

PART XIV
GENERAL OFFENCES

Impersonation of officers.

173. (1) Without prejudice to any other proceedings which may be instituted against a person, a person 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 person—

(a) for the purpose of—

(i) obtaining admission to any building, vessel, aircraft or other place;

- (ii) performing any act which he or she is not entitled to perform; or
- (iii) procuring the performance of any act which he or she is not entitled to procure; or

(b) for any other unlawful purpose,

falsely assumes the name, designation or character of the Comptroller, a customs officer or any authorised person.

(2) Without limiting the generality of subsection (1), a person commits an offence under that subsection if the person—

- (a) by words, conduct or demeanour, holds himself out to be the Comptroller, a customs officer or an authorised person; or
- (b) unlawfully wears or uses the uniform, name, designation or description of the Comptroller, a customs officer or an authorised person.

Offences against officers.

174. (1) A person commits an offence and is liable on conviction on indictment to imprisonment for ten years if the person—

- (a) maliciously shoots at a vessel or an aircraft or vehicle in the service of the Customs Department;
- (b) maliciously shoots at a customs officer executing his or her duty, whether or not he or she causes physical damage to the officer or his or her personal effects;
- (c) with violence, commits any offence specified in subsection (4); or
- (d) aids, abets or assists in the commission of any act or offence referred to in paragraph (a), (b) or (c).

(2) Subject to subsection (3), a person commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years if the person—

- (a) intentionally obstructs or hinders a customs officer in the performance of a duty or the exercise of a power imposed or conferred on the customs officer by this Act or any other customs enactment;
- (b) does anything which impedes or is calculated to impede—
 - (i) the carrying out of a search for anything liable to forfeiture under this Act or any other customs enactment; or
 - (ii) the detention, seizure or removal of anything or any other person under this Act or any other customs enactment;
- (c) intentionally rescues, damages or destroys anything liable to forfeiture under this Act;
- (d) intentionally does anything calculated to prevent the procurement or giving of evidence respecting the forfeiture of anything under this Act;
- (e) intentionally interferes with any equipment, vehicle, vessel, aircraft, dog, communication system or other article used or intended for use by a customs officer;

- (f) acts with the intention of impairing the effectiveness of any equipment, vehicle, vessel, aircraft, dog, communication system, or any other aid used, or intended for use, by a customs officer;
- (g) prevents the arrest of a person under this Act or any other customs enactment; or
- (h) rescues any person arrested under this Act or any other customs enactment.

(3) Where any offence referred to in subsection (2) is committed by a person—

- (a) armed with a lethal weapon, a stick, a stone or other similar article; or
- (b) in any violent manner,

the person is liable on conviction on indictment to imprisonment for five years.

(4) Subject to subsection (1)(c), a person commits an offence and is liable on summary conviction to a fine of ten thousand dollars if the person uses abusive, offensive or threatening language to a customs officer engaged in the performance of a duty or the exercise of a power imposed or conferred on him or her by this Act or any other customs enactment.

(5) A person commits an offence and is liable on summary conviction to a fine of ten thousand dollars if the person—

- (a) staves, breaks or destroys goods to prevent the seizure or detention of the goods by a customs officer or another person authorised to detain or seize the goods;
- (b) rescues any person apprehended for any offence punishable by a pecuniary penalty or imprisonment under this Act or any other customs enactment;
- (c) in relation to any offence punishable by a pecuniary penalty or imprisonment under this Act or any other customs enactment, prevents the apprehension of the another person;
- (d) obstructs a customs officer from—
 - (i) going on board, remaining on board or returning from a vessel or an aircraft within Saint Christopher and Nevis;
 - (ii) sending a vessel or an aircraft within Saint Christopher and Nevis;
 - (iii) seizing and detaining any goods liable to forfeiture under this Act;
or
 - (iv) otherwise acting in the execution of his or her duty;
- (e) attempts to commit any act referred to in paragraph (a), (b), (c) or (d);
or
- (f) aids, abets or assists in the commission of any act referred to in paragraph (a), (b), (c) or (d).

Bribery and collusion.

