

(2) The conditions may be relaxed to the extent mentioned in column (3) of the said schedule.

**12. Provisions regarding unaccompanied baggage.**

(1) Provisions of these regulations are also extended to unaccompanied baggage except where they have been specifically excluded.

(2) The unaccompanied baggage had been in the possession abroad of the passenger and is dispatched within one month of his arrival in Antigua and Barbuda or within such further period as the Comptroller of Customs may allow.

(3) The unaccompanied baggage may land in Antigua and Barbuda up to 2 months before the arrival of the passenger or within such period, not exceeding one year, as the Comptroller of Customs may allow, for reasons to be recorded, if he is satisfied that the passenger was prevented from arriving in Antigua and Barbuda within the period of two months due to circumstances beyond his control such as sudden illness of the passenger or a member of his family, or natural calamities or disturbed conditions or disruption of the transport or travel arrangements in the country or countries concerned or any other reasons, which necessitated a change in the travel schedule of the passenger. A written communication must be submitted to the Comptroller within two months as these goods could be placed up for auction after 90 days.

**13. Application of these Regulations to members of the crew.**

(1) The provisions of these Regulations shall apply in respect of members of the crew engaged in a foreign going vessel for importation of their baggage at the time of final pay off on termination of their engagement provided that except as specified in this sub-regulation, a crew member of a vessel shall be allowed to bring items like chocolates, cheese cosmetics and other petty gift items for their personal or family use which shall not exceed the value of One hundred United States Dollars(US\$ 100).

(2) Notwithstanding anything contained in these Regulations a crew member of an aircraft shall be allowed to bring items gifts like chocolates, cheese, cosmetics and other petty gift items at the time of the returning of the aircraft from foreign journey for their personal or family use which shall not exceed the value of one hundred United States Dollars (US\$ 100).



**THE CUSTOMS (BAGGAGE) REGULATIONS, 2015**

**STATUTORY INSTRUMENT**

**2015, No. 6**

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(2) Non-reclaiming the accompanied baggage by a passenger after disembarking and immigration clearance is construed as a false declaration and will attract penalties outlined in the regulation 3(3).

#### **8. Baggage allowance for residents arriving by air and sea**

(1) An Antigua and Barbuda resident or a visitor shall be allowed clearance free of duty and taxes articles in his *bona fide* baggage to the extent mentioned in column (2) of Schedule III

(2) For the purpose of this regulation, personal effects mean clothing, shoes, toiletries or small portable items which a person may reasonably be expected to have for personal or private use and the exemption is limited to not more than seven (7) articles of each item of personal effects.

#### **9. Baggage allowance for visitors arriving by air and sea**

(1) A visitor arriving in Antigua and Barbuda shall be allowed clearance free of duty and taxes articles in his *bona fide* baggage to the extent mentioned in column (2) of Schedule IV.

(2) For the purpose of this regulation, personal effects mean clothing, shoes, toiletries or small portable items which a person may reasonably be expected to have for personal use and the exemption is limited to not more than seven (7) articles of each item of personal effects.

(3) Recreational aids and equipment brought with the visitors as baggage for personal use during their stay in Antigua and Barbuda is cleared free of duties and taxes as mentioned in column (2) of Schedule IV. However if the visitors choose to sell the equipment in Antigua and Barbuda, all duties and taxes shall be paid.

#### **10. Baggage allowance for returning students and professionals by air**

An Antigua and Barbuda resident who was engaged in his profession abroad shall on his return to Antigua and Barbuda be allowed clearance free of duty and taxes, in addition to what he is allowed under regulation 5, articles in his *bona fide* baggage to the extent mentioned in column (2) of Schedule V.

#### **11. Baggage allowance for nationals returning home**

(1) A national who is returning home after a minimum stay of two (2) years on transfer of his residence to Antigua and Barbuda shall be allowed clearance free of duty, in addition to what he is allowed under regulation 5, articles in his *bona fide* baggage to the extent mentioned in column (1) of Schedule VI, subject to the conditions, if any, mentioned in the corresponding entry in column (2) of the said Schedule.

**5. Examination and search of arriving and departing passengers**

(1) Where a person—

- (a) has arrived in Antigua and Barbuda or is about to leave Antigua and Barbuda;
- (b) is about to board or leave or has boarded or left any ship or aircraft;

an authorized officer or a Custom Officer may with such assistance as is reasonably necessary—

- (i) Examine any article which person has with him or her;
- (ii) Search the person if the officer has reasonable grounds to suspect that an offence under regulation 4 or/and 5 may have been or is being committed;

for the purpose of finding out whether the person has with him/her or on him/her or in his baggage or clothing any cash or negotiable bearer instruments or dutiable articles or goods in excess of the limits prescribed; or any items listed in Schedule VII and prohibited items in Schedule VIII, in respect of which a declaration is required in the form prescribed in Schedule I.

