



ASCENSION

REVISED EDITION OF THE LAWS, 2017

PUBLIC FINANCE AND REVENUE

CUSTOMS ORDINANCE, 2001¹

Ordinance A7 of 2001

In force 1 April 2002

Amended by Ordinance 1 of 2012

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CUSTOMS ORDINANCE, 2001

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AN ORDINANCE to provide for the control of imports and exports, the collection and management of customs and other dues, and for incidental or connected matters.

PART 1
PRELIMINARY

Short title

- 1.² This Ordinance may be cited as the Customs Ordinance, 2001.

Interpretation

2. In this Ordinance, unless the context otherwise requires, the following expressions have the following meanings—
 - “**aircraft**” means any machine for flying whether propelled by mechanical means or not, and includes any description of balloon or glider;
 - “**airport**” means Wideawake Airport;
 - “**approved form**” means a form prescribed by regulations made under section 43 or, in the absence thereof, approved by the Collector;
 - “**captain**” in relation to an aircraft, means the member of the crew designated as captain of that aircraft by the operator of it, or, failing such person, the person who is for the time being the pilot in command of the aircraft;
 - “**Collector**” means the person appointed as Collector of Customs under section 4, and includes any other person appointed by the Governor to act on the Collector’s behalf;
 - “**Customs**” means any office or other place designated for the administration of this Ordinance;
 - “**Customs Officer**” means any person appointed as such under section 4, and includes the Collector;
 - “**customs warehouse**” means any place or places the Collector approves from time to time for the warehousing of goods;
 - “**delivery warrant**” means a warrant issued for the purposes of section 9(4);
 - “**documents**” includes books, statements and recorded information of all descriptions, including information recorded by computerised methods;

² Section 1 corrected by Gazette Notice No. 53 of 27 March 2018

- “**drawback**” means a refund of all or part of any dues in respect of goods exported or used in any particular manner;
- “**dues**” means customs duties, wharfage rates, warehouse rents, fees and other charges, payable under this Ordinance;
- “**export**” means to take or to cause to be taken out of Ascension;
- “**goods**” means all kinds of movable or removable property, including animals;
- “**Government**” means the Government of Ascension;
- “**import**” means to bring or cause to be brought into Ascension;
- “**master**”, in relation to a ship, means any person having or taking the command, charge or management of the ship;
- “**means of conveyance**” means any ship, aircraft, vehicle, animal or other thing used for the transportation of goods or people;
- “**office hours**” means the hours during which Government offices are normally open to the public;
- “**owner**”, in respect of any goods, means any person having possession of or beneficially interested in the goods, and in relation to a ship, includes the operator of the ship;
- “**package**” includes every means by which goods being transported may be cased, covered, endorsed, contained or packed;
- “**passenger**” means any person travelling on or arriving from or departing on any vessel or aircraft, but does not include a crew member;
- “**perfect entry**” means any entry made in accordance with section 11 or 18;
- “**port**” means the port of Georgetown and any other port in Ascension that is defined as a port by the Governor by Order;
- “**prescribed**” means prescribed by regulations made under section 43;
- “**prohibited**” in relation to goods, means goods in respect of which the export or import is prohibited;
- “**restricted**”, in relation to goods, means goods in respect of which, or of a type or description in respect of which, there is in force for the time being by or under this or any other Ordinance, any restriction concerning their importation or exportation;
- “**ship**” means every description of vessel or boat, however propelled, moved, constructed or adapted for use to carry persons or goods by water, and includes a seaplane when on or in the water, a hovercraft and a hydrofoil vessel;
- “**smuggling**” means any importation or exportation, or attempted importation or exportation made with intent to defraud the Government, or to evade any prohibition or restriction affecting any goods, and “**smuggle**” and “**smuggled**” are to be construed accordingly;
- “**wharf**” means any area at a port defined as a wharf by regulations made under section 43;
- “**wharfage rates**” mean a rate payable in respect of the use of an area of a wharf.

