

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 4 of 2007

Customs (Advance Passenger and Cargo Information) Regulations, 2007

The Customs (Advance Passenger and Cargo Information) Regulations, 2007 made by the Minister in exercise of the powers conferred by sections 23 and 33 of the Customs (Control and Management) Act, No 4 of 1992.

[Published 15th February 2007, *Official Gazette* No. 9 of 2007]

1. **CITATION.** These Regulations may be cited as the Customs (Advance Passenger and Cargo Information) Regulations, 2007.

2. **INTERPRETATION.** In these Regulations unless the context otherwise requires

“advance passenger information” means the information in respect of a passenger, crew member or other occupant transported in a vessel or aircraft;

“competent authority” means such person or entity as the Minister may by Order prescribe;

“domestic space” means the countries listed in Schedule II;

“passenger” means any person not being a *bona fide* member of the crew, travelling or seeking to travel on a vessel or aircraft.

3. **APPLICATION OF REGULATIONS.** These Regulations apply to a vessel or aircraft which

(a) is expected to arrive in Saint Christopher and Nevis; or

(b) has left or is expected to leave Saint Christopher and Nevis.

4. **ADVICE OF ARRIVAL.** (1) The master or commander, as the case may be, shall, at such time as provided in sub-regulation (2), provide to the competent authority in such form and manner as may be approved in writing by the Comptroller either generally or for a particular case or class of cases

(a) data in respect of the vessel or aircraft and each person on board in accordance with Part I of Schedule I; and

(b) data in respect of the cargo on board in accordance with Part II of Schedule I

(2) Where

(a) regulation 3(a) applies, the data referred to in sub-regulation (1) shall be provided

(i) in the case of a commercial aircraft, no later than 15 minutes after departure from the last port of call;

- (ii) in the case of a private aircraft, no later than 30 minutes prior to the departure from the last port of call;
 - (iii) in the case of a ship arriving from outside the domestic space, no later than 24 hours prior to arrival; and
 - (iv) in the case of a ship arriving from a destination within the domestic space, no later than 1 hour prior to arrival of the vessel from the last port of call;
- (b) regulation 3(b) applies, then, subject to sub-regulation (3) the data referred to in sub-regulation (1) shall be provided no later than 15 minutes after departure from Saint Christopher and Nevis.

(3) Sub-regulation (2)(b) does not apply to the departure of a vessel or aircraft from Saint Christopher and Nevis to a destination within the domestic space.

5. **WAIVER.** The Minister may, either generally or for a particular case or class of cases, waive the provisions of regulation 4.

6. **PENALTY.** Where a master or commander intentionally or recklessly

- (a) fails to transmit the data in accordance with regulation 4; or
- (b) transmits incomplete or false data,

the master or commander, as the case may be is liable to a penalty of \$5000.00.

7. **SEIZURE AND DETENTION.** (1) Where a master or commander fails to comply with regulation 4, the Comptroller may seize and detain the vessel or aircraft to which the non-compliance relates.

(2) Notwithstanding paragraph (1), in the case of a commercial vessel or aircraft, the vessel or aircraft shall be released on the lodgement of a bond in the sum of US\$500,000.00 or three (3) times the value of the vessel or aircraft whichever is the greater.

8. **RELEASE OF BOND.** The Comptroller shall release the bond lodged under regulation 7

- (a) upon
 - (i) receipt of the data referred to in regulation 4; and
 - (ii) payment of the penalty imposed under regulation 6; or
- (b) in accordance with an order of a court of competent jurisdiction.

9. **DENIAL OF CLEARANCE.** Where the vessel or aircraft is a non-commercial vessel or aircraft, the proper officer may refuse to grant clearance to the vessel or aircraft until

- (i) the penalty imposed under regulation 6 has been paid; and
- (ii) the data referred to in regulation 4 has been received

SCHEDULE I**ADVANCE PASSENGER INFORMATION****PART I****(a) Data relating to the flight or voyage:**

- **Flight Identification (if applicable)**
(IATA Airline code and flight number)
- **Vessel Identification (if applicable)**
(Vessel name and voyage number)
- **Vessel Registration**
Vessel Registration Number
- **Country of Registration**
(Country where vessel registered)
- **Agent or Owner (where applicable)**
(Name of Agent for the vessel or where no Agent, name of Owner)
- **Scheduled Departure Date**
(Date of scheduled departure of vessel or aircraft) (Based on local time of departure location)
- **Scheduled Departure Time**
(Time of scheduled departure of vessel or aircraft) (Based on local time of departure location)
- **Scheduled Arrival Date**
(Date of scheduled arrival of vessel or aircraft) (Based on local time of arrival location)
- **Scheduled Arrival Time**
(Time of scheduled arrival of vessel or aircraft) (Based on local time of arrival location)
- **Last Place/Port of Call of Vessel or Aircraft**
(Vessel or Aircraft departed from this last foreign place/port of call to go to "place/port of vessel or aircraft initial arrival")
- **Place/Port of Vessel or Aircraft Initial Arrival**
(Place/port in the country of destination where the vessel or aircraft arrives from the "last place/port of call of vessel or aircraft")
- **Subsequent Place/Port of Call within the country/domestic space**
(Subsequent place/port of call within the country)
- **Number of Persons on board**
(Total number of passengers, crew on board)
- **Place/Port of Onward Foreign Destination**
(For departure from Saint Christopher and Nevis)