(2) A person shall not be searched except by an authorized officer or a customs officer of same gender.

**6. Searching on board a ship or aircraft**

(1) A Customs officer or an authorized officer or any person assisting such officer, may board any ship or aircraft for the purpose of examination or search, where such officer has reasonable grounds to believe that any cash or negotiable bearer instruments or any items listed in Schedule VII are kept on board that ship or aircraft.

(2) The customs officer or an authorized officer shall in the course of examination or search conducted under sub-regulation 6(1) take possession of anything that may afford evidence as to the commission of an offence against the Customs (Control and Management) Act, 2013 or the Money Laundering (Prevention) Act, 1996 as amended from time to time.

**7. Removal of baggage without clearance**

(1) A person shall not remove any baggage out of the charge of the customs or authorized officer until such officer has examined such package(s) or article (s) or until in the case of the items liable to duty, such person has paid the duty and signed the copy of the receipt for the duty required to be retained by the customs officer.

**THE CUSTOMS (BAGGAGE) REGULATIONS, 2015**

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**ANTIGUA AND BARBUDA**

**THE CUSTOMS (BAGGAGE) REGULATIONS, 2015**

**2015, No. 6**

**THE CUSTOMS (BAGGAGE) REGULATIONS made in exercise of the powers contained in section 258 of the Customs (Control and Management) Act, 2013. No. 3 of 2013.**

**1. Short title**

These regulations may be cited as the Customs (Baggage) Regulations, 2015.

**2. Interpretation**

In these Regulations—

“Schedule” means a schedule to these regulations;

“resident” means a national holding a valid passport issued under the Immigration and Passport Act and citizens of other nationalities legally residing in Antigua and Barbuda;

“visitor” means a person not normally resident in Antigua and Barbuda, who enters Antigua and Barbuda legally for a stay of not more than six months in the course of any twelve months period for legitimate non-immigrant purposes, such as touring, conferences, lecturing in medical and other educational institutions, recreation, sports, health, family reasons, study, religious pilgrimage or business etc;

“family” includes all persons who are residing in the same house and form part of the same domestic establishment;

“professional equipment” means such portable equipments, instruments, apparatus and appliances as are required in his profession, by a carpenter, a plumber, a welder, a mason, and the like and shall not include items of common use such as cameras, cassette recorders, dictaphones, personal computers, typewriters, and other similar articles.

**3. Customs Declaration**

(1) A person who arrives in Antigua and Barbuda—

- (a) make a declaration on the form prescribed in the Schedule I and submit to the proper officer on duty at the port of disembarkation;

- (b) answer such questions as the proper officer may put to him/her with respect his baggage and anything contained therein or carried with him;

- (c) produce all baggage, documents and anything for examination at such place as the proper officer may direct.

(2) Every person who disembarks from any ship, vessel or aircraft which comes into Antigua and Barbuda from any port or place outside Antigua and Barbuda shall declare any items listed in Schedule VII in the Customs Declaration Form prescribed in Schedule I.

(3) Any person who fails to comply with the provisions of sub-regulation 3 (1) and falsely declares the contents of the baggage or fails to declare the contents of the baggage is automatically disqualified from any /tax free allowances and commits an offence and is liable on summary conviction—

- (a) to a fine of Ten Thousand Eastern Caribbean Dollars(EC\$ 10,000);

- (b) to pay appropriate duties and taxes on all goods;

- (c) to the goods in relation to which the false declaration is made being forfeited.

(4) Any person who fails to comply with the provisions of sub-regulation 3(2) commits an offence and is liable on summary conviction—

- (a) to a fine of Ten Thousand Eastern Caribbean Dollars(EC\$ 10,000) or to imprisonment of two years or both; and

- (b) in the case of a person who is not a citizen of Antigua and Barbuda to be deported immediately after payment of the fine or completion of the term of imprisonment.

**4. Currency Declaration**

(1) A person who leaves or enters Antigua and Barbuda with Ten Thousand United States Dollars or more (US\$ 10,000 or more) or its equivalent in Eastern Caribbean Dollars or in any other currency in cash or negotiable bearer instruments shall make a declaration in the Customs Declaration Form prescribed in Schedule I and also complete and submit the form prescribed in Schedule II to the proper officer.

(2) Any person who fails to comply with the provisions of regulation 4(1) commits an offence and is liable on summary conviction to a fine not exceeding Fifty Thousand Eastern Caribbean Dollars(EC\$ 50,000) or to imprisonment for not more than two (2) years and in addition, the currency may be forfeited to the crown.