

PART XIX

AGENTS, CUSTOMS BROKERS, ETC.

Authority to be produced.

249. (1) When a person makes an application to transact business on behalf of any other person, the proper officer shall—

- (a) require the person to produce a written authority from the other person on whose behalf the application is made; and
- (b) in default of the production of such authority, refuse to transact business with the purported agent on behalf of the other person.

(2) Where a document is required by this Act or any other customs enactment to be signed by a person—

- (a) the document may, with the approval of the Comptroller, be signed by an agent of that person; and
- (b) the signed document is deemed for all purposes to be signed by the person required to sign.

(3) The Comptroller may, in his or her own discretion, refuse to allow an application referred to in subsection (1).

Persons other than individuals.

250. (1) A document produced under this Act by a person other than an individual shall be signed by an individual authorised to do so by the governing body of the person.

(2) Where the person in subsection (1) has elected or appointed officers, the president, vice-president, secretary, treasurer or any other equivalent officer of the person is deemed to be authorised to sign a document referred to in subsection (1), unless there is evidence to the contrary.

Customs brokers and tariff clerks.

251. (1) The Comptroller may licence persons as customs brokers—

- (a) to transact business with the Customs Department on behalf of other persons; and
- (b) to submit, on behalf of other persons, entries required to be submitted to the Customs Department.

(2) An importer or exporter of goods may, in accordance with regulations, designate a fit and proper employee as his or her tariff clerk for the purposes of—

- (a) transacting business with the Customs Department on behalf of the importer or exporter; and
- (b) to submit, on behalf of the importer or exporter, declarations or entries required to be submitted to the Customs Department.

(3) The Comptroller shall cause to be published annually in the *Gazette* an alphabetical list of persons who are licensed customs brokers.

(4) The Minister may make Regulations respecting customs brokers and tariff clerks.

(5) Regulations made under subsection (4) may make provision respecting persons who on the date immediately before the commencement of this Act were conducting business as customs brokers or tariff clerks.

Penalties.

252. (1) A person who transacts or attempts to transact business as an agent without the authority of the principal commits an offence and is liable on summary conviction to a fine of ten thousand dollars or equivalent to three times the value of the goods which occasioned the offence, whichever is greater.

(2) Any person who assists or attempts to assist a person in the commission of an offence under subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or equivalent to three times the value of the goods in respect of which the offence is committed, whichever is greater.

Ship agents.

253. Where—

- (a) under a customs enactment a special procedure is prescribed in regard to a vessel; and
- (b) the owner of the vessel is not resident or represented in Saint Christopher and Nevis,

it is the duty of the master of the vessel to appoint an agent in Saint Christopher and Nevis for the purpose of performing any act which, under any customs enactment, shall be performed by the owner of a vessel.