
5th Session Second Parliament Trinidad and Tobago
19 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 49 of 1970

[L.S.]

AN ACT relating to the qualifications and control of
customs brokers and customs clerks

[Assented to 23rd December, 1970]

BE IT ENACTED by the Queen's Most Excellent Majesty, by ^{Enactment}
and with the advice and consent of the Senate and House
of Representatives of Trinidad and Tobago, and by the
authority of the same, as follows :

1. (1) This Act may be cited as the Customs Brokers ^{Short title}
and Customs Clerks Act, 1970. ^{and}
^{commencement}

(2) This Act shall come into operation on such day as the Governor-General may appoint by Proclamation published in the *Gazette*.

Interpretation

2. In this Act—

“Board” means the Customs Brokers Board established and constituted by section 3;

“customs broker” means an independent person who undertakes or holds himself out as willing to undertake for remuneration, fee or reward to act on behalf of any other person or persons generally, or who in fact so acts in connection with the entering and clearing of goods or other transactions under the customs laws;

“customs clerk” means a person not being a customs broker, who being the employee of some other person acts on behalf of that other person in connection with the entering or clearing of goods or other transactions under the customs laws;

“licence” means a licence issued under this Act;

“Minister” means the Minister to whom responsibility for Finance has been assigned;

the expressions “Comptroller”, “customs laws”, and “department of Customs and Excise” have the meanings respectively assigned to them by the Customs Ordinance.

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Establishment
and constitution
of Board

3. (1) There is hereby established the Customs Brokers Board, hereinafter called “the Board”, which shall consist of the Comptroller and six other members appointed by the Governor-General as follows—

(a) three persons nominated by the Minister and drawn respectively from—

(i) the department of Customs and Excise;

(ii) the Federated Chambers of Industry and Commerce; and

(iii) the Shipping Association;

(b) three members of the Customs Clerks and Customs Brokers Association nominated by that association.

(2) The Comptroller shall be *ex officio* Chairman of the Board.

(3) The Governor-General may at any time and without assigning any reason therefor cancel any appointment made under subsection (1).

(4) The Comptroller shall assign a member of the staff of the Department of Customs and Excise to perform the duties of Secretary of the Board.

(5) A member of the Board other than the Comptroller, shall hold office for a term of two years but shall be eligible for re-appointment.

(6) Where a member of the Board is absent from Trinidad and Tobago or is prevented by illness or any other cause from exercising his functions as a member of the Board, the Governor-General may appoint another person, nominated by the Minister or the Customs Clerks and Customs Brokers Association as the case may be, to act in the place of such member during the period of his absence or incapacity.

(7) The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*.

(8) If at any meeting of the Board the Chairman is absent, the members present shall elect one of their number to be Chairman for that meeting.

(9) Four 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.

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

4. The functions of the Board shall be to promote high standards of efficiency and integrity in the conduct of persons performing the duties of customs brokers and customs clerks and to ensure the maintenance of such standards by determining the competence and fitness of such persons and by licensing those who attain the standards set by the Board.

Functions of
the Board

Meetings

5. (1) The Chairman may summon a meeting of the Board at any time.

(2) The Chairman shall, within seven days of the receipt by him of a written requisition for that purpose signed by any two members convene a special meeting of the Board.

(3) Except with the permission of the Chairman all meetings shall be convened on notice of not less than two clear days.

Licence
required
to carry on
business as
Customs
Brokers, etc.
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6. (1) Notwithstanding the provisions of section 230 of the Customs Ordinance but subject to section 14 no person may—

(a) carry on business as or style himself a customs broker unless he is the holder of a licence hereinafter called a "customs broker's licence" issued by the Board under section 7; or

(b) be employed as or style himself a customs clerk unless he is the holder of a licence hereinafter called a "customs clerk's licence", issued by the Board under section 7.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

(3) Application for a customs broker's licence or a customs clerk's licence shall be made to the Board on the prescribed form.

Board to hold
examinations

7. The Board shall by examinations and such other means as it may think necessary satisfy itself as to the competence and fitness of any applicant.

Board to
issue licence

8. The Board may issue a licence to any applicant who—

(a) has attained the age of twenty-one years;

(b) is not suffering from any mental or physical incapacity; and

(c) has satisfied the Board as to his fitness and competence under section 7 or section 14.

Application
of customs
clerks for
customs brokers
licence

9. Where the holder of a customs clerk's licence applies to the Board for a customs broker's licence the Board may on the written recommendation of the Customs Clerks' and

Customs Broker's Association and payment of the prescribed fee and on his establishment of a personal bond in the sum of five thousand dollars issue to him a customs broker's licence.

