



TRINIDAD AND TOBAGO

No. 4—1956

[L.S.]

I ASSENT,

E. B. BEETHAM  
*Governor.*

3rd February, 1956.

AN ORDINANCE relating to the Qualification and  
Control of Customs Brokers

**[On Proclamation]**

Enactment. ENACTED by the Governor of Trinidad and Tobago with the  
advice and consent of the Legislative Council thereof.

Short title and  
commence-  
ment. **1.** This Ordinance may be cited as the Customs Brokers  
Ordinance, 1956, and shall come into operation on such day as  
the Governor may appoint by proclamation published in the  
*Royal Gazette*.

## 2. (1) In this Ordinance—

“authorisation” means an authorisation issued under section 13 of this Ordinance, and includes such an authorisation when renewed as provided under the said section;

“the Board” means the Board established and constituted by section 4 of this Ordinance;

“Comptroller”, “exporter”, “importer” and “customs laws” have the same respective meanings which they have in the Customs Ordinance;

Interpretation.

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(2) For the purposes of this Ordinance a person shall be deemed to act as a customs broker if he undertakes or holds himself out as willing to undertake, for fee or reward, to act on behalf of any person, or persons generally, in connection with the entering or clearing of goods or other transactions under the customs laws.

3. (1) Notwithstanding anything to the contrary contained in section 230 of the Customs Ordinance, from and after the coming into operation of this Ordinance no person shall act as a customs broker unless he is the holder of a valid authorisation so to do:

Restriction on persons acting as customs brokers.

Provided that nothing in this section shall prevent or be construed as preventing any shipping agents or aircraft agents from entering or clearing the ships or aircraft of their principals, or as preventing any clerk or servant exclusively employed by any merchant, importer or exporter from acting on behalf of such merchant, importer or exporter in connection with the entering or clearing of goods or any other transaction under the customs laws.

(2) If any person contravenes the provisions of subsection (1) of this section he shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars.

4. (1) For the purposes of this Ordinance there shall be established a Board to be called the Customs Brokers Examination Board which shall consist of the General Manager of the Port Services Department and four other persons to be appointed by the Governor in Council as follows:—

Establishment, constitution and quorum of Customs Brokers Examination Board.

One representative from a panel of not less than three nominated by the Shipping Association of Trinidad and Tobago;

One representative from a panel of not less than three nominated by the Chamber of Commerce of Trinidad;

Two representatives from a panel of not less than five nominated by the Customs Clerks and Customs Brokers Association of Trinidad and Tobago.

(2) Subject to the provisions of this Ordinance a member of the Board other than the *ex officio* member shall hold office for a term of two years but may be re-appointed from time to time for a further term of two years.

(3) The General Manager of the Port Services Department shall be Chairman of the Board, and the Board shall elect a Vice-Chairman from among its members.

(4) In the absence of the Chairman from any meeting of the Board the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman from any meeting of the Board, the members present at such meeting shall elect from their number a Chairman to preside at such meeting.

(5) Three members of the Board shall constitute a quorum at any meeting, and the decision of the majority present shall be the decision of the Board.

(6) In the event of an equality of votes at any meeting, the Chairman shall have a casting vote in addition to his original vote.

Removal, &c.  
of members  
and filling  
of vacancies  
temporary  
or otherwise.

5. (1) A body mentioned in subsection (1) of section 4 of this Ordinance may at any time request the Governor in Council to cancel the appointment of any member of the Board nominated by such body for incapacity, prolonged illness or other good cause (of each and every of which causes such body shall be the sole judge) and the Governor in Council shall comply with such request. Where the appointment of any such member is so cancelled the body requesting such cancellation shall forthwith nominate a successor for the approval of the Governor in Council.

(2) Where any member of the Board nominated by a body mentioned in subsection (1) of section 4 of this Ordinance dies or resigns such body shall nominate a successor for the approval of the Governor in Council.

(3) A successor appointed by the Governor in Council in pursuance of subsection (1) or subsection (2) of this section shall hold office for the unexpired balance of the term of the office held by his predecessor.

(4) Where any member of the Board nominated by a body mentioned in subsection (1) of section 4 of this Ordinance is temporarily absent from the Colony such body may nominate, for the approval of the Governor in Council, a person to be a member of the Board during the absence from the Colony of such first-mentioned member.

**6.** The Board shall meet whenever summoned by the Chairman: Meetings of the Board.

Provided that on a written requisition setting out the object of a proposed meeting signed by two members the Chairman shall convene a meeting of the Board to take place not later than seven days after the receipt by him of such requisition.

**7.** Subject to the provisions of this Ordinance the Board may make rules governing its procedure. Rules of procedure.

**8.** The duties of Secretary to the Board shall be performed by such officer of the Port Services Department as shall be allocated for the purpose by the General Manager of that Department. Secretary of Board.

**9.** The functions of the Board shall be— Functions of the Board.

- (a) to conduct examinations for the purpose of determining the competence to act as customs brokers of persons who wish to obtain an authorisation so to do;
- (b) to issue certificates to such persons as satisfy the Board that they are competent to act as customs brokers.

**10.** (1) The Board shall issue to every person who has satisfied the Board in an examination conducted by the Board that he is competent to act as a customs broker a certificate of competence so to do (hereinafter referred to as a certificate.) Issue of certificates.

