

PART III
Customs Controlled Areas

Appointment of
customs ports.

12. (1) The Minister may by Order

- (a) appoint and name any area in Saint Christopher and Nevis as a customs port;
- (b) alter the names or limits of any customs port;
- (c) revoke the appointment of any customs port, and
- (d) impose any condition or restriction, vary or revoke any condition or restriction imposed, on the use of an area in Saint Christopher and Nevis as a customs port.

(2) The Comptroller may direct that any place in a customs port shall be a boarding station for the purpose of the boarding of or disembarkation from vessel by officers.

(3) Any person who contravenes or fails to comply with any condition or restriction imposed by the Minister under subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars.

13. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose any place in Saint Christopher and Nevis for the embarkation and disembarkation of passengers onto and from vessels and for the loading and the unloading of goods or any class or description of goods onto or from vessels, and any place so approved shall be referred to in this Act as an "approved wharf".

Approved wharves.

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

(3) An officer may at any time enter an approved wharf and inspect it and any goods for the time being at the wharf.

(4) Any person who contravenes or fails to comply with any condition or restriction imposed by the Comptroller under subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars.

14. (1) The Minister may by Order

Customs airports.

- (a) appoint and name any area in Saint Christopher and Nevis as a customs airport;
- (b) alter the name or limits of any customs airport;
- (c) revoke the appointment of any customs airport, and
- (d) impose any condition or restriction, or vary or revoke any condition or restriction imposed on the use of any area in Saint Christopher and Nevis as a customs airport.

(2) Any person in control of any airport shall –

- (a) permit an officer at any time to enter upon and inspect that airport and all buildings and goods on that airport; and
- (b) if so required by the Comptroller –
 - (i) keep a record, in such form and manner and containing such particulars as the Comptroller may direct, of all aircraft arriving at or departing from that airport,
 - (ii) keep the record referred to in subparagraph (i) available and produce that record on demand to any officer, together with all other documents kept at the airport which relate to the movement of aircraft, and
 - (iii) permit any officer to make copies of, take extracts from or remove for a reasonable period any such record or document referred to in subparagraphs (i) and (ii).

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- (3) Any person who contravenes or fails to comply with –
 - (a) any condition or restriction imposed by the Minister under subsection (1); or
 - (b) any requirement imposed under subsection (2),

shall be guilty of an offence and liable to a fine of five thousand dollars.

Customs areas.

15. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose, any place in Saint Christopher and Nevis not being a customs port, approved wharf or customs airport, as a "customs area".

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

(3) Any person who contravenes or fails to comply with any condition or restriction imposed by the Comptroller under subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars.

Examination stations.

16. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he thinks fit to impose any place at a customs port, customs airport or other customs area for the loading and unloading of goods and the embarkation and disembarkation of passengers; and any such place so approved is referred to in this Act as an "examination station".

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under this section.

(3) Any person who contravenes or fails to comply with any condition or restriction imposed by the Comptroller shall be guilty of an offence and liable to a fine of one thousand dollars.

(4) Save as authorised by or under any provision of this Act any person who without the consent of the Comptroller enters or remains upon any customs port, approved wharf, customs airport, customs area or examination station shall be guilty of an offence and liable to a fine of five thousand dollars and may be arrested.

Transit sheds.

17. (1) The Comptroller may approve for such periods and subject to such conditions and restrictions as he sees fit, places for the deposit of goods imported and not yet cleared from customs charge, including goods not yet reported and entered under this Act, and any place so approved is in this Act referred to as a "transit shed".

(2) An officer may at any time enter a transit shed and inspect it and any goods for the time being in the transit shed.

(3) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

(4) Any person who contravenes or fails to comply with any condition or restriction imposed by the Comptroller under subsection (1)

shall be guilty of an offence and liable to a fine of five thousand dollars.

18. (1) The master of any vessel or the commander of any aircraft may appoint as his agent any person duly authorised to perform any act required by any customs enactment to be performed by a master or a commander, and, if he does so, he shall notify the Comptroller of the name and address of that person and if the Comptroller is satisfied that the person appointed is a fit and proper person to be such an agent, the Comptroller may, subject to such terms and conditions as he sees fit to impose, accept that person as the agent of that vessel or aircraft, provided that if no such agent be appointed the owner of the vessel or aircraft if resident or represented in the country shall be deemed to be the agent of the master or commander for all purpose of any assigned matter.

Agents.

(2) If any agent appointed under subsection (1) wilfully or persistently neglects or refuses to comply with any requirement imposed by any customs enactment on a master of a vessel or a commander of an aircraft, the Comptroller may, by notice in writing, advise any master of that vessel or any commander of that aircraft that he no longer accepts the person and that person shall upon such notification then cease to be the agent of the master of that vessel or the commander of that aircraft.

(3) Where any person other than the master of a vessel or the commander of an aircraft is required by any customs enactment to perform any act or duty, he may appoint as his agent any other person to perform that act of duty.

(4) Before accepting any request by an agent to act on behalf of a person in relation to an assigned matter, an officer may require that agent to produce to him written authority from the person whose agent he is, certifying that he is so authorised to act.

(5) The Comptroller may if he sees fit require any person appointed to act as an agent under subsection (1) to give security by bond or otherwise in such form and manner as the Comptroller may direct and such bond –

- (a) shall be taken on behalf of the Government of Saint Christopher and Nevis;
- (b) shall be valid notwithstanding that it is entered into by a person under full age; and
- (c) may be cancelled at any time by, or by the order of, the Comptroller.

19. (1) The Comptroller may give general or specific directions as to the manner in which, and the conditions and restrictions under which, goods to which this section apply may be moved within the limits of any customs port, approved wharf, customs airport or other customs area, between any of them or between any of them and any other place.

Control of
movement of
uncleared goods.

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- (2) This section applies to –
- (a) all goods chargeable with any duty which has not been paid;
 - (b) any goods on which any drawback has been paid; and
 - (c) any other goods which have not yet been cleared out of customs charge.

(3) Any direction under subsection (1) may require that goods to which this section applies shall only be moved –

- (a) by persons licensed by the Comptroller for that purpose; or
- (b) in such vessels, aircraft or vehicles or by such other means, as may be approved by the Comptroller for that purpose;

and any such licence or approval may be granted for such periods and be subject to such conditions and restrictions as the Comptroller may see fit to impose and may be revoked at any time by the Comptroller.

(4) Any person who contravenes or fails to comply with any direction given, or any condition or restriction imposed, or the terms of any license or approval granted by the Comptroller under subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars.

20. (1) The Minister may make Regulations with respect to the arrival, report and departure of pleasure craft.

- (2) In this section, "pleasure craft" means –
- (a) any vessel which, at the time of its arrival at a place in Saint Christopher and Nevis from abroad, is being used for private recreational purposes only, or
 - (b) any vessel which the proper officer, after application is made to him in writing, permits to be treated as a pleasure craft.

(3) Regulations under subsection (1) may allow the Comptroller to give such directions as he thinks fit and may provide for the imposition of a fine of an amount not exceeding five thousand dollars for any contravention of or failure to comply with any such Regulation or any direction given under such Regulation and for the forfeiture of any vessel or goods involved in any such offence.