

PART VII
COASTING TRADE

Definition of coasting trade.

58. (1) Subject to this Part—

- (a) the carriage of goods by sea or by air from one part of Saint Christopher and Nevis to another part of Saint Christopher and Nevis is deemed to be coasting trade; and
- (b) any vessel or aircraft which is employed in the carriage of goods referred to in paragraph (a) is deemed to be a coasting vessel or coasting aircraft.

(2) If any doubt arises as to what constitutes carriage by sea, the Minister may determine and direct in what cases the trade by water from one port or place in Saint Christopher and Nevis to another in Saint Christopher and Nevis is deemed a carriage by sea for the purposes of this Act or any other customs enactment.

Provisions relating to vessels and aircraft from places outside Saint Christopher and Nevis.

59. (1) Notwithstanding any provision in any customs enactment to the contrary, where a vessel or an aircraft arrives in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis—

- (a) having on board cargo intended to be delivered at more than one customs place in Saint Christopher and Nevis; or
- (b) intending to load cargo for a foreign place at more than one customs place in Saint Christopher and Nevis,

the proper officer may permit the vessel or aircraft to convey goods from any customs place at which the vessel or aircraft partially discharges its cargo or loads cargo for a foreign place, to its place or places of destination within Saint Christopher and Nevis without being treated as a coasting vessel or aircraft.

(2) Goods referred to in subsection (1) shall be completely separated from the inward cargo still on board the vessel or aircraft, to the satisfaction of the proper officer.

(3) A vessel or an aircraft engaged in conveying goods only from one customs controlled area within Saint Christopher and Nevis to another customs controlled area within Saint Christopher and Nevis is not, by reason of such conveyance, deemed a coasting vessel or coasting aircraft.

Limits on coasting trade.

60. (1) The master of a coasting vessel or commander of a coasting aircraft shall not carry any goods on board the coasting vessel or aircraft except goods which are loaded to be carried coastwise at some port or place in Saint Christopher and Nevis.

(2) Subject to subsection (3)—

- (a) goods not yet entered on importation; and
- (b) goods for exportation,

shall not be carried by way of coasting trade on board any coasting vessel or coasting aircraft.

(3) The Comptroller may, subject to such conditions and restrictions as he or she thinks fit, permit—

- (a) a coasting vessel or coasting aircraft to carry goods by way of coasting trade notwithstanding that the vessel or aircraft is also carrying goods—
 - (i) brought in it from a place outside Saint Christopher and Nevis and not yet entered in Saint Christopher and Nevis without being treated as a coasting vessel or a coasting aircraft;
 - (ii) brought by another vessel or aircraft to a place in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis and which are consigned to and intended to be delivered to another place in Saint Christopher and Nevis; or
 - (iii) brought by another vessel or aircraft to a place in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis and which are to be transferred, before entry of the goods has been made, to another place in Saint Christopher and Nevis; or
- (b) a vessel or an 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.

(4) Where goods are—

- (a) carried by way of coasting trade on board any vessel or aircraft in contravention of subsection (1) or (2); or
- (b) loaded, unloaded, carried or otherwise dealt with contrary to any condition or restriction imposed by the Comptroller under subsection (3),

the master or commander of the vessel or aircraft commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Clearance of coasting vessels and aircraft.

61. (1) Subject to this section and unless the Comptroller otherwise permits, the master, commander, owner or relevant agent of a coasting vessel or aircraft shall not cause such vessel or aircraft to depart from a customs place in Saint Christopher and Nevis before the master or commander, owner or relevant agent has submitted to the proper officer a declaration giving an account of the goods carried in that coasting vessel or aircraft.

(2) The declaration required to be submitted to the proper officer under subsection (1)—

- (a) shall be in such form and manner and shall contain such particulars as the Comptroller may direct; and

- (b) when signed by the proper officer, shall serve as the clearance of the coasting vessel or aircraft to which it relates.
- (3) Where no customs officer is stationed at the place where a declaration is required to be submitted or produced under subsection (1)—
 - (a) the coasting vessel or aircraft may depart from that place; and
 - (b) the master or commander shall produce the declaration to a proper officer at the first customs place at which the vessel or aircraft arrives where a customs officer is stationed.
- (4) On the application of the master or commander of a coasting vessel or aircraft or the relevant agent, the Comptroller may, subject to such conditions and restrictions as he or she thinks fit to impose, grant a general clearance for the coasting vessel or aircraft, and any goods carried in such vessel or aircraft.
- (5) The Comptroller may, at any time, revoke a general clearance granted under subsection (4) by notice, in writing, delivered to—
 - (a) the master or owner of the coasting vessel;
 - (b) the commander or owner of the coasting aircraft; or
 - (c) any member of the crew on board the coasting vessel or aircraft.
- (6) Except as provided by this section, where a coasting vessel or aircraft carrying goods departs from a place in Saint Christopher and Nevis—
 - (a) without clearance; or
 - (b) in contravention of any condition or restriction imposed by the Comptroller upon a general clearance of the coasting vessel or aircraft under subsection (4),

the master or commander of the coasting vessel or aircraft commits an offence and is liable to a fine in accordance with subsection (7)(a).