175. (1) The Comptroller, a customs officer or an authorised person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years if the Comptroller, customs officer or authorised person—

- (a) directly or indirectly, asks for or takes in connection with any of his or her duties any payment or other reward, or any promise or security for any payment or reward, not being a payment or reward that he or she is lawfully entitled to claim or receive; or
- (b) enters into or acquiesces in any agreement to perform, abstain from performing any act related to an assigned matter whereby the Government is or may be defrauded or that is otherwise unlawful.

(2) A person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for five years, if, for the purpose of inducing the Comptroller, a customs officer or an authorised person to perform or abstain from performing any act related to an assigned matter whereby the Government is or may be defrauded or that is otherwise unlawful, or otherwise in contravention of the duty of the Comptroller, the customs officer or authorised person, the person—

- (a) directly or indirectly, offers or gives to the Comptroller, the customs officer or authorised person—
 - (i) any payment or other reward, whether pecuniary or otherwise; or
 - (ii) any promise or security for a payment or reward; or
- (b) proposes or enters into any agreement with the Comptroller, the customs officer or authorised person respecting—
 - (i) any payment or other reward, whether pecuniary or otherwise; or
 - (ii) any promise or security for a payment or reward.

Carrying away officers.

176. Where a vessel or an aircraft departs from Saint Christopher and Nevis carrying on board a customs officer without his or her consent—

- (a) 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 one hundred thousand dollars or to imprisonment for five years; and
- (b) in addition to any liability imposed on a person under paragraph (a)—
 - (i) in the case of a vessel, the master and owner of the vessel and the agent of the master are severally and jointly liable; and
 - (ii) in the case of an aircraft, the commander and owner of the aircraft and the agent of the commander are severally and jointly liable,for any expenses incurred by the Comptroller or the Government by reason of the carrying away of the customs officer.

Interfering with customs vessels, aircraft, etc.

177. (1) A person commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for two years if the person, without just and sufficient cause, interferes in any way with a vessel, aircraft, vehicle, buoy, anchor, chain, rope or mark which is being used by a customs officer in the performance of his or her duty.

(2) A person commits an offence and is liable on conviction on indictment to imprisonment for five years if the person fires upon a vessel, aircraft or vehicle being used by a customs officer in the performance of his or her duty.

Signalling to smugglers.

178. (1) In this section, references to “prohibited signal” or “prohibited message” shall be construed as references to any signal or message connected with the smuggling or intended smuggling of goods into or out of Saint Christopher and Nevis.

(2) Where a person, by any means, transmits a prohibited signal or a prohibited message from any place in Saint Christopher and Nevis or from any vessel or aircraft, to a person in any other vessel or aircraft—

- (a) the person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for one year; and
- (b) any equipment or apparatus used by such person for the transmission of the prohibited signal or the prohibited message is liable to forfeiture.

(3) Subsection (2) applies whether or not the person for whom the prohibited signal or message is intended is in a position to receive it or is actually engaged at that time in smuggling.

(4) For the purposes of this section, where a vessel to which a prohibited signal is sent or transmitted—

- (a) changes its course;
- (b) if at anchor, weighs anchor; or
- (c) sends a signal in apparent response,

the vessel is deemed to be a smuggling vessel, unless the contrary is proved.

(5) Where a proper officer or a police officer has reasonable grounds to believe that a prohibited signal or a prohibited message is being transmitted or is about to be transmitted from any vessel, aircraft, vehicle, building or other place in Saint Christopher and Nevis, the officer may—

- (a) board or enter that vessel, aircraft, vehicle, building or place; and
- (b) take such steps as are reasonably necessary to prevent the transmission of such signal or message.

Adapting vessels and aircraft for smuggling.

179. Where a vessel or an aircraft comes to or is found within Saint Christopher and Nevis having—

- (a) any part adapted for the purpose of concealing goods or persons; or
- (b) any hole, pipe or device adapted for the purpose of concealing goods or persons,

the master, commander or person in charge of the vessel or aircraft and the owner of the vessel or aircraft commit an offence and each is liable on summary conviction to a fine of twenty-five thousand dollars.

Communicating with arriving vessels.

