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8. It shall be the duty of every police officer to assist in the enforcement of the law relating to any assigned matter. Assistance to be rendered by the police.
9. No officer shall own or have any financial or other interest, whether directly or indirectly, in any vessel over five tons burden or in any aircraft, or act in any way on behalf of the owner of, or a person so interested in, such a vessel or aircraft. Officers not to be interested in certain vessels or aircraft.
10. Any direction given under any provision of this Act or any subsidiary legislation made under it – Directions.
- (a) may make different provisions for different circumstances;
 - (b) may be varied or revoked by any subsequent direction; and
 - (c) unless varied or revoked by a subsequent direction, shall continue to apply notwithstanding that the person who gave the direction is no longer the Comptroller or an officer, or for any other reason, no longer has the authority to give such a direction.
11. The requirements imposed by Parts IV, V and VI shall not apply – Application to government vessels and aircraft.
- (a) to any vessel or aircraft owned by or in the service of the Government of Dominica, when being used for the purpose of customs, police or coastguard; and
 - (b) where the Comptroller so directs, and for such periods and subject to such conditions and restrictions as he may see fit to impose, to any vessel or aircraft owned by or in the service of the Government of any other country.

PART III

CUSTOMS CONTROLLED AREAS

12. (1) The ports of Roseau, Portsmouth and Anse-de-Mai, as prescribed in Parts I, II and III respectively of the Schedule to the Port Authority Act shall be customs ports. Appointment of customs ports. Ch. 50:01.
- (2) The Minister may by Order –
- (a) appoint and name any area in Dominica as a customs port;
 - (b) alter the name or limits of any customs port;

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- (c) revoke the appointment of any customs port; and
- (d) impose any condition or restriction, or vary or revoke any condition or restriction imposed, on the use of any area in Dominica as a customs port.

(3) Any person who contravenes any condition or restriction imposed by the Minister under subsection (2) is liable to a fine of five thousand dollars.

(4) The Comptroller may direct that any place in a customs port shall be a boarding station for the purpose of the boarding of or disembarkation from vessels by officers.

Approved
wharves.

13. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose, any place in Dominica for the embarkation and disembarkation of passengers on, to and from vessels and for the loading and the unloading of goods or of any class or description of goods on, to and from vessels, and any place so approved shall be referred to in this Act as an “approved wharf”.

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

(3) Any person who contravenes any condition or restriction imposed by the Comptroller under subsection (1) is liable to a fine of five thousand dollars.

Customs airports
and seaports.
Ch. 47:01.
Ch. 47:02.

14. (1) The airports at Melville Hall, as prescribed in the Schedule to the Melville Hall Airport Act and at Canefield, as prescribed in the Schedule to the Canefield Airport Act, shall be customs airports.

(2) The Minister may by Order –

- (a) appoint and name any area in Dominica as a customs airport;
- (b) alter the name or limits of any customs airport;
- (c) revoke the appointment of any customs airport; and
- (d) impose any condition or restriction, or vary or revoke any condition or restriction imposed, on the use of any area in Dominica as a customs airport.

(3) Any person in control of any airport shall –

- (a) permit an officer at any time to enter upon and inspect that airport and all buildings and goods on it; and

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(b) if so required by the Comptroller –

- (i) keep a record, in such form and manner and containing such particulars as the Comptroller may direct, of all aircraft arriving at or departing from that airport;
- (ii) keep that record available and produce it on demand to any officer, together with all other documents kept at the airport which relate to the movement of aircraft; and
- (iii) permit any officer to make copies of, take extracts from or remove for a reasonable period any such record or document.

(4) Any person who contravenes –

- (a) any condition or restriction imposed by the Minister under subsection (2); or
- (b) any requirement imposed under subsection (3),

is liable to a fine of five thousand dollars.

15. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose, any place in Dominica, not being a customs port, approved wharf or customs airport, as a “customs area”. Customs areas.

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

(3) Any person who contravenes any condition or restriction imposed by the Comptroller under subsection (1) is liable to a fine of five thousand dollars.

16. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose, any place at a customs port, approved wharf, customs airport or other customs area, for the examination of persons entering or leaving Dominica, their baggage and any other goods or class or description of goods that an officer may require to examine, and any such place so approved shall be referred to in this Act as an “examination station”. Examination stations.

