

PART IV

ARRIVAL AND DEPARTURE

Prior notification of arrival.

18. (1) Subject to subsection (3), unless exempted by the Comptroller by reason of proximity, the master or commander of a vessel or an aircraft or the relevant agent shall file a declaration with the proper officer in the form and manner prescribed—

- (a) in the case of a vessel, at any time but not less than twenty-four hours before the arrival of the vessel; and
- (b) in the case of an aircraft, at any time but not less than fifteen minutes after departure of the aircraft from the foreign airport.

(2) The declaration shall contain the following information—

- (a) the estimated time of arrival of the vessel or aircraft;
- (b) the customs place at which the vessel or aircraft is scheduled to arrive;
- (c) a list of the cargo on board the vessel or aircraft for discharge within Saint Christopher and Nevis, whether commercial or non-commercial;
- (d) a list of the commercial cargo on board the vessel or aircraft, if any, not intended for discharge within Saint Christopher and Nevis; and
- (e) a list of all passengers and crew on board the vessel or aircraft.

(3) On the arrival of a vessel or an aircraft within Saint Christopher and Nevis or the territorial sea or contiguous zone of Saint Christopher and Nevis, the master or commander of the vessel or aircraft or the relevant agent shall proceed directly to the customs place notified in accordance with subsection (2)(b), unless directed elsewhere by the proper officer.

(4) An agent of the master or commander referred to in subsection (1) may perform the duties referred to in that subsection on behalf of the master or commander.

(5) A master or commander of a vessel or an aircraft or the relevant agent who fails to comply with subsection (1) or any direction given by the proper officer under subsection (3), commits an offence and is liable on summary conviction to a fine of thirty thousand dollars.

Requirement to answer questions.

19. (1) This section applies to—

- (a) a vessel or an aircraft which has arrived in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis;
- (b) a vessel or an aircraft departing from Saint Christopher and Nevis for a place outside Saint Christopher and Nevis;
- (c) a vessel or an aircraft, within Saint Christopher and Nevis or the territorial sea or contiguous zone of Saint Christopher and Nevis, which is carrying international cargo or an international crew or any international passenger, whether or not the vessel or aircraft is also carrying domestic cargo; and
- (d) any other vessel or aircraft within Saint Christopher and Nevis or the territorial sea or contiguous zone of Saint Christopher and Nevis

which a customs officer has reasonable cause to suspect has been, or is about to be, involved in—

- (i) the commission of an offence under this Act; or
- (ii) the importation or exportation of any dutiable, uncustomed, prohibited or forfeited goods.

(2) A specified person shall—

- (a) answer any question put to him or her by the customs officer; and
- (b) at the request of the customs officer, produce any documents within that person's possession or control,

relating to the vessel or aircraft and its voyage and any persons or goods which are or have been carried by the vessel or aircraft.

(3) A specified person who—

- (a) refuses to answer any question put to him or her under subsection (2);
- (b) knowingly gives a false answer to any such question; or
- (c) fails to comply with any request made under subsection (2),

commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(4) For the purposes of this section, "specified person" means—

- (a) the master, the commander, the owner, the operator or any member of the crew of a vessel or an aircraft to which this section applies;
- (b) the agent of the master, commander or owner of a vessel or an aircraft to which this section applies; or
- (c) any passenger on a vessel or an aircraft to which this section applies.

Request to stop vessel.

20. (1) The master of a vessel arriving within the territorial sea or contiguous zone of Saint Christopher and Nevis shall, on being directed by the customs officer to do so—

- (a) stop and bring the vessel to for boarding; and
- (b) ensure that the vessel remains stopped until the customs officer directs that the vessel may proceed.

(2) A vessel carrying a customs officer shall be clearly identified as being a vessel in the service of the State.

(3) The master of the vessel referred to in subsection (1) shall—

- (a) by all reasonable means, facilitate the boarding of the vessel by the customs officer; or
- (b) if so directed by the proper officer, cause that vessel to leave Saint Christopher and Nevis immediately.