Time of importation and exportation

3. Notwithstanding the respective definitions of “**import**” and “**export**” contained in section 2, for the purposes of this Ordinance the following provisions have effect concerning the times of importation and exportation—

- (a) subject to paragraph (b), the time of importation of any goods is the time when the ship or aircraft carrying them comes within the limits of a port or airport, or the time when the goods are unloaded in Ascension, whichever is the earlier;
- (b) the time of importation of restricted goods is the time when the ship or aircraft carrying them enters the territorial waters or airspace of Ascension;

- (c) the time of exportation of any goods from Ascension is the time when the goods are placed on board the ship or aircraft that is to carry them.

Appointment of Customs Officers and delegation of powers

4. (1) The Governor must appoint a Collector of Customs and may appoint any other Customs Officers necessary or desirable for the administration of this Ordinance.

(2) The Collector may delegate any of his or her powers and duties under this Ordinance to any other Customs Officer.

Customs duties and other charges

5. The Governor may, by regulations, specify the tariffs or rates in respect of the following dues—

- (a) customs duties payable by importers and exporters on goods imported and exported respectively;
- (b) wharfage rates to be paid by the importer of all goods landed at a port;
- (c) warehouse rents to be paid in respect of goods deposited in any customs warehouse;
- (d) fees payable for the grant of any permit, licence, permission or authority which may be granted under or pursuant to this Ordinance; and
- (e) fees payable by the master of a ship or the captain of an aircraft for the services of Customs Officers attending the loading or unloading of that ship or aircraft.

PART 2 ADMINISTRATION AND WAREHOUSING

Procedure on arrival of ships

6. (1) On arrival in the territorial waters of Ascension every ship must proceed to the Port and the master of that ship must provide any further particulars required. This subsection does not apply to any ship which enters the territorial waters in passage from one place outside Ascension to another such place, and which does not come within 2 nautical miles of the coastline at any given point.

(2) The agent of any ship must, when required by a Customs Officer, submit for inspection any bill of lading so required.

Procedure on arrival of aircraft

7. (1) Subject to this section, and except as the Collector otherwise permits—
- (a) the captain of any aircraft arriving in Ascension must not cause or permit that aircraft to land at any place other than at an airport; and
 - (b) no person importing or concerned in importing any goods in any aircraft may bring those goods into Ascension at any place other than at an airport.

A captain or other person who contravenes or fails to comply with this subsection commits an offence.

Penalty: A fine of £10,000, or in the case of goods, 3 times the value of the goods, whichever is the greater.

Any goods imported in contravention of this subsection are liable to forfeiture.

(2) Subsection (1) does not apply in relation to any aircraft which is required by or under any enactment relating to air navigation, or is compelled by accident, stress of weather or other unavoidable cause, to land at a place other than an airport, but subject to subsection (3)-

- (a) the captain of any such aircraft-
 - (i) must immediately report the landing to a Customs Officer and must on demand produce to the Customs Officer the journey log belonging to the aircraft;
 - (ii) must not without the consent of a Customs Officer permit any goods carried on the aircraft to be unloaded from, or any passenger or member of the crew to depart from the vicinity of the aircraft; and
 - (iii) must comply with any direction given by a Customs Officer with respect to such goods;
- (b) no passenger or member of the crew may without the consent of a Customs Officer leave the immediate vicinity of any such aircraft.

A captain or any other person who contravenes or fails to comply with this subsection commits an offence.

Penalty: A fine of £10,000 or imprisonment for 2 years, or both.

- (3) Nothing in subsection (2) prohibits-
 - (a) the departure of any passenger or member of the crew from the vicinity of an aircraft; or
 - (b) the removal of goods from an aircraft;

of that departure or removal is necessary for reasons of health, safety or the preservation of life or property.

(4) The captain of any aircraft must, when required by a Customs Officer, submit for inspection all books and documents in his or her custody or control relating to the aircraft, its cargo, stores, baggage, crew, passengers or flight.

