

MONTSERAT

ADVANCE CARGO INFORMATION ACT 2019

No. 7 of 2019

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Montserrat

Advance Cargo Information Act, 2019

No. 7 of 2019

I ASSENT

(Sgd.) Andrew Pearce
Governor

DATE: 14:08:19

M O N T S E R R A T

No. 7 of 2019

AN ACT TO FACILITATE THE PROVISION OF ADVANCE INFORMATION RELATING TO CARGO OF AN AIRCRAFT OR VESSEL; THE SHARING OF THE INFORMATION WITH OTHER TERRITORIES OR STATES WITH A VIEW TO IDENTIFYING PERSONS WHO MAY POSE RISKS TO SECURITY; THE INTERCHANGE OF ELECTRONIC DATA TO FACILITATE TRADE AND FOR RELATED MATTERS.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

1. Short title and commencement

- (1) This Act may be cited as the Advance Cargo Information Act, 2019.

- (2) This Act comes into force by Order, on a date appointed by the Governor acting on the advice of Cabinet.

2. Interpretation

In this Act—

“advance cargo information” means the information or data set out in Schedule 1 in respect of cargo on an aircraft or vessel and includes a manifest, airway bill, bill of lading, document and other information or data in respect of—

- (a) all imports, exports, and transshipment of goods;
- (b) stores;
- (c) any package for which there is no airway bill or bill of lading; and
- (d) all mail sent or received by postal or courier service,

but excludes advance passenger information;

“Advance Cargo Information System” or **“ACIS”** means the electronic manifest single window for advance cargo information interchange;

“advance passenger information” has the same meaning as in section 2 of the Advance Passenger Information Act (No. 11 of 2017)

“agent” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“aircraft” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“break bulk” means cargo that must be loaded individually, and not in intermodal containers;

“bulk” means cargo that is transported unpackaged and in large quantities;

“carrier” means the person transporting goods in an aircraft or vessel or in charge of or responsible for the operation of the aircraft or vessel;

“cargo” means goods, mail, package, stores and crew member’s effects carried on board an aircraft or vessel for consideration;

“cargo information” means information required under this Act in respect of cargo;

“cargo manifest” means a list of cargo being imported, exported, transhipped, or warehoused;

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

“commander” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“competent authority” means—

- (a) the Comptroller of Customs and Excise appointed under section 84 of the Montserrat Constitution Order (Cap. 1.01); or
- (b) an officer authorised by the Comptroller of Customs and Excise;

“consolidator” means a person who provides the consolidation service of combining cargo from multiple shippers into a single shipment

“containerize” means to package in uniform sealed containers for shipment;

“crew” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04)

“customs airport” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“customs port” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“data message” means a messaging standard for the electronic communication between cargo stakeholders such as masters, shippers, freight forwarders, ground-handling agents, and regulators, as well as customs and security agencies;

“document” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04)

“export” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04;

“freight forwarder” means a person who provides the service of arranging storage and shipping of goods on behalf of the shipper;

“goods” includes stores, animal, aircraft or vessels, articles, material and currency;

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

“import” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04;

“long haul flight” means a flight with a duration of more than eight hours;

“master” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04;

“regional space” means the collective territories of the Caribbean Community who are participants of ACIS;

“representative” means a person who is authorised in writing by an importer, exporter, freight forwarder, non-vessel operating common carrier or consolidator to transact business under this Act on his behalf;

“shipment” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04);

“short haul flight” means a flight with a duration of less than eight hours;

“transmission” means the process of sending and sharing information using an analogue or digital information signal;

“vessel” has the same meaning as in section 2 of the Customs (Control and Management) Act (Cap. 17.04; and

“watch list” means a list used to watch or track the activities or movements of—

- (a) criminals including terrorist;
- (b) cargo that is suspicious, prohibited or otherwise of interest to the intelligence community; and
- (b) other persons of interest to the intelligence community.

3. Application

This Act applies to an airplane or vessel that—

- (a) is expected to or has arrived in Montserrat from a place outside Montserrat; or
- (b) is expected to depart or is departing from Montserrat for a place outside Montserrat,

and which is carrying cargo arriving from or going to a place outside of Montserrat, whether or not the aircraft or vessel is also carrying domestic cargo or passengers.

4. Duty to provide advance cargo information

- (1) A commander of an aircraft, master of a vessel, the agent of the commander or master and a cargo reporter shall provide advance cargo information to the competent authority through the Advance Cargo Information System in accordance with the Schedule 2.