(4) An officer who proposes to give a direction under subsection (3)(b) shall first obtain the approval of the Comptroller to do so.

(5) A master of a vessel who fails to comply with any provision of this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

Vessels and aircraft to arrive at notified place only.

21. (1) Subject to section 22, where a vessel or an aircraft—

- (a) arrives in Saint Christopher and Nevis; and
- (b) is carrying persons or goods, subject to the control of the Customs Department, brought in the vessel or aircraft or any other vessel or aircraft from a place outside Saint Christopher and Nevis,

the master, the commander of the vessel or aircraft or the relevant agent shall ensure that the vessel or aircraft lands, anchors or otherwise arrives only at the place notified by that person in the declaration filed under section 18.

(2) No person shall leave or board a vessel or an aircraft on its arrival at the notified place or the place directed to by the proper officer or a customs controlled area within that place, unless—

- (a) the relevant inward report required under section 25 is submitted to the Comptroller; or
- (b) the person is authorised by the proper officer to leave or board the vessel or aircraft.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and any goods imported in contravention of this subsection shall be liable to forfeiture.

Vessels and aircraft arriving at place other than notified place.

22. (1) Section 21 does not apply to a vessel or an aircraft that berths, lands, anchors, or otherwise arrives at a place other than the place notified in accordance with section 18(2)(b) or at the place directed to by the proper officer under section 18(3), if the arrival is—

- (a) required by any statutory or other requirement relating to navigation;
- (b) compelled by reason of accident, stress of weather or other necessity; or
- (c) authorised by the Comptroller.

(2) Where by reason of subsection (1)(a), (b) or (c) a vessel or an aircraft arrives at a place other than the place notified in accordance with section 18(2)(b) or directed to by the proper officer under section 18(3), the master or commander of the vessel or aircraft—

- (a) shall immediately report the arrival of the vessel or aircraft to the proper officer or to a police officer;
- (b) shall not, without the consent of the proper officer, permit—
 - (i) any goods carried in or on the vessel or aircraft to be unloaded from it; or
 - (ii) any of the crew or passengers on board the vessel or aircraft to depart from its vicinity; and

- (c) shall comply with any customs directions given by the proper officer in respect of any goods, crew or passengers carried in or on the vessel or aircraft.
- (3) Subject to any authorisation granted by the Comptroller—
 - (a) no member of the crew and no passenger on board the vessel or aircraft shall, without the consent of the proper officer—
 - (i) unload goods from the vessel or aircraft; or
 - (ii) depart from the vicinity of the vessel or aircraft; and
 - (b) every member of the crew and every passenger on board the vessel or aircraft shall comply with any customs directions given by the proper officer.
- (4) When a vessel or an aircraft is directed by the proper officer under section 18(3) to arrive at a place other than the place notified in accordance with section 18(2)(b), no person shall depart from or board the vessel or aircraft unless authorised to do so by the proper officer.
- (5) A person who contravenes subsection (2), (3) or (4) commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and any goods imported in contravention of the said subsections shall be liable to forfeiture.
- (6) Notwithstanding subsection (5)—
 - (a) the departure of passengers or members of the crew from the vicinity of the vessel or aircraft; or
 - (b) the removal of goods from the vessel or aircraft,does not constitute an offence if such departure or removal is necessary for reasons of health, safety or the preservation of life or property.

Control of pleasure craft.

- 23.** (1) The Minister may make Regulations with respect to the arrival, report and departure of pleasure craft.
- (2) Regulations under subsection (1) may—
- (a) allow the Comptroller to give directions as he or she thinks fit;
 - (b) provide for the imposition of a fine not exceeding ten thousand dollars for any contravention of, or failure to comply with, the Regulations or any direction given under the Regulations; and
 - (c) provide for the forfeiture of any vessel, goods or equipment involved in any such contravention or failure.

Small craft.