Passengers to embark or disembark at a port or airport

8. Except with the consent of the Collector, no passenger may embark or disembark at Ascension at any place other than at a port or airport.

Goods to be landed at or exported from a port or airport

9. (1) Except with the consent of the Collector, no goods may be landed in Ascension, or exported from Ascension, at any place other than at a port or airport.

(2) All goods landed at a port or airport or delivered to a port or airport for export are at the risk of the owner and subject to the control of the Customs in accordance with this Ordinance.

(3) No goods that are subject to the control of the Customs may be moved or interfered with except in accordance with this Ordinance.

(4) Without limiting subsection (3), no imported goods may be removed from a port or airport except under the authority of a delivery warrant, in an approved form, issued by a Customs Officer.

Entries to be made

10. (1) Subject to sections 11 and 12 and subsection (2), no delivery warrant is to be issued in respect of any imported goods until the owner or the owner's agent has submitted entries in the approved form in respect of the goods to the Customs, and dues on them have been paid.

(2) In the case of prescribed categories of passengers' baggage and other packages, the importer, on making a satisfactory declaration in a form and manner the Collector requires, must be permitted to remove the goods without making any entries or completing any delivery warrant.

(3) Any person acting as agent for the owner must first deposit in the Customs an authority in the approved form.

(4) All imported goods must be entered or otherwise accounted for in the approved form for either—

- (a) home consumption;
- (b) warehousing; or
- (c) transshipment,

as the case may be.

(5) The owner or the owner's agent must on presenting entries—

- (a) submit for verification and filing in the Customs an original or acceptable duplicate invoice in respect of the goods to which the entry relates;
- (b) produce for inspection any other documents a Customs Officer reasonably requires; and
- (c) answer to the best of his or her knowledge and belief any question with respect to such entries.

Provisional entries

11. (1) If the owner is unable, owing to the absence of any invoice of cost, to supply the full particulars for making an entry for home consumption, and makes a declaration to that effect before a Customs Officer, the owner may make a provisional entry, in the approved form, and deposit in cash a sum equal to the amount of the dues as estimated by the Customs Officer, and the Customs Officer may thereupon issue a delivery warrant.

(2) The owner of goods included in a provisional entry must, within one month after the passing of the entry or within any further time the Collector allows, make a perfect entry for the goods. In default, the deposit paid under subsection (1) is to be forfeited, without affecting the owner's liability to pay the dues in respect of the goods involved.

(3) A perfect entry of goods that have been entered as a provisional entry must be made in a manner as if a provisional entry had not been made.

Special procedure for approved importers

12. (1) The Collector, in his or her discretion, may grant “**approved importer**” status to any importer who regularly imports goods of a certain class or description as part of a business carried on by the importer, and may at any time revoke such grant.

(2) A Customs Officer may issue a delivery warrant in respect of goods imported for home consumption by an approved importer although no provisional or other entries have been made in respect of them. A delivery warrant must not be issued under this subsection unless the importer signs a bond in the approved form in respect of an amount sufficient to cover all dues likely to be found payable on examination and verification of the entries, and incorporating an undertaking to—

- (a) produce all invoices and entries or otherwise account for imported goods within a period of 14 days from the date of importation of the goods; and
- (b) pay all dues payable within a period of 28 days from the date of importation of the goods.

Owner to permit customs examinations

13. (1) Whenever required to do so by any Customs Officer, the owner or the owner’s agent must, at the expense of the owner or the owner’s agent—

- (a) bring any package to the proper place for examination by a Customs Officer and open and unpack the package;
- (b) repack, on completion of the inspection, and remove the package to the proper place of deposit;
- (c) facilitate the weighing and measurement of any goods.

(2) Subject to section 32, packages must not be opened except in the presence of a Customs Officer and, if practicable, the owner or the owner’s agent.

(3) All imported goods are liable to examination by a Customs Officer, despite the passing of any entry made in respect of them, or the issue of a delivery warrant.

