

LEGAL NOTICE No. 71

REPUBLIC OF TRINIDAD AND TOBAGO

THE CUSTOMS ACT, CHAP. 78:01

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 263(1) OF THE
CUSTOMS ACT

THE CUSTOMS (CONTAINER EXAMINATION STATION)
REGULATIONS, 1995

1. These Regulations may be cited as the Customs (Container Examination Station) Regulations, 1995.

PART I

PRELIMINARY

2. In these Regulations—

“container” means a mode of conveyance, designed and constructed in accordance with acceptable international standards, for the safe, secure and expeditious conveyance of consignments of goods imported or exported from one country to another;

Interpreta-
tion

“Container Examination Area” means that area within a Container Examination Station so demarcated on instructions from the Comptroller, where containers and their contents are placed and examined by Customs;

“Container Examination Station” or “Station” means—

- (i) any Customs area declared as such by the Comptroller by Notice published in the *Gazette* for the examination of goods which are imported or exported in containers; and
- (ii) any other place so declared by the Comptroller, either orally or in writing where, in his opinion, owing to the hazardous nature of the containerised goods or for any other reason, he determines that as a matter of urgency the goods ought to be removed to that place and examined;

“Customs and Excise Preventive Inspector” means the officer in charge of the Preventive Branch of the Customs and Excise Division;

- “Container Processing Fee” means the fee more particularly described in regulation 8(2), that the Comptroller charges for the processing of a container;
- Chap. 78:01 “entered” has the meaning given to it in the Customs Act;
- “extended hours of business” means any period of time beyond the normal weekly hours of work, including weekends and public holidays, that the Comptroller may deem necessary for a Container Examination Station to remain open;
- “F.C.L.” means Full Container Load;
- “hours of business” means the hours of 8.00 a.m. to 4.00 p.m., Mondays to Fridays not including public holidays, when a Container Examination Station is open for business;
- “L.C.L.” means Less than a Full Container Load;
- “operator” means a person who executes a written Agreement with the Comptroller concerning the supervision, management, security control and operation of a Container Examination Station and who has also made satisfactory arrangements with the Comptroller to cover duty, other tax liabilities and insurance matters for the goods which have been imported or are to be exported in the containers that have been taken to the Container Examination Station;
- Chap. 78:01 “Proper Officer” has the meaning assigned to it in the Customs Act;
- “T.E.U.” means twenty-foot container equivalent unit.

PART II

OPERATIONS AT A CONTAINER EXAMINATION STATION

Duties of an operator

3. (1) The operator of a Container Examination Station shall—
- (a) observe the normal hours of business and shall have in readiness all equipment, labour and other things necessary for the operation of the Container Examination Station;
 - (b) ensure that the Container Examination Station is in a position to operate during any extended hours of business that may be required by the Comptroller;
 - (c) keep and maintain a Container Movement Log to record the entry of containers into, movement of containers within and release of containers from, the Container Examination Station;
 - (d) display such signs as the Comptroller may direct, advising that such place is a “Container Examination Station” and a “Customs Area”;

(e) demarcate the Customs Examination Area in that Station in such a manner as directed by the Comptroller.

(2) An operator of a Container Examination Station who fails to maintain and retain all records and documents pertaining to the operation of the Station for a period of seven years and to produce the same for inspection by the Comptroller, is guilty of an offence.

4. (1) The Comptroller may, in his discretion, direct all or any F.C.L. or L.C.L. containers landed at any port or place, to a Container Examination Station for examination. Discretion of Comptroller to inspect containers

(2) The Comptroller may, in his discretion, direct all or any containers packed for export to a Container Examination Station for examination.

5. Notwithstanding any other provision in the Customs Laws, the master or agent of any vessel on which there is containerised cargo to be landed at any port or place in Trinidad and Tobago shall, not later than twenty-four hours prior to the arrival of such vessel in the waters of Trinidad and Tobago, provide the Comptroller with a report of such cargo on the prescribed form, "C4", prepared in accordance with section 72 of the Customs Act. Agent to provide Comptroller with information pertaining to containerised cargo
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6. (1) In order for the operator of the Container Examination Station to move F.C.L. or L.C.L. containers in accordance with directives given under regulation 4(1), the Comptroller shall cause to be prepared a Container Movement Authorisation Form—Form CES-1, which shall be sufficient authority for the operator to submit to any Port Administration for release of the relevant container and the operator shall collect and remove such container to the designated Station by the most direct route and into the Container Examination Area. Movement of container to a Container Examination Station
Schedule

(2) The operator shall ensure that Form CES-1 accompanies such container while in transit and under the operator's control from any port or place where such container was released to the designated Container Examination Station.

(3) A copy of Form CES-1 shall be surrendered by the operator to the management of the port or place where the container is landed, before such container is removed.

(4) A copy of Form CES-1 shall be forwarded by the operator to the importer or his agent of any such container.

(5) Any container selected by the Comptroller for examination may be placed under Customs Seal before such container is transported to a Container Examination Station and the Seal may only be broken by the Proper Officer or on his instructions, when the container reaches the Customs Examination Area.

(6) Any person who tampers with or breaks or removes a Customs Seal without proper authority while the container is *en route* to or at a Customs Examination Station is guilty of an offence.