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

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- (3) Save as the proper officer may otherwise permit –
- (a) all persons entering or leaving Dominica shall on their disembarkation from any vessel or aircraft, or immediately before their embarkation on to any vessel or aircraft, attend at an examination station;
 - (b) any baggage of a person entering or leaving Dominica shall, on being unloaded from any vessel or aircraft or immediately before being loaded on to any vessel or aircraft, be taken to an examination station; and
 - (c) any other goods, class or description of goods, required to be examined by any officer shall, on being unloaded from any vessel or aircraft, or immediately before being loaded on to any vessel or aircraft, be taken to an examination station.
- (4) Any person entering or leaving Dominica shall –
- (a) declare anything contained in his baggage or carried with him which is chargeable with any duty which has not been paid; and
 - (b) answer all such questions as the proper officer may put to him with respect to his baggage and any thing contained in it or carried with him.
- (5) Any person who contravenes –
- (a) any condition or restriction imposed by the Comptroller under subsection (1); or
 - (b) any requirement imposed under subsection (3) or (4),

is liable to a fine of five thousand dollars, and any goods in respect of which the offence was committed shall be liable to forfeiture.

Transit sheds.

17. (1) The Comptroller may approve, for such periods and subject to such conditions and restrictions as he may see fit to impose, any place at a customs port, approved wharf, customs airport or other customs area, for the deposit of goods either imported and not yet cleared out of charge, or to be exported, including goods not yet reported or entered under this Act, and any place so approved shall be referred to in this Act as a “transit shed”.

(2) The Comptroller may at any time for reasonable cause revoke or vary the terms of any approval given under subsection (1).

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(3) Any person who contravenes any condition or restriction imposed by the Comptroller under subsection (1) is liable to a fine of five thousand dollars.

18. (1) The master of any vessel or the commander of any aircraft ^{Agents.} may appoint as his agent any person duly authorised to perform any act required by any customs enactment to be performed by a master or a commander, and, if he does so, he shall notify the Comptroller of the name and address of that person and if the Comptroller is satisfied that the person appointed is a fit and proper person to be such an agent, the Comptroller shall accept that person as the agent of that vessel or aircraft.

(2) If any agent appointed under subsection (1) wilfully or persistently neglects or refuses to comply with any requirement imposed by any customs enactment on a master of a vessel or a commander of an aircraft, the Comptroller may, by notice in writing, advise any master of that vessel or any commander of that aircraft that he no longer accepts the person appointed as the agent of that vessel or that aircraft, and that person shall upon the expiration of three months from the notification then cease to be the agent of that vessel or aircraft.

(3) Where any person other than the master of a vessel or the commander of an aircraft is required by any customs enactment to perform any act or duty, he may appoint as his agent any other person to perform that act or duty.

(4) Before accepting any request by an agent to act on behalf of a person in relation to an assigned matter, an officer may require that agent to produce to him written authority from the person whose agent he is certifying that he is so authorised to act.

19. (1) The Comptroller may give general or specific directions as to the manner in which, and the conditions and restrictions under which, goods to which this section applies may be moved within any customs port, approved wharf, customs airport or other customs area between any of them or between any of them and any other place. ^{Control of movement of uncleared goods.}

(2) This section applies to –

- (a) all goods chargeable with any duty which has not been paid;
- (b) any goods on which any drawback has been paid; and

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(c) any other goods which have not yet been cleared out of customs charge.

(3) Any direction under subsection (1) may require that goods to which this section applies shall only be moved –

(a) by persons licenced by the Comptroller for that purpose; or

(b) in such vessels, aircraft or vehicles, or by such other means, as may be approved by the Comptroller for that purpose,

and any such licence or approval may be granted for such periods and be subject to such conditions and restrictions as the Comptroller may see fit to impose and may be revoked at any time by the Comptroller.

(4) Any person who contravenes any direction given, or any condition or restriction imposed, or the terms of any licence or approval granted by the Comptroller under subsection (1) is liable to a fine of five thousand dollars.

Control of
pleasure craft.

20. (1) The Minister may make Regulations exempting pleasure craft from such provisions of Parts IV, V and VI as may be specified in the Regulations, and limiting the uses to which such vessels may be put.

(2) In this section, “pleasure craft” means –

(a) any vessel which, at the time of its arrival at a place in Dominica from abroad, is being used for private recreational purposes only, and of which the total complement including passengers and crew, does not exceed twenty persons; or

(b) any vessel which the proper officer, after application is made to him in writing, permits to be treated as a pleasure craft.

PART IV

IMPORTATION

Procedure on
arrival of vessels.

21. Save where the Comptroller –

(a) otherwise permits; or

(b) is satisfied that the failure to do so was caused by accident, stress of weather or other unavoidable cause,

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and that the requirement of this section was otherwise complied with as soon as reasonably practicable,
any vessel coming from a place outside Dominica shall, on entering the waters of Dominica, proceed directly to a customs port, and the master of any vessel who fails to so proceed is liable to a fine of five thousand dollars.

22. (1) Subject to the provisions of this section and save as the Comptroller otherwise permits – Procedure on
arrival of aircraft.