Passing entries and delivery of goods

14. (1) An entry is passed by a Customs Officer signing the entry indicating that all dues in respect of the goods mentioned in it have been assessed and paid or, if appropriate, that a provisional entry has been made.

(2) Upon passing any entry or receiving a bond from an importer pursuant to section 12, a Customs Officer must issue a delivery warrant in the approved form authorising the removal of the goods from a port or airport.

(3) Every delivery warrant must be issued in the name of the person named in the bill of lading or inward manifest as the consignee of the goods, or of an authorised agent who has deposited his or her authority in accordance with section 10(3).

Sale of goods not entered

15. (1) Subject to subsection (4), the Collector may order the sale by public auction of any goods remaining at a port or airport after a period of 28 days from the date of landing, but a sale must not take place until notice of it has been publicly advertised at least 7 days prior to the sale.

(2) Subject to subsection (3), all dues payable upon or in respect of any goods sold under this section, and all expenses incurred in connection with such sale, must be deducted from the proceeds of the sale and any balance remaining paid to the owner.

(3) If any balance of the proceeds of any goods sold under this section is not claimed by the owner or the owner's agent within 12 months from the date of such sale, the balance must be dealt with as an unclaimed deposit in accordance with section 31 of the Financial Management Ordinance, 2001, or any statutory modification or re-enactment for the time being in force, but without reference to the period of 6 years.

(4) Notwithstanding subsection (1), the Collector may immediately sell any goods remaining at a port or airport or in a warehouse if, in the Collector's opinion, they are goods that are hazardous or perishable and have not been cleared within the period allowed by him or her.

(5) When any goods are authorised to be sold under this Ordinance but cannot be sold, or are in the opinion of the Collector of a perishable or hazardous nature and unfit for sale, the Collector may destroy them.

Temporary import without payment of dues

16. (1) A Customs Officer may give permission to any person to import any goods without payment of dues on them, upon being satisfied that such goods are imported for temporary use or purpose. The person to whom such permission is given must, if required by a Customs Officer, deposit with the Customs the amount of duty on such goods, or give security for them to the satisfaction of the Customs Officer.

(2) If any goods imported under subsection (1) are not exported within 6 months of the date of the said permission—

- (a)* the deposit is forfeited, and liability to pay dues in respect of the goods is extinguished; or
- (b)* if security has been given, the importer must pay the full dues payable on or in respect of the goods.

(3) If goods imported under this section are exported within the period of 6 months referred to in subsection (2), any deposit must be refunded or the security cancelled as the case may be.

Export of goods

17. (1) If any goods are delivered at a port or airport for exportation, the exporter must deliver to the Customs, in the approved form, an entry outwards for the goods, and provide any further particulars a Customs Officer requires.

(2) If any drawback, allowance, rebate, abatement of dues, refund of deposit, or cancellation of security is claimed in respect of goods to be exported, that claim must only be authorised by a Customs Officer if he or she is satisfied that the goods have been exported or otherwise properly accounted for.

Goods imported or exported by post

18. (1) If any goods are imported or exported by post, for the purpose of assessing any dues payable on them, and for the purpose of enforcing any prohibition or restriction for the time being in force, the value, quantities and contents, whether or not declared by the sender, are subject to examination and verification by a Customs Officer, or by any authorised Post Office official.

(2) Any goods contained in any package imported or exported by post are liable to forfeiture if they are—

- (a)* not accompanied by a declaration as to the amount and value of the contents, but found to be subject to payment of dues;
- (b)* found not to agree with the particulars entered in such declaration; or
- (c)* found to be or to contain any item that is subject to an import or export prohibition or restriction for the time being in force.

Ship or aircraft not to leave without clearance

19. (1) Except with the written permission of the Collector, no ship or aircraft may depart from Ascension to a destination outside Ascension until a certificate of clearance for that ship or aircraft has been obtained from a Customs Officer.