180. Unless the Comptroller otherwise permits, a person on board a vessel, including a small boat, who without lawful justification, authority or cause, communicates with another vessel arriving from a place outside Saint Christopher and Nevis before the arriving vessel is cleared by the customs officer commits an

offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for one year.

Offering smuggled goods for sale.

181. (1) A person 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, if the person offers for sale goods purported to be—

- (a) imported without payment of duty, whether or not such goods were in fact chargeable with duty; or
- (b) otherwise unlawfully imported, whether or not such goods were in fact so imported.

(2) The goods in respect of which the offence is committed under subsection (1) are liable to forfeiture.

Special penalty where offender armed and disguised.

182. (1) A person commits an offence and is liable on conviction on indictment to imprisonment for five years if the person concerned in the movement or carriage of goods—

- (a) performs any act contrary to or for the purpose of contravening any prohibition or restriction in force under any enactment with respect to the importation, exportation or carriage coastwise of goods; and
- (b) is armed with any offensive weapon or is disguised in any way, during the commission of such act.

(2) A person commits an offence and is liable on conviction on indictment to imprisonment for five years if the person—

- (a) is found in Saint Christopher and Nevis in possession of any goods or article liable to forfeiture under any customs enactment; and
- (b) is armed with any offensive weapon or is disguised in any way.

False declaration.

183. (1) Notwithstanding anything contained in any enactment to the contrary, where a person, in connection with an assigned matter, knowingly or recklessly—

- (a) makes or signs, or causes to be made or signed, any declaration, notice, certificate or other document which is false in a material particular;
- (b) submits, or causes to be submitted, to the Comptroller or a customs officer, any declaration, notice, certificate or other document which is false in a material particular; or
- (c) makes any statement, in an answer to any question put to him or her by a customs officer which the person is required under any written law to answer, which is false in a material particular,

the 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 relation to which the document or statement was made, signed or submitted, whichever is greater or to imprisonment for five years.

(2) The goods in relation to which the document or statement referred to in subsection (1) was made, signed or submitted are liable to forfeiture.

(3) Where, by reason of an act described in subsection (1), the full amount of duty payable is not paid or any overpayment is made in respect of any drawback, allowance, rebate or repayment of duty, the amount of duty unpaid or of the overpayment—

- (a) is payable immediately to the Comptroller; and
- (b) is recoverable by the Comptroller as a civil debt to the State.

Counterfeiting documents.

184. A person commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for five years, or to both such fine and imprisonment if the person—

- (a) with respect to a document which is required under any customs enactment—
 - (i) counterfeits or falsifies the document;
 - (ii) knowingly accepts, receives or uses the document so counterfeited or falsified; or
 - (iii) alters the document after it has been officially issued;
- (b) with respect to a document which is used in the transaction of any business relating to an assigned matter—
 - (i) counterfeits or falsifies the document;
 - (ii) knowingly accepts, receives or uses the document so counterfeited or falsified; or
 - (iii) alters the document after it has been officially issued; or
- (c) counterfeits any seal, stamp, signature, initials or other mark of, or used by a customs officer for the verification of a document or for the security of goods or for any other purpose relating to an assigned matter.

False scales.

185. (1) Where a person who is required by or under any customs enactment to provide scales knowingly provides scales which do not give a true reading, the person commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

(2) When in connection with the weighing, counting, gauging or measuring of an article for the purpose of taking account of the goods or conducting an examination by a customs officer—

- (a) a person referred to in subsection (1); or
- (b) a person by whom or on whose behalf the article is, or is to be weighed, counted, gauged or measured, performs an act which prevents or hinders, or is likely to prevent or hinder the officer from taking a true account or making a proper examination, that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(3) For the purposes of this section, “scales” includes weights, measures and weighing or measuring machines or instruments.

Fraudulent evasion of duty, etc.

186. (1) Without prejudice to any other customs enactment, a person commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or a fine equivalent to three times the value of the goods, whichever is greater or to imprisonment for five years if the person, with intent to defraud the revenue of the Customs Department—

- (a) knowingly acquires possession of any—
 - (i) goods which have been unlawfully removed from a warehouse or a customs warehouse;
 - (ii) goods which are chargeable with any duty which has not been paid; or
 - (iii) goods in respect of which a prohibition or restriction relating to the importation, exportation or carriage coastwise is in force under any written law; or
- (b) is in any way knowingly concerned with smuggling, unshipping, landing, carrying, removing, depositing, harbouring, keeping or concealing of goods.