(2) Notwithstanding anything to the contrary contained in this section where any person, who before the coming into operation of this Ordinance has in fact acted as a customs broker in the Colony, applies to the Board for a certificate, then if such person satisfies the Board that by reason of the practical experience which he has obtained he is competent to act as a customs broker, the Board may issue a certificate to such person without requiring him to submit himself as a candidate for an examination conducted by the Board.

Rules.

**11.** (1) The Board may make rules—

- (a) prescribing the time at which examinations conducted by the Board shall be held;
- (b) the manner in which such examinations shall be held and the subjects of examination;
- (c) prescribing the form of a certificate; and
- (d) providing generally for the better carrying out of the functions of the Board under this Ordinance.

(2) The Board may, subject to the approval of the Governor in Council, make rules prescribing the fees which shall be paid to the Board—

- (a) in respect of entry for an examination conducted by the Board;
- (b) in respect of the issue of a certificate.

(3) All rules made under subsection (1) or subsection (2) of this section shall be published in the *Royal Gazette*.

Application  
of fees  
collected  
by Board.

**12.** The fees collected by the Board under this Ordinance shall be paid into a Fund which shall be administered by the Board and applied towards defraying the expenses lawfully incurred by the Board for the purposes of this Ordinance.

Authorisation  
to act as a  
customs  
broker.

**13.** (1) The Comptroller may in writing under his hand issue to any person who he is satisfied is of good character and who has obtained a certificate from the Board, an authorisation to act as a customs broker:

Provided that the Comptroller shall not issue any such authorisation to any person if by so doing the number of persons holding valid authorisations will exceed the number, if any, fixed as a limit under section 14 of this Ordinance.

(2) Every person to whom an authorisation is issued shall forthwith give and execute a bond in the sum of two thousand dollars with one or more sureties as may be approved by the Comptroller for the faithful and incorrupt conduct of such person, and of any clerk assisting him, in acting as a customs broker, both as regards the Customs Department and his employer or principal.

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(3) The provisions of section 258 of the Customs Ordinance shall apply in respect of every bond executed under this section.

(4) An authorisation shall, unless renewed, as provided in this section, expire and cease to have effect on the 31st day of December next following the date of its issue or renewal, as the case may be.

(5) The Comptroller may from time to time on application by the holder of an authorisation renew such authorisation for a period of one year from its expiry. Every renewal of an authorisation shall be effected not earlier than twenty-one days before, and not later than the day next following, the date of its expiry.

(6) There shall be payable to the Comptroller on account of the general revenue in respect of the issue or renewal of every authorisation a fee of one dollar.

14. The Governor in Council may at any time by order published in the *Royal Gazette* limit the number of persons who may be holders of valid authorisations.

Number of persons authorised to act as customs brokers may be limited.  
Revocation of authorisation.

15. The Comptroller may revoke an authorisation issued to any person—

- (a) if after an inquiry at which such person has had an opportunity of being present and of being heard, the Comptroller is satisfied that such person has been guilty of fraud or misconduct in acting as a customs broker;
- (b) if in the opinion of the Comptroller such person is unable efficiently to act as a customs broker by reason of mental or physical incapacity;
- (c) if such person fails to execute a bond as required by or under section 13 of this Ordinance; or
- (d) if such person is convicted of any offence under this Ordinance, or any offence for which he is sentenced to a term of imprisonment without the option of a fine.

16. Notice of revocation of an authorisation and of the grounds thereof shall be served by the Comptroller on the person affected, and it shall be lawful for such person to appeal against such revocation to the Governor within fourteen days after notification thereof. The Governor's decision shall be final.

Right of appeal against revocation.

17. Where any authorisation has been revoked, then, if no appeal against such revocation has been made within the time limited under section 16 of this Ordinance, or if such an appeal has been made but has been disallowed, notice of such

Publication.

revocation shall be published in the *Royal Gazette* and in two consecutive issues of a daily newspaper circulating in the Colony.

Customs  
brokers'  
clerks.

**18.** (1) A person holding a valid authorisation may with the written approval of the Comptroller appoint a clerk to assist him in the transaction of his business as a customs broker.

(2) A clerk so appointed shall not assist any person other than the person appointing him.

(3) If any such clerk commits any fraud or misconduct or is proved to the satisfaction of the Comptroller to be incompetent or to have contravened the provisions of subsection (2) of this section, the Comptroller may by notice in writing to such clerk and to the customs broker employing him withdraw his approval of the appointment of such clerk, and the appointment shall thereupon cease to have effect.

(4) If any person holding a valid authorisation employs for the purpose of his business as a customs broker any clerk other than a clerk approved by the Comptroller he shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars.

Fees which  
may be  
charged by  
customs  
brokers.

**19.** (1) The Governor in Council may by order fix fees or a scale of fees which may lawfully be charged by persons authorised under this Ordinance to act as customs brokers in respect of their services as such.

(2) If any person authorised under this Ordinance to act as a customs broker charges in respect of any service performed or to be performed by him as such any fee greater than that which he is authorised to charge by virtue of an order made under subsection (1) of this section, he shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars.

Passed in Council this twentieth day of January, in the year of Our Lord one thousand nine hundred and fifty-six.

T. F. FARRELL

*Clerk of the Council.*