

LAWS OF DOMINICA

98      **Chap. 69:01**      *Customs (Control and Management)*

---

(2) No additions shall be made to the price actually paid or payable in determining the customs value except as provided in this paragraph.

(3) Additions to the price actually paid or payable shall be made under this paragraph only on the basis of objective and quantifiable data; and if such do not exist a transaction value shall not be determined under the provisions of paragraph 3.

(4) In this paragraph, the term 'buying commissions' means fees paid by an importer to his agent for the service of representing him abroad in the purchase of the goods being valued.

(5) Notwithstanding subparagraph (1)(c) –

- (a) charges for the right to reproduce the imported goods in Dominica shall not be added to the price actually paid or payable for the imported goods in determining the customs value; and
- (b) payments made by the buyer for the right to distribute or resell the imported goods shall not be added to the price actually paid or payable for the imported goods if such payments are not a condition of the sale for export to Dominica of the goods.

9. (1) Charges for interest under a financing arrangement entered into by the buyer and related to the purchase of imported goods shall not be included in the customs value determined under paragraph 3 provided that –

- (a) the charges are distinguished from the price actually paid or payable for the goods;
- (b) the financing arrangement has been made in writing;
- (c) where required by the Comptroller, the buyer can demonstrate that –
  - (i) such goods are actually sold at the price declared as the price actually paid or payable; and
  - (ii) the claimed rate of interest does not exceed the level for such transactions prevailing in the country where, and at the time when, the finance was provided.

(2) The provisions of subparagraph (1) shall apply regardless of whether the finance is provided by the seller, a bank or another person; and it shall also apply, *mutatis mutandis* where customs value is determined under a method other than the transaction value.

---

LAWS OF DOMINICA

*Customs (Control and Management)*

**Chap. 69:01**

99

**FIFTH SCHEDULE**

(Section 67).

PROHIBITIONS AND RESTRICTIONS

PART I

PROHIBITED GOODS

1. All gold and silver articles of foreign manufacture bearing imitations of British assay marks, and all gold and silver articles bearing marks purporting to be British assay marks, but which are below the standard indicated by the marks. British assay marks.
2. Base or counterfeit coin of any country. Counterfeit coin.
3. Coin of legal tender in Dominica or any coin purporting to be such, not being of the established standard in weight and fineness. Substandard coin.
4. Articles of food intended for human consumption declared by the Ministry responsible for public health to be unfit for such purpose. Food unfit for human consumption.
5. Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engraving or any other indecent or obscene articles or matter. Indecent or obscene articles.
6. Infected cattle, sheep or other animals, or their carcasses, hides, skins, horns, hoofs or any other parts, the importation of which may be prohibited by the Ministry responsible for agriculture in order to prevent the introduction or spread of any communicable disease. Infected animals.
7. Any pistol or other apparatus in the form of a stylographic pen or pencil capable of firing any kind of shot or cartridge, and any cartridge for such a pistol or apparatus containing tear gas. Certain pistols.
8. Any goods bearing the Coat of Arms of Dominica or of any other country or arms so closely resembling such arms as to be calculated to deceive, unless the manufacturer of such goods holds the appropriate Government's authority to use them in connection with his trade, business, calling or profession. Coat of Arms.
9. Shaving brushes manufactured in or exported from Japan. Shaving brushes.
10. Fictitious stamps and any die, plate, instrument or materials capable of making any such stamps. Stamps.
11. Goods the importation of which is prohibited by any other enactment. General.

*L.R.O. 1/1995*

LAWS OF DOMINICA

100      **Chap. 69:01**      *Customs (Control and Management)*

---

PART II

RESTRICTED GOODS

- |                              |   |
|------------------------------|---|
| Arms and ammunition.         | <b>1.</b> Arms and ammunition except with the written permission of the Commissioner of Police.   |
| Fireworks.                   | <b>2.</b> Fireworks except under licence from the Commissioner of Police.   |
| Cannabis.                    | <b>3.</b> Cannabis sativa (known as Indian hemp or bhang), cannabis indica, choras, ganja or any preparation or mixture of such goods, except under licence from the Chief Medical Officer.   |
| Gunpowder.                   | <b>4.</b> Gunpowder, blasting powder, detonators and high explosives of any description, except any such as may be imported for Government use.   |
| Imitation notes.             | <b>5.</b> Any goods which bear a design in imitation of any currency or bank notes or coin in common use in Dominica or elsewhere, except with the permission of the Minister.  |
| Kerosene.                    | <b>6.</b> Kerosene oil and other petroleum products with a flash point below 73 degrees F (Fahrenheit) (Abel close test), except with the permission of the Minister.   |
| Spirits.                     | <b>7.</b> Spirits and wine, unless specifically reported as such, and unless –<br>(a) in a cask containing five gallons or more;<br>(b) in a demijohn containing one gallon or more; or<br>(c) in glass or stone bottles properly packed in cases, each case containing one gallon or more,<br>except as expressly permitted by the Comptroller in writing. |
| Tobacco.                     | <b>8.</b> Tobacco, cigars, cigarillos or cigarettes, unless specifically reported as such and, unless imported by Parcels Post, in whole and complete packages each containing not less than twenty pounds net weight of tobacco, cigars, cigarillos or cigarettes.   |
| Tobacco extracts.            | <b>9.</b> Extracts, essences, or other concentrations of tobacco or any admixture of such goods, tobacco stalk stripped from the leaf, whether manufactured or not, and tobacco stalks flour, except under such conditions as the Comptroller, with the approval of the Minister, may either generally or in any particular case permit.                    |
| Cigarette making appliances. | <b>10.</b> Cigarette making appliances, either machine or paper, except with the permission of the Minister.  |

