

M O N T S E R R A T

NO. 3 OF 2010

CUSTOMS (CONTROL AND MANAGEMENT) (AMENDMENT) ACT, 2010

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Section 2 amended
4. Section 26A inserted
5. Section 84 amended
6. Section 86 amended
7. Section 113 amended
8. Schedule 5 inserted

I ASSENT

Peter Waterworth
GOVERNOR

DATE: 15.4.10

M O N T S E R R A T

NO. 3 OF 2010

AN ACT TO AMEND THE CUSTOMS (CONTROL AND MANAGEMENT) ACT (CAP. 17.04).

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

Short title

1. This Act may be cited as the Customs (Control and Management) (Amendment) Act, 2010.

Interpretation

2. In this Act—

“**Act**” means the Customs (Control and Management) Act, Cap. 17.04.

Section 2 amended

3. Section 2 of the Act is amended by inserting the following in the appropriate alphabetical order:

“**Financial Services Commission**” means the Financial Services Commission established under section 3 of the Financial Services Act, 2008;

“**firearm**” has the meaning assigned in section 68 of the Penal Code, Cap. 4.02; and

“**offensive weapon**” has the meaning assigned in section 68 of the Penal Code, Cap. 4.02.

Section 26A inserted

4. The Act is amended by inserting, after section 26, the following section:

“Currency Declaration

26A.(1) A person who enters Montserrat with currency or monetary instruments over US\$10,000 or the equivalent shall declare this fact by completing the form prescribed in the Fifth Schedule and submit the form to the proper officer on duty at the port or airport of embarkation.

(2) A person who enters Montserrat with currency or monetary instrument over US\$10,000 or the equivalent, shall provide information with regard to the origin of the currency or negotiable bearer instrument and its intended use to the customs officer who shall record identification and other data about the currency and negotiable bearer instruments and submit it to the Financial Services Commission.”.

Section 84 amended

5. Section 84 of the Act is amended by inserting after subsection (3) the following subsection:

“(4) Without prejudice to subsections (1) to (3), a person who comes into Montserrat with any firearm, ammunition or offensive weapon shall –

(a) declare the firearm, ammunition or offensive weapon to the customs authority at the port or airport of entry by completing the form prescribed in the Fifth Schedule; and

(b) deliver the firearm, ammunition or offensive weapon to the authorized police officer or customs officer to be dealt with in accordance with the law.”.

Section 86 amended

6. Section 86 of the Act is amended by inserting after subsection (1) the following subsection:

“(1A.) Without prejudice to subsection (1) or any other provision of the Act, a person, or the head of a family travelling with children under the age of 18, entering Montserrat shall declare the items required to be declared in Section C of the form prescribed in the Fifth Schedule by completing the form.”.

Section 113 amended

7. Section 113 of the Act is amended by inserting, after subsection (3), the following subsection:



“(4) Subsections (1) and (2) apply in respect of a declaration made under section 26A, 84 or 86 in the form set out in the Fifth Schedule, and in addition to the fine, imprisonment and seizure of goods, any currency in relation to which the false declaration was made shall be liable to forfeiture.”

Schedule 5 inserted

8. The Act is amended by inserting after the Fourth Schedule, the following Schedule:

“FIFTH SCHEDULE
(Sections 26A, 84 and 86)