10. (1) A licence granted under this Act shall expire on the 31st December, in each year, but may be renewed on application and payment of the prescribed fee to the Board, but such application and payment for renewal shall not be made earlier than twenty-one days before the date of the expiry of the licence. Conditions of licences

(2) Every holder of a customs broker's licence shall deliver to the Board a bond in the sum of five thousand dollars with one or more sureties as may be approved by the Board and in accordance with the provisions of section 258 of the Customs Ordinance for the faithful and incorrupt performance of his duties under the Customs Ordinance and regulations made thereunder.

(3) A holder of a customs clerk's licence who for reward assists any person other than his employer in connection with the entering or clearing of goods or other transactions under the customs laws is guilty of an offence and is liable on summary conviction to a fine of two hundred and fifty dollars.

(4) The Board shall cause to be published annually in the *Gazette* a notice containing the names of the holders of licences granted under this Act.

11. All fees paid to the Board under this Act shall be paid into a Fund and be applied by the Board towards deferring expenses incurred in carrying out the provisions of this Act. Fees to be paid into fund

12. (1) Every employer shall register with the Board every employee who holds a customs clerk's licence and who is employed by him to enter or clear goods or to effect other transactions under the customs laws. Registration of Customs Clerk

(2) An employer who fails to comply with the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of one hundred dollars.

13. (1) The Board may revoke or refuse to renew a licence issued to any person under this Act if after holding an enquiry at which such person has been given an oppor- Revocation or refusal of licences

tunity of being present and of being heard, the Board is satisfied that such person by reason of:—

- (a) mental or physical incapacity; or
- (b) having been convicted of an offence involving misconduct in the performance of his duties as a customs clerk, or fraud or corruption,

is unfit to carry on business as a customs broker or be employed as a customs clerk.

(2) The Board shall notify every person of the revocation of or refusal to renew his licence and shall in the notification state the reasons therefor.

(3) Any person, whose licence has been revoked or the renewal whereof has been refused, may, within twenty-one days of the receipt of a notification to that effect appeal against such revocation or refusal to the Governor-General whose decision thereon shall be final.

(4) Where the Board revokes, or refuses to renew a licence under the provisions of this section, then, if no appeal against such revocation or refusal to renew has been made within the time limited under subsection (3), or if such an appeal has been made but has been disallowed, notice of such revocation or refusal to renew shall be published in the *Gazette*."

Issue of
certificate and
licence to
persons acting
as customs
brokers and
customs clerks
at commencement
of Act

14. (1) Where at the commencement of this Act a person has for a period of not less than five years been carrying on business as a customs broker or been employed as a customs clerk, that person may continue to act as such for a period not exceeding three months and shall within that period apply for the appropriate licence without being required to take the examination referred to in section 7, and the Board if satisfied as to his competence and fitness shall issue the appropriate licence on payment of the prescribed fee.

(2) Where at the commencement of this Act a person has for a period of less than five years been carrying on business as a customs broker or been employed as a customs clerk, that person may continue to act as such but shall within three years of the commencement of this Act apply for and be issued the appropriate licence on satisfying the Board as to his competence and fitness in accordance with section 7 and paragraphs (a) and (b) of section 8 and paying the prescribed fee.

15. A customs broker who charges or attempts to charge for his services any fee other than as prescribed in the regulations made under this Act shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and every contract whereby he charges or attempts to charge such fee shall be void.

Customs broker who charges fee other than as prescribed guilty of an offence

16. The Governor-General may by Order published in the *Gazette* limit the number of persons who may be licensed as customs brokers and the Board shall govern itself accordingly.

Limitation on number of brokers

17. The Board may, subject to the approval of the Minister signified in writing, mitigate or remit any penalty at any time prior to the commencement of proceedings in any court, against any person for an offence under this Act or the regulations made thereunder.

Board may remit penalties

18. The Board may with the approval of the Governor-General make regulations generally for giving effect to the provisions of this Act, and for prescribing all things required to be prescribed and in particular such regulations may relate to—

Regulations

(a) the nature, scope and conduct of examinations referred to in section 7 and the fees payable for such examinations;

(b) the establishment and supervision of an apprenticeship scheme for the training of persons desirous of becoming customs brokers or customs clerk.

19. The Customs Brokers Ordinance is hereby repealed.

Repeal. No. 4 of 1956

Passed in the House of Representatives this 4th day of December, 1970.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 8th day of December, 1970.

J. E. CARTER
Clerk of the Senate

