

PART XI

PROHIBITED AND RESTRICTED GOODS

Prohibited and restricted imports.

104. (1) No person shall import—

- (a) any goods or any class or description of goods specified in Part 1 of the Fourth Schedule; or
- (b) any goods specified in Part 2 of the Fourth Schedule, except in accordance with the conditions and restrictions imposed in that Part.

(2) The Minister may, by Regulations, amend Part 1 or 2 of the Fourth Schedule.

(3) A prohibition or restriction imposed by Regulations made under subsection (2) may—

- (a) be general;
- (b) be limited to the importation of goods from a specified place or by or from a specified person or class of persons; or
- (c) whether general or limited, be absolute or conditional.

Prohibited and restricted exports.

105. (1) No person shall export any good specified—

- (a) in Part 3 of the Fourth Schedule; or
- (b) in Part 4 of the Fourth Schedule, except in accordance with the conditions and restrictions imposed in that Part.

(2) The Minister may, by Regulations, amend Part 3 or 4 of the Fourth Schedule.

(3) A prohibition or restriction imposed by Regulations made under subsection (2) may—

- (a) be general;
- (b) be limited to the importation of goods from a specified place or by or from a specified person or class of persons; or
- (c) whether general or limited, be absolute or conditional.

(4) Unless otherwise specified in the Regulations, the Regulations made under this section prohibiting or restricting the exportation of goods extend to and apply to the shipment of the goods for use as stores by vessels and aircraft.

Production of licence and permit for goods.

106. Where the importation or exportation of goods of any class or description is restricted under this Act or any other enactment, the Comptroller shall refuse to enter such goods or to clear such goods for export unless—

- (a) such goods are imported or exported under the authority of a licence or permit; and
- (b) the importer or exporter produces the licence or permit in respect of the goods.

Additional prohibitions and restrictions.

107. The Minister may, by Regulations, prohibit or restrict the importation, exportation or carriage coastwise of any class or description of goods to or from any specified place in Saint Christopher and Nevis.

Goods imported in transit, transshipment and as stores.

108. (1) Subject to subsection (2), goods imported in transit or in transshipment, or as *bona fide* stores of any vessel or aircraft, are deemed not to be prohibited or restricted goods.

(2) Subsection (1) does not apply where goods referred to in that subsection are expressly prohibited from or restricted from being imported in transit or transshipment, or as stores, in any Regulations or other subsidiary legislation, made under any customs enactment or any other enactment prohibiting or restricting the importation or exportation of goods.

(3) Goods imported in accordance with subsection (1) shall be exported within such time as the Comptroller may allow.

Penalty.

109. (1) A person commits an offence and is liable on summary conviction to fine of twenty-five thousand dollars if the person—

- (a) imports, unloads, unships or lands in Saint Christopher and Nevis goods, the importation of which is prohibited under this Part;
- (b) exports, or transports with intent to export, from Saint Christopher and Nevis goods, the exportation of which is prohibited under this Part;
- (c) is knowingly concerned in the commission of an offence under paragraph (a) or (b);
- (d) without lawful justification or excuse, removes from a customs controlled area imported goods the importation of which is prohibited under this Part;
- (e) is knowingly concerned, or conspires, in the removal from a customs controlled area of goods, the importation of which is prohibited under this Part;
- (f) commits a breach of, or fails to comply with, a term or condition of a licence or permit or consent which has been granted under this Part; or
- (g) is knowingly concerned in the commission of an offence under paragraph (f).

(2) It is not a defence in a prosecution for an offence referred to in subsection (1)(a), (b), (d) or (f) that the defendant had no knowledge or no reasonable cause to believe that the goods in respect of which the offence was committed were prohibited imports or prohibited exports.