

**Powers, Professionalism &
Standards**

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To
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20 March 2012

Reference Numbers: **21785(21615), 21979 and 19924**

Dear Mr Ibbotson

Thank you for your e-mails of 21 February, 7 March and 9 March 2012. Your requests have been handled as requests for information under the Freedom of Information Act 2000.

I have provided an answer to your questions below:

21 February 2012. Ref 21785(21615) - Question: *“Under what if any circumstances will the form [C125] NOT list the reasons why the goods have been detained???”*

Answer: If the Detention Form (125) is issued, we would always expect it to include the reason why the goods were detained.

7 March 2012. Ref 21979 - Question: *“CEMA 1979 Section 78 (2) Any person entering or leaving the United Kingdom shall answer such questions as the proper officer may put to him with respect to his baggage and any thing contained therein or carried with him, and shall, if required by the proper officer, produce that baggage and any such thing for examination at such place as the Commissioners may direct.*

Who do the commissioners consider to be 'proper officers'.”

Answer: Section 1 of the Customs and Excise Management Act 1979, defines “proper”:

“Proper, in relation to the person by, with or to whom, or the place at which, anything is to be done, means the person or place appointed or authorised in that behalf by the Commissioners.”

Reference to the Commissioners can be read as Secretary of State or Director of Border Revenue under the Borders, Citizenship and Immigration Act 2009.

9 March 2012. Ref. 19924 - Question: *“Have there been any changes to the instructions given to officers or changes to the manuals regarding interviews since 3rd October 2011?”*

Answer: Yes. In November 2011:

- a new chapter was added setting out that Excise Civil Interviews should not be tape recorded by staff but a contemporaneous written record should be made in an officer's notebook.
- an amendment was made to the page “Excise and Civil Interviews” amending it to read:

“Note: If a member of the public chooses to use their own recording equipment, such as a mobile phone or video camera, to make an audio or video record of the interview, officers cannot prevent them from doing so. However, officers should try to dissuade individuals from making the record by explaining that a full and accurate record of the interview will be made and they will have the opportunity to read, agree or have comments added at the end of the record.

If an individual persists in making a recording, officers are not obliged to make any special amendments to their usual business processes or to the location of the interview in order to accommodate a recording. Similarly, officers are not obliged to have their image recorded and can politely ask that the use of recording equipment is directed away from them.”

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference FOI **21785(21615), 21979 and 19924**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Core Home Office, IPS and UK Border Agency cases:
Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: FOIRequests@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

The Powers, Professionalism & Standards Team