LAWS OF DOMINICA

*Customs (Control and Management)*      **Chap. 69:01**      101

---

11. Tear gas, except where imported by the Government of Dominica.      Tear gas.

12. Goods, the importation of which is restricted by any other enactment,      General.  
except in accordance with that enactment.

---

**SIXTH SCHEDULE**

(Section 116(4)).

**FORFEITURE RULES**

1. (1) The Comptroller shall, except as provided by subrule (2), give      Notice of seizure.  
notice of the seizure of any thing seized as liable to forfeiture and of the grounds  
of that seizure to any person who to his knowledge was the owner of, or one  
of the owners of, that thing at the time of its seizure.

(2) Notice shall not be required to be given under subrule (1) if the  
seizure was made in the presence of –

- (a) the person whose offence or suspected offence occasioned  
the seizure;
- (b) the owner or any of the owners of the thing seized or any  
servant or agent of his; or
- (c) in the case of any thing seized in a vessel or aircraft, the  
master or commander of that vessel or aircraft.

2. Notice under rule 1 shall be given in writing and shall be deemed to  
have been duly served on the person concerned –

- (a) if delivered to him personally;
- (b) if addressed to him and left or forwarded by post to him at his usual  
or last known place of abode or business, or, in the case of a body  
corporate, at its registered or principal office; or
- (c) where the person has no address in Dominica, or his address is  
unknown, by publication of the notice of seizure in the *Gazette*.

3. Where any person, who was at the time of the seizure of any thing the      Notice of claim.  
owner or one of the owners of it, claims that it was not liable to forfeiture, he  
shall, within one month of the date of service of the notice of seizure or, where  
no such notice was served, within one month of the date of seizure, give notice  
of his claim in writing to the Comptroller at any customs office.

4. Any notice under rule 3 shall specify the name and address of the  
claimant and, in the case of a claimant who is outside Dominica, shall specify

*L.R.O. 1/1995*

LAWS OF DOMINICA

102      **Chap. 69:01**      *Customs (Control and Management)*

---

the name and address of a solicitor in Dominica who is authorised to accept service and act on behalf of the claimant, and service upon a solicitor so specified shall be deemed to be proper service upon the claimant.

Condemnation.

**5.** If, on the expiration of the relevant period under rule 3 for the giving of a notice of claim, no such notice has been given to the Comptroller, or where such notice is given, that notice does not comply with any requirement of rule 4, the thing seized shall be deemed to have been duly condemned as forfeited.

**6.** Where notice of claim in respect of any thing seized is duly given in accordance with rules 3 and 4, the Comptroller shall take proceedings for the condemnation of that thing by the Court, and if the Court finds that the thing was at the time of its seizure liable to forfeiture, that Court shall condemn that thing as forfeited.

**7.** Where any thing is in accordance with either rule 5 or 6 deemed to have been condemned or condemned as forfeited, then without prejudice to any restoration or sale, the forfeiture shall be deemed to have had effect from the date when the liability to forfeiture arose.

Proceedings for  
condemnation by  
a court.

**8.** Proceedings for the condemnation of any thing shall be civil proceedings and may be instituted –

(a) in any Magistrate's Court having jurisdiction in the place –

- (i) where any offence in connection with that thing was committed or where any proceedings for such an offence have been instituted;
- (ii) where the claimant resides or, if the claimant has specified a solicitor under rule 4, where that solicitor has his office; or
- (iii) where that thing was found, detained or seized or to where the thing was first brought after being found, detained or seized; or

(b) in the High Court.

**9. (1)** In any proceedings for condemnation, the claimant or his solicitor shall make oath that the thing was, or was to the best of his knowledge and belief, the property of the claimant at the time of the seizure.

