

**PART II**  
**Administration**

Comptroller of  
Customs.

4. (1) There shall be a Comptroller whose office shall be a public office and who shall, subject to the general control of the minister, to be charged with the duty of collecting and accounting for, and otherwise managing, the revenue of customs.

(2) The Comptroller shall be responsible for the administration of this Act and for any other enactment relating to any assigned matter.

(3) All sums collected under the customs enactment shall, as soon as practicable, be paid by the Comptroller to the Accountant General for the benefit of the general revenue of Saint Christopher and Nevis.

Delegation and  
appointment by  
the Comptroller.

5. (1) Any act or thing required or authorised by any customs enactment to be done by the Comptroller may be done by any officer authorised generally or specifically in that behalf, in writing or otherwise, by the Comptroller, except that where, for any reason, the post of Comptroller for any time is unfilled, any authorisation given by a previous Comptroller which has not been revoked shall continue in force until revoked by any person subsequently appointed as Comptroller.

(2) Any person appointed by the authority or with the concurrence of the Comptroller (whether previously or subsequently expressed) to perform any act or duty relating to an assigned matter which by law may or is required to be performed by an officer, shall be deemed to be an officer.

(3) Any person deemed by virtue of subsection (2) to be an officer shall have the powers of an officer in relation to the act or duty to be performed by him.

(4) If any officer or other person who has been authorised in writing by the Comptroller to do any thing fails when required to do so by the Comptroller to return to him that written authority, he shall be guilty of an offence and liable to a fine of five thousand dollars and if the failure continues after he is convicted therefor he shall be guilty of a further

*The Customs (Control and Management) Act, 1992 – 4.*

offence and be liable to a penalty not exceeding one hundred dollars for every day on which the offence is so continued.

(5) Where any act is required by an enactment to be done in any particular place it shall be deemed to be done in such place if done in any other place authorised by the Comptroller for the purpose.

(6) The Comptroller may make directions specifying the forms in relation to any assigned matter as he thinks fit.

6. (1) Subject to subsection (2), any person appointed or employed in carrying out any requirement of or any duty imposed or any power granted by any customs enactment, who –

Obligation of  
secrecy.

(a) discloses to an authorised person any document, information or confidential instruction, which has come into his possession or to his knowledge in the course of his duties, or

(b) permits any unauthorized person to have access to any records in his possession or custody,

shall be guilty of an offence and liable to a fine of five thousand dollars, or to imprisonment for twelve months, or to both.

(2) Nothing in subsection (1) shall prevent the disclosure by any person of any document, information or confidential instruction where that disclosure is authorised by or under any Act or by the Comptroller.

7. (1) The days on which and the hours between which offices of Customs are to be open or officers are to be available for the performance of particular duties shall be such as the Minister may by Order prescribe.

Times of  
attendance of  
officers.

(2) Any request for an officer to perform any duty outside the normal hours of attendance of officers shall be made in writing to the Comptroller who may grant such request if he thinks fit.

(3) The fees payable for the performance of duties outside the hours directed by the Comptroller shall be such as the Minister may by Order prescribe.

8. (1) It shall be the duty of every police officer to assist in the enforcement of the law relating to any assigned matter.

Assistance to be  
rendered by the  
Police.

(2) In relation to any assigned matter every officer shall have the same powers, authorities and privileges as are given by law to police officers.

9. Any officer authorised by the Comptroller by virtue of subsection (1) of section 5 who –

Officers not to be  
interested in certain  
vessels, aircraft or  
merchandise.

(a) owns either in whole or in part any vessel or aircraft engaged in trade;

(b) acts on behalf of the owner of any vessel or aircraft engaged in trade; or

*The Customs (Control and Management) Act, 1992 – 4.*

- (c) imports or is concerned in the importation of any merchandise for sale

shall be guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term not exceeding six months.

Directions.

10. Any direction given under any provision of this Act or any subsidiary legislation made under it –

- (a) shall be published in the Gazette;
- (b) may make different provisions for different circumstances;
- (c) may be varied or revoked by a subsequent direction; and
- (d) unless varied or revoked by a subsequent direction, shall continue to apply notwithstanding that the person who gave the direction is no longer the Comptroller or an officer or, for any other reason, no longer has the authority to give such direction.

Application to  
Government vessels  
and aircraft.

11. The requirements imposed in respect of importation, exportation and coastal trading under this Act shall not apply –

- (a) to any vessel or aircraft owned by or in the service of the Government when being used for the purpose of customs, police or coastguard; and
- (b) where the Comptroller so directs, and for such periods and subject to such conditions and restrictions as the Comptroller may see fit to impose, to any vessel or aircraft owned by or in the service of the Government of any other country.