

LAWS OF DOMINICA

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

[Subsidiary] *Warehousing Regulations*

- (b) cause to be cleared or destroyed any goods deposited in that warehouse which have become dangerous or a source of contamination to other warehoused goods;
- (c) prevent any naked light of any description being lit or taken into that warehouse; and
- (d) prevent all smoking in that warehouse.

(2) Where the occupier of a warehouse fails to meet any requirement of this regulation, he is liable to a fine of five hundred dollars.

Condition of
warehoused
goods.

15. The proprietor of warehoused goods shall maintain in a proper state any container in which those goods are packed and any proprietor who fails to do so is liable to a fine of five hundred dollars, and any goods in a container not so maintained are liable to forfeiture.

Weighing.

16. (1) The occupier of a warehouse shall provide such weights, scales, measures and other facilities for the examination, securing and taking account of goods as the Comptroller may require.

(2) Any occupier of a warehouse who fails to provide anything required by this regulation is liable to a fine of five hundred dollars.

Stowage.

17. (1) Save as the Comptroller may otherwise permit –

- (a) warehoused goods shall be stowed in the containers or lots in which they were first entered for warehousing; and
- (b) every container or lot of warehoused goods shall be stowed so that safe and easy access may be had to each container or lot.

(2) The proper officer may require certain warehoused goods to be stowed in particular parts of a warehouse or in a particular manner.

(3) Where goods are not stowed as required by this regulation, the occupier of the warehouse is liable to a fine of five hundred dollars.

Marking.

18. The proprietor of warehoused goods shall mark and keep marked the containers or lots of warehoused goods in such manner as the proper officer may require, and where goods are not so marked the proprietor of them is liable to a fine of five hundred dollars.

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19. Subject to the consent of the Comptroller and the occupier of the warehouse and the presence of the proper officer, the proprietor of any warehoused goods may – Examination of goods.

- (a) examine his goods and their packaging;
- (b) take any steps necessary to prevent any loss of the goods; and
- (c) display his goods for sale.

20. (1) The Comptroller may, subject to such conditions and re- Samples.
strictions as he may see fit to impose, permit samples of any warehoused goods to be removed from a warehouse without entry or payment of duty.

(2) Where a sample is removed under this regulation, and is not returned to the warehouse from which it was taken, duty shall be payable on that sample when any of the goods of which it was a sample are removed from the warehouse.

21. (1) The Comptroller may permit, subject to such conditions and restrictions as he may see fit to impose, the sorting, separation, packing and repacking of warehoused goods and the carrying out of any other operation on them as may be covered by the permission. Operations on warehoused goods.

(2) Without prejudice to any condition or restriction imposed by the Comptroller under this regulation, any person carrying out an operation on warehoused goods as permitted by this regulation shall –

- (a) save as the Comptroller may otherwise permit, obtain the attendance of an officer at the warehouse during the operation;
- (b) carry out the operation in such part of the warehouse as the officer may require;
- (c) keep at the warehouse or such other place as the officer may permit such accounts and records of the operation as the officer may require;
- (d) furnish the officer with a receipt showing the quantity, class and description of goods resulting from the operation; and
- (e) comply with any other requirement which the proper officer may make in particular circumstances.

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(3) The Comptroller may at any time for reasonable cause revoke or vary the terms of any permission granted under this regulation.

(4) Where any operation carried out on warehoused goods is not permitted by this regulation, or any condition or restriction imposed on a permission is contravened or not complied with, any person carrying out that operation or contravening that condition or restriction is liable to a fine of five thousand dollars, and the goods in respect of which the offence was committed are liable to forfeiture.

Entry of goods.

22. (1) Save as the Comptroller may otherwise permit, where any goods, other than goods entered for warehousing under section 26 of the Act, are brought to a warehouse for warehousing, their proprietor shall, before those goods are warehoused, deliver to the proper officer an entry of those goods in such form and manner and containing such particulars as the Comptroller may direct.

(2) Where any goods are warehoused before an entry is delivered as required by this regulation, the proprietor of those goods is liable to a fine of five hundred dollars and the goods in respect of which the offence was committed are liable to forfeiture.

Receipt of goods.

23. (1) Save as the Comptroller may otherwise permit, when goods are brought to a warehouse for warehousing, the occupier of that warehouse shall furnish the proper officer with a receipt showing –

- (a) the date upon which the goods were put into the warehouse;
- (b) the number of containers received; and
- (c) the quantity, class and description of goods received.

(2) Any occupier of a warehouse who fails to furnish a receipt as required by this regulation is liable to a fine of five hundred dollars.

Stock account.

