

# ADVICE TO HOVERSPEED PASSENGERS FOLLOWING THE RECENT HIGH COURT JUDGMENT

## HOVERSPPEED v HM CUSTOMS & EXCISE

### 1 What amount of goods can I bring back with me?

You can bring in an unlimited amount of cigarettes or alcohol bought in other Member States of the European Community (including France and Belgium) providing the goods are for your own personal use and are not being brought in for "commercial purposes".

### 2 What are "commercial purposes"?

If you are selling the goods. Also it appears that goods bought on behalf of others are in general to be treated as not for personal use and therefore "commercial" in a special sense if any money or money's worth is to be given in return for the goods. Goods purchased as a present should not be treated as being held for a "commercial purpose".

### 3 On what basis can Customs stop me?

Customs have to have reasonable grounds (based on specific information or on your specific behaviour) to suspect that you are holding goods "for commercial purposes" before they can lawfully stop and search you.

### 4 On what basis can Customs seize my goods?

Customs are entitled to seize your goods if they establish that they are held "for commercial purposes". They must act reasonably and give you a fair chance to explain yourself.

### 5 What should I do if I am stopped by Customs?

Ask why they have stopped you, and why they suspect you of having committed an offence. You should answer questions truthfully and openly. The burden of proof is on Customs to show that you are bringing the goods in for commercial purposes rather than for your own personal use. If you have any difficulty with HM Customs & Excise you should report your concerns to Hoverspeed's 'Customs Advisory Desk', located in the passenger arrivals hall opposite the baggage carousels.