- 24.** (1) The Minister may make regulations in respect of vessels not exceeding 100 tons burden prescribing, with reference to the tonnage, build or general description of such vessels—
- (a) the limits and manner within which any such vessel may be used or employed;
 - (b) the mode of navigation;

- (c) the number and description of arms and the quantity of ammunition which any such vessel may carry; and
- (d) such other terms, particulars, conditions and restrictions as the Minister may think fit.

(2) A vessel which is used or employed contrary to any regulation made under subsection (1) is liable to forfeiture unless it was specially licensed by the Comptroller to be so used or employed as provided in subsection (3).

(3) Notwithstanding any Regulations made under subsection (1), the Comptroller may, if he or she thinks fit, grant licences in respect of any vessel not exceeding 100 tons burden upon such terms and conditions, and subject to such restrictions and stipulations as may be imposed in respect of such licences.

Report of arrival of vessels and aircraft.

25. (1) Where a vessel arrives at a customs port—

- (a) from a place outside Saint Christopher and Nevis; and
- (b) carrying goods brought in it from a place outside Saint Christopher and Nevis and not yet cleared on importation,

the master of the vessel shall, within twenty-four hours of the arrival of the vessel, submit to the Comptroller a report in such form and manner and containing such particulars as the Comptroller may direct.

(2) Where an aircraft arrives at a customs airport—

- (a) from a place outside Saint Christopher and Nevis; and
- (b) carrying goods or passengers taken on board at a place outside Saint Christopher and Nevis, being goods or passengers bound for a destination—
 - (i) in Saint Christopher and Nevis and not yet cleared at a port; or
 - (ii) outside Saint Christopher and Nevis,

the commander of the aircraft shall, on the arrival of the aircraft, but before its departure, submit to the Comptroller a report in such form and manner and containing such particulars as the Comptroller may direct.

(3) A person who is required to submit a report under this section shall—

- (a) answer all questions relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as may be put to him or her by the proper officer; and
- (b) produce all books and documents in his or her custody or control relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as the proper officer may require.

(4) Where a master or a commander of a vessel or an aircraft—

- (a) fails to submit a report as required by this section; or
- (b) contravenes subsection (3),

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

(5) Subject to subsection (6), when goods appear on any clearance or manifest required to be produced but such goods do not appear in the written account filed

under this section, the master or commander of the vessel or aircraft or the relevant agent—

- (a) commits an offence and 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) without prejudice to any penalty imposed under paragraph (a), shall pay the duty on such goods.

(6) Subsection (5) does not apply if the master or commander of the vessel or aircraft or the relevant agent amends the clearance or manifest in accordance with subsection (7).

(7) When a report submitted under this section is inaccurate, the person submitting the report shall be permitted to amend the report within fourteen days of the submission of the report or such longer period as the Comptroller may allow.

(8) Notwithstanding any other provision of any customs enactment, when a report submitted under this section is inaccurate—

- (a) the person submitting the inaccurate report does not commit an offence if the person satisfies the Comptroller that the error was not made knowingly or recklessly; and
- (b) any goods in respect of which the error is made are not liable to forfeiture if the error consisted of the omission or incorrect reporting of such goods.

(9) Subject to subsection (10), where, at any time after a vessel or an aircraft carrying goods from a place outside Saint Christopher and Nevis arrives in Saint Christopher and Nevis, but before a report is submitted in accordance with this section—

- (a) bulk is broken;
- (b) goods are unloaded from or taken on board that vessel or aircraft;
- (c) any alteration is made in the stowage of any goods carried so as to facilitate the unloading of any part before the required report has been made;
- (d) goods are staved, destroyed or thrown overboard; or
- (e) any container holding goods is opened,

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

(10) No proceedings shall be instituted under subsection (9) against a master or commander of the vessel or aircraft if the master or commander explains any matter referred to in that subsection to the satisfaction of the Comptroller.

(11) The Comptroller may require goods reported as stores on board any vessel or aircraft, or any portion of the goods, to be entered for warehousing and, for the purposes of this subsection, the master or commander of the vessel or aircraft or the relevant agent is deemed to be the importer of such goods.

(12) Where—

- (a) a report submitted under this section is erroneous, misleading or defective in any material particular; or
- (b) a document submitted in support of the report is not genuine or is erroneous or misleading,

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.