(a) the commander of any aircraft arriving in Dominica from a place outside Dominica shall not cause or permit that aircraft to land –

(i) for the first time on its arrival in Dominica; or

(ii) at any time while it is carrying passengers or goods brought in that aircraft from a place outside Dominica and not yet cleared,

at any place other than a customs airport; and

(b) no person importing or concerned in importing any goods in any aircraft shall bring those goods into Dominica at any place other than a customs airport;

and any commander or other person who contravenes any requirement of this subsection is liable to a fine of five thousand dollars, and any goods imported in contravention of this subsection is liable to forfeiture.

(2) Subsection (1) shall not apply in relation to any aircraft which is required by or under any enactment relating to air navigation, or is compelled by accident, stress of weather or other unavoidable cause, to land at a place other than a customs airport, but, subject to subsection (3) –

(a) the commander of any such aircraft –

(i) shall immediately report the landing to an officer or police officer and shall on demand produce to him the journey log belonging to the aircraft;

(ii) shall not without the consent of an officer permit any goods carried on the aircraft to be unloaded from, or any passenger or member of the crew to depart from the vicinity of, the aircraft; and

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(iii) shall comply with any direction given by an officer with respect to such goods; and

(b) no passenger or member of the crew shall without the consent of an officer or a police officer leave the immediate vicinity of any such aircraft.

(3) Nothing in subsection (2) shall prohibit –

(a) the departure of any passenger or member of the crew from the vicinity of an aircraft; or

(b) the removal of goods from an aircraft,

where that departure or removal is necessary for reasons of health, safety or the preservation of life or property.

Power to make Regulations as to arriving vessels and aircraft and the unloading of imported goods.

23. (1) The Minister may make Regulations –

(a) prescribing the procedure to be followed by a vessel arriving at a customs port and an aircraft arriving at a customs airport; and

(b) regulating the unloading, landing, movement and removal of goods on their importation,

and different Regulations may be made with respect to vessels and aircraft.

(2) Without prejudice to the generality of subsection (1), Regulations made under that subsection may provide for the imposition of a fine of an amount not exceeding five thousand dollars for any contravention of or failure to comply with any such Regulations or any direction given under any such Regulations, and for the forfeiture of any goods involved in any such offence.

Notification of arrival of vessels.

First Schedule.

24. Save as the Comptroller may otherwise permit, the master of every vessel intending to come to Dominica shall notify the Comptroller of the expected arrival of that vessel not less than one working day, as prescribed by the First Schedule, before the arrival of that vessel and any master who fails to so notify the Comptroller is liable to a fine of five hundred dollars.

Report inwards.

25. (1) The master of every vessel arriving at a customs port –

(a) from any place outside Dominica; or

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(b) carrying goods brought in that vessel from a place outside Dominica and not yet cleared on importation, shall, within twenty-four hours of that arrival, deliver to the Comptroller a report in such form and manner and containing such particulars as the Comptroller may direct.

(2) The commander of every aircraft arriving at a customs airport –

(a) from any place outside Dominica; or

(b) carrying goods or passengers taken on board that aircraft at a place outside Dominica, being goods or passengers either –

(i) bound for a destination in Dominica and not yet cleared at a customs airport; or

(ii) bound for a destination outside Dominica,

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

(3) Where any report made under this section is incorrect, the person who made it shall, within fourteen days of the making of it or such longer period as the Comptroller may in any case permit, be allowed to amend it, and provided that the Comptroller is satisfied that the error was not made knowingly or recklessly, then notwithstanding any other provision of any customs enactment that person shall not be guilty of any offence and where the error consisted of the omission or incorrect reporting of any goods, those goods shall not be liable to forfeiture.

(4) Where –

(a) a person by whom a report is required to be made by this section fails to make a report as required, he is liable to a fine of five thousand dollars; and

(b) any goods which appear on any clearance required to be produced by this section do not appear on the report, then, unless the report is amended under subsection (3), the master or commander –

(i) shall pay to the Comptroller the duty on the goods; and

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- (ii) shall be liable to a fine of five thousand dollars, or three times the duty on the goods, whichever is the greater.

(5) Any person making a report under this section shall, at the time of making it –

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

and if he fails to do so he is liable to a fine of five thousand dollars.

(6) If, at any time after a vessel or aircraft carrying goods brought in that vessel or aircraft from a place outside Dominica arrives within the waters of Dominica or lands and before a report has been made 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; or
- (d) any goods are stowed, destroyed or thrown overboard, or any container is opened,

then unless the matter is explained to the satisfaction of the Comptroller, the master or commander is liable to a fine of five thousand dollars and any goods in respect of which the offence was committed is liable to forfeiture.

(7) The Comptroller may require any goods reported as stores on board any vessel or aircraft, or any portion of them, to be entered for warehousing under section 26 and for the purposes of this subsection the master or commander shall be deemed to be the importer of those goods.

(8) Every report made under this section by the master of a vessel shall –