
Committee on Customs Valuation

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**NOTIFICATION UNDER ARTICLE 22 OF THE AGREEMENT ON
IMPLEMENTATION OF ARTICLE VII OF THE GENERAL
AGREEMENT ON TARIFFS AND TRADE 1994**

DOMINICA

The following communication, dated 4 April 2001, has been received from the Government of the Commonwealth of Dominica.

In accordance with Article 22 and the Decision of the Committee on Customs Valuation of 12 May 1995, I have the honour to notify the Committee on Customs Valuation of the legislation of the Commonwealth of Dominica relevant to Customs Valuation¹: the Customs (Control and Management) Act No. 16 of 1995.

Comité de l'évaluation en douane

**NOTIFICATION AU TITRE DE L'ARTICLE 22 DE L'ACCORD SUR LA MISE
EN ŒUVRE DE L'ARTICLE VII DE L'ACCORD GÉNÉRAL SUR LES
TARIFS DOUANIERS E LE COMMERCE DE 1994**

DOMINIQUE

Le gouvernement du Commonwealth de Dominique a fait parvenir au Secrétariat la communication ci-après, datée du 4 avril 2001.

Conformément à l'article 22 et à la Décision du Comité de l'évaluation en douane du 12 mai 1995, j'ai l'honneur de notifier au Comité de l'évaluation en douane la législation du Commonwealth de Dominique se rapportant à l'évaluation en douane¹: la Loi douanière (contrôle et gestion) n° 16 de 1995.

Comité de Valoración en Aduana

**NOTIFICACIÓN DE CONFORMIDAD CON EL ARTÍCULO 22 DEL
ACUERDO RELATIVO A LA APLICACIÓN DEL ARTÍCULO VII
DEL ACUERDO GENERAL SOBRE ARANCELES
ADUANEROS Y COMERCIO DE 1994**

DOMINICA

Se ha recibido del Gobierno del Commonwealth de Dominica la siguiente comunicación, de fecha 4 de abril de 2001.

De conformidad con lo dispuesto en el artículo 22 del Acuerdo de referencia y en la Decisión adoptada por el Comité de Valoración en Aduana el 12 de mayo de 1995, tengo el honor de notificar al Comité de Valoración en Aduana la legislación del Commonwealth de Dominica en materia de valoración en aduana¹: Ley de Aduanas (control y gestión) N° 16 de 1995.

¹ In English only./En anglais seulement./En inglés solamente.

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**CUSTOMS (CONTROL AND
MANAGEMENT) ACT**

CHAPTER 69:01

Act
16 of 1985
Amended by
22/1989
38/1989
8 of 1991

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CUSTOMS (CONTROL AND MANAGEMENT) ACT

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CHAPTER 69:01

CUSTOMS (CONTROL AND MANAGEMENT) ACT

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CHAPTER 69:01

CUSTOMS (CONTROL AND MANAGEMENT) ACT

AN ACT to amend and consolidate the law relating to the control of customs. 16 of 1985.

[12th August 1985]

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the – Short title.
CUSTOMS (CONTROL AND MANAGEMENT) ACT.

2. In this Act – Interpretation.

“agent” means any person appointed 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 written law to perform any duty;

“boarding station” means any place directed to be a boarding station under section 12 (4);

“burden”, in relation to the weight of a vessel, means the method of ascertaining tonnage laid down by section 8 of the Registration of Ships Act in relation to Dominican vessels; Ch. 48:01.

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

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- “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 39 (1);
- “commander”, in relation to an aircraft, includes any person having or taking the charge or command of that aircraft;
- “Comptroller” means the Comptroller of Customs appointed by the President under section 86 of the Constitution;
- “container” includes any bundle or package and any box, cask or other receptacle;
- “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 70 (1);
- “customs area” means any place approved under section 15 (1);
- “customs enactment” means 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 52 (1);
- “Deputy Comptroller” means the Deputy Comptroller of Customs appointed by the President under section 86 of the Constitution;
- “Dominica” means the Commonwealth of Dominica;
- “drawback” means any amount of duty paid in respect of goods which is repaid under section 64;
- “duty” means any tax chargeable on the importation of goods into, or the exportation of goods out of, Dominica;
- “entry”, in relation to the importation or exportation of goods, means any document delivered to the proper officer in accordance with

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section 26 (1) or section 32 (1) respectively, and in relation to vessels or aircraft, means any document delivered to the proper officer in accordance with section 33 (1);

“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 Dominica or its waters;

