
Third Session Third Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 25 of 1989

[L.S.]

AN ACT to amend the Customs Act, Chap. 78:01

[Assented to 12th July, 1989]

ENACTED by the Parliament of Trinidad and Tobago Enactment
as follows:—

1. This Act may be cited as the Customs (Amendment) Short title
Act, 1989.

Chap. 78:01
amended

2. The Customs Act is amended—

- (a) by substituting for the words “twenty thousand” occurring in the last line of section 212, the words “one hundred and twenty-five thousand”;
- (b) by deleting the portion of section 213 beginning with the words “shall for each offence” and ending with the word “forfeited.”, and substituting therefor the following—

“(f) sells, offers for sale or exposes for sale any goods which he knows to be prohibited or restricted, shall, notwithstanding sections 248 and 249, incur a penalty—

- (i) in the case of a first offence, of twenty-five thousand dollars, or treble the value of the goods, whichever is the greater and imprisonment for six months,
- (ii) in the case of a second or subsequent offence, of one hundred thousand dollars or treble the value of the goods whichever is the greater and imprisonment for one year,
- and in either case the goods shall be forfeited.”;

- (c) by amending section 214 by deleting the words “beginning with the word “incur”” and ending with the word “forfeited.”, and substituting therefor the words “and notwithstanding sections 248 and 249, incur a penalty of twenty-five thousand dollars, or treble the value of the goods contained in such package, whichever is the greater and imprisonment for six months and the package and the goods therein shall be forfeited.”;

- (d) by substituting for section 224 the following—

“Power of the
Comptroller to
impose fines, etc.

224. (1) Notwithstanding any of the provisions of this Act, where a person admits in the prescribed form that he has

committed an offence against the customs laws and requests in writing that the offence be dealt with under this section by the Comptroller, the Comptroller may, subject to the approval of the Minister, which may be signified from time to time by general directions to the Comptroller, at any time prior to the commencement of proceedings in a court against the person for the offence—

(a) impose a fine, penalty and forfeiture but not including imprisonment, and not exceeding that prescribed for the offence; or

(b) mitigate or remit any fine or penalty or restore anything seized under the customs laws.

(2) Nothing in this section shall affect any right conferred by any written law on any person to claim the goods in the case of a seizure, or to commence or require the commencement of legal proceedings at any time prior to the payment of the fine or penalty.

(3) In this section the expression “prescribed form” means the form set out in the Seventh Schedule.”; and

(e) by inserting immediately after the Sixth Schedule the following—

“SEVENTH SCHEDULE

[Section 224(3)]

REPUBLIC OF TRINIDAD AND TOBAGO

FORM OF ADMISSION OF BREACHES OF THE CUSTOMS LAWS

To:
(alleged offender)

WARNING: You are not obliged to make any admission of a breach of the customs laws.

If you do make an admission of such breach, you will be doing so fully acknowledging that no promise is held out to you that the matter will not be determined by a court of law and that the admission may be used as evidence.

Signed:.....
Comptroller of Customs and Excise

I
(name of offender)

of
(address in Trinidad and Tobago)

hereby admit without qualification that on the.....day of
.....19..... at

I committed an offence against section..... of
.....
(here insert particulars of customs laws breached)

in that I
(here state facts constituting offence)

I request that this offence be dealt with by the Comptroller and agree to pay the fine as stated below.

Dated this day of19.....

Signed:.....

Fine \$...... In the presence of

.....
(Signature of Witness)

CERTIFICATE: I certify that no threat, promise or other form of inducement has been held out to me to make the above-written admission. I have given this admission of my own free will and I am aware that it may be used in evidence.

Signed:.....
(Signature of Offender).”.

Passed in the House of Representatives this 14th day of April, 1989.

J. E. CARTER
Clerk of the House

Passed in the Senate this 6th day of June, 1989.

N. COX
Acting Clerk of the Senate

Senate amendments were agreed to in the House of Representatives on 16th June, 1989.

J. E. CARTER
Clerk of the House