Vessels and aircraft commissioned by State.

26. (1) Notwithstanding any other provisions of this Act, the master or commander of a vessel or an aircraft or the relevant agent having a commission from Saint Christopher and Nevis or from any other country, who has on board the vessel or aircraft any goods other than stores, laden at any port or place outside Saint Christopher and Nevis shall comply with the requirements of subsection (2).

(2) The master, commander or agent referred to in subsection (1) shall, on the arrival of the vessel or aircraft in Saint Christopher and Nevis or when called upon to do so by a proper officer, before any of the goods are unloaded—

- (a) provide, to the best of his or her knowledge and to the satisfaction of the proper officer, a written report respecting—
 - (i) the goods;
 - (ii) the quality and quantity of every package or parcel of the goods;
 - (iii) the marks and numbers on the goods; and
 - (iv) the names of the respective consignors and consignees;
- (b) make a declaration at the foot of the written report to the effect that the information provided is accurate to the best of his or her knowledge; and
- (c) truthfully answer questions, concerning the goods, asked by a proper officer.

(3) The master or commander of a vessel or an aircraft or the relevant agent who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(4) Subject to Regulations prescribed in respect of vessels or aircraft of war belonging to Saint Christopher and Nevis—

- (a) the Comptroller may search or cause to be searched any vessel or aircraft to which subsection (1) applies as if it were a non-commissioned vessel or aircraft; and
- (b) for the purposes of paragraph (a), the Comptroller or a proper officer may—
 - (i) freely enter and go on board any such vessel or aircraft; and
 - (ii) bring from such vessel or aircraft into the warehouse any goods found on board the vessel or aircraft.

(5) Subject to subsection (6), when goods appear on any clearance or manifest required to be produced, but do not appear in the written report filed under this section, the master or commander of the vessel or aircraft or the relevant agent—

- (a) commits an offence and is liable on summary conviction to a fine of ten thousand dollars; and

(b) shall, without prejudice to any penalty imposed under paragraph (a), pay the duty payable on the goods.

(6) Subsection (5) does not apply if the master or commander or the agent amends the clearance or manifest under subsection (7).

(7) When a report provided under this section is inaccurate the maker of the report shall be allowed to amend such report within fourteen days of the making of the report or such longer period as the Comptroller may permit.

(8) Notwithstanding any other provision of this Act or any other customs enactment, when the maker of the inaccurate report satisfies the Comptroller that the inaccuracy or error was not made knowingly or recklessly—

(a) that person does not commit an offence; and

(b) if the error consisted of the omission or incorrect reporting of any goods, such goods are not liable to forfeiture.

(9) A person who is required to provide a written report under subsection (2) shall—

(a) answer all questions relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as may be put to him or her by the proper officer; and

(b) produce all books and documents in his or her custody or control relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as the proper officer may require.

(10) Notwithstanding any fine imposed under subsection (5), a person who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(11) Subject to subsection (14), if, at any time, after a vessel or an aircraft carrying goods from a place outside Saint Christopher and Nevis arrives in Saint Christopher and Nevis, but before a report has been made in accordance with this section—

(a) bulk is broken;

(b) such goods are unloaded from or taken on board the vessel or aircraft;

(c) any alteration is made in the stowage of any such goods so as to facilitate the unloading of any part of the stowage;

(d) such goods are staved, destroyed or thrown overboard; or

(e) any container containing any such goods is opened,

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

(12) The Comptroller may require—

(a) goods reported as stores on board any vessel or aircraft; or

(b) any portion of such goods,

to be entered for warehousing and, for the purposes of this subsection, the master or commander of the vessel or aircraft or the relevant agent is deemed to be the importer of the goods.

(13) Where—

- (a) a report submitted under this section is erroneous, misleading or defective in any material particular; or
- (b) a document submitted in support of such report is not genuine or is erroneous or misleading,

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

(14) No proceedings shall be instituted against a master or commander of a vessel or an aircraft under subsection (11) if the master or commander explains any matter referred to in that subsection to the satisfaction of the Comptroller.

