

GOVERNMENT NOTICE No. 199

TRINIDAD AND TOBAGO

THE CUSTOMS BROKERS AND CUSTOMS CLERKS ACT, 1970

REGULATIONS

MADE BY THE BOARD UNDER SECTION 18 OF THE CUSTOMS BROKERS AND
CUSTOMS CLERKS ACT, 1970

THE CUSTOMS BROKERS AND CUSTOMS CLERKS
REGULATIONS, 1973

- Citation** 1. These Regulations may be cited as the Customs Brokers and Customs Clerks Regulations, 1973.
- Definitions** 2. In these Regulations—
 “the Act” means the Customs Brokers and Customs Clerks Act, 1970;
 “the Board” means the Customs Brokers Board established and constituted by section 3 of the Act.
- Application for licence** 3. (1) Application for a customs broker’s or customs clerk’s licence shall be forwarded in duplicate to the Secretary of the Board (hereinafter referred to as “the Secretary”) in the form set out as Form I in the First Schedule together with an application fee of ten dollars and the birth certificate of the applicant.
Form I First Schedule
- (2) In every case where an applicant is required to satisfy the Board as to his fitness and competence by means of an examination held under section 7 of the Act, his application shall reach the Secretary not later than thirty days before the examination.
- Secretary to post notice of application at Customs House** 4. The Secretary shall post a notice at the Customs House of each application received by him. Every such notice shall remain posted for a period of not less than fourteen days and shall state the name and address of the applicant, the type of licence being applied for and shall invite comments regarding the advisability of issuing the licence.
- Chief Preventive Officer to comment on application** 5. The Chief Preventive Officer shall comment on each application, a copy of which shall be sent to him for the purpose. His comments shall be forwarded to the Board through the Secretary.

6. (1) In April and October each year the Board shall hold examinations in matters relating to customs laws and procedures and other related subjects.

Examinations

(2) The Board shall notify each candidate of the date, time and place of the examination.

7. An applicant for a licence may not be accepted as a candidate for an examination unless he first satisfies the Board that he has not less than three months experience of the duties of a customs broker or a customs clerk, as the case may be.

Candidates to have experience in customs brokers or customs clerks duties

8. (1) Customs Clerks' licences shall be in the form set out as Form 2 in the First Schedule and issued in the following grades:—

Customs Clerks' Licences—Grades

(a) Grade I—indicating that the holder has a thorough knowledge of customs and other laws and procedures relating to the entry and shipping of goods;

Form 2. First Schedule

(b) Grade II—indicating that in addition to the matters set out in paragraph (a), the holder is competent in the preparation and processing of all bills and other documents for shipping and entering goods;

(c) Grade III—indicating that in addition to the matters set out in paragraphs (a) and (b), the holder is competent in all matters relating to the importation and exportation of goods;

(d) Boarding—indicating that the holder has a thorough knowledge of the laws and procedures relating to the boarding of ships and aircraft and is competent in the preparation of transshipment shipping bills and entries for ship's stores.

(2) Renewal of a customs clerk licence shall be in the form set out as Form 3 in the First Schedule.

Form 3. First Schedule

9. (1) Customs brokers licences shall be in the form set out as Form 4 in the First Schedule.

Customs brokers Form 4. First Schedule

(2) Renewal of a customs brokers licence shall be in the form set out as Form 5 in the First Schedule.

Form 5. First Schedule

10. (1) In the case of a customs clerk's licence there shall be paid to the Board a fee of fifteen dollars upon issue and thereafter a renewal fee of fifteen dollars.

Licence fees.

(2) In the case of a customs broker's licence there shall be paid to the Board a fee of thirty dollars upon issue and thereafter a renewal fee of thirty dollars.

