or place of business?

No. HM Customs and Excise can search anywhere, anytime, for any 'prohibited' goods, under sweeping powers granted once in each monarch's reign.

Goods detained by HM Customs and Excise must be returned or action taken within a limited period of time?

No. HM Customs and Excise may keep detained items forever, if they wish, without issuing a Seizure Notice which can be challenged.

Goods imported a long time ago are safe?

No. The length of time since importation makes no difference; books imported ten, twenty, or even fifty years ago can be seized.

The books on your private bookshelf cannot be seized?

Wrong. HM Customs and Excise have the power (although it is seldom used) to seize any imported book from your bookshelf that they consider to be 'indecent' or 'obscene'.

A book found not 'indecent' or 'obscene' cannot be seized again?

Wrong again. If ruled not 'indecent' or 'obscene' only by a magistrate, not the High Court, books can be seized over and over again, at the whim of HM Customs and Excise.

HM Customs and Excise seize only obviously 'pornographic' literature that is otherwise unavailable in the UK?

Not true. HM Customs and Excise can and do seize imported books that, when they are published in the UK, are sold freely.

Your mail from overseas cannot be opened without special permission?

Wrong. HM Customs and Excise can freely open all mail coming into this country, including private letters, on the grounds that they are all imports.

The law makes clear what you can or cannot do?

No. Apart from those titles already declared 'indecent' or 'obscene' by a court, HM Customs and Excise will not tell you which books their officers will detain unless you try to import them, when it's too late.