

PART X
Offences

Unlawful assumption
of character of
Comptroller or
officer

104. (1) If, for the purpose of obtaining admission to any aircraft, vessel, building or other place, or of doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, any person falsely assumes the name, designation or character of the Comptroller, or an officer or of any other person appointed by the Comptroller to discharge any duty relating to an assigned matter, he may be arrested and, in addition to any other proceedings which may be taken against him, he shall be guilty of an offence and liable to a fine of ten thousand dollars, or to imprisonment for two years, or to both.

Bribery and
collusion.

105. (1) If the Comptroller, an officer or any other person appointed by the Comptroller to discharge any duty relating to an assigned matter –

- (a) directly or indirectly asks for or takes in connection with any of his duties any payment or other reward whatsoever, whether pecuniary or other, or any promise or security for any such payment or reward, not being a payment or reward which he is lawfully entitled to claim or receive; or
- (b) enters into or acquiesces in any agreement to do, abstain from doing, permit, conceal or connive at any act or thing whereby the Government is or may be defrauded or which is otherwise unlawful, being an act or thing relating to an assigned matter,

he shall be guilty of an offence and liable to a fine of ten thousand dollars or to imprisonment for two years, or to both.

(2) If any person –

- (a) directly or indirectly offers or gives to the Comptroller, to an officer or to any other person appointed by the Comptroller to discharge any duty relating to an assigned matter any payment or other reward whatsoever, whether pecuniary or other, or any promise or security for any such payment or reward; or
- (b) proposes or enters into any agreement with the Comptroller, officer or other person so appointed,

in order to induce him to do, abstain from doing, permit, conceal or connive at any act or thing whereby the Government is or may be defrauded or which is otherwise, being an act or thing relating to an assigned matter, or otherwise to take any course contrary to his duty, he shall be guilty of an offence and liable to a fine of ten thousand dollars, or to imprisonment for two years, or to both, and may be arrested.

Offences against
officers.

106. (1) Any person who –

- (a) obstructs, hinders, molests or assaults any officer engaged in the performance of any duty or the exercise of any power, imposed or conferred on him by any customs enactment, or any person acting in his aid; or
- (b) does anything which impedes or is calculated to impede the carrying out of any search for anything which is liable to forfeiture or the detention, seizure or removal of any such thing; or
- (c) rescues, damages or destroys anything which is liable to forfeiture or does anything calculated to prevent the procuring or giving of evidence as to whether or not anything is liable to forfeiture; or
- (d) prevents the arrest of any person under any customs enactment or rescues any person so arrested; or

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- (e) attempts to do any such act, specified in subsections (a), (b), (c) and (d) or aids and abets any person doing such an act,

shall be guilty of an offence and liable to fine of ten thousand dollars, or to imprisonment for two years, or to both.

(2) Any person who fires upon, maims or wounds any officer in the performance of his duty shall be guilty of an offence and liable to a fine of ten thousand dollars or to imprisonment for ten years or to both.

(3) If any person uses abusive, offensive or threatening language to any officer engaged in the performance of any duty or the exercise of any power imposed or conferred on him by any customs enactment, he shall be guilty of an offence and liable to a fine of five thousand dollars.

Carrying away officers.

107.(1) If any vessel or aircraft departs from Saint Christopher and Nevis carrying on board without his consent any officer, the master of that vessel or the commander of that aircraft shall be guilty of an offence and liable to a fine of ten thousand dollars.

(2) Without prejudice to the liability of any person under subsection (1), the amount of any expenses incurred by the Comptroller or the Government by reason of the carrying away of any officer may be recovered from that person or from the owner of the vessel or aircraft.

Interfering with customs vessels.

108.(1) If any person, save for just and sufficient cause, interfered in any way with any vessel, aircraft, vehicle, buoy, anchor, chain, rope or mark or anything which is being used by an officer in the performance of his duty, he shall be guilty of an offence and liable to a fine of five thousand dollars or to imprisonment for two years or to both.

