

PART II
ADMINISTRATION

Comptroller of Customs.

4. (1) The Comptroller is responsible for—
- (a) the general management and administration of this Act; and
 - (b) any other matter concerning which a duty is conferred on the Comptroller by or under any other law.
- (2) The Comptroller may, in the exercise of his or her functions, execute any document or agreement required under this Act or any other law to be entered into between the Comptroller and any other person.
- (3) Any act or duty required or authorised by this Act or any other law to be performed by the Comptroller, may be performed by any customs officer or a suitably qualified person authorised by the Comptroller to perform the act or duty.
- (4) For the purposes of this Act, the Comptroller may give the authorisation under subsection (3) before or after the performance or execution of the act or duty.

Authorised persons.

5. (1) The Comptroller may, in writing, authorise a suitably qualified person who is not a customs officer to perform or exercise any function or power which may be performed or exercised by a customs officer under this Act.
- (2) The authorisation under subsection (1) shall specify—
- (a) the function or power which the authorised person may perform or exercise; and
 - (b) the term of the authorisation, which shall be for a period, not exceeding six months, as the Comptroller thinks fit.
- (3) The Comptroller may renew any authorisation given under this section for a further period, not exceeding six months, as the Comptroller thinks fit.
- (4) For the purposes of this Act and any other customs enactment, an authorised person has the powers, authorities and immunities of a customs officer.
- (5) The Comptroller may revoke an authorisation given under this section—
- (a) for incapacity, misconduct or neglect of duty;
 - (b) where the authorised person gives written notice to the Comptroller that the authorised person wishes the authorisation to be revoked; or
 - (c) in any other circumstance where, in the opinion of the Comptroller, the authorisation is no longer necessary.
- (6) Where a person ceases to be an authorised person for the purposes of this section, the person shall surrender to the Comptroller all articles and documents received by the person in relation to the authorisation.
- (7) Nothing in this section prevents an authorised person from performing the functions or exercising the powers of a proper officer, where it is authorised by the Comptroller.

Delegation.

6. The Comptroller may delegate to any customs officer, any power or duty imposed on the Comptroller by this Act or any other enactment, but not his or her power of delegation.

Identification of officers.

7. (1) The Comptroller shall give to every customs officer an identity card or other means of identification.

(2) Whenever a customs officer exercises any power under this Act, the customs officer shall, on request, produce the identity card or other means of identification for inspection.

Deeming of place of acts.

8. Where an act is required by this Act or any other law to be performed in or at a particular place within a customs controlled area, the act is deemed to be performed in or at the place if performed in or at a place authorised by the Comptroller for that purpose.

Confidentiality.

9. (1) Every person who has an official duty under, or is employed in the administration of, this Act shall regard and deal with as secret and confidential all documents and information relating to—

- (a) the valuation or assessment of customs duties in respect of imported goods; or
- (b) the mitigation of any penalty.

(2) Subject to subsections (4), (5) and (6), a person who exercises any power under this Act or in relation to an assigned matter shall not communicate to any unauthorised person, directly or indirectly, any information or document obtained in the exercise of any power under this Act or in relation to the assigned matter.

(3) Where a person who exercises any power under this Act or in relation to an assigned matter—

- (a) contravenes subsection (2); or
- (b) permits an unauthorised person to have access to the documents or information described in subsection (2),

the person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(4) Nothing in subsection (2) prevents the disclosure of any document or information where that disclosure is authorised by the Comptroller in accordance with subsection (5).

(5) The Comptroller may disclose or authorise the disclosure of any document or information in accordance with any law, treaty, agreement or arrangement concluded by Saint Christopher and Nevis.

(6) The information which may be disclosed under subsection (5) includes, but is not limited to, information about—

- (a) the movement of a vessel or an aircraft, including passenger and crew lists;
- (b) past travel movements, general history and *modus operandi* of specified persons;
- (c) currency and documents relating to other relevant financial transactions, including money laundering;
- (d) intelligence analysis, assessments and reports; and
- (e) the details about known or suspected involvement of persons in illicit activities.

Police powers of customs officers.

10. For the purpose of carrying out the provisions of this Act or any other customs enactment, every customs officer has the same powers, authorities and privileges as are given by law to a police officer.

Duty of police officers to render assistance.

11. (1) Every police officer has a duty to assist in the enforcement of this Act and any other customs enactment in relation to an assigned matter.

(2) Nothing in this Act shall prevent the Commissioner of Police from requesting assistance from the Comptroller of Customs in the performance of a specific duty.

(3) Where any customs officer provides assistance in keeping with subsection (2) that customs officer shall have all the same powers, authorities, privileges and immunities as given under any law to any police officer.

Hours of general attendance.

12. The Minister may make Regulations respecting the hours and places of customs services.

Power to impose customs charges.

13. The Minister may, by Regulations, prescribe charges which he or she considers necessary for the delivery of customs services and the administration of the Customs Department.