Disembarkation.

27. (1) Subject to subsection (3) and such exemptions as may be prescribed, a person who is on board a vessel or an aircraft which arrives in Saint Christopher and Nevis shall comply with every customs direction respecting disembarkation.

(2) Subject to subsections (1) and (3) and such exemptions as may be prescribed, a person who disembarks from a vessel or an aircraft to which this section applies shall, unless otherwise directed by the proper officer—

- (a) go to the designated customs controlled area; and
- (b) remain in such area for such reasonable time as the proper officer may require,

for the purposes of enabling the proper officer to exercise, in relation to that person, any power under this Act.

(3) A proper officer may exempt a person generally or specifically from the application of subsection (1) or (2).

(4) A person, other than a person exempted under subsection (3), who knowingly fails to comply with any requirement imposed by this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

(5) Notwithstanding subsection (4), the departure of any person from the designated customs controlled area does not constitute an offence where the departure is necessary for reasons of health, safety or the preservation of life.

(6) For the purposes of this section, a “customs direction” in respect of disembarkation includes a direction given by the person in charge of the vessel or aircraft or by a crew member at the direction of the proper officer.

Baggage to be presented.

28. (1) Subject to any exemptions as may be prescribed, a person who disembarks from a vessel or an aircraft which arrives in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis shall—

- (a) present to the proper officer his or her accompanying baggage for examination by the proper officer;
- (b) comply with any customs direction relating to the movement of such baggage—
 - (i) within the customs controlled area; or
 - (ii) from the vessel or aircraft to a customs controlled area; and

- (c) answer all questions put to him or her by the proper officer relating to matters covered by this Act.
- (2) A person moving or handling any baggage referred to in subsection (1) shall comply with every customs direction relating to the movement of the baggage—
- (a) within the customs controlled area; or
 - (b) from any conveyance to a customs controlled area.
- (3) A person who knowingly fails to comply with any requirement imposed by this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or three times the value of the thing not declared or the baggage or the thing not produced as the case may be whichever is greater.

Persons departing from Saint Christopher and Nevis to depart from customs controlled area.

- 29.** (1) Subject to such exemptions as may be prescribed or unless otherwise authorised by the proper officer, no person shall depart from Saint Christopher and Nevis from a place other than a customs controlled area.
- (2) A person who knowingly fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

Embarkation.

- 30.** (1) A person preparing to board a vessel or an aircraft for departure from Saint Christopher and Nevis shall comply with every customs direction respecting embarkation.
- (2) A person who knowingly fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.
- (3) For the purposes of this section, a “customs direction” in respect of embarkation includes a direction given by the person in charge of the vessel or aircraft or by a crew member at the direction of the proper officer.

Outgoing baggage to be presented.

- 31.** (1) Subject to such exemptions as may be prescribed, every person who arrives at a customs controlled area for embarkation on to a vessel or an aircraft which has, as its destination, a place outside Saint Christopher and Nevis shall—
- (a) answer any question put to him or her by the proper officer with respect to his or her accompanying baggage and anything contained in such baggage or carried with him;
 - (b) comply with any customs direction relating to the movement of the baggage within the customs controlled area or from a customs controlled area to the vessel or aircraft; and
 - (c) upon request by the proper officer, make his or her accompanying baggage and any such thing available for examination by the proper officer.
- (2) A person moving or handling the baggage referred to in subsection (1) shall comply with every customs direction relating to the movement of the baggage within the customs controlled area or from a customs controlled area to a vessel or an aircraft.

(3) A person who knowingly fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or three times the value of the thing not declared or produced or the baggage not produced, whichever is greater.

(4) Without prejudice to any proceedings which may be instituted—

- (a) anything chargeable with any tax which is found concealed or in the accompanying baggage or is not declared; and
- (b) anything which is being taken into or leaving Saint Christopher and Nevis contrary to any prohibition or restriction,

is liable to forfeiture.

Suspicious Activity Reporting.