(2) Without prejudice to any other customs enactment, a person commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or equivalent to three times the value of the goods, whichever is greater or to imprisonment for five years if the person is, in relation to any goods, in any way knowingly concerned in a fraudulent evasion of, or any attempt at evasion of—

- (a) any duty chargeable on such goods; or
- (b) any prohibition or restriction in force with respect to the importation, exportation or carriage coastwise of such goods by or under virtue of any written law.

(3) Any goods in respect of which an offence is committed under this section are liable to forfeiture.

Removing locks, seals and marks.

187. (1) A person shall not, without the authority of the proper officer—

- (a) remove or tamper with any lock, seal or mark which is used, in accordance with a power conferred by or under a customs enactment, to secure or identify any goods or a place or container in which goods are kept; or
- (b) wilfully remove such secured or identified goods, or insert in any such place or container additional goods, at any time before such lock, seal or mark is lawfully removed.

(2) Any person who contravenes any provision of subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars or equivalent to three times the value of the goods, whichever is greater.

(3) Where an offence is committed under subsection (2)—

- (a) the person in charge of the goods at the time of the commission of the offence also commits an offence and is liable on summary conviction to a fine of one hundred 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.

(4) For the purposes of this section, where goods are in a vessel or an aircraft, the goods are deemed to be in the charge of the master of the vessel or the commander of the aircraft.

Intermeddling with goods found floating, etc.

188. (1) A person commits an offence and is liable on summary conviction to a fine of ten thousand dollars if the person not being a customs officer—

- (a) finds, floating upon the sea or sunk into the sea, goods which are prohibited or restricted from being imported into or exported from Saint Christopher and Nevis; and
- (b) interferes with or picks up such goods.

(2) Any goods in respect of which an offence is committed under this section are liable to forfeiture.

(3) For the purposes of this section, the reference to “customs officer” includes a reference to a person otherwise authorised by law to interfere with or pick up any goods which are prohibited or restricted from being imported into or exported from Saint Christopher and Nevis.

Penalty in cases of forfeiture.

189. Where any vessel, aircraft or goods is liable to forfeiture under a customs enactment, a person who is knowingly concerned in the act or omission which causes the vessel, aircraft or goods to be liable to forfeiture 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 such vessel, aircraft or goods.

Offences in relation to warehouses.

190. (1) A person commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for two years if the person—

- (a) without the authority of a proper officer; and
- (b) without just and sufficient cause,

opens any door or lock of a customs warehouse or creates or obtains access to any warehouse or to goods in a warehouse.

(2) Goods are liable to forfeiture if goods having been—

- (a) entered for warehousing, such goods are taken into a warehouse without the authority of, or otherwise than in accordance with any direction given by the proper officer;
- (b) entered for warehousing, such goods are removed without being warehoused or are otherwise not warehoused, unless otherwise permitted under this Act;

- (c) deposited in a warehouse, such goods are unlawfully removed or are unlawfully loaded into a vessel or an aircraft for removal or for exportation or for use as stores;
- (d) entered for warehousing, such goods are concealed, either before or after they have been warehoused; or
- (e) lawfully permitted to be removed from a warehouse without payment of duty for any purpose, such goods are not delivered to the destination to which they should have been taken in accordance with that permission.

(3) Subject to subsection (4), a person commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars if the person is in any way concerned in any contravention of subsection (1).

(4) Where, in respect of any goods liable to forfeiture under this section, a person is in any way concerned in any action described in subsection (2), with the intent to—

- (a) defraud the State of any duty chargeable on such goods;
- (b) evade any duty chargeable on such goods; or
- (c) evade any prohibition or restriction, under any enactment in force with respect to such goods,

the person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars or a fine equivalent to three times the value of the goods, whichever is greater, or imprisonment for five years.

General penalty and limit of penalty.

191. A person who commits an offence against any customs enactment for which no specific penalty is provided is liable on summary conviction to a fine of twenty-five thousand dollars.