24. Save as the Comptroller may otherwise permit, the occupier of a warehouse shall keep at that warehouse a stock account in such form and manner and containing such particulars of –

- (a) goods warehoused or removed from that warehouse, including samples;
- (b) operations carried out on goods under regulation 21; and

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(c) goods abandoned or destroyed under regulation 30,
as the proper officer may require, and where any stock account is not kept as required by this regulation, the occupier of the warehouse is liable to a fine of five hundred dollars.

25. The occupier of a warehouse and the proprietor of warehoused goods shall preserve, for two years from the date that warehoused goods are removed from a warehouse, any record, stock account or other document in their possession relating to those goods and shall, upon being required to do so by the proper officer, produce to him such document and permit him to take copies of it and, where the document is a stock account, also to make notice in it; and where any requirement of this regulation is not complied with, the person failing to so comply is liable to a fine of five hundred dollars.

Preservation of records.

26. (1) The occupier of a warehouse shall take stock of the goods warehoused in his warehouse at intervals of not less than twelve months, or at such other time as the proper officer may for reasonable cause require.

Stocktaking.

(2) Where any stocktaking carried out by an occupier of a warehouse reveals any deficiency, surplus or other discrepancy from the stock account, that occupier shall notify the proper officer of that deficiency, surplus or other discrepancy, and shall, if so required by the proper officer, provide him with a copy of the stocktaking account.

(3) Any occupier of a warehouse who fails to take stock, notify an officer or provide him with a copy, as required by this regulation, is liable to a fine of one thousand dollars.

27. (1) Save as provided by regulation 20, before any goods are removed from a warehouse, their proprietor shall deliver to the proper officer an entry of those goods in such form and manner and containing such particulars as the Comptroller may direct.

Removal of goods.

(2) Save as provided for by the Act or these Regulations, no goods shall be removed from a warehouse until –

(a) the duty chargeable on them; and

(b) any amount payable by the proprietor of those goods under regulation 11,

has been either paid, secured or otherwise accounted for.

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(3) Where any goods are removed from a warehouse in contravention of this regulation, their proprietor is liable, in addition to any duty payable, to a fine of one thousand dollars and the goods in respect of which the offence was committed are liable to forfeiture.

(4) Where goods have been entered under this regulation and all duties and other amounts payable in respect of them have been paid, their proprietor shall remove them from the warehouse within two working days, or such longer time as the Comptroller may permit, and where goods are not removed within the time required by this regulation, their proprietor is liable to a fine of five hundred dollars, together with a further fine of ten dollars for each day on which the failure continues.

Access.

28. (1) The occupier of a warehouse shall grant to any officer acting in the execution of his duty access to the warehouse or to any part of it.

(2) Where access is not granted as required by this regulation, the officer may obtain access by whatever means he considers necessary, including force, and any expenses incurred in obtaining such access shall be payable by the occupier to the Comptroller and neither the Comptroller nor the officer, nor any person acting with their authority, shall be responsible for any damage caused in the obtaining of such access.

Production.

29. The occupier of the warehouse shall, upon being required to do so by the proper officer, produce for inspection any goods which have been warehoused and not lawfully removed.

Abandonment
and destruction.

30. No duty shall be payable on –

- (a) any goods abandoned to the Comptroller; and
 - (b) any damaged goods which are destroyed under the supervision of the proper officer.
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Warehousing Regulations [Subsidiary]

SCHEDULE I

(Regulation 8(2)).

LICENCE FEES

Licence fee payable for a private warehouse. (per calendar year) \$750

Licence fee payable for a general warehouse. (per calendar year) \$1,000

SCHEDULE II

(Regulation
11(1)).

CHARGES FOR ATTENDANCE OF OFFICERS

In respect of any requested attendance of an officer at a warehouse there shall be payable to the Comptroller by the person who made the request –

- (a) a fee of \$10.00 for every hour or part of an hour that the officer attends at the warehouse on working days during hours of general attendance of officers;
- (b) the fees set out in the First Schedule of the Customs (Control and Management) Act, for every hour or part of an hour that the officer attends at the warehouse outside the hours of general attendance of officers; and
- (c) where the warehouse is more than one mile from the office of the Comptroller, a fee of \$1.00 for each mile or part of a mile travelled by the officer to and from the warehouse.

In all other cases, the sums set out in the First Schedule to the Act.

For travel of officer

Where the warehouse is more than one mile from Custom House, for each mile or part of a mile travelled by the officer to and from the warehouse, or while in attendance at the warehouse \$1.00.

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(Regulation
12(1)).

