

SAINT LUCIA

No. 27 of 2019

ARRANGEMENT OF SECTIONS

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I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

September 3, 2019.

SAINT LUCIA

No. 27 of 2019

AN ACT to amend the Customs (Control and Management) Act,
Cap. 15.05.

[16th September, 2019]

BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the House of Assembly and the
Senate of Saint Lucia, and by the authority of the same as follows:

No. 27] *Customs (Control and Management)* [2019
(Amendment) (No. 2) Act

Short title

1. This Act may be cited as the Customs (Control and Management)(Amendment) (No. 2) Act, 2019.

Interpretation

2. In this Act, “principal Act” means the Customs (Control and Management) Act, Cap. 15.05.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting in the proper alphabetical sequence the following —

““advance cargo information” means information or data concerning —

(a) cargo and stores including imports, exports in transit and transhipment of goods contained in a manifest, airway bill or bill of lading; and

(b) a package in respect of which there is not a bill of lading or airway bill,

on board a conveyance as set out in Schedule 5;

“cargo reporter” includes a freight forwarder, consolidator, and non-vessel operating common carrier;

“conveyance” means a ship, aircraft or motor vehicle;

“IMPACS” means the Implementing Agency for Crime and Security established under the 2006 Agreement establishing the CARICOM Implementing Agency for Crime and Security;”.

Insertion of new sections 20A and 20B

4. The principal Act is amended by inserting immediately after the heading “Part 4 Importation” the following new sections 20A and 20B —

“Advance passenger and cargo information

20A.—(1) The master or commander of a vessel or aircraft whether laden or in ballast, and a cargo reporter shall, prior

to arrival of the vessel or aircraft in Saint Lucia, provide to IMPACS through the proper officer the cargo information set out in Part 1 of Schedule 5 and a list of all passenger and crew on board the vessel or aircraft within the periods specified in Part 2 of that Schedule.

(2) Where the distance from Saint Lucia to a port of departure of a conveyance arriving in Saint Lucia does not permit the master to provide the information within the time specified in Part 2 of Schedule 5, the Comptroller —

(a) may exempt the master or commander of the vessel or aircraft from the requirements set out in that Schedule; and

(b) shall establish alternative notification arrangements for the conveyance to which this subsection applies.

(3) A master or commander of a conveyance and a cargo reporter shall, prior to departure of the vessel or aircraft from Saint Lucia provide to the proper officer, the cargo information set out in Part 3 of Schedule 5 and a list of all passengers and crew on board the vessel or aircraft.

(4) On the arrival of a vessel or an aircraft within Saint Lucia or the waters of Saint Lucia, the master or commander of the vessel or aircraft or the agent shall proceed directly to the customs port, customs airport or customs area.

(5) A master, commander, cargo reporter or agent who fails to comply with subsection (1), (2), (3) or (4) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years.

Use, sharing and retention of advance cargo information

20B.—(1) Advance cargo information must be used solely for the purposes of this Act.

(2) IMPACS shall use advance cargo information to conduct screening against watch lists of cargo on conveyances that enter into, depart from, and travel within, the regional space in order to provide information to assist Member States.

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- (3) The Comptroller may share the information contained in the ACIS with the entities specified in Part 4 of Schedule 5.
- (4) Advance cargo information must be retained for a period not exceeding seven years from the date collected.
- (5) For the purposes of this section —

“ACIS” means the electronic manifest single window for advance cargo information data interchange;

“Member States” has the meaning assigned in the Revised Treaty;

“Revised Treaty” means the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed at Nassau, The Bahamas on 5 July, 2001 the text of which is set out in the Schedule to the Caribbean Community Act, Cap. 19.21;

“watch list” means a list that is used to watch or track the current activity or movements of criminals and suspicious or prohibited cargo, including terrorist, other persons and cargo of interest to the Caribbean Community.”.

Substitution of section 141

5. The principal Act is amended by deleting section 141 and substituting the following —

“Regulations

141.—(1) The Minister may make Regulations for giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make Regulations —

- (a) for the Comptroller to give directions;
- (b) for the imposition of a fine or penalty not exceeding five thousand dollars;
- (c) for the forfeiture of goods, a vessel or an aircraft;

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(d) to prescribe procedures for the reporting and processing of advance cargo information.”.

