

CAYMAN ISLANDS



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**THE CUSTOMS LAW  
(2003 REVISION)**

**THE CUSTOMS (TEMPORARY PROVISIONS) REGULATIONS, 2005**

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**THE CUSTOMS (TEMPORARY PROVISIONS) REGULATIONS, 2005**

The Governor in Cabinet, in exercise of the powers conferred on him by section 10 of the Customs Law (2003 Revision) makes the following Regulations -

1. These Regulations may be cited as the Customs (Temporary Provisions) Regulations, 2005. Citation

2. (1) In these Regulations - Interpretation

“heavy equipment” means the equipment, machinery and vehicles specified in the Schedule to these Regulations, excluding parts, which are intended to be used in the course of a business for construction, dredging, road maintenance or engineering or agriculture work;

“the Law” means the Customs Law (2003 Revision); and

“water taxi” means a ship intended to be engaged exclusively in coastal excursions in the course of a business for the carriage of passengers.

(2) For the purpose of the definition of “water taxi” -

- (a) “coastal excursion” means an excursion, including an excursion connected with the provision of watersports, in any waters within the jurisdiction lasting not more than one day which starts and ends in the jurisdiction; and
- (b) in determining whether a ship is intended to be engaged exclusively as mentioned in that definition no account shall be taken of any time during which a ship is to be engaged in any other way, if that time would not amount to a substantial part of the time during which the ship is to be engaged as so mentioned.

*The Customs (Temporary Provisions) Regulations, 2005*

- Regulation of imports
3. (1) Subject to paragraph (2) a person who imports a water-taxi or any heavy equipment shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars.
- (2) Paragraph (1) shall not apply to any person who -
- (a) has applied to the Governor in Cabinet in accordance with regulation 4; and
  - (b) has been granted approval for the import under regulation 5.
- Application for permission to import
4. (1) An application to the Governor in Cabinet for approval to import a water-taxi or any heavy equipment shall include -
- (a) a statement, in relation to each such application, of the proposed uses to which the goods will be put if imported; and
  - (b) a copy of all documents relating to the proposed imports and those proposed uses.
- (2) An application under paragraph (1) shall be accompanied by a non-refundable administrative fee of fifty dollars.
- Approval of imports
5. (1) The Governor in Cabinet may approve the import of a water taxi or any heavy equipment if satisfied, having regard to the statement and documents included in the application and all other circumstances, that the import is one which ought to be approved.
- (2) An approval granted under paragraph (1) may be granted subject to such conditions, including conditions as to the use of the goods to be imported and the duration of the approval, as the Governor in Cabinet may determine.
- Information
6. (1) The Governor in Cabinet may by notice require any person to supply to him such information as may be specified in the notice, being information the Governor in Cabinet considers necessary or desirable for the purpose of enabling him to carry out his functions in relation to the application.
- (2) A notice under paragraph (1) shall require the information to be supplied within such period as may be specified in the notice, being not less than fourteen days from the date of the notice.
- (3) Where the Governor in Cabinet has received an application under regulation 4 and has given a notice under paragraph (1) to the applicant, the applicant shall be treated as having withdrawn the application unless -
- (a) he complies with the notice; or

- (b) before the end of the period allowed for compliance, he shows to the satisfaction of the Governor in Cabinet that he has reasonable grounds for not complying with it.

(4) If any person other than the applicant fails without reasonable excuse to comply with a notice under paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

(5) If any person, in purported compliance with a notice under paragraph (1), knowingly or recklessly supplies information which is false or misleading in a material respect, he shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

7. (1) The Governor in Cabinet may, either generally or as otherwise provided by the instrument of delegation, delegate to any member of the Cabinet any power or duty conferred or imposed on the Governor in Cabinet by these Regulations, other than -

Delegation of  
Governor's powers

- (a) this power of delegation;
- (b) the power to appoint the date of expiry of these Regulations; and
- (c) the power to continue these Regulations in force beyond the day on which they would otherwise expire.

(2) A delegation may -

- (a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument; and
- (b) be revoked or varied by a subsequent instrument.

(3) The Governor in Cabinet may exercise a power or perform a duty although the Governor in Cabinet has delegated its exercise or performance.

(4) An act or thing done by a member of the Cabinet under a power or duty delegated under this regulation has the same force and effect as if it had been done by the Governor in Cabinet.

8. (1) These Regulations shall continue in force until such date as may be appointed by order of the Governor in Cabinet and published in the Gazette; and, subject to the remaining provisions of this regulation, these Regulations shall then expire unless continued in force in accordance with those provisions.

Duration of Regulations

(2) The Governor in Cabinet may continue these Regulations in force for a period not exceeding twelve months beyond the day on which they would otherwise expire.

- (3) The expiry of these Regulations shall not -
- (a) affect things previously done or omitted to be done;
  - (b) revive anything not in force or existing at the time at which the expiry takes effect;
  - (c) affect the previous operation of these Regulations or anything duly done or suffered under them;
  - (d) affect any right, privilege, obligation or liability acquired, accrued, or incurred under these Regulations;
  - (e) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against these Regulations; or
  - (f) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if these Regulations had not expired.

Regulation 2

## **SCHEDULE**

### **Heavy Equipment**

1. Self-propelled -
  - (a) bulldozers;
  - (b) angledozers, graders, levellers, scrapers and other earth movers;
  - (c) mechanical shovels, excavators and shovel loaders;
  - (d) tamping machines and road rollers; and
  - (e) backhoes.
2.
  - (a) Extracting or boring machinery;
  - (b) Pile drivers and pile extractors.
3. Cranes.
4. Cement or concrete batching equipment or plant.
5. Tractors.
6. (1) Vehicles not constructed or adapted for use on roads.
  - (2) Trucks, including -

- (a) trucks constructed or adapted for the maintenance of roads;
- (b) cement or concrete mixing or pumping trucks;
- (c) crane trucks;
- (d) works trucks constructed or adapted for the carriage or haulage of ten or more tons of goods or burden of any description, or a trailer so constructed or adapted; and
- (e) mobile drilling derricks.

Made in Cabinet the 22<sup>nd</sup> day of February, 2005.

Carmena Watler

Clerk of the Cabinet.