

PART V
Exportation

33. (1) The Minister may make Regulations –

- (a) regulating the storage, putting alongside, making water-borne and loading of goods intended for export or for use as stores; and
- (b) prescribing the procedure to be followed by vessels intending to leave ports and aircraft intending to leave airport for destinations outside Saint Christopher and Nevis;
- (c) permitting the Comptroller to give directions, and different Regulations may be made with respect to vessels and aircraft.

Power to make regulations as to the loading of goods and departing vessels and aircraft.

(2) Without prejudice to the generality of subsection (1), Regulations made under that subsection 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 Regulations, or any direction given under any such Regulations, and for the forfeiture of any goods involved in any such offence.

34. (1) Subject to subsection (2), the exporter of any goods, other than passenger's accompanied baggage, shall deliver to the proper officer an entry of those goods in such form and manner containing such particulars as the Comptroller may direct.

Entry of goods for exportation.

(2) The Comptroller may relax, subject to such conditions and restrictions as he may see fit to impose, all or any of the requirements imposed under subsection (1) in relation to any goods, class or description of goods.

(3) Where, in the case of any goods which are not chargeable with any duty, any entry made under subsection (1) is incorrect, the exporter shall, within ten days after the delivery of the entry or such longer period as the Comptroller may in any case permit, be allowed to deliver to the Comptroller a full and accurate amount of the goods and, provided that the Comptroller is satisfied that the error was not made knowingly or recklessly, then notwithstanding any other provision of any customs enactment, the person making the entry shall not be guilty of any offence and the goods which were the subject of the error shall not be liable to forfeiture.

(4) Where any goods which have been entered for exportation or for the use as stores are not duly loaded on the vessel or aircraft for which they are entered, then, unless within twenty-four hours of the departure of

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that vessel or aircraft the person who entered them notifies the proper officer of that short loading, those goods shall be liable to forfeiture.

(5) If any goods for which entry is required under subsection (1) are put on board any vessel or aircraft for exportation or for use as stores or are waterborne for such purpose before entry in respect of them has been made, those goods shall be liable to forfeiture and, where the placing on board or making waterborne was done with fraudulent intent, any person concerned in that act with knowledge of that intent 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, and may be arrested.

35. (1) Save as the Comptroller may otherwise permit –

- (a) before any goods for exportation or for use as stores are loaded on to any vessel; or
- (b) where a vessel carrying goods arrives at a port with the intention of proceeding to a destination outside Saint Christopher and Nevis,

the master of that vessel shall deliver to the proper officer an entry outwards of the vessel, in such form and containing such particulars as the Comptroller may direct.

(2) Where an entry made under subsection (1) is incorrect, the person who made it shall, within forty-eight hours of the making of it or such longer period as the Comptroller may in any case permit, be allowed to amend it, and provided that the Comptroller is satisfied that the error was not made knowingly or recklessly, then notwithstanding any other provision of any customs enactment, that person shall not be guilty of an offence and any goods which were the subject of the error shall not be liable to forfeiture.

(3) Where –

- (a) a person by whom an entry is required to be made by subsection (1) fails to make an entry as required, he shall be guilty of an offence and liable to a fine of five thousand dollars; or
- (b) goods are loaded on board any vessel in contravention of subsection (1) those goods shall be liable to forfeiture and the master shall be guilty of an offence and liable to a fine of five thousand dollars and, where the loading was done with fraudulent intent, any person concerned in that loading with that intent 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, and may be arrested.

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36. (1) Upon an application made in such form and manner and containing such particulars as the Comptroller may direct, Stores.

- (a) subject to subsection (2), the master of any vessel over thirty tons burden; or
- (b) the commander of any aircraft, which is about to leave Saint Christopher and Nevis for a destination outside Saint Christopher and Nevis, the Comptroller may permit, subject to such conditions and restrictions as he may see fit to impose and having regard to the number of persons on board that vessel or aircraft, the likely destination of the voyage or flight, and the stores, if any, remaining on board that vessel or aircraft, such quantity of goods as he considers reasonable to be removed without payment of duty from any warehouse or on drawback, and loaded on to that vessel or aircraft for use as stores during that voyage or flight.

(2) Where the application under subsection (1) is in respect of fuel and lubricants only, that application may be made by the master of any vessel, regardless of its burden.

(3) If any vessel or aircraft, having left Saint Christopher and Nevis for a destination outside Saint Christopher and Nevis fails to reach that or any other destination outside Saint Christopher and Nevis, and returns to Saint Christopher and Nevis, and in the opinion of the proper officer the deficiency in the stores of that vessel or aircraft is in excess of the quantity that might reasonably have been consumed having regard to the period between the departure and the discovery of the deficiency, the master or commander shall –

- (a) pay to the Comptroller the duty on that excess; and
- (b) be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the deficiency whichever is the greater.

37. (1) Save as the Comptroller may otherwise permit – Clearance.

- (a) the master of any vessel intending to depart from any port or other place in Saint Christopher and Nevis; and
- (b) the commander of any aircraft intending to depart from any airport or other place in Saint Christopher and Nevis,

to a destination outside Saint Christopher and Nevis, shall obtain clearance from the proper officer.

(2) Any person applying for clearance under subsection (1) shall –

- (a) deliver to the proper officer an account of all cargo and stores taken on or remaining on board the vessel or aircraft in Saint Christopher and Nevis;
- (b) produce all such books and documents in his custody or control relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as the proper officer may require; and
- (c) answer all such questions relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight, as may be put to him by the proper officer.

(3) Where clearance is sought under subsection (1) for any vessel or aircraft which is in a ballast, or has on board no goods other than stores, passenger's accompanied baggage or empty containers upon which no freight or profit is earned, the proper officer granting clearance of that vessel or aircraft shall, on the application of the master or commander, clear that vessel or aircraft as in ballast.

(4) Where it appears to any officer that a vessel or aircraft intends or is likely to depart for a destination outside Saint Christopher and Nevis without clearance, he may give such instructions and take such steps by way of the detention of that vessel or aircraft as appear to him necessary to prevent that departure.

(5) If any vessel or aircraft required to be cleared under this section, departs from any port, airport or other place in Saint Christopher and Nevis for a destination outside Saint Christopher and Nevis without a valid clearance, or after clearance calls at any port, airport or other place in Saint Christopher and Nevis without permission of the proper officer, the master or commander shall, except where the departure or call was caused by accident, stress or weather or other unavoidable cause, be guilty of an offence and liable to a fine of five thousand dollars.

(6) If, twenty-four hours after the granting of a clearance under subsection (1), the vessel cleared has not left the limits of any port of Saint Christopher and Nevis, or the aircraft cleared has not taken off for a destination outside Saint Christopher and Nevis, that clearance shall become void.

(7) If, where any aircraft is required to obtain clearance from any customs airport under this section, any goods are loaded, or are waterborne for loading, into that aircraft at that airport before application for clearance has been made, the goods shall be liable to forfeiture and where the loading or making waterborne is done with fraudulent intent, any person concerned therein with knowledge of that intent shall be guilty of an offence and liable to a fine of five thousand dollars or to three times the value of the goods whichever is the greater or to imprisonment for two years or to both and may be arrested.

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38. (1) For the purpose of securing the detention of any vessel or aircraft in pursuance of any power or duty conferred or imposed by any customs enactment, or for the purpose of securing compliance with any provision of any such enactment –

Power to refuse or demand return of clearance.

- (a) the proper officer may at any time refuse clearance of any vessel or aircraft; and
- (b) where clearance has been granted to a vessel or aircraft, any officer may at any time while the vessel is within the territorial sea of Saint Christopher and Nevis, or the aircraft is at a customs airport, demand that any clearance granted be returned to him.

(2) Any demand for the return of a clearance may be made either orally or in writing to the master of the vessel or the commander of the aircraft, and if made in writing may be served –

- (a) by delivering it to him personally;
- (b) by leaving it at his last known place of abode or business in Saint Christopher and Nevis; or
- (c) by leaving it on board the vessel or aircraft with the person appearing to be in charge or command of the vessel or aircraft.

(3) Where a demand for the return of a clearance is made under subsection (2) –

- (a) the clearance shall forthwith become void; and
- (b) if the demand is not complied with, the master or commander shall be guilty of an offence and liable to a fine of five thousand dollars.

39. (1) Where –

- (a) warehoused goods; or
- (b) goods on drawback

Security for exportation of goods.

are to be exported, the Comptroller may require the exporter to give security in the amount of treble the duty which would have been chargeable on those goods if they had been imported into Saint Christopher and Nevis for home use.

(2) If, within one month of the exportation of the goods referred to in subsection (1) or such longer period as the Comptroller may in any case permit, the exporter does not produce to the Comptroller a certificate, signed by a customs officer in the country to which the goods were exported certifying that the goods have been imported into that country, or otherwise account for those goods to the satisfaction of the Comptroller, the security referred to in subsection (1) shall be forfeited.

40. (1) If any goods which have been loaded or retained on board any

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(iii) goods entitled to drawback on exportation,
he shall be guilty of an offence under this section.

(5) Where any person is guilty of an offence under this section, he shall be liable to a fine of five thousand dollars, or three times the value of the goods, whichever is the greater, and the goods shall be liable to forfeiture.

41. (1) If any goods are –

- (a) exported or shipped as stores; or
- (b) brought to any place in Saint Christopher and Nevis for the purpose of being exported or shipped as stores,

and the exportation or shipment is or would be contrary to any prohibition or restriction for the time being in force with respect to those goods under or by virtue of any enactment, the goods shall be liable to forfeiture and the exporter or intending exporter of the goods and any agent of his concerned in the exportation or shipment or intended exportation or shipment shall be guilty of an offence and shall each be liable to a fine of five thousand dollars or three times the value of the goods, whichever is the greater.

(2) Any person knowingly concerned in the exportation or shipment as stores, or in the attempted exportation or shipment as stores, of any goods with intent to evade any such prohibition or restriction as aforesaid shall be guilty of an offence and liable to a fine of five thousand dollars or three times the value of goods whichever is the greater, or to imprisonment for a term not exceeding two years, or to both, and may be arrested.

42. (1) Where on the exportation of any goods from Saint Christopher and Nevis there has been furnished for the purpose of any Common Market requirement or practice any certificate or other evidence as to the origin of those goods, or as to payments made or relief from duty allowed in any country or territory, then, for the purpose of verifying or investigating that certificate for evidence, the Comptroller or an officer may require the exporter, or any other person appearing to the Comptroller or officer to have been concerned in any way with the goods, or with any goods from which, directly or indirectly, they have been produced or manufactured, or to have been concerned with the obtaining or furnishing of the certificate or evidence,

- (a) to furnish such information, in such form and within such time, as the Comptroller or officer may specify in the requirement; or
 - (b) to produce for inspection, and to allow the taking of copies or extracts from, such invoices, bills of lading, books or documents as may be so specified.
- (2) Any person who, without reasonable cause fails to comply

Exportation of prohibited or restricted goods.

Power to require information regarding goods of community origin.

with a requirement imposed on him under subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars or to imprisonment for a period of six months or to both such fine and imprisonment.