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- (2) Subsection (1) applies in respect of an aircraft or vessel that—
 - (a) is laden or in ballast; and
 - (b) arrives, departs, is intended to arrive or is intended to depart into or from Montserrat.
- (3) If the distance between the country of departure and Montserrat does not allow the commander, master, agent or cargo reporter to provide the advance cargo information in the manner specified in Schedule 2, the competent authority—
 - (a) may exempt the commander, master, agent; or cargo reporter from the requirements in Schedule 2; and
 - (b) shall establish alternative arrangements for the commander, master, agent or cargo reporter to provide the advance cargo information.

5. Technical stops

- (1) Section 4 does not apply in respect of an aircraft or vessel that arrives in Montserrat for the purpose of refuelling or repairs or as a result of an accident, unfavourable weather conditions, emergency or a similar purpose.
- (2) A commander of an aircraft or master of a vessel that arrives in Montserrat in the circumstances under subsection (1) shall—
 - (a) immediately report to the competent authority;
 - (b) not permit cargo to be off loaded from the aircraft or vessel without the prior consent of the competent authority; and
 - (c) comply with any direction given by the competent authority in respect of any cargo on the aircraft or vessel.

6. Offence

- (1) If a commander, master, agent or cargo reporter —
- (a) fails to provide the advance cargo information in accordance with section 4; or
 - (b) intentionally or recklessly provides erroneous, misleading, incomplete or false advance cargo information,
- the commander, master, agent or cargo reporter commits an offence and is liable on summary conviction to a fine of \$10,000 or one year imprisonment or to both.
- (2) A commander, master, agent or cargo reporter may not be charged with an offence under subsection (1)(b) if the commander, master, agent or cargo reporter satisfies the competent authority that the submission of erroneous, misleading, incomplete or false advance cargo information was not made knowingly or recklessly.

7. Waiver

The Governor may waive the requirements of sections 4 and 5 in the circumstances and subject to conditions as the Governor may direct, if the aircraft or vessel is—

- (a) a military, law enforcement aircraft or vessel; or
- (b) on official Government business.

8. Use and sharing of advance cargo information

- (1) The competent authority may share the advance cargo information within the Advance Cargo Information System with the persons approved by the Governor on the advice of the Cabinet by Order.
- (2) IMPACS may use the advance cargo information to conduct screening against databases and watch lists in order to provide information to assist the countries listed in Schedule 3.

- (3) Advance cargo information shall only be used for the purposes of this Act.

9. Retention of advance cargo information

The advance cargo information collected under this Act shall be retained by the competent authority for a period not exceeding seven years from the date the information is collected.

10. Regulations

The Governor acting on the advice of Cabinet may make regulations—

- (a) to prescribe procedures for the reporting and processing of advance cargo information;
- (b) to establish procedures for collaboration and coordination of information gathering and sharing; and
- (b) to prescribe matters that are necessary for carrying out or giving effect to this Act.

11. Amendment of the Schedules

- (1) The Governor acting on the advice of Cabinet may by Order amend the Schedules.
- (2) An Order made under subsection (1) shall be subject to the negative resolution of the Legislative Assembly.

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SCHEDULE 1

(Section 2)

ADVANCE CARGO INFORMATION

PART 1

ELECTRONIC MANIFEST MANAGEMENT ASYCUDA

A). AIR CARGO DATA MESSAGES

In keeping with Industry Standards as stated in the CARICOM Business Rules

Cargo Manifest:

To be submitted by Airlines

Master Air Waybill:

To be submitted by Airlines

House Air Waybill:

To be submitted by Freight Forwarded / Representatives

Response Message:

To be handled by the filing party

B). MARITIME CARGO DATA MESSAGES

In keeping with Industry Standards as stated in the CARICOM Business Rules

Cargo Manifest:

To be submitted by Master/Agent

Master Waybill:

To be submitted by Master/Agent

House Waybill:

To be submitted by Freight Forwarded / Representatives

Response Message:

To be handled by the filing party

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PART 2

ADVANCE CARGO INFORMATION SYSTEM DATA FIELDS

No.	DATA FIELDS	DESCRIPTION	MANDATORY
Tracking Nos.	General Information	General details with respect to voyage and aircraft or vessel	YES
1	Office of departure/arrival	Code of the Customs office of departure or arrival	YES
2	Voyage number/aircraft or vessel number	Voyage number, which uniquely identifies the current journey of the means of transport (aircraft or vessel)	YES
3	Date of departure	Date when the means of transport leaves the place of departure	YES
4	Time of departure	Estimated date when the means of transport departs the place of departure	Yes
5	Date of arrival	Estimated date when the means of transport arrives at the place of destination	YES
6	Time of arrival	Estimated time when the means of transport arrives at the place of destination	NO
7	Place of departure	Place (LOCODE) where current voyage begins on the current means of transport	YES
8	Place of destination	Place (LOCODE) where current voyage ends for the current means of transport	YES
9	Port of last call	The place (LOCODE) where the vessel or aircraft last reported before docking at the place of arrival.	YES