- Conduct of business
11. (1) Every customs broker and every employer of a customs clerk shall—
- (a) establish and maintain a registered office;
 - (b) keep adequate records of all transactions pertaining to his import and export undertakings and of all customs warrants passed by him; and
 - (c) retain copies of all correspondence, bills, accounts, statements and other papers relating to his customs and excise business.
- (2) All records and papers described in paragraph (1) shall be retained and preserved by every customs broker or the employer of a customs clerk for a period of three years. Such records and papers shall be available at any time for examination by the Board or by any person duly authorised by the Board.
- Customs broker to furnish evidence of payments.
12. Every customs broker and customs clerk shall furnish to his client or employer in respect of the client's or employer's importation or exportation evidence of all payments made.
- Customs broker to advise client of non-compliance with customs laws
13. Every customs broker or customs clerk who knows or has reason to believe that his client or employer has failed to comply with a provision of the laws relating to customs and excise or other related matters, shall promptly advise his client or employer of his non-compliance and should the client or employer continue his non-compliance, the customs broker or customs clerk shall thereupon report the facts to the Comptroller of Customs and Excise.
- Employers to submit record of customs clerks to Board Form 6
14. For the purpose of registration in accordance with section 12 of the Act, employers of customs clerks shall submit to the Board in duplicate a record of the customs clerks in his employment in the form set out as Form 6 in the First Schedule.
- Customs brokers fees Second Schedule
15. The fees and charges set out in the Second Schedule shall be subject to review by the Minister from time to time at the request of the Board.
- Apprentices to be registered with Board
16. Where a customs broker recruits an apprentice or where an employer of customs clerks employs any person to be trained as a customs clerk, he shall register with the Board the names of such apprentice or trainee within seven days of the date of such recruitment or the commencement of such employment as the case may be.
- Restriction on functions of apprentices.
17. A person registered with the Board under regulation 16 may not sign customs warrants but may transact other business at customs for and on behalf of the person to whom he is apprenticed and by whom he is employed and such person shall be held liable for the acts or omissions of the apprentice or trainee acting within the scope of his apprenticeship or employment.
- Apprentices to be under supervision
18. Apprentices and trainees shall undergo a course of training and shall be under competent supervision to enable them to qualify for a customs broker's or customs clerk's licence within a period of three years of the date of their recruitment or employment.

FIRST SCHEDULE

FORM 1

(Regulation 3)

THE CUSTOMS BROKERS AND CUSTOMS CLERKS REGULATIONS, 1973

Application for a Customs Broker's/Clerk's Licence

Secretary, Customs Brokers Board,
Port-of-Spain.

I
Surname first *Given Names*

of
Residential Address

hereby apply to be examined in accordance with the Customs Brokers and Customs Clerks Act, 1970.

I hereby declare that:—

- (1) I am not less than 21 years of age.
- (2) I am a resident of Trinidad and Tobago.
- * (3) I have/have not been convicted of an indictable offence. (If applicant has been convicted of an indictable offence, state details below).

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.....

Date of Birth(Certified copy of Birth Certificate attached).

Date.....
Signature of Applicant

NOTE:—A fee of ten (\$10.00) dollars must accompany this application.
*Delete whichever is not applicable.

For Official use only

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FIRST SCHEDULE—Continued

FORM 2

[Regulation 8(1)]

THE CUSTOMS BROKERS AND CUSTOMS CLERKS REGULATIONS, 1973

Customs Clerk Licence

Grade

Licence No.

THIS IS TO CERTIFY THAT

of has been granted a licence by the Customs Brokers Board under the provisions of the Customs Brokers and Customs Clerks Act, 1970 to transact business as a Customs Clerk, Grade in Trinidad and Tobago.

Issued by direction of the Customs Brokers Board, this day of , 19 .. .

..... Secretary Member Chairman, Customs Brokers Board

Port-of-Spain, Trinidad and Tobago.

FORM 3

[Regulation 8(2)]

THE CUSTOMS BROKERS AND CUSTOMS CLERKS REGULATIONS, 1973

Renewal of Customs Clerk Licence

No.

THIS IS TO CERTIFY THAT CUSTOMS CLERK LICENCE NO.

issued to

of

on 19 is by direction of the Customs Brokers Board hereby renewed for the year ending 31st December, 19.....

Date Secretary, Customs Brokers Board

Port-of-Spain, Trinidad and Tobago.

SECOND SCHEDULE

(Regulation 15)

CUSTOMS BROKERS FEES

Rates for each Import Entry

CATEGORY I—FOOD

(a) Inputs for manufacturing and packaging (except controlled food items):—

For the first \$15,000 c.i.f. value ...	2%	of the c.i.f. value
For the next \$10,000 c.i.f. value ...	1½%	of the c.i.f. value
For the next \$100,000 c.i.f. value ...	1%	of the c.i.f. value
For the next \$125,000 c.i.f. value ...	¾%	of the c.i.f. value

plus \$10.00 per Bill of Lading or Airway Bill plus \$10.00 for documentation.

Provided that where such inputs are warehoused on first importation, each subsequent withdrawal shall attract a fee of \$40.00 only.

(b) Controlled food items:—

For the first \$50,000 c.i.f. value ...	1%	of the c.i.f. value
For the next \$75,000 c.i.f. value ...	¾%	of the c.i.f. value
For the next \$125,000 c.i.f. value ...	¾%	of the c.i.f. value

plus \$10.00 per Bill of Lading or Airway Bill plus \$10.00 for documentation.

Provided that where such controlled food items are warehoused on first importation such subsequent withdrawal shall attract a fee of \$40.00 only.