SCHEDULE III

*Minimum quantities of goods which may be entered into or removed
from a warehouse*

Beef or pork in pickle	2 barrels
Butter	500 lbs.
Bread and biscuits	5 barrels or 20 boxes
Fish, dried or smoked or pickled	4 cwt.
Lard, butter, margarine, glue	300 lbs.
Malt, liquors, in wood	2 gallons
Malt, liquors, in bottles	one package
Soap	500 lbs.
Tobacco, leaf	50 lbs.
Tobacco, manufactured	10 lbs.
Whisky, gin, rum, still wines, in wood	one package
Whisky, gin, rum, still wines, in bottles	2 gallons
Goods subject to <i>ad valorem</i> duty	to the value of \$100.
Other goods entered for use of consumption in Dominica	one or more entire package the duty on which amounts to not less than \$20.
Goods for exportation or as ships stores	one entire package.

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Customs Banana Cartons (Restriction of Export) Regulations

[Subsidiary]

SUBSIDIARY LEGISLATION

**CUSTOMS BANANA CARTONS (RESTRICTION
OF EXPORT) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
 2. Interpretation.
 3. Storage of banana cartons.
 4. Loading of banana cartons.
 5. Presumption of loading.
 6. Presumption of storage.
 7. Detention of vessel.
 8. Penalty.
 9. Exemption.
-

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128	Chap. 69:01	<i>Customs (Control and Management)</i>
[Subsidiary]		<i>Customs Banana Cartons (Restriction of Export) Regulations</i>

SUBSIDIARY LEGISLATION

50/1991. CUSTOMS BANANA CARTONS (RESTRICTION OF EXPORT) REGULATIONS

made under section 31(1)(a)

Commencement. [16th December 1991]

Short title.

1. These Regulations may be cited as the –
CUSTOMS BANANA CARTONS (RESTRICTION
OF EXPORT) REGULATIONS.

Interpretation.

2. In these Regulations –

“banana carton” means any carton used by the Corporation for the export of bananas or bearing the name of the Corporation printed thereon;

Ch. 58:02. “Corporation” means the Dominica Banana Marketing Corporation established by the Dominica Banana Marketing Corporation Act.

Storage of banana cartons.

3. Subject to regulation 9 no person shall –

(a) store banana cartons for export;

(b) store goods in banana cartons for export.

4. Subject to regulation 9 no person shall load or cause or permit to be loaded on to any vessel or aircraft goods intended for export which are contained in or consist of banana cartons.

Presumption of loading.

5. Any banana carton and any contents therein found on a vessel or aircraft shall, unless the contrary is proved, be presumed to have been loaded with intent to export the same.

Presumption of storage.

6. Any banana carton and any contents therein found at a port or wharf shall, unless the contrary, is proved, be presumed to be stored for export.

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Customs Banana Cartons (Restriction of Export) Regulations

[Subsidiary]

7. The Comptroller or any proper officer may detain any vessel or aircraft which he reasonably believes has on board banana cartons in contravention of these Regulations and, may for that purpose – ^{Detention of vessel.}

- (a) refuse clearance of any vessel or aircraft;
- (b) where clearance has been granted to a vessel or aircraft and that vessel is within the waters of Dominica or the aircraft is at an airport, demand that clearance granted be returned to him.

8. (1) Any person who contravenes these Regulations or any owner or master of a vessel or owner or commander of any aircraft on which banana cartons are found in contravention of these Regulations is liable on summary conviction to a fine of three thousand dollars. ^{Penalty.}

(2) Where a person is convicted under subregulation (1) the cartons which formed the subject of the prosecution and the contents thereof shall be forfeited.

9. (1) These Regulations do not apply to any banana carton – ^{Exemption.}

- (a) in the possession of Geest Industries (W.I.) Limited, ABC Containers (Dominica) Limited, WINBAN, and the Corporation;
- (b) designated or labelled a used banana carton by the Corporation.

(2) A carton shall be deemed not to be a used carton until the contrary is proven.

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[Subsidiary] *Customs Environmental Charge Imposition Order*

SUBSIDIARY LEGISLATION

34/1992.

**CUSTOMS ENVIRONMENTAL CHARGE
IMPOSITION ORDER**

made under sections 23 and 54

Commencement. [1st January 1993]

Short title. **1. This Order may be cited as the –
CUSTOMS ENVIRONMENTAL CHARGE
IMPOSITION ORDER.**

Interpretation. **2. In this Order –**
“charge” means the Customs Environmental Charge levied under this
Order;
“tourist vessel” means cruise ships and yachts carrying not less than
twenty passengers.

Levy of charge. **3. (1) The master of every tourist vessel arriving at a customs port
from any place outside Dominica shall pay to the Comptroller an
environmental charge of two dollars US or five dollars and forty cents
EC per passenger on board.**
**(2) The environmental charge referred to in subsection (1) is
payable irrespective of whether the tourist vessel comes alongside a
dock or anchors off shore.**

Penalty. **4. The master of any tourist vessel who contravenes section 3 is
liable to a fine of five thousand dollars.**
