

CAYMAN ISLANDS



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THE CUSTOMS (AMENDMENT) LAW, 2011

(LAW 31 OF 2011)

CAYMAN ISLANDS

Law 31 of 2011.

I Assent

Duncan Taylor

Governor.

8th December, 2011

A LAW TO AMEND THE CUSTOMS LAW (2011 REVISION) TO MAKE FURTHER PROVISION IN RESPECT OF THE PENALTY FOR THE UNAUTHORIZED OPENING OF A CONTAINER BEFORE IT IS INSPECTED BY CUSTOMS; AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Customs (Amendment) Law, 2011.
2. The Customs Law (2011 Revision) is amended in section 14 by repealing subsection (6) and substituting the following subsections -
 - “ (6) If at any time after a ship or aircraft carrying goods brought therein from any place outside the Islands arrives within the jurisdiction of the Islands, and before report has been made under this section -
 - (a) bulk is broken;
 - (b) any alteration is made in the stowage of any goods carried so as to facilitate the unloading of any part thereof;
 - (c) any part of the goods is staved, destroyed or thrown overboard; or
 - (d) any container is opened,

Short title

Amendment of section 14 of the Customs Law (2011 Revision) - master or commander to make report

and the matter is not explained to the satisfaction of the proper officer, the master of the ship or commander of the aircraft, as the case may be, is guilty of an offence and liable on summary conviction -

- (i) in the case of an offence under paragraph (a), (b) or (c), to a fine of one thousand dollars; and
- (ii) in the case of an offence under paragraph (d), to a fine of one hundred thousand dollars, notwithstanding sections 6(2) and 8 of the Criminal Procedure Code (2011 Revision).

(6A) If at any time after a ship or aircraft carrying goods brought therein from any place outside the Islands arrives within the jurisdiction of the Islands, and after report has been made under this section, any container in Customs charge is opened before the goods have been duly customed and the matter is not explained to the satisfaction of the proper officer, the importer of the goods is guilty of an offence and liable on summary conviction to a fine of one hundred thousand dollars, notwithstanding sections 6(2) and 8 of the Criminal Procedure Code (2011 Revision).”.

Insertion of section 69A
in the Customs Law
(2011 Revision) -
register

3. The Customs Law (2011 Revision) is amended by inserting after section 69 the following section -

“Register

69A.(1) The Collector shall keep and maintain a register of all charges, fees, monetary penalties, costs and damages imposed under this Law in consequence of the contravention of any of its provisions.

- (2) The register shall contain particulars of -
 - (a) the name and address of the person in contravention;
 - (b) the nature, location and date of the contravention;
 - (c) any measures taken by the Collector in consequence of the contravention; and
 - (d) the amount of any charges, fees, monetary penalties, costs or damages imposed and the date on which they were paid.

(3) The Collector shall, within fourteen days of the end of each quarter, provide the Governor in Cabinet and the Director of Public Prosecutions with the information contained in the register in relation to that quarter.”.

Passed by the Legislative Assembly the 18th day of November, 2011.

Mary J. Lawrence

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.