(b) Data relating to each individual on board:

Core Data Elements of the Official Travel Document

- **Official Travel Document Number**
(Passport or other official travel document number)
- **Issuing State or Organisation of the Official Travel Document**
(Name of the State or Organisation responsible for the issuance of the official travel document)
- **Official Travel Document Type**
(Indicator to identify type of official travel document)
- **Expiration Date of Official Travel Document**
(Expiration date of official travel document)
- **Surname/Given Name(s)**
(Family name and given name(s) of the holder as it appears on the official travel document)
- **Nationality**
(Nationality of the holder)
- **Date of Birth**
(Date of birth of the holder)
- **Gender**
(Gender of the holder)

PART II**Data relating to Cargo:**

The data contained in the Annex with respect to -

- (i) its cargo for discharge within Saint Christopher and Nevis; and
- (ii) its cargo not intended for discharge within Saint Christopher and Nevis.

SCHEDULE II**DOMESTIC SPACE COUNTRIES**

- Antigua and Barbuda
- Barbados
- Dominica
- Grenada
- Guyana
- Jamaica
- St Kitts and Nevis
- Saint Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago

ANNEX

Data relating to the Manifest:

Voyage number

(A number assigned by local Shipping Agent for vessels or the scheduled flight number for aircrafts)

Date and Time of Submission**Scheduled Departure Date**

(Date of departure of vessel or aircraft)

Scheduled Arrival Time

(Time of arrival of vessel or aircraft)

Scheduled Arrival Date

(Date of arrival of vessel or aircraft)

Place of Departure

(The last foreign port or place of call for vessel or aircraft)

Destination

(Port or place in the country of destination where the vessel or aircraft first reports)

Subsequent Place/Port of call within the country [(Optional)]**Agent: Name**

(authorised representative of the vessel or aircraft, where available)

Owner

(Name of owner of vessel or aircraft)

Transport: Mode

(The manner in which the goods are imported or exported)

Transport: Name

(Name of the importing or exporting vessel or aircraft)

Transport: Nationality

(Nationality of vessel or aircraft as determined by its port of registry)

Transport: Place (Optional)

(Port of Registry)

Registration (Optional)

(International registration number including in respect of vessels, the International Maritime Organisation registration number or Lloyd's registration number, or in respect of aircraft the International Air Transport Authority registration number)

Master

(Name of ship's captain)

Total: Bills**Total: Packages**

Total: Containers

Total: Gross mass

Tonnage: Gross (Optional)

Tonnage: Net [(Optional)]

(Ship's registered tonnage)

Date of last discharge (Optional)

(Date ship last discharged cargo at any port)

Data relating to individual bills of lading/Airway Bill

Manifest Line Number

(Number indicating the order of bills of lading on a manifest)

Transport Document Type

(Type of document issued by vessel or aircraft including bills of airway bill, bill of lading or waybill)

Transport Document Reference Number

Purpose of Shipment

(Whether for import, export, in-transit or transshipment)

Unique Consignment Reference (Optional)

Place of Loading

Place of Discharge

Exporter

Exporter Address

Consignee

Notify

(Either the consignee or the name and phone number of the representative)

Total Containers

(Total number of containers for each transport document)

Packages: Kind

Packages: Marks and Numbers

Quantity: Package

Quantity: Gross Mass

Volume: Cubic Measurement (cbm)

Description of Goods

(pursuant to applicable law)

Freight Indicator

(Payment status whether prepaid or payment on collection)

Amount and Currency

Values:

Value of Goods Freight on Board [(Optional)]
Insurance [(Optional)]
Freight [(Optional)]

Additional Seals**Additional Information**

Data relating to Container Management:

Container: Number

(The Bureau International of Containers - **BIC** identification number of containers)

Container: Type

(Type of container, e.g. 20 feet, refrigerated)

Empty/Full Indicator

(Whether full Container Load or less than Container Load)

Seals

(The number of the security seal(s) affixed to the container door)

Marks

(Marks or numbers of the seal(s) affixed to the container door)

Sealing Party

(The authority that affixed the seal(s) to the containers)

Total Containers**Transport Document Reference Number.**

Made this 31st day of January 2007.

DENZIL LLEWELLYN DOUGLAS
Prime Minister and Minister of Finance