

OBJECTS AND REASONS

This Bill would amend the *Customs Act*, Cap. 66 to reflect the changes required to be made to that Act pursuant to the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009*.

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 2 of Cap. 66.
3. Amendment of section 89 of Cap. 66.
4. Amendment of section 90 of Cap. 66.
5. Amendment of section 91 of Cap. 66.
6. Amendment of section 93 of Cap 66.

BARBADOS

A Bill entitled

An Act to amend the *Customs Act*.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Customs (Amendment) Act, 2010*. Short title.

Amend-
ment of
section 2 of
Cap. 66.

2. Section 2 of the *Customs Act*, in this Act referred to as the principal Act, is amended by deleting the following definitions:

- (a) "List of Prohibited and Restricted Exports"; and
- (b) "List of Prohibited or Restricted Imports".

Amend-
ment of
section 89
of Cap. 66.

3. The principal Act is amended by deleting section 89 and substituting the following:

Prohibited
or
restricted
goods.
First
Schedule.
S.I. 2009
No. 127.

"89. (1) The goods, the particulars of which are set out in Part I of the *First Schedule* to the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009* are goods whose importation into Barbados is prohibited and the goods the particulars of which are set out in Part II of the *First Schedule* to the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009* are goods whose importation into Barbados is restricted.

Second
Schedule.
S.I. 2009
No. 127.

(2) The goods, the particulars of which are set out in Part I of the *Second Schedule* to the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009* are goods whose exportation from Barbados is prohibited and the goods the particulars of which are set out in Part II of the *Second Schedule* to the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009* are goods whose exportation from Barbados is restricted.

Cap. 329. (3) A person may, in the prescribed form and upon the payment of the prescribed fee, apply to the Minister under the *Miscellaneous Controls Act* for a licence to import or export the goods the particulars of which are set out in the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009*."

S.I. 2009 No. 127.

4. The principal Act is amended by deleting section 90 and substituting the following:

Amendment of section 90 of Cap. 66. S.I. 2009 No. 127.

"Power of Minister to prohibit or restrict the importation or exportation of goods. S.I. 2009 No. 127.

90. (1) The Minister may by Order amend the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009*, by inserting therein or by deleting therefrom such goods as he thinks fit and any Order made under this subsection may prohibit or restrict the importation or exportation, as the case may be, of goods

- (a) for such a period as may be specified in the Order; or
- (b) in respect of any place specified in the Order; or
- (c) unless such conditions as may be specified in the Order in respect of the goods are complied with.

(2) Every order made under subsection (1) shall be subject to negative resolution."

Amend-
ment of
section 91
of Cap. 66.
S.I. 2009
No. 127.

5. The principal Act is amended by deleting section 91 and substituting the following:

"Treat-
ment of
goods
which are
in transit.
S.I. 2009
No. 127.

91. (1) Goods imported in transit or in transshipment or as a part of the stores of a ship or aircraft shall not be deemed to be goods which are prohibited or restricted to be imported or exported unless such goods are expressly prohibited or restricted to be imported in transit or in transshipment or as a part of the stores of a ship or aircraft by an enactment.

(2) Goods imported in transit, in transshipment or as a part of the stores of a ship or aircraft shall be exported within such a period as the Comptroller allows."

Amend-
ment of
section 93
of Cap. 66.

6. The principal Act is amended by deleting section 93 and substituting the following:

"Offences
relating
to
prohibited
or
restricted
goods.
S.I. 2009
No. 127.

93. (1) A person who

(a) harbours, keeps, conceals, permits, suffers, causes, or procures to be harboured, kept or concealed goods which are prohibited or restricted under the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009*; or

(b) is in any way concerned with the carrying, removing, depositing, concealing of, or in any manner dealing with goods which are prohibited or restricted under the *Customs (List of Prohibited and Restricted Imports and Exports) Order, 2009*

with intent to evade the prohibition or restriction applicable to such goods is guilty of an offence and for each offence is liable to a fine of \$100 000 or three times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both.

(2) A person who acquires possession of or is found in possession of prohibited or restricted goods is guilty of an offence and is liable to a fine of \$100 000 or to imprisonment for a term of 2 years or to both unless he proves to the satisfaction of the court that he was issued with a valid licence by the Minister under the

Cap. 329. *Miscellaneous Controls Act*, in respect of the

- (a) prohibited goods; or
- (b) restricted goods.

(3) All prohibited or restricted goods in respect of which an offence under subsection (1) or (2) is committed are liable to forfeiture."