(2) If any person fires upon any vessel, aircraft or vehicle being used by an officer in the performance of his duty, he shall be guilty of an offence and liable to imprisonment for ten years and may be arrested.

Signalling to smugglers.

109.(1) In this section reference to a "prohibited signal" or a "prohibited message" are references to a signal or message connected with the smuggling or intended smuggling of goods into or out of Saint Christopher and Nevis.

(2) If any person by any means sends any prohibited signal or transmits any prohibited message from any place in Saint Christopher and Nevis or from any vessel or aircraft, for the information of any person in any vessel or aircraft, he shall be guilty of an offence and liable to a fine of five thousand dollars, or to imprisonment for twelve months, or to both and may be arrested, and any equipment or apparatus used for the sending of the signal or message shall be liable to forfeiture.

(3) Subsection (2) applies whether or not the person for whom the signal or message is intended is in a position to receive it or is actually engaged at that time in smuggling.

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(4) If, in any proceedings against a person under subsection (2), any question arises as to whether any signal or message was a prohibited signal or a prohibited message, the burden of proof shall lie on the defendant.

(5) If any officer or police officer has reasonable grounds to believe that a prohibited signal or a prohibited message is being or is about to be made or transmitted from any vessel, aircraft, vehicle, building or other place in Saint Christopher and Nevis he may board or enter that vessel, aircraft, vehicle, building or other place in Saint Christopher and Nevis, and take such steps as are reasonably necessary to stop to prevent the sending of that signal or message.

110. Save as the Comptroller may otherwise permit, if any person on board any vessel, communicates in any way with any vessel arriving from a place outside Saint Christopher before that arriving vessel has been cleared by an officer, he shall be guilty of an offence and liable to a fine of five thousand dollars or to imprisonment for two years or to both.

Communicating
with arriving vessels.

111. If any person offers for sale any goods as having been imported without payment of duty, or as having been otherwise unlawfully imported, then, whether or not those goods were in fact chargeable with duty or were so imported, the goods shall be liable to forfeiture and the person so offering them for sale shall be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the goods, whichever is the greater, or to imprisonment for two years or to both.

Offering goods
for sale as
smuggled
goods.

112. If any person concerned in the movement, carrying or concealment of goods –

Special penalty
where offender
armed or disguised.

- (a) contrary to or for the purpose of contravening any prohibition or restriction for the time being in force under or by virtue of any enactment with respect to the importation, exportation or carriage coastwise of those goods; or
- (b) without payment having been made of or security given for any duty payable on those goods,

and, while so concerned, is armed with any offensive weapon or disguised in any way, and if any person so armed or disguised is found in Saint Christopher and Nevis in possession of anything which is liable to forfeiture under any customs enactment, he shall be guilty of an offence and liable to imprisonment for five years.

113. (1) If any person –

Untrue declarations.

- (a) makes or signs, or causes to be made or signed, or delivers or causes to be delivered to the Comptroller or an officer, any declaration, notice, certificate or other document; or

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- (b) makes any statement in answer to any question put to him by an officer which he is required by or under any enactment to answer,

being a document or statement produced or made for any purpose of any assigned matter, which is untrue in a material particular, he shall be guilty of an offence and liable to a fine of five thousand dollars, and any goods in relation to which the document or statement was made shall be liable to forfeiture.

- (2) If any person knowingly or recklessly –

- (a) makes or signs, or causes to be made or signed or delivers or causes to be delivered to the Comptroller or an officer, any declaration, notice, certificate or other document; or
- (b) makes any statement in answer to any question put to him by an officer which he is required by or under any enactment to answer,

being a document or statement produced or made for any purpose of an assigned matter, which is untrue in a material particular, he shall be guilty of an offence and liable to a fine of ten thousand dollars, or to imprisonment for two years, or to both, and may be arrested, and any goods in relation to which the document or statement was made shall be liable to forfeiture.