- (7) Where an offence is committed under subsection (6)—
 - (a) the person who commits the offence is liable on summary conviction to a fine of twenty-five thousand dollars or equivalent to three times the value of the goods, whichever is greater; and
 - (b) the goods in respect of which the offence is committed are liable to forfeiture.

Comptroller may vary procedure.

62. Notwithstanding anything to the contrary in this Part, the Comptroller may, under such conditions as he, in any particular case, thinks fit, permit—

- (a) the loading and clearance for export of a coasting vessel or aircraft and goods; and
- (b) the entry and unloading of a coasting vessel or aircraft and goods.

Coastwise passengers.

63. The Minister may make Regulations respecting the carriage of passengers, customs officers and crew coastwise, whether or not in a coasting vessel or aircraft.

Cargo book.

64. (1) The master of every coasting vessel and the commander of every coasting aircraft—

- (a) shall keep and maintain a cargo book in the prescribed form and manner and containing the prescribed particulars; and
- (b) shall, on demand made by the proper officer, produce such cargo book for inspection.

(2) Subject to subsection (3), where—

- (a) goods have been loaded on or unloaded from a coasting vessel or aircraft at a place in Saint Christopher and Nevis, the master or commander of the coasting vessel or aircraft or the relevant agent shall, before the coasting vessel or aircraft departs from the place; or
- (b) a coasting vessel or aircraft arrives at a place in Saint Christopher and Nevis at which goods are to be unloaded, the master or commander of the coasting vessel or aircraft or the relevant agent shall, before any goods are unloaded,

produce to the proper officer the cargo book of such vessel or aircraft.

(3) Where no customs officer is stationed at the place referred to in subsection (2)—

- (a) the coasting vessel or aircraft may depart from such place or the goods may be unloaded at such place; and
- (b) the cargo book of such vessel or aircraft shall be produced to a proper officer at the first place the coasting vessel or coasting aircraft arrives at which an officer is stationed.

(4) The master or commander of a coasting vessel or coasting aircraft who fails to keep or produce a cargo book as required by this section 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, whichever is greater.

(5) Where an offence is committed under subsection (4), the goods in respect of which the offence is committed are liable to forfeiture.

Examination of goods in coasting vessels.

65. (1) The proper officer may examine goods—

- (a) carried or intended to be carried in a coasting vessel at any time while such goods are on board the vessel; or
- (b) at any place in Saint Christopher and Nevis where the goods have been brought for shipment in a coasting vessel or unloaded from a coasting vessel.

(2) For the purposes of subsection (1), a proper officer may require any container holding goods to be opened or unpacked by, or at the expense of, the owner of the goods.

(3) The proper officer may—

- (a) board and search a coasting vessel at any time during its voyage; and

(b) at any time require any document which should properly be on board a coasting vessel to be produced or brought to the proper officer for examination.

(4) A master of a coasting vessel or any agent of a master of a coasting vessel commits an offence and is liable on summary conviction to a fine of ten thousand dollars if the master or the agent, when required so to do—

- (a) does not allow boarding under subsection (3)(a); or
- (b) fails to produce to the proper officer any document which is required to be kept on board the coasting vessel.

Offences in relation to carriage of goods coastwise.

66. (1) The master, commander or owner of a coasting vessel or coasting aircraft commits an offence and is liable on summary conviction to a fine of ten thousand dollars if—

- (a) with respect to the coasting vessel or coasting aircraft—
 - (i) goods are taken on board the vessel or aircraft;
 - (ii) goods are unloaded at a place outside Saint Christopher and Nevis;
 - (iii) the vessel or aircraft touches at some place outside Saint Christopher and Nevis; or
 - (iv) the vessel or aircraft deviates from its voyage or flight; and
- (b) the master or commander of the coasting vessel or coasting aircraft fails to promptly report, in writing, the happening of an event mentioned in paragraph (a) to a proper officer at the first place in Saint Christopher and Nevis at which the coasting vessel or aircraft arrives and the officer is stationed.

(2) A person 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, if the person causes goods to be—

- (a) carried by way of coasting trade or to be shipped for use as stores on a coasting vessel or a coasting aircraft contrary to any requirement in force in respect of such goods under or by virtue of any enactment; or
- (b) brought to any place in Saint Christopher and Nevis for the purpose of being carried or shipped contrary to any requirement in force in respect of such goods.

(3) Without prejudice to any fine which may be imposed, where any offence is committed under this section, the goods in respect of which the offence is committed are liable to forfeiture.