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
	Shipping Information		
10	Aircraft or vessel code	Aircraft or vessel code assigned to the party undertaking the transport of the goods	YES
11	Agent	Code of the Agent in charge of the aircraft or vessel reporting during the stay in port	YES
	Totals		YES
12	Bills	Total number of waybills on manifest	YES
13	Packages	Total number of packages on manifest	YES
14	Vehicles	Total number of motor vehicles on manifest	YES
15	Containers	Total number of containers on manifest	YES
16	Gross Weight	Total gross weight contained in the manifest	YES
	Transport		YES
17	Mode	Identifying the mode of transport	YES
18	Nationality	Flag/Nationality of means of transport	YES
19	Identity	Aircraft or vessel) name	YES
20	Registration	Aircraft or vessel registration number	YES
21	Place	Port where the aircraft or vessel was registered	NO
22	Date	Date of registration	NO
23	Master	Name of Captain of the aircraft or vessel	YES
	Tonnage		
24	Gross and Net Tonnage	Tonnage of the aircraft or vessel - Information data not requested for Customs management of the manifest purpose	YES

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
25	Office of destination	Office of destination. Code of the Customs office of destination in case of transit	Conditional
	Co-Loader		
26	Co-loader code	Carrier code of the party sharing the Aircraft or vessel when multiple parties involved	Conditional
BL	Waybill Segment		YES
27	Waybill reference number	This is the « Identifier» of the transport document. This is the reference assigned by the carrier or agent (e.g. Bill of lading or Airway bill number; it is unique in the manifest)	YES
28	Waybill type	Alphanumeric code for the type of transport document	YES
29	Nature	Code of the document: export-22, import-23, transit-24, transshipment-28, FROB-26.	YES
30	Waybill Line	The 'line number' is a sequence number used to identify each item –bill of lading or airway bill in the manifest	YES
31	Previous Document	Reference of the previous document (master waybill) when consolidated cargo	Conditional
32	UCR	Unique consignment reference number	NO
33	Place of loading	Place (LOCODE) where the goods were originally loaded on the means of transport	YES
34	Place of unloading	Place (LOCODE) where the goods will be ultimately unloaded/discharged from the means of transport	YES

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
35	FAS/Liner	Terms of conditions for transported goods (accepted values F or L)	YES
	Carrier		YES
36	Carrier	Carrier Code, name and address of the party undertaking the transport of the goods.	YES
37	Carrier Name	The name of the Shipping Line or the Airline transporting cargo to and from [Guyana]	YES
38	Carrier Address	The address of the Shipping Line or the Airline transporting cargo to and from Guyana.	YES
39	Shipping agent	Code of the Shipping Agent in charge of the ship management during the stay in port	YES
	Exporter/ Shipper		YES
40	Exporter code	Exporter Code	NO
41	Exporter name	Exporter Name	YES
42	Exporter address	Exporter Address	YES
	Transport		YES
43	Place of loading on current transport	Place (LOCODE) where the goods were loaded on current transport (if there was a change of vessel, it would be recorded here)	YES
44	Place of discharge from current transport	Place (LOCODE) where the goods will be discharged from current transport (if there was further transshipment to be done, it would be recorded here)	YES
	Notify		YES
45	Notify code	Code of the notifying party.	NO

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
46	Notify name	Name of the notifying party	YES
47	Notify address	Address of the notifying party	YES
	Consignee		YES
48	Consignee	Consignee code	NO
49	Consignee name	Name of the consignee	YES
50	Consignee address	Full address of the consignee	YES
	Goods Details		YES
51	Total containers	Total number of containers for this transport document.	YES
52	Packages codes	Kind of packages (packaging type code)	YES
53	Marks	Marks and Numbers	YES
54	Manifested packages	Number of packages as indicated on the waybill.	YES
55	Vehicles	Total number of vehicles for this waybill	YES
56	Manifested gross weight	Gross weight as indicated on the waybill. This field must be accurately captured as the data are compared to	YES
57	Volume (CBM)	Volume of the goods in cubic metres.	NO
58	Description of goods	Commercial description of the goods from the waybill data (e.g. clothes, machines...).	YES
59	H.S. Code	Tariff Code for goods	NO
60	UNDG	Dangerous goods code (UNDG)	Conditional
61	Place of Origin	Place where goods are loaded into container for shipment (free text area)	NO
62	Place of Destination	Place where goods will be unloaded from container (free text area)	NO

