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CHAPTER 20.04

CUSTOMS (CONTROL AND MANAGEMENT) ACT

AN ACT to provide for the law relating to customs.

PART I – PRELIMINARY

1. Short Title.

This Act may be cited as the Customs (Control and Management) Act.

2. Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the following meanings, respectively,

“agent” means any person appointed as an agent under section 18;

“aircraft” includes any balloon (whether captive or free), kite, glider, airship, helicopter or other flying machine;

“airport” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“approved wharf” means any place approved under section 13.(1);

“assigned matter” means any matter in relation to which the Comptroller is for the time being required in pursuance of any enactment to perform any duty;

“beer” includes any description of beer and any liquid which on an analysis of a sample thereof at any time is to be of a strength exceeding 1.2% but not more than 10% of pure ethyl alcohol by volume:

Provided that the Minister shall have the power to modify this definition or permit such exceptions as may be found desirable.

“boarding station” means any place directed to be a boarding station under section 12. (c);

“burden”, in relation to the weight of a vessel, means the net registered tonnage calculated in the manner prescribed by law for ascertaining net registered tonnage;

“cargo” means any goods, other than mail, stores, crew member’s effects and passenger’s accompanied baggage, carried on board a vessel or aircraft;

“claimant”, in relation to proceedings for the condemnation of any thing as being liable to forfeiture, means any person claiming that that thing is not liable to forfeiture;

- “coasting aircraft” and “coasting vessel” have the meaning given to them by section 43. (1);
- “commander”, in relation to an aircraft, includes any person having or taking charge or command of that aircraft;
- “Common Market” means the Caribbean Common Market;
- “Comptroller” means the Comptroller of Customs;
- “container” includes any bundle or package and any box, cask or other receptacle whatsoever;
- “crew” means any person employed in duties on board any vessel or aircraft during a voyage or flight, whether or not such a person is on any crew list;
- “customs airport” means any place prescribed as such or appointed under section 14;
- “Customs Appeal Commissioners” means those persons appointed to be Customs Appeal Commissioners under section 137;
- “customs area” means any place approved under section 15.(1);
- “customs enactment” includes the provisions of this Act, any subsidiary legislation made under it, and any other enactment which relates to an assigned matter;
- “customs port” means any place prescribed as such or appointed under section 12;
- “Customs warehouse” means any place appointed as such under section 63;
- “dollar” means the Eastern Caribbean Dollar;
- “drawback” means a refund of all or part of any duty of customs authorised by any enactment in respect of goods exported or used in any particular manner;
- “drawback goods” means goods in the case of which a claim for drawback has been or is to be made;
- “dutiable goods” means goods of a class or description subject to any duty of customs whether or not these goods are in fact chargeable with that duty, and whether or not that duty has been paid thereon;
- “duty” means a duty of customs chargeable under any law on goods on importation or exportation;
- “Entered”,
- (a) in relation to goods imported, warehoused, put on board an aircraft or ship as stores or exported, means the acceptance and signature by the proper officer of an entry, specification or shipping bill and declaration signed by the importer or exporter on the prescribed form in the prescribed manner,

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together with the payment to the proper officer by the importer or exporter of all rents and charges due to the Government in respect of the goods; and

- (b) in the case of dutiable goods (except on the entry for warehousing of imported goods) means the payment by the importer or exporter to the proper officer of the full duties thereon, or else, where permitted, the deposit of a sum of money or giving of security for the duties, as provided by law; or
- (c) in the case of goods for which security by bond is required on the exportation, putting on board an aircraft or ship as stores or removal of such goods, means the giving of such security; and “entry” shall be construed accordingly;

“entry by bill of sight” means an entry made in accordance with section 27 (3);

“examination station” means any place approved under section 16 (1);

“export” means to take or cause to be taken out of Saint Christopher and Nevis or the territorial sea;

“exporter”, in relation to goods for exportation or for use as stores, includes the shipper of the goods and any person performing in relation to any aircraft functions corresponding with those of a shipper;

“goods” includes stores, baggage and livestock;

“import” means to bring or cause to be brought into Saint Christopher and Nevis or the territorial sea;