32. Subject to the provisions of sections 28, 29, 30 and 31, where a customs officer becomes aware of any suspicious activity or transaction that may be linked to money laundering, the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction or any related activity, the customs officer shall report such suspicious activity to the Financial Intelligence Unit.

(Inserted by Act 11 of 2020 as Section 31A and renumbered as Section 32 and all subsequent sections renumbered accordingly)

Certificate of clearance.

33. (1) Unless otherwise approved by the Comptroller, before a certificate of clearance is granted to the master or commander of a vessel or an aircraft which has, as its destination, a place outside Saint Christopher and Nevis, the master or commander shall—

- (a) submit to the proper officer within the time or times as may be prescribed, an outward report in the form and manner, and containing such particulars verified by declaration, as may be prescribed, and accompanied by any supporting documents required by the proper officer;
- (b) answer any question put to him or her by the proper officer relating to the vessel or aircraft and its passengers, crew, cargo, stores and its intended voyage or flight;
- (c) submit to the proper officer an account of the cargo and stores taken on or remaining on board the vessel or aircraft in Saint Christopher and Nevis;
- (d) produce all books and documents in the custody or control of the master or commander which relate to—
 - (i) the vessel or aircraft;
 - (ii) the cargo, stores, baggage, crew or passengers of the vessel or aircraft; or
 - (iii) the voyage or flight of the vessel or aircraft;
- (e) produce such other documents as may be required by the proper officer relating to the vessel or aircraft and its passengers, crew, cargo, stores, and its intended voyage or flight; and

(f) comply with all requirements of this Act or any other enactment concerning the vessel or aircraft and its passengers, crew, cargo, stores, and its intended voyage or flight.

(2) Where clearance is sought for a vessel or an aircraft which—

(a) is in ballast; or

(b) has on board only stores, passengers' baggage or empty containers on which no freight or profit is earned,

the proper officer granting clearance shall clear the vessel or aircraft as in ballast.

(3) A master or commander of a vessel or an aircraft commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years or both and may be arrested if the master or commander—

(a) fails to comply with subsection (1)(a);

(b) refuses to answer, or knowingly gives a false answer to, any question put to that person by the proper officer under subsection (1)(b); or

(c) fails to produce any documents required by the proper officer.

(4) Where—

(a) an outward report submitted under subsection (1) is erroneous, misleading or defective in any material particular; or

(b) any document submitted in support of the report filed in accordance with subsection (1)(a) is not genuine or is erroneous or misleading,

the master or commander commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years or both and may be arrested.

Clearance of vessels and aircraft.

34. (1) Unless otherwise approved by the Comptroller, where a vessel or an aircraft has, as its destination, a place outside Saint Christopher and Nevis, the master, commander of the vessel or aircraft or the relevant agent shall not cause that vessel or aircraft to depart from Saint Christopher and Nevis unless that person has received a certificate of clearance in the prescribed form.

(2) Subject to such exemptions as may be prescribed, the master or commander of the vessel or aircraft or the relevant agent, shall not cause that vessel or aircraft to depart from—

(a) the place in Saint Christopher and Nevis where it first arrived; or

(b) any subsequent place of call within Saint Christopher and Nevis, without the permission of the proper officer and subject to the production to the proper officer of any documents which the proper officer requires and to any conditions imposed by the Comptroller.

(3) Where it appears to a customs officer that a vessel or an aircraft is likely to depart for a destination outside Saint Christopher and Nevis without clearance, the officer may give instructions and take, in accordance with section 137, such steps to detain the vessel or aircraft as appear to him or her necessary to prevent its departure.

(4) Where a vessel or an aircraft required to be cleared under this section—

- (a) departs from a customs place for a destination outside Saint Christopher and Nevis without a valid certificate of clearance; or
- (b) after clearance, calls at a customs place without the permission of the proper officer,

the master or commander of the vessel or aircraft or the relevant agent commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars or to imprisonment for two years or both and may be arrested.