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
63	Location	Code of the place where the goods are located in a shed or container park.	NO
	Declared Values and Seal Details		YES
64	Value code	Value code	YES
65	P/C	Prepaid or collect indicator for the value code	Conditional
66	(Freight value) Amount	Amount for the value code	YES
67	(Freight) Currency	Currency code for the value code	YES
68	Customs value	Customs value of goods	YES
69	Customs currency	Customs currency code	YES
70	Insurance value	Insurance cost of the goods	YES
71	Insurance currency	Insurance currency code	YES
72	Transport value	Overall freight cost	YES
73	Transport currency	Overall freight currency code	YES
74	Seals Number	Number of seals affixed on non-containerized cargo	Conditional
75	Marks of seals	Description Marks or references number of seals.	Conditional
76	Party	Code of the party having affixed the seals.	Conditional
77	Information	Additional Information when required.	NO
CT	Container Segment		
78	Container Number	Container number(s) for container(s) relating to waybill.	YES
79	Number of packages	Number of packages in container	YES
80	Ctn. Type	Container size-type	YES

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
81	E/F	Empty/Full indicator	YES
82	Seal Number	Quantity of seals affixed and seal numbers (3 fields)	YES
83	Party	Party affixing the seals	YES
84	Empty Weight	Empty weight of container (KG)	YES
102	Goods Weight	Weight of goods in container (KG)	YES
103	Min. Temp.CE	Minimum temperature in Celsius for refrigerated containers	Conditional
104	Max. Temp. CE	Maximum temperature in Celsius for refrigerated containers	Conditional
105	Humidity	Temperature in Celsius that the goods should be stored.	Conditional
106	Dangerous Code	UNDG code for dangerous goods.	Conditional
107	H.S. Code	Tariff Code for goods in container.	NO
108	Goods Description	Description of goods in container.	YES
109	Ctn. Disposition	(Cargo disposition, accepted values "CY, CFS and P. UNSTUFF). Required only when BL nature 23 and container is not empty	Conditional
110	Volume	Volume of cargo per container	Yes
111	Container line code	Code identifying shipping container owner.	Yes
VS	Vehicle Segment		
112	Chassis Number	Chassis Number of Vehicle	YES
113	Engine Number	Engine Number of Vehicle	YES
114	Engine Size	Engine (cc) or (kw)	YES
115	Odometer Reading	Mileage of vehicle	YES
116	Make/Brand	Make and Brand of Vehicle	YES

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No.	DATA FIELDS	DESCRIPTION	MANDATORY
117	Year	Year of Manufacture	YES
118	Colour	Colour of Vehicle	YES
119	New/Used	If vehicle new or used	YES

SCHEDULE 2

(Section 4)

TIMEFRAME FOR SUBMISSION OF ADVANCE CARGO INFORMATION

1. The advance cargo information must be submitted in keeping with CARICOM's messaging standards specifications as set out in Part 1 of the First Schedule
2. The information set out in Part 2 of Schedule 1 (Advance Cargo Information) shall be provided at the latest—
 - (a) for incoming cargo (import) by aircraft—
 - (i) in the case of short haul flight, at time of “Wheels Up” of the aircraft;
 - (ii) in the case of long haul flight, 4 hours prior to arrival at the first port in the country of destination;
 - (b) for outgoing cargo (export) by aircraft (short and long haul flight), at the time of departure (“Wheels Up”) of the aircraft;
 - (c) for incoming cargo (import) by vessel—
 - (i) containerized cargo: 24 hours before arrival; at first port in the country of destination;
 - (ii) bulk or break bulk: 24 hours before arrival at first port in the country of destination; and
 - (d) for outgoing cargo (export) by vessel—
 - (i) containerized cargo: 24 hours before loading at port of departure;
 - (ii) bulk or break bulk: 24 hours before departure to the first port in the country of destination.

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SCHEDULE 3

(Section 8)

**LIST OF COUNTRIES FOR SHARING
ADVANCE CARGO INFORMATION**

Antigua and Barbuda
Barbados
Belize
Commonwealth of Dominica
Co-operative Republic of Guyana
Grenada
Jamaica
Saint Christopher and Nevis
Saint Lucia
St. Vincent and the Grenadines
The Republic of Suriname
Trinidad and Tobago

(Sgd.) Shirley Osborne

SPEAKER

Passed by the Legislative Assembly this 29th day of July, 2019.

(Sgd.) Judith Baker

CLERK OF THE LEGISLATIVE ASSEMBLY