CUSTOMS DECLARATION FORM

	<p>Welcome to Montserrat IMMIGRATION/CUSTOMS FORM</p>													
<p>COMPLETE SECTIONS A, B & C of this card. PLEASE PRINT USING BLACK OR BLUE INK</p>		<p>Admission # _____</p>												
<p>ARRIVAL RECORD (SECTION A)</p>														
1. Flight #/ Vessel Name _____		2. Boarded At _____												
3. Last name _____														
4. First name _____		5. Middle name _____												
6. Date of Birth _____		7. Country of Birth _____												
D D M M Y Y Y Y														
8. Sex M <input type="checkbox"/> F <input type="checkbox"/>		9. Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Other												
10. Occupation _____														
11. Passport # _____		11a. Date of Issue _____												
12. Country of Issue _____		D D M M Y Y												
13. Home Address (Street Address/Apt #) _____														
14. City Town _____		14a. State/ Province _____												
15. Zip/Postal Code _____		16. Country _____												
17. Countries visited in the last six weeks _____														
18. Intended Address in Montserrat (Hotel/Street Address/Apt #, Country) _____														
19. City/Town/Parish _____														
20. Length of stay _____		Abroad (resident), in Montserrat												
		Visitor												
21. Purpose of visit (visitors only)		22. Accommodation												
<input type="checkbox"/> Vacation <input type="checkbox"/> Business <input type="checkbox"/> Visiting Friends/ Relatives <input type="checkbox"/> Honeymoon/ Wedding		<input type="checkbox"/> Hotel <input type="checkbox"/> Guest House <input type="checkbox"/> Private Home <input type="checkbox"/> Apt/ Villa <input type="checkbox"/> Dive/ Eco Lodge <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Other (Specify)												
<input type="checkbox"/> Study <input type="checkbox"/> Meeting <input type="checkbox"/> Convention <input type="checkbox"/> Sports														
Other (Specify) _____														
Signature _____		Date _____												
MCR	MCA	MC	MR	MRP	MRW	CW	VP	VB	VC	TD	TA	TH	TG	TR
										Departure # _____				
<p>DEPARTURE RECORD (SECTION B)</p>														
Please retain Departure record for presentation upon Departure														
1. Flight #/ Vessel Name _____										2. Port of Final Destination _____				
3. Last Name _____														
4. First Name _____					5. Middle Name _____									
6. Date of Birth _____					7. Sex					8. Passport # _____				
D D		M M		Y Y		M		F						
9. Nationality _____										10. Country of Birth _____				
Signature _____										Date _____				

NOTICE TO PASSENGER CUSTOMS DECLARATION (SECTION C)														
Every passenger, or head of the family travelling together with children under the age of 18, is required to complete Section C														
1. Spouse and children under age 18 accompanying you:														
Name	Date of Birth (DD/MM/YY)	Relation												
2. Number of pieces of luggage														
Accompanied (Checked luggage and hand luggage)	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> </table>					Unaccompanied (Luggage sent by Air or Sea Freight)	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> </table>							
3. I am (We are) bringing:														
	YES	NO												
(a) fruits, plants, cut flowers, vegetables, soil, meat, live animals and organisms, honey, wildlife products, plant material, food, animal products or live birds;	<input type="checkbox"/>	<input type="checkbox"/>												
(b) pharmaceuticals, narcotics and other illicit drugs, and biological substances; or	<input type="checkbox"/>	<input type="checkbox"/>												
(c) arms, ammunitions, explosives, fireworks, toy guns or other weapons.	<input type="checkbox"/>	<input type="checkbox"/>												
4. I have (We have) commercial merchandise: (articles for sale, samples used for soliciting orders or goods that are not considered personal effects)														
	<input type="checkbox"/>	<input type="checkbox"/>												
5. I am (We are) carrying currency or monetary instruments* over US\$10,000.00 or equivalent														
	<input type="checkbox"/>	<input type="checkbox"/>												
6. General passenger allowances:														
(a) Wines or spirits not exceeding 40 oz;														
(b) Tobacco not exceeding half a pound, cigars not exceeding fifty (50) in number or cigarettes not exceeding two hundred (200) in number.														
Description of Articles	Value in Currency	Official Use Only												
I certify that all statements I have made in this declaration are true, correct and complete. I understand that failure to make a full declaration is an offence and can result in seizure of the goods, fines and/or imprisonment.														
Signature X		Date												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Official Use Only</td> </tr> <tr> <td style="text-align: center;">Signature of Examining Officer</td> </tr> </table>	Official Use Only	Signature of Examining Officer	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">ID #</td> </tr> <tr> <td style="text-align: center;"> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> </table> </td> </tr> </table>		ID #	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> </table>								
Official Use Only														
Signature of Examining Officer														
ID #														
<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> </table>														
* Monetary instruments include coins, currency, travellers cheques and bearer instruments such as personal or cashier cheques and stocks and bonds.														
Failure to report the total amount that you are carrying may lead to the seizure of all the currency or monetary instruments, and may subject you to all civil penalties/or criminal prosecution.														

T. Bodkin
SPEAKER

Passed the Legislative Council this 16th day of March, 2010.

Judith Jeffers
CLERK OF COUNCILS