(5) Notwithstanding subsection (4), the master or commander of the vessel or aircraft or the relevant agent does not commit an offence if, by reason of accident, stress of weather or other unavoidable cause, the vessel or aircraft—

- (a) departs from a customs place for a destination outside Saint Christopher and Nevis without a valid certificate of clearance; or
- (b) after clearance, calls at a customs place without the permission of the proper officer.

(6) A clearance granted in respect of a vessel or an aircraft becomes void if after twenty-four hours from the granting of the clearance—

- (a) the vessel has not left the territorial sea or contiguous zone of Saint Christopher and Nevis; or
- (b) the aircraft has not departed for a destination outside Saint Christopher and Nevis.

Production of certificate of clearance.

35. (1) The master or commander of a vessel or an aircraft or the relevant agent to whom a certificate of clearance has been granted shall—

- (a) on demand by a proper officer, produce the certificate of clearance for examination by the proper officer; and
- (b) answer any question which the proper officer may put to him or her concerning the vessel or aircraft, its passengers, crew, cargo, stores, and its intended voyage or flight.

(2) For the purposes of subsection (1), a proper officer may go on board a vessel or an aircraft which has been cleared outwards and demand the production of the certificate of clearance of the vessel or aircraft—

- (a) in the case of a vessel, at any time while the vessel is within the territorial sea or contiguous zone of Saint Christopher and Nevis; or
- (b) in the case of an aircraft, at any time while the aircraft is at a customs airport.

(3) The master, commander or owner of a vessel or an aircraft or the relevant agent commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars if he or she—

- (a) fails to comply with a demand made by the proper officer under this section;
- (b) refuses to answer any question put to him or her under this section; or
- (c) knowingly gives a false answer to a question put to him or her under this section.

Power to refuse and revoke clearance.

36. (1) For the purpose of securing the detention of a vessel or an aircraft under any power or duty conferred or imposed by or under this Act or any other customs enactment; or compliance with any provision of a customs enactment, the proper officer may—

- (a) at any time, refuse clearance of any vessel or aircraft; and
- (b) revoke any clearance granted, at any time while—
 - (i) the vessel is within the territorial sea or contiguous zone of Saint Christopher and Nevis; or
 - (ii) the aircraft is at a customs airport.

(2) The revocation of the certificate of clearance may be made orally or in writing to the master or commander of the vessel or aircraft or a relevant agent.

(3) Where the revocation of the certificate of clearance is made in writing, it may be served by—

- (a) delivering it to the master or commander of the vessel or aircraft or the relevant agent personally;
- (b) leaving it at the last known place of abode or business in Saint Christopher and Nevis of the master or commander of the vessel or aircraft; or
- (c) by leaving it on board the vessel or aircraft with the person appearing to be in charge or in command of the vessel or aircraft.

(4) A certificate of clearance becomes void upon its revocation under subsection (2).

(5) Where a certificate of clearance is revoked under subsection (2), the master or commander of the vessel or aircraft or the relevant agent who fails, within three hours of the revocation, to return the revoked certificate of clearance commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

Departure to be from customs controlled area only.

37. (1) Subject to subsection (3) and such exemptions as may be prescribed, a master or commander of a vessel or an aircraft or the relevant agent shall not, except with the prior permission of the Comptroller—

- (a) cause the vessel or aircraft to depart for a place outside Saint Christopher and Nevis from a place in Saint Christopher and Nevis other than from a customs controlled area; or
- (b) having obtained a certificate of clearance from a customs controlled area in Saint Christopher and Nevis to depart for any point outside Saint Christopher and Nevis, cause the vessel or aircraft to—
 - (i) fail to depart immediately from such area; or
 - (ii) go to any other place in Saint Christopher and Nevis.

(2) A master or commander of a vessel or an aircraft or the relevant agent who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years or both and may be arrested.

(3) Subsection (1) does not apply if a vessel or an aircraft is compelled by reason of accident, stress of weather, or other necessity to return to a place in Saint Christopher and Nevis, and in any of these cases, section 22 applies, subject to such modification as may be necessary.