(3) Where by reason of any such document or statement as is mentioned in subsection (1) or (2), the full amount of any duty payable is not paid or any overpayment is made in respect of any drawback, allowance, rebate or repayment of duty, the amount of duty unpaid or of the overpayment shall be payable immediately to the Comptroller, and may be recovered accordingly.

114. If any person –

- (a) counterfeits or falsifies any document which is required by any enactment relating to an assigned matter or which is used in the transaction of any business relating to an assigned matter;
- (b) knowingly accepts, receives or uses any such document so counterfeited or falsified; or
- (c) alters any such document after it has been officially issued; or
- (d) counterfeits any seal, signature, initials or other mark of, or used by, any officer for the verification of such a document or for any other purpose relating to an assigned matter,

he shall be guilty of an offence and liable to a fine of ten thousand dollars, or to imprisonment for two years, or to both.

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115. (1) If any person required by any customs enactment to provide scales, provides, uses or permits to be used any scales which do not give true reading, he shall be guilty of an offence and liable to a fine of five thousand dollars.

False scales.

(2) Where any articles is or is to be weighed, counted, gauged or measured for the purpose of the taking of an account or the making of an examination by an officer, then if –

- (a) any such person as is mentioned in subsection (1); or
- (b) any person by whom or on whose behalf the article is or is to be weighed, counted, gauged or measured,

does anything whereby the officer is or might be prevented from, or hindered or deceived in, taking a true account or making a due examination, he shall be guilty of an offence and liable to a fine of five thousand dollars.

(3) In this section, "scales" includes weights, measures and weighing or measuring machines or instruments.

116.(1) Without prejudice to any other provision of any customs enactment, if any person –

Fraudulent evasion.

- (a) knowingly acquires possession of any of the following goods, that is to say –
 - (i) goods which have been unlawfully removed from a warehouse or a Customs warehouse, or
 - (ii) goods which are chargeable with a duty which has not been paid, or
 - (iii) goods with respect to the importation, exportation or carriage coastwise of which any prohibition or restriction is for the time being in force under or by virtue of any enactment; or
- (b) is in any way knowingly concerned in carrying, removing, depositing, landing, harbouring, keeping or concealing or in any manner dealing with any such goods,

and does so with fraudulent intent, he shall be guilty of an offence and liable to a fine of ten thousand dollars, or three times the value of the goods, whichever is the greater, or to imprisonment for five years, or to both, and may be arrested, and the goods in respect of which the offence was committed shall be liable to forfeiture.

(2) Without prejudice to any other provision of any customs enactment, if any person is, in relation to any goods, in any way concerned in a fraudulent evasion or attempt at evasion –

- (a) of any duty chargeable on those goods; or
- (b) of any prohibition or restriction for the time being in force with respect to the importation, exportation or

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carriage coastwise of those goods under or by virtue of any enactment,

and is concerned with fraudulent intent, he shall be guilty of an offence and liable to a fine of ten thousand dollars, or to three times the value of the goods, whichever is the greater, or to imprisonment for five years, or to both, and may be arrested, and the goods in respect of which the offence was committed shall be liable to forfeiture.

Removing locks, seals or marks.

117.(1) Where, in pursuance of any power conferred by any customs enactment, any lock, seal or mark is used to secure or identify any goods, or place or container in which goods are kept then if, without the authority of the proper officer –

- (a) that lock, seal or mark is unlawfully and prematurely removed or tampered with by any person; or
- (b) at any time before the lock, seal or mark is lawfully removed, any of the goods are wilfully removed by any person,

that person and the person then in charge of the goods shall be guilty of an offence and liable to a fine of five thousand dollars or three times the value of the goods removed whichever is the greater and the goods shall be liable to forfeiture.

(2) For the purposes of subsection (1), goods in a vessel or aircraft shall be deemed to be in the charge of the master of that vessel or the commander of that aircraft.

Penalty for violation of customs law not expressly provided for.

118. If any person violates the provisions of any customs law or of any Regulation, Rule, Proclamation, Order, notice or directive in the *Gazette* relating to customs, for which violation no specific penalty is enacted such person shall be liable to a fine of five thousand dollars.