(2) In any proceedings for condemnation before the High Court, the claimant shall give such security for the costs of the proceedings as may be determined by the Court.

(3) If any requirement of this rule is not complied with, the Court shall give judgment for the Comptroller.

LAWS OF DOMINICA

*Customs (Control and Management)* Chap. 69:01

103

10. (1) Any party to condemnation proceedings in a Magistrate's Court may appeal to the High Court against the decision of that Magistrate's Court in those proceedings.

(2) Where any appeal is made against the decision of any court in condemnation proceedings, the thing seized shall remain in the possession of, or be returned to the possession of the Comptroller until the final determination of the matter.

11. In any proceedings arising out of the seizure of any thing, the fact, form and manner of the seizure shall be taken to have been as set forth in the process, unless the contrary is proved. Provisions as to proof.

12. Where any thing is at the time of its seizure the property of a body corporate, two or more partners or any number of persons exceeding five not being in partnership, the oath required to be taken by rule 9, and any other thing required by this Schedule or the rules of court to be done by, or by any person authorised by, the claimant or owner may be taken or done by the following persons respectively, that is to say – Special provisions as to certain claimants.

- (a) where the owner is a body corporate, the secretary or some other duly authorised officer of that body;
- (b) where the owners are in partnership, any of those owners; or
- (c) where the owners are any number of people exceeding five not being in partnership, any two of those persons on behalf of themselves and their co-owners.

13. (1) Where, under section 116(5), any thing is restored, sold or destroyed, and it is held in proceedings taken under this Schedule that the thing was not liable to forfeiture at the time of its seizure, the Comptroller shall on demand by the claimant tender to him – Effect of restoration, sale or destruction of goods.

- (a) where the thing was restored, an amount equal to any amount paid as a condition of that restoration;
- (b) where the thing was sold, an amount equal to its market value at the time of its seizure.

(2) Where an amount tendered under subrule (1) includes a sum on account of the duty chargeable on the thing which has not been paid, the Comptroller may deduct so much of that amount as represents that duty.

(3) If the claimant accepts an amount tendered to him under subrule (1), he shall not be entitled to maintain any further action on account of the seizure, detention, restoration, sale or destruction of the thing seized.

(4) Where the claimant and the Comptroller are unable to agree upon the market value of any thing destroyed under section 116(5), that value shall be determined by the Customs Appeal Commissioners.

LAWS OF DOMINICA

104                      **Chap. 69:01**    *Customs (Control and Management)*  
[Subsidiary]                                      *Customs Service Charge Imposition Order*

**SUBSIDIARY LEGISLATION**

---

41/1985.  
[51/1987  
29/1988].

**CUSTOMS SERVICE CHARGE IMPOSITION ORDER**

*made under section 54*

Commencement.

[12th August 1985]

Short title.

- 1.** This Order may be cited as the –  
CUSTOMS SERVICE CHARGE IMPOSITION ORDER.

Interpretation.

- 2.** In this Order –

“charge” means the Customs Service Charge levied under this Order;

“C.I.F. value” has the same meaning as in section 6 of the Act;

Cap. 265.  
(1961 Ed.).

“Customs Tariffs” means the First Schedule to the Customs Import and Export Tariffs Ordinance;

“imported” has the same meaning as in the Act;

“Minister” means the Minister responsible for Finance;

Cap. 265.  
(1961 Ed.).

“household and personal effects” has the same meaning as in the Second Schedule to the Customs Import and Export Tariffs Ordinance.

Levy of charge.  
[51/1987  
29/1988].

- 3.** Subject to section 4, there shall be levied a Customs Service Charge on goods imported into the State at the rate of one per cent of the the C.I.F. value.

Exemptions.

- 4.** There shall be exempt from charge –

(a) goods imported by the Government;

(b) goods imported by passengers as personal baggage or household and personal effects;

(c) goods temporarily imported into the State under the provisions of an international convention to which the Government of the Commonwealth of Dominica has acceded.

Power to vary  
charge.

- 5.** The Minister may, from time to time by Order increase, reduce, abolish or otherwise vary the charge.
-

LAWS OF DOMINICA

*Customs (Control and Management)*      **Chap. 69:01**      105  
*Standard Capacities of Containers Order*      [Subsidiary]

**SUBSIDIARY LEGISLATION**

**STANDARD CAPACITIES OF CONTAINERS ORDER**      4/1986.

*made under section 57(2)*

[12th August 1985]      Commencement.

1. This Order may be cited as the –      Short title.

STANDARD CAPACITIES OF CONTAINERS ORDER.

2. In this Order –      Interpretation.

“cl” means centilitre, which is one hundredth of a litre or ten millilitre;

“fl. oz.” means fluid ounce;

“l. gal.” means liquid gallon.