(c) Non-controlled food items:—

For the first \$15,000 c.i.f. value ...	2%	of the c.i.f. value
For the next \$10,000 c.i.f. value ...	1½%	of the c.i.f. value
For the next \$100,000 c.i.f. value ...	1%	of the c.i.f. value
For the next \$125,000 c.i.f. value ...	¾%	of the c.i.f. value

plus \$10.00 per Bill of Lading or Airway Bill plus \$10.00 for documentation.

CATEGORY II—OTHER CONTROLLED ITEMS

Rates to be fixed when items are Gazetted.

CATEGORY III—ALL OTHER GOODS

For the first \$25,000 c.i.f. value ...	2%	of the c.i.f. value
For the next \$100,000 c.i.f. value ...	1½%	of the c.i.f. value
For the next \$125,000 c.i.f. value ...	1%	of the c.i.f. value

plus \$10.00 per Bill of Lading or Airway Bill plus \$10.00 for documentation.

CATEGORY IV—GOODS ON ONE ENTRY EXCEEDING \$250,000 C.I.F. VALUE

The first \$250,000 c.i.f. value subject to the respective sliding rates above and the remaining value by negotiation between importer and broker.

CATEGORY V—GOODS CLEARED EX-WAREHOUSE

With the exception of CATEGORY I—FOOD—(a) and (b) the rates shall be in accordance with the respective category into which the goods fall.

CATEGORY VI—MOTOR VEHICLES

(a) Assembled motor vehicles ...	\$30.00	per unit
(b) C.K.D. motor vehicles ...	\$25.00	per unit

CATEGORY VII—LIVE ANIMALS

(a) Race horses ...	\$40.00	per head
(b) Ordinary horses, asses, mules, cattle ...	\$15.00	per head
(c) Animals, all other ...	\$5.00	per head

Provided that in addition to the rates above all animals subject to quarantine shall be surcharged \$15.00 for the first animal plus \$5.00 for each additional animal.

CATEGORY VIII—PERSONAL AND HOUSEHOLD EFFECTS

Personal and household effects admitted as such by the Comptroller of Customs and Excise ...	\$10.00 per warrant plus \$45.00 for each container of 400 cu. ft. and over.
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SECOND SCHEDULE—Continued

CATEGORY IX—POSTAL PACKAGES

Parcel Post Cards with an assessed c.i.f. value up to \$100.00 the rate shall be \$5.00 per Parcel Post Card. (Where import entries are to be prepared a standing charge of \$10.00 plus rates as provided under the appropriate CATEGORY above).

CATEGORY X—CERTIFIED ENTRIES

A flat fee of \$30.00 per entry.

CATEGORY XI—BILLS OF SIGHT AND RACKING TRANSACTIONS (not including Bills of Sight for Personal and Household effects).

A fee of \$25.00 for attendance for examination of cargo plus rates applicable under respective categories above.

CATEGORY XII—ADJUSTMENT ENTRIES

A fee of \$10.00 per Warrant.

Rates for Exports

CATEGORY I—EXPORTS INCLUDING TRANSHIPMENT CARGO

Rates shall be as follows:—

For the first \$25,000 f.o.b. value	...	2% of f.o.b. value
For the next \$100,000 f.o.b. value	...	1½% of f.o.b. value
For the next \$125,000 f.o.b. value	...	1% of f.o.b. value

plus \$10.00 per Bill of Lading or Airway Bill plus \$10.00 for documentation. In the case of goods on one entry exceeding \$250,000 f.o.b. value for the first \$250,000 as above, and as to the excess as agreed between importer and broker.

CATEGORY II—ASSEMBLED MOTOR VEHICLES

Assembled motor vehicles \$30.00 per unit

CATEGORY III—LIVE ANIMALS

(a) Race horses	...	...	...	\$40.00 per head
(b) Ordinary horses, asses, mules, cattle	...	...	...	\$15.00 per head
(c) Animals, all other	...	...	...	\$5.00 per head

CATEGORY IV—PERSONAL AND HOUSEHOLD EFFECTS

Personal and household effects \$10.00 per warrant plus \$45.00 for each container of 400 cu. ft. and over.

CATEGORY V—POSTAL PACKAGES

For all exports the rate shall be \$1.00 per package subject to a minimum charge of \$3.00 per shipment.

NOTE:—Goods entered on one entry and classified under two or more of the above categories shall be charged at the rates applicable to the respective categories.

Made this 15th day of October, 1973.

C. L. WILLIAMS
Chairman,
Customs Brokers Board

Approved this 15th day of November, 1973.

D. H. N. ALLEYNE
Secretary to the Cabinet