“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 an aircraft functions corresponding with those of a shipper;

“goods” includes stores and baggage;

“import” means to bring or cause to be brought into Dominica or its waters;

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

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

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

“Minister” means the Minister responsible for Finance;

“nautical mile” means a distance of one thousand eight hundred and fifty-two metres;

“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 Division 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 travelling on or arriving from any vessel or aircraft;

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“passenger’s accompanied baggage” means property, including currency, carried for a passenger on a vessel or aircraft, whether in his personal possession or not, so long as it is not carried under a contract of carriage or other similar agreement;

“perfect entry” means any entry made in accordance with section 26 or warehousing regulations, as the case may be;

“police officer” means any member of the Commonwealth of Dominica Police Service;

“proper officer”, in relation to the person by or with whom, or the place at which any thing is to be done, means the person 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;

“spirits” means any liquid which is twenty percent or more by volume of ethyl alcohol as verified by the Sykes Hydrometer, and includes rum, gin, brandy and liqueurs but excludes perfumed and 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;

Ch. 1:11.

“territorial waters of Dominica” means the contiguous zone of sea over which the Commonwealth of Dominica may exercise sovereign rights by virtue of section 4 of the Territorial Sea, Contiguous Zone, Exclusive Economic and Fisheries Zones Act;

“transit” or “transshipment”, in relation to the entry of goods, means transit through Dominica or transshipment with a view to the re-exportation of the 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;

“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 45 (1);

“warehoused goods” has the meaning given to it by section 45 (1);

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“warehousing regulations” means any regulations made under section 46 (1);

“waters of Dominica”, except in the expression “territorial waters of Dominica”, means any waters within a space contained within an imaginary line drawn parallel to the shores and outer reefs of Dominica which appear above the surface at low water mark at ordinary spring tides and a distance of three nautical miles from those places.

3. (1) The time of importation of any goods shall be deemed to be – Time of importation and exportation.

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

(b) where the goods are brought by air, the time when the aircraft carrying them first lands in Dominica or the time when the goods are unloaded in Dominica, whichever is the earlier.

(2) The time of exportation of any goods shall be deemed to be the time when the goods are put on board any vessel or aircraft with the intention that they should be exported in that vessel or aircraft.

PART II
ADMINISTRATION

4. The Comptroller shall be responsible for the administration of this Act, and for any other provision whereby a duty is conferred on him by or under any other enactment. Comptroller of Customs.

5. (1) Any act or thing required or authorised by any customs enactment to be done by the Comptroller may be done by either – Delegation and appointment by the Comptroller.

(a) the Deputy Comptroller; or

(b) any other officer authorised generally or specifically in that behalf, in writing or otherwise, by the Comptroller, except that where, for any reason, the post of Comptroller for any time is unfilled, any authorisation given by a previous Comptroller which has not been revoked shall continue in force until revoked by any person subsequently appointed as Comptroller.

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(2) Any person appointed by the order or with the concurrence of the Comptroller (whether previously or subsequently expressed) to perform any act or duty relating to an assigned matter which by law may or is required to be performed by an officer, shall be deemed to be an officer.

(3) Any person deemed by virtue of subsection (2) to be an officer shall have all the powers of an officer in relation to the act or duty to be performed by him.

(4) Any officer or other person authorised in writing by the Comptroller to do anything who fails when required to do so by the Comptroller to return to him that written authority, is liable to a fine of five hundred dollars.

Obligation of
secrecy.

6. (1) Subject to subsection (2), any person appointed or employed in carrying out any requirement of or any duty imposed or any power granted by any customs enactment, who –

(a) discloses to an unauthorised person any document, information or confidential instruction which has come into his possession or to his knowledge in the course of his duties; or

(b) permits any unauthorised person to have access to any records in his possession or custody,

is liable to a fine of five thousand dollars and to imprisonment for twelve months.

(2) Nothing in subsection (1) shall prevent the disclosure by any person of any document, information or confidential instruction where that disclosure is authorised by the Comptroller.

Times of
attendance of
officers.
First Schedule.

7. (1) The working days and hours of general attendance of officers, and the fees payable for the performance of duties outside those hours, shall be as prescribed by the First Schedule.

(2) The Minister may by Order amend the First Schedule.

(3) Any request for the services of an officer outside the normal hours of attendance shall be made in writing to the Comptroller or the proper officer at the place where the services are desired and the Comptroller or the proper officer may subject to any regulations thereto, and upon payment of the fee prescribed therefor in the First Schedule, grant the request.