3. The following are specified as standard capacities for bottles, jars or similar receptacles containing spirits and wines in quantities within the limits set out for the purposes of section 57(2) of the Act –      Standard capacities.

(a) in respect of brandy, rum, whisky, gin and vodka –

(i) 40 fl. oz. if exceeding 39.6 fl. oz. but not exceeding 40 fl. oz.

(ii) 26.6 fl. oz. if exceeding 20 fl. oz. but not exceeding 26.6 fl. oz.

(iii) 13.3 fl. oz. if exceeding 9.7 fl. oz. but not exceeding 13.3 fl. oz.

(b) in respect of brandy –

(i) 6.6 fl. oz. if exceeding 5.1 fl. oz. but not exceeding 6.6 fl. oz.

(ii) 3.3 fl. oz. if exceeding 2.5 fl. oz. but not exceeding 3.3 fl. oz.

(c) in respect of all spirits and wines –

(i) 35.2 fl. oz. if exceeding 28.8 fl. oz. but not exceeding 35.2 fl. oz.

(ii) 17.6 fl. oz. if exceeding 14.4 fl. oz. but not exceeding 17.6 fl. oz.

*L.R.O. 1/1995*



LAWS OF DOMINICA

106                      **Chap. 69:01**      *Customs (Control and Management)*  
[Subsidiary]                                      *Standard Capacities of Containers Order*

---

- (iii) 8.8 fl. oz. if exceeding 7.2 fl. oz. but not exceeding  
8.8 fl. oz.

Standard  
conversion.

**4.** The following are specified as the standard conversion of liquid  
volume from metric to imperial equivalent –

<i>Metric</i>	<i>Imperial</i>
18.75 cl	6.6 fl. oz. or .04125 of a l. gal.
37.5 cl	13.2 fl. oz. or .0825 of a l. gal.
56.825 cl	20 fl. oz. (1 pint) or .125 of a l. gal.
70 cl	24.64 fl. oz. or .154 of a l. gal.
75 cl	26.4 fl. oz. or .165 of a l. gal.
1 litre	35.2 fl. oz. or .22 of a l. gal.
1.125 litres	39.6 fl. oz. or .2475 of a l. gal.

---

**LAWS OF DOMINICA**

*Customs (Control and Management)* **Chap. 69:01**

107

---

*Arrival and Departure of Vessels (Unloading and  
Loading of Goods) Regulations*

[Subsidiary]

**SUBSIDIARY LEGISLATION**

---

**ARRIVAL AND DEPARTURE OF VESSELS  
(UNLOADING AND LOADING OF GOODS) REGULATIONS**

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Short title.
  2. Arrival of vessels.
  3. Transshipment of goods.
  4. Landing of goods.
  5. Deposit of goods for exportation.
  6. Loading of goods.
  7. Departure of vessels.
-

**LAWS OF DOMINICA**

108      **Chap. 69:01**      *Customs (Control and Management)*

[Subsidiary]      *Arrival and Departure of Vessels (Unloading and  
Loading of Goods) Regulations*

**SUBSIDIARY LEGISLATION**

5/1986.

**ARRIVAL AND DEPARTURE OF VESSELS  
(UNLOADING AND LOADING OF GOODS) REGULATIONS**

*made under sections 23, 31 and 40*

Commencement.

[12th August 1985]

Short title.

**1.** These Regulations may be cited as the –

**ARRIVAL AND DEPARTURE OF VESSELS  
(UNLOADING AND LOADING OF GOODS) REGULATIONS.**

Arrival of  
vessels.

**2.** (1) Where a boarding station has been appointed at a customs port, then subject to subregulation (4) and save as the Comptroller may otherwise permit, the master of every vessel arriving at that port who is required by section 25(1) of the Act to deliver a report shall bring his vessel to that boarding station and shall not move it until ordered to proceed by the proper officer.

(2) Subject to subregulation (4) and save as the Comptroller may otherwise permit, the master of every vessel ordered to proceed from a boarding station under subregulation (1) and the master of every other vessel arriving at any port, shall bring their vessel as directly to the proper mooring or approved wharf as the nature of the port will permit, without touching at any other place, save as may be necessary for the safe navigation of the vessel.

(3) Where a vessel is brought to a mooring or an approved wharf as required by subregulation (2), it shall not be moved to any other place in Dominica –

(a) except directly to some other mooring or approved wharf; and

(b) unless the proper officer has been informed of the move.

(4) Nothing in this regulation shall prejudice any requirement of any written law relating to public health.

(5) Save as provided for by this regulation, where a vessel is not brought to any boarding station, mooring or approved wharf as required by, or is removed from such a place in contravention of, this regulation, the master of that vessel is liable to a fine of five thousand dollars.