

ANTIGUA AND BARBUDA



THE CUSTOMS CONTROL AND MANAGEMENT (AMENDMENT) BILL, 2017

No. of 2017

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ARRANGEMENT OF CLAUSES

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THE CUSTOMS (CONTROL AND MANAGEMENT) (AMENDMENT) BILL, 2017

No. of 2017

AN ACT to amend the Customs (Control and Management) Act, No. 3 of 2013.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Customs (Control and Management) (Amendment) Act, 2017.

2. Interpretation

In this Act—

“principal Act” means the Customs (Control and Management) Act, No. 3 of 2013.

3. General amendment of the principal Act

The principal Act is amended in sections 11, 40(2)(c), 89(2), 124(1), 144(3), 145(2), 163(1), 237 and 243 by repealing the words, “Customs Department” wherever occurring, and substituting the words, “Customs and Excise Division”.

4. Amendment of section 2

The principal Act is amended in section 2 by inserting the following definitions in the appropriate alphabetical order—

“ “private customs area” includes customs controlled areas not occupied by or in the use of the Government;

“private transit shed” means any building or place appointed by the Comptroller by notice in the *Gazette* to be a private transit shed.”

5. Insertion of section 70A

The principal Act is amended by inserting immediately after section 70 the following new section—

“70A. Payment of duties in special circumstances

Notwithstanding section 70(7) of this Act and the terms of any bond agreement which exists between the State and an importer regarding the payment of duty, the State shall receive payment

for duty owed in priority to all the creditors of that importer in the event of liquidation of the importer's business, force majeure or any other special or unforeseen circumstance.”

6. Amendment of section 80

The principal Act is amended by repealing section 80(2) and substituting the following—

“(2) Subject to any regulations that may be prescribed, the person giving the security under subsection (1) shall be released from the conditions of the security if, within 3 months from the date of the entry of the goods, or within such longer period up to 12 months as the Comptroller may allow in any particular case, the Comptroller is satisfied that the goods have been—”

7. Amendment of sections 183 and 184

The principal Act is amended in section 183(3) and 184 by repealing the word “vessel” wherever occurring and substituting the word “conveyance”.

8. Amendment of section 186

The principal Act is amended in section 186 by repealing subsection (5) and substituting the following—

“(5) All moneys arising from the sale of anything at auction under this section shall be paid by the Comptroller into the Consolidated Fund.”

9. Amendment of section 187

The principal Act is amended in section 187 by repealing subsection (4) and substituting the following—

“(4) All moneys arising from the sale of anything at auction under this section shall be paid by the Comptroller into the Consolidated Fund.”

10. Amendment of section 242

The principal Act is amended by repealing section 242 and substituting the following—

“242. Regulations regarding brokers

The Minister may make regulations for the licensing of customs brokers, the establishment of a Brokers Board and for the general control and management of customs brokers in Antigua and Barbuda.”

Passed by the House of Representatives on
the , 2017.

Passed by the Senate on the , 2017.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

The amendment to the Customs (Control and Management) Act is intended to correct a few anomalies which have occurred as operations have taken place within the customs and Excise Division over a period of time.

The amendment comprises ten (10) clauses, with the main clauses as follows:

Clause 3 outlines that throughout various sections of the principal Act, the words “Customs Department” are to be replaced with the words “Customs and Excise Division”.

Clause 4 makes provision for two terms to be included in the Interpretation section of the principal Act.

Clause 5 inserts a new section in the principal Act, the execution of which is paramount to the collection of duty owed to the State by various importers. This clause indicates that despite the fact that there may be a bond agreement between an importer and the Customs and Excise Division regarding payment of duty of imported goods, the State shall be first to receive payment in the event that there is an act of God, liquidation of the business or any other unforeseen act.

Clause 6 makes specific time period amendments to section 80 of the principal Act, which deals with goods which are temporarily imported, while clause 7 makes a minor adjustment to clauses 183 and 184.

Clauses 8 and 9 amend sections 186 and 187 which address the issue of sale of goods condemned to be forfeited and sale of goods not condemned to be forfeited. The present practice of moneys being used to pay the auctioneer and other charges and the balance going into the Consolidated Fund will now cease and all moneys collected through this medium under sections 186 and 187 will now be paid directly into the Consolidated Fund.

Clause 10 adjusts the regulation power of the Minister as it concerns customs brokers.

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Hon. Gaston A. Browne
*Prime Minister and Minister of Finance
and Corporate Governance and Minister
responsible for the Customs and Excise Division*