Notice of
examination
of container

7. (1) The operator of a Container Examination Station shall—
- (a) after consultation with the Comptroller, notify, in writing, the importer or his agent of the date and time appointed for the examination of his container;
 - (b) provide the necessary transport, equipment and labour for the moving, unloading and reloading of containers and the opening and reclosing of any packages contained therein.
- (2) The importer or his agent shall, on being notified of the impending examination of his container, ensure that either he or his Customs Broker or Clerk is at the examination of the container.
- (3) Failure to attend the examination of his container may lead to the imposition of a fine of three hundred dollars.

PART III

MISCELLANEOUS

Container
processing
fees

8. (1) Container Processing Fees shall be paid to the Comptroller at the time the goods imported in the container are entered.
- (2) The Container Processing Fees payable in respect of each F.C.L. shall be as follows:
- (a) for containers 20 ft. in length and under—\$375.00 T.T.;
 - (b) for containers over 20 ft. in length—\$525.00 T.T.

Collection of
charges and
penalties

9. The operator of a Container Examination Station shall collect the undermentioned charges and penalties on behalf of the Comptroller in the manner directed by the Comptroller—
- (a) parking charges;
 - (b) security charges;
 - (c) electricity charges for electricity supplied to a container for the purpose of operating any machinery in such container;
 - (d) penalties imposed for late attendance in respect of the examination of a container.

Release of
container
Schedule

10. (1) Upon examination of a container and the determination that it may be released to its importer or exporter the Proper Officer shall complete Form CES-2 and forward the original to the operator of the Container Examination Station, who shall then arrange for the release of the container to the importer or exporter, as the case may be.
- (2) The operator shall ensure that, before a container is released from the compound of the Station, all fees, charges and penalties due have been paid.

Seized
containers

Schedule

11. (1) Any container which, upon examination, is found to contain any restricted, prohibited or other uncustomed goods, shall be seized by the Proper Officer, and details of such a container shall be recorded on Form CES-3 and signed by him.

(2) A seized container shall be placed in the custody of the Customs and Excise Preventive Inspector, who shall sign the relevant section of Form CES-3 as receiving such container and its contents and the matter shall be dealt with in accordance with section 220 of the Customs Act and such other provisions of that Act as may apply.

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(3) A copy of Form CES-3 shall be given to the operator by the Preventive Inspector at the time that such container is removed from the Container Examination Station, and such removal shall be recorded by the operator in his Container Movement Log, in red ink.

12. (1) The operator of a Container Examination Station shall not allow any person other than an officer of Customs to enter and remain in the Container Examination Area without the permission of the Proper Officer unless such person is engaged in work relating to the security of the Container Examination Station or is responding to an emergency therein and failure to comply with the provisions of this subregulation constitutes an offence. Prohibited persons

(2) Any person who removes a container from a Container Examination Area or Container Examination Station without lawful authority is guilty of an offence.

(3) An operator who employs a person at a Container Examination Station without the permission of the Comptroller is guilty of an offence.

13. (1) The Comptroller or Proper Officer may request that a person, whom he knows to have been convicted of a Customs offence, remove himself from a Container Examination Station if he considers that person constitutes a security risk. Removal of person within a Container Examination Station

(2) Failure to comply with such request shall constitute a Customs offence and may in addition lead to the arrest of the person.

(3) No person other than an Officer of Customs, with the authority of the Proper Officer, shall remain in a Customs Examination Area beyond the normal hours of business or such extended hours of business as may be determined by the Comptroller.

14. The following charges are payable to the Comptroller in respect of any container which is not removed by the importer or exporter within four hours of being advised of its release: Charges

- (a) parking charges: each T.E.U. \$60.00 per hour or part thereof for the first twenty-four hours and \$120.00 per hour or part thereof for every hour after the first twenty-four hours;
- (b) security charges at the rate of \$20.00 per hour or part thereof; and
- (c) electricity charges at the rate of \$3.00 per hour or part thereof.

SCHEDULE

Form CES-1

CONTAINER MOVEMENT AUTHORIZATION FORM AND TRANSFER NOTE

Name of Container Examination Station Operator

Date

You are hereby authorized to remove from

to the Container Examination Station at

Container/s No./s

for Customs examination, which container/s was/were imported by

..... ex MV

arrived on B/L No.

Entry No. Assessment No.

.....
Comptroller of Customs and Excise

TRANSFER NOTE

To be completed by Officer in charge of Port/Place of Entry

Port/Place of Entry Shed No.

Name of Importer Container/s No./s

..... Seal/s No./s

..... Date of Release

Time of Release Time allowed for transfer to CES

.....

.....

Date

.....

Signature of Customs Office

Form CES-2

CUSTOMS AUTHORITY TO DELIVER

Container Examination Station Operator

Date

Container examination of the undermentioned container/s has been found to be correct as entered. You may arrange for delivery of the said container/s to the Importer/Agent.

Importer Container/s No./s

Seal/s No./s Name of Vessel

Arrived Entry No. Assessment No.

Description of Goods

.....

Examining Officer Date Examined

.....
Customs Examining Officer

Date

Time

Note to Operator:—Release only after Operator has complied with the provisions of Regulation 10(2).

DETENTION OF CONTAINER

Container Examination Station Operator

Date

Container examination of the undermentioned Container/s No./s
has/have been found to be not in agreement with the entered particulars.

This/These container/s has/have been referred to the Customs and Excise Preventive
Inspector for further investigations.

.....
*Customs Supervisor,
Container Examination Station*

Date

Time

I acknowledge receipt of the abovementioned container/s.

.....
*Customs and Excise Preventive
Inspector*

Date

Time

(Results of examination to be attached to copy of this Form)

Made this 29th day of May, 1995.

A. LEUNG WOO-GABRIEL
Acting Secretary to Cabinet