

No. 3] *Pre-Clearance (ICC Cricket World Cup
West Indies 2007) Act* [2007.

SAINT LUCIA

No. 3 of 2007

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4.— (1) Pre-clearance laws may be administered in Saint Lucia in a pre-clearance area with respect to —

- (a) a passenger seeking admission to a Specified State; and
- (b) goods to be imported into a Specified State by a passenger.

(2) Penalties under pre-clearance laws may be enforced by pre-clearance officers in Saint Lucia.

(3) Nothing in this Act precludes an authorised person from enforcing Saint Lucian law in a pre-clearance area.

PART III
PRE-CLEARANCE AND INTRANSIT AREAS

Designation of pre-clearance areas

5. The Minister may designate by Order published in the *Gazette* —

- (a) any area as a pre-clearance area where pre-clearance officers may pre-clear passengers and their goods for entry into a Specified State;
- (b) all or part of a pre-clearance area as an “intransit area”, for the pre-clearance of passengers and their goods that are in transit through Saint Lucia by air to a Specified State.

Access to pre-clearance area

6.— (1) A person who is not —

- (a) a passenger destined for a Specified State; or
- (b) a person, or a member of a category of persons, specified in the Schedule,

shall not enter a pre-clearance area.

(2) A person, other than a person specified in the Schedule, who enters a pre-clearance area, shall report to a pre-clearance officer without delay.

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(3) A pre-clearance officer may order a person, other than a person specified in the Schedule, who is in a pre-clearance area to report to him or to leave the area.

(4) A person ordered to leave a pre-clearance area under subsection (3) shall report without delay to an immigration officer and an officer for examination.

(5) A person who —

- (a) enters a pre-clearance area when not authorised to do so; or
- (b) fails to comply with subsection (2) or (4),

commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(6) In this section —

“immigration officer” has the meaning assigned to it under section 2 of the Immigration Act, Cap. 76 of the Laws of Saint Lucia 1957;

“officer” has the meaning assigned to it under section 2 of the Customs (Control and Management) Act, Cap. 15.05.

Arrival in intransit area

7. — (1) A passenger intending to travel to a Specified State through an intransit area, shall report without delay on arrival in Saint Lucia to a pre-clearance officer at the intransit area.

(2) A pre-clearance officer may defer clearance of any passenger who fails to report to a pre-clearance officer in accordance with subsection (1).

Right to leave pre-clearance area

8.— (1) Subject to subsection (2), a passenger may, at any stage of the pre-clearance process, leave the pre-clearance area without departing for a Specified State.

(2) Subsection (1) does not apply where a pre-clearance officer informs a passenger that he or she suspects on reasonable grounds that the passenger has committed an offence under section 12 or 13.

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- (a) he or she can be admitted to; or
- (b) that his or her goods can be imported into,

a Specified State in accordance with pre-clearance laws, the officer may refuse to pre-clear the passenger or the goods.

(4) Where clearance is refused under subsection (3), the pre-clearance officer shall immediately inform the authorised person of the refusal and supply all data relevant to that decision.

PART V OFFENCES AND PUNISHMENT

False or deceptive statements

12.— (1) A person who makes an oral or written statement to a pre-clearance officer with respect to the pre-clearance of that person or any goods for entry into a Specified State that the person knows to be false or deceptive or to contain information that the person knows is false or deceptive, commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(2) A term of imprisonment may not be imposed for default of payment of a fine imposed under subsection (1).

(3) A complaint for an offence under subsection (1) may be made at anytime.

Obstruction of officer

13. A person who resists or wilfully obstructs —

- (a) a pre-clearance officer or an authorised person in the execution of the officer's duty; or
- (b) any person lawfully acting in aid of such an officer,

commits an offence and is liable on summary conviction to a fine of five thousand dollars.

PART VI
CIVIL LIABILITY AND IMMUNITY

Immunity from suit

14.— (1) No action or other proceeding of a civil nature may be brought against a pre-clearance officer in respect of anything that is done or omitted to be done in good faith by the officer under this Act.

(2) A pre-clearance officer is not a servant of the Crown for the purposes of the Crown Proceedings Act, Cap. 2.05.

(3) For the purposes of this section, the term “pre-clearance officer” includes any person who assists a pre-clearance officer at the pre-clearance officer’s request, but does not include an authorised person.

Decisions not reviewable

15. The decision of a pre-clearance officer to refuse pre-clearance, or to refuse the admission of persons to or the importation of goods into the Specified State is not subject to judicial review in Saint Lucia.

PART VII
MISCELLANEOUS

Regulations

16.— (1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) Without limiting the generality of subsection (1), the regulations may make provision —

- (a) excluding anything from the definition of “goods” in section 2 ; and
- (b) prescribing anything that by this Act is to be prescribed.

Amendment of Schedule

17. The Minister may by Order published in the *Gazette* amend the Schedule to this Act.

Expiry of Act

18. This Act expires on 30 June 2007.

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SCHEDULE

(Section 6)

**PERSONS AND CATEGORIES OF PERSONS WHO MAY
ENTER A PRE-CLEARANCE AREA**

For the purposes of section 6(1) (b), the following persons and categories of persons may enter a pre-clearance area —

- (a) a person who is —
 - (i) required to enter the pre-clearance area to perform functions of his or her employment; and
 - (ii) the holder of a restricted area pass for the airport.
- (b) a person who is required to enter the pre-clearance area in order to perform maintenance or repair of the airport facilities or emergency services at the airport;
- (c) any other person who -
 - (i) has permission from the airport operator to enter the pre-clearance area; or
 - (ii) is the holder of a restricted area pass for the airport and has a legitimate requirement to enter the pre-clearance area at the time in question.

Passed in the House of Assembly this 6th day of February, 2007.

SARAH FLOOD-BEAUBRUN,
Speaker of the House.

Passed in the Senate this 15th day of February, 2007.

ROSE MARIE HUSBANDS-MATHURIN,
President of the Senate.