Insertion of new Schedule 5

6. The principal Act is amended by inserting immediately after Schedule 4 the following new Schedule 5 —

“SCHEDULE 5

(Section 20A(1))

**PART 1
 ADVANCE CARGO INFORMATION**

DATA RELATING TO THE MANIFEST

- 1 **Voyage Number:**
 (The Number assigned by the local Shipping Agent For Vessels or the scheduled Flight Number for Aircraft)
- 2 **Date and Time of Submission:**
- 3 **Scheduled Departure Date:**
 (Date of departure of aircraft or ship)
- 4 **Scheduled Arrival Date:**
 (Date of arrival of aircraft or ship)
- 5 **Scheduled Arrival Time:**
 (Time of arrival of aircraft or ship)
- 6 **Place of Departure**
 (The last foreign port or place of call for aircraft or ship)
- 7 **Destination**
 (Port or place in the country of destination where the aircraft or ship first reports)
- 8 **Subsequent Place/Port of Call within the Country:(Optional)**

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22 Total: Gross (Optional)

23 Tonnage: Net (Optional)
 (The Ship's registered tonnage)

24 Date of last discharge (Optional)
 (The date the aircraft or ship last discharged cargo at any port or place)

DATA RELATING TO INDIVIDUAL BILLS OF LANDING AIR WAYBILLS

25 Manifest Line Number:
 (The number indicating the order of bills of lading on a manifest)

26 Transport Document Type:
 (The type of document issued by the aircraft or ship including bills or air waybill, bill of lading or waybill)

27 Transport Document Reference Number:

28 Purpose of Shipment:
 (Whether for import, export, in transit or transshipment)
 (Include high duty stores, narcotics and firearms)

29 Unique Consignment Reference (UCR) Number (Optional)

30 Place of loading

31 Place of Discharge

32 Exporter:

33 Exporter Address:

34 Consignee:

35 Notify:
 (Either the consignee or the name and phone number)

- 36 Total Containers:**
(The total number of containers for each transport document)
- 37 Packages: Kind**
- 38 Packages:**
Marks and Numbers
- 39 Quantity: Package(s)**
- 40 Quantity: Gross Mass**
- 41 Volume: Cubic Measurement (cbm)**
- 42 Description of Goods:**
(Pursuant to applicable laws)
- 43 Freight Indicator:**
(Payment status whether prepaid or payment on collection)
- 44 Amount and Currency:**
- 45 Values:**
Value of Goods Freight on Board (Optional) Insurance
(Optional)Freight (Optional)
- 46 Additional Seals:**
- 47 Additional Information:**

DATA RELATING TO CONTAINER MANAGEMENT

- 48 Container: Number**
(The Bureau International of Container –(BIC) identification
number of the container)
- 49 Container: Type**
(Type of container, e.g. 20 feet, refrigerated)

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50 Empty or Full Indicator:

(Whether Full Container Load (FCL) or Less than Container Load (LCL))

51 Seals:

(The number of security seal(s) affixed to the container door)

52 Marks:

(The marks or number of the seal(s) affixed to the container door)

53 Sealing Party:

(The authority that affixed the seal(s) to the containers)

54 Total Containers:

55 Transport Document Reference Number:

PART 2

(Section 20A(2))

The information set out in Part 1 of this Schedule must be provided —

- (a) in the case of commercial or private aircraft, not later than forty minutes prior to departure from their last port of call;
- (b) in the case of a vessel or conveyance arriving from a member state of the Caribbean Community, not later than one hour prior to its arrival from that member state;
- (c) in the case of a vessel or conveyance arriving from a country which is not a member state of the Caribbean Community, at least twenty-four hours prior to its arrival;
- (d) in the case of commercial or private aircraft, not later than forty minutes prior to departure from Saint Lucia;
- (e) in the case of a vessel or other conveyance, not later than one hour prior to its departure from Saint Lucia.

PART 3

(Section 20A(3))

(1) The information set out in Part 1 of this Schedule must be provided —

- (a) in the case of commercial or private aircraft, not later than forty minutes prior to departure from Saint Lucia; and
- (b) in the case of a vessel or other conveyance, not later than one hour prior to its departure from Saint Lucia,

(2) The passenger and cargo information referred to in subsection (1) shall be —

- (a) the country of destination;
- (b) the estimated time of departure;
- (c) the customs port, customs airport or place of departure;
- (d) a list of cargo for export and the country to which the cargo is to be exported;
- (e) a list of the names of all passengers and crew on board; and
- (f) such other information as may be prescribed by Regulations made under this Act.

PART 4

(Section 20B)

International Criminal Police Organization (INTERPOL).”.

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Passed in the House of Assembly this 20th day of August, 2019.

ANDY G. DANIEL,
Speaker of the House of Assembly.

Passed in the Senate this 22nd day of August, 2019.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate.