

PART VI
Coasting Trade

Definition of
coasting trade.

43. (1) Subject to the provisions of this Part the carriage of goods by sea or air from one part of Saint Christopher and Nevis to another shall be deemed to be coasting trade, and any vessel or aircraft whilst so employed shall be deemed to be a coasting vessel or coasting aircraft.

(2) The Minister may by Order deem the carriage of any goods or any class or description of goods from any specified place in Saint Christopher and Nevis to another specified place within or outside Saint Christopher and Nevis not to be coasting trade.

Power to make
Regulations as to
coasting trade.

44. (1) The Minister may make Regulations –

- (a) regulating the loading, unloading or making waterborne for loading of goods carried, or to be carried, by way of coasting trade; and
- (b) prescribing the procedure to be followed by –
 - (i) coasting vessels on their arrival at or departure from any port, and
 - (ii) coasting aircraft on their arrival at or departure from any airport;
- (c) permitting the Comptroller to make directions, and different Regulations may be made in respect of coasting vessels and coasting 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 Regulation or any direction given under any such Regulation, and for the forfeiture of any goods involved in any such offence.

Limits on Coasting
trade.

45. (1) Subject to subsection (2), no goods not yet entered on importation and no goods for exportation shall be carried by way of coasting trade in any vessel or aircraft used for that purpose.

(2) The Comptroller may permit, subject to such conditions and restrictions as he may see fit to impose –

- (a) any vessel or aircraft to carry goods by way of coasting trade notwithstanding that that vessel or aircraft is carrying goods brought therein from a place outside Saint Christopher and Nevis and not yet entered on their importation, provided that any vessel or aircraft so

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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.

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permitted to carry such unentered goods by way of coasting trade shall not for the purposes of this Part of this Act be a coasting vessel or a coasting aircraft;

- (b) goods brought by another vessel or aircraft to a place in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis which are consigned to and intended to be delivered to another place in Saint Christopher and Nevis to be transferred before due entry of the goods has been made to a coasting vessel or a coasting aircraft for carriage by way of coasting trade to that other place; and
- (c) any vessel or aircraft which has begun to load goods for exportation or for use as stores on a voyage to a destination outside Saint Christopher and Nevis to carry goods by way of coasting trade until that loading has been completed.

(3) If any goods are carried by way of coasting trade in contravention of subsection (1) or any goods are loaded, unloaded, carried or otherwise dealt with contrary to any condition or restriction imposed by the Comptroller under subsection (2), those goods shall be liable to forfeiture and the master of the vessel or the commander of the aircraft 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.

46. (1) Subject to the provisions of this subsection and save as the Comptroller may otherwise permit, no coasting vessel or coasting aircraft shall depart from any port or airport in Saint Christopher and Nevis before its master or commander has produced to the proper officer an account of the goods carried in that vessel or aircraft, in such form and manner and containing such particulars as the Comptroller may direct, and such account, when signed by the proper officer, shall be the clearance of that vessel or aircraft.

Clearance of
coasting vessels
and aircraft.

(2) Where no officer is stationed at the place where an account is required to be produced under subsection (1), the vessel or aircraft may depart from that place whereupon the account shall be produced to an officer at the first place the vessel or aircraft arrives at where an officer is stationed.

(3) On the application of the master of any coasting vessel or the commander of any coasting aircraft, the Comptroller may grant, subject to such conditions and restrictions as he may see fit to impose, a general clearance for that vessel or aircraft, and any goods, class or description of goods to be carried in it.

(4) Any general clearance granted under subsection (3), may be revoked at any time by the proper officer by notice in writing delivered to

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the master or owner of the vessel or the commander or owner of the aircraft or to any member of the crew on board that vessel or aircraft.

(5) Except as provided by this section, if any coasting vessel or coasting aircraft carrying goods departs from any place in Saint Christopher and Nevis without clearance, whether obtained before or after that departure, or in contravention of any condition or restriction imposed by the Comptroller upon general clearance of that vessel or aircraft under subsection (3), the master of that vessel or the commander of that aircraft 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 and any goods in respect of which the offence was committed shall be liable to forfeiture.

Cargo book.

47. (1) The master of every coasting vessel and the commander of every coasting aircraft shall keep a cargo book in such form and manner and containing such particulars as the Comptroller may direct.

(2) The master of a coasting vessel or the commander of a coasting aircraft shall, upon a demand made by the proper officer, produce for inspection the cargo book of that vessel or aircraft.

(3) Subject to subsection (4), where –

- (a) goods have been loaded on to or unloaded from a coasting vessel or a coasting aircraft at a place in Saint Christopher and Nevis, then before that vessel or aircraft departs from that place; or
- (b) a coasting vessel or a coasting aircraft arrives at a place in Saint Christopher and Nevis where goods are to be unloaded, then before any goods are unloaded,

the master of that vessel or the commander of that aircraft shall produce to the proper officer the cargo book of that vessel or aircraft.

(4) Where no officer is stationed at the place where a cargo book is required to be produced under subsection (3), the vessel or aircraft may depart from that place, or unload, whereupon the cargo book shall be produced to an officer at the first place the vessel or aircraft arrives at where an officer is stationed.

(5) Where the master of a coasting vessel or the commander of a coasting aircraft fails to keep or produce a cargo book as required by this section, he 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 and any goods unloaded in contravention of subsection (3) shall be liable to forfeiture.

Examination of goods in coasting vessel.

48. The proper officer may examine any goods carried or to be carried in a coasting vessel –

- (a) at any time while they are on board the vessel; or
- (b) at any place in Saint Christopher and Nevis to which the

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goods have been brought for shipment in, or at which they have been unloaded from the vessel,

and for that purpose may require any container to be opened or unpacked; and any such opening or unpacking and any repacking shall be done by or at the expense of the proprietor of the goods.

(2) The proper officer –

- (a) may board and search a coasting vessel at any time during its voyage; or
- (b) may at any time require any document which should properly be on board a coasting vessel to be produced or brought to him for examination,

and if the master of the vessel fails to produce or bring any such document to the proper officer when required, he shall be guilty of an offence and shall be liable to a fine of five thousand dollars.

49. (1) If in the case of any coasting vessel or coasting aircraft –

- (a) goods are taken on board or unloaded at a place outside Saint Christopher and Nevis; or
- (b) the vessel or aircraft touches at some place outside Saint Christopher and Nevis, or deviates from its voyage or flight, and the master of the vessel or the commander of the aircraft does not report that fact in writing to the proper officer at the first place in Saint Christopher and Nevis which the vessel or aircraft arrives at where an officer is stationed,

Offences in relation to carriage of goods coastwise.

then those goods shall be liable to forfeiture and the master or commander 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.

(2) If any goods –

- (a) are carried by way of a coasting vessel or a coasting aircraft contrary to any prohibition or restriction for the time being in force with respect to those goods under or by virtue of any enactment; or
- (b) are brought to any place in Saint Christopher and Nevis for the purpose of being so carried or shipped,

then those goods shall be liable to forfeiture and the shipper or intending shipper 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 whichever is the greater.

50. (1) The Minister may make general Regulations with respect to vessels not exceeding fifty tons burden and any such Regulations may in particular make provision as to the purposes for which and the limits within

Power to make Regulations relating to small craft.

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which such vessel may be used; and different provision may be made by such Regulations for different classes or descriptions of such vessels.

(2) Any vessel which is used contrary to any Regulation made under this section shall be liable to forfeiture.