“importer”, in relation to any goods at any time between their importation and the time when they are delivered out of customs charge, includes any owner or other person for the time being possessed of or beneficially interested in the goods;

“land and “landing”, in relation to the landing of aircraft, includes alighting on water;

“master”, in relation to a vessel, includes any person having or taking charge or command of the vessel;

“Minister”, means the Minister charged with the responsibility of Customs;

“occupier”, in relation to any warehouse, means the person who has given security to the Comptroller in respect of those premises;

“officer” means, subject to section 5. (2), any person employed in the Customs Department of the Ministry of Finance, and includes the Comptroller and the Deputy Comptroller;

“owner”, in relation to a vessel or an aircraft, includes the operator of that vessel or aircraft;

- “passenger” means any person, other than a crew member, traveling on or arriving from any vessel or aircraft;
- “passenger’s accompanied baggage” means the personal and household effects of a passenger including currency carried on a vessel or aircraft whether in the personal possession of the passenger or not so long as it is not carried under a contract of carriage or other similar agreement and does not include any article intended for sale or exchange;
- “perfect entry” means any entry made in accordance with section 26 or the warehousing Regulations, as the case may be;
- “police officer” means any member of the Royal Saint Christopher and Nevis Police Force;
- “port” means a port appointed by the Minister under section 12;
- “prohibited or restricted goods” means goods of a class or description of which the importation, exportation or carriage coastwise is for the time being prohibited or restricted under or by virtue of any enactment;
- “proper”, in relation to the person by, with or to whom or the place at which any thing is to be done, means the person or place appointed or authorised by the Comptroller in that behalf;
- “proprietor”, in relation to any goods, includes any owner, importer, exporter, shipper or other person for the time being possessed of or beneficially interested in those goods;
- “shipment” includes loading into an aircraft and “shipped” and cognate expressions shall be construed accordingly;
- “spirits” means any spirits of any description and includes all liquors mixed with spirits and all mixtures, compounds or preparations made with spirits but does not include methylated spirits or medicated spirits;
- “stores” means goods for use in a vessel or aircraft and includes fuel and spare parts and other articles or equipment, whether or not for immediate fitting;
- “territorial sea” has the same meaning as in section 3 of the Maritime Areas Act, Cap. 7.03;
- “tobacco” includes manufactured and unmanufactured tobacco of every description, tobacco stalks and tobacco refill;
- “transit” or “transshipment”, in relation to the entry of goods, means transit through Saint Christopher and Nevis or transshipment with a view to the re-exportation of goods in question;
- “transit shed” means any place approved under section 17. (1);
- “vehicle” means any method of carriage or conveyance and includes any cart and wagon and any trailer attached to any vehicle;

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“vessel” includes any ship, hovercraft or boat;

“warehouse”, except in the expression “Customs warehouse”, means any place of security approved by the Comptroller under section 51. (1);

“warehousing regulation” means any Regulation made under section 52.

3. Time of importation and exportation.

(1) The provisions of this section shall have effect for the purposes of this Act and of any other enactment relating to customs.

(2) The time of importation of any goods shall be deemed to be,

(a) where the goods are brought by sea, the time when the vessel carrying them comes within the limits of the port;

(b) when the goods are brought by air, the time when the aircraft carrying them lands in Saint Christopher and Nevis or the time when the goods are unloaded in Saint Christopher and Nevis, whichever is the earlier.

Provided that, in the case of goods brought by sea of which entry is not required under section 26, the time of importation shall be deemed to be the time when the vessel carrying the goods came within the limits of the port at which the goods are discharged.

(3) The time of exportation of any goods from Saint Christopher and Nevis shall be deemed to be, where the goods are exported by sea or air, the time when the goods are shipped for exportation:

Except that in the case of prohibited or restricted goods which are exported by sea or by air, the time of exportation shall be deemed to be the time when the exporting vessel or aircraft departs from the last port or customs airport at which it is cleared before departing for a destination outside Saint Christopher and Nevis.

(4) A vessel shall be deemed to have arrived at or departed from a port at the time when the ship comes within or, as the case may be, leaves the limits of that port.