(2) A certificate of clearance must not be granted under subsection (1) until the master of a ship or captain of an aircraft has—

- (a)* delivered to a Customs Officer in the approved form either an outward manifest of the cargo taken on board at a port or airport, or a report in the approved form that no cargo has been taken on board; and
- (b)* furnished such further particulars as may reasonably be required by any Customs Officer; and
- (c)* paid all dues; and
- (d)* paid all fees payable in respect of the use of a port or airport.

Warehousing of goods

20. (1) All goods entered for warehousing must immediately be removed to a customs warehouse, by the importer or the importer's agent, and deposited in the warehouse..

(2) No compensation is payable by the Government or any officer to any importer, owner or consignee of any goods by reason of any loss or damage whilst being removed to or stored in a customs warehouse, unless the loss or damage has been caused by the wilful act of any Customs Officer.

Disposal of warehoused goods

21. (1) If, in the opinion of the Collector, any warehoused goods have deteriorated or perished to the extent that their value is less than the dues payable on them, the Collector may waive payment of dues and destroy the goods.

(2) After giving not less than 7 days written notice of intention to do so to the importer of any goods entered in a customs warehouse on which no rent has been paid for a period of not less than 3 months, the Collector may sell or destroy the goods.

(3) After the expiry of not less than 7 days after publication of a notice, the Collector may sell or destroy any goods entered and remaining in a customs warehouse for a period exceeding 12 months.

(4) Any unmarked goods that remain unclaimed or unidentified after a period of 28 days may be disposed of at the discretion of the Collector, who must keep a record of the goods and the method of disposal.

PART 3 COMPUTATION AND PAYMENT OF DUES

Current tariff to be applied

22. All dues payable under this Ordinance are to be calculated and paid in accordance with the tariff in force at the time of importation or exportation of the goods, except in the case of goods entered for warehousing under section 20, when the rates of duty to be applied are those in force at the time of acceptance by a Customs Officer of an entry for home consumption.

Calculation of dues

23. (1) For the purpose of any dues for the time being chargeable on any imported goods, the dues payable on them are to be calculated—

- (a)* if the goods have been purchased by the importer or consignee thereof—
 - (i)* for ad valorem duty purposes, on the price charged for the said goods by the vendor thereof; or
 - (ii)* for specific duty purposes, on the appropriate unit of quantity; as verified (in either case) by the genuine invoice of such goods; and
- (b)* if the goods were procured otherwise than by bona fide purchase, or in any other case where no invoice is produced—
 - (i)* for ad valorem duty purposes, on the actual market value of such goods at the time of exportation to Ascension in the principal markets of the country whence such goods were imported; or
 - (ii)* for specific duty purposes, on the quantity shown on the bill of lading or by a tally, weight, or other means of measurement to the satisfaction of a Customs Officer.

(2) No discounts or deductions from the value of any goods chargeable with ad valorem duty are to be allowed unless—

- (a) such discounts are genuine and freely available on any commercial market, and not as a result of any fear or favour or unfair trading relationship between the buyer or seller of any goods; and
- (b) such discounts or deductions are clearly shown to the satisfaction of a Customs Officer on the original invoice, or are otherwise verified by the signature of the manufacturer, merchant or person from whom the goods were purchased, and by whom the discount or deduction has actually been allowed.

(3) When any goods which are subject to duty at ad valorem rates, are sold at any authorised sale, the value of the goods may be taken to be the value as shown by the sale.

(4) A Customs Officer may require any person concerned with the importation of goods to provide in whatever manner he or she directs—

- (a) the information or documents which, in his or her opinion, are necessary for a proper valuation of the goods; and
- (b) the information and evidence in support of any declaration relating to the goods that he or she considers appropriate,

and to produce any books of account or other documents of whatever nature relating to the purchase, sale, importation or exportation of the goods by that person.

(5) If any person to whom a direction is given under subsection (4) fails to comply with any requirement of it, and the Collector is not satisfied that the value declared accurately reflects the open market value of such goods, the goods may be detained and the Collector may—

- (a) substitute the declared value with a valuation which, in his or her opinion, accurately reflects the actual market value of the goods, and all dues on them are accordingly chargeable; or
- (b) if, having substituted a value in accordance with paragraph (a), the dues chargeable have not been paid within 3 months after the date the goods were first detained, the Collector may sell them.

(6) If any goods have already been released on a provisional entry under section 11, or to an approved importer under section 12, and a value which has been substituted under subsection (5)(a) is disputed by any person concerned in the importation or exportation, the Collector may, if practicable, detain such goods, and if all dues in respect of them are not paid within 3 months thereafter, may sell them.

Invoices in foreign currency

24. Where the invoice cost of any goods is expressed in a currency other than St. Helena pounds or pounds sterling, the Collector may fix the rate at which the invoice cost shall be converted for the purposes of this Ordinance, but in so doing shall have regard to current international exchange rates.

Weights and measures

25. (1) If the rate of any dues, drawback, allowance or rebate is expressed by reference to a specified quantity, weight or measurement of any goods, the quantity, weight or measurement of the goods must be ascertained according to the weights and measures approved by the Collector.

(2) Any dues, drawback, rebate or other allowance, the amount of which is to be calculated by reference to a specified quantity, weight or measurement, is chargeable or allowable on any fraction thereof, and the amount payable or allowable on any such fraction must be calculated proportionately.

(3) For the purposes of subsection (2), the Collector may determine what fractions are to be taken into account in the case of any such quantity, weight or measurement.

Goods of more than one material

26. Whenever any goods not elsewhere specified in the tariff are composed of 2 or more materials, any or all of which are dutiable, all dues payable must be charged at the highest permissible rate.

Re-importation of exported goods

27. If any goods that have been exported are re-imported, they are exempt from import duty on the occasion of such re-importation.

Dues short levied or remaining unpaid

28. (1) When any dues have been short levied, the person who should have paid the amount short levied must, on demand being made by a Customs Officer, pay the amount short levied, and the Collector may refuse to pass any entries for goods belonging to such person until the amount short levied has been paid.

(2) If any dues short levied are not paid to the Collector on demand by the person who should have paid the amount short levied in accordance with subsection (1), the Collector may, if practicable, detain the goods concerned until the amount short levied has been paid.

(3) If any goods have been released under section 10 or 11, and the dues chargeable on them remain unpaid after the expiration of the time allowed for payment, the Collector may, if practicable, detain the goods concerned until the amount due has been paid, and may refuse to allow release of any further goods imported by such person prior to such payment.

(4) Any goods detained under subsection (2) or (3) may be sold by the Collector if the outstanding dues remain unpaid after the expiration of 3 months from the date on which they were first detained.

Refunds, rebates and remissions

29. Without affecting any other provision of this Ordinance, a refund, rebate or remission, as the case may require, of import duty may be made by the Collector—

- (a) in respect of goods damaged in transit, or during storage prior to clearance, if the extent of the damage has been verified by a Customs Officer before delivery, or within such reasonable period (not exceeding 48 hours) after delivery as the Collector allows in any particular case; or

- (b) in any case where duty paid has been attributable to a manifest factual error, or in any other case in which it appears to the Collector to be just and equitable to do so if, in any such case provided for by this paragraph, the claim is made within 6 months from the date of importation.

Refund of dues in certain cases

30. (1) Subject to any conditions which, in his or her discretion, the Collector may see fit to impose, if the Collector is satisfied that—

- (a) goods were imported pursuant to a contract sale, and that the description, quality, state or condition of such goods is not in accordance with such contract, or that such goods have been damaged in transit; and
- (b) the importer, with the consent of the seller, either—
- (i) returned the goods unused to the seller, and for that purpose complied with the provisions of section 16; or
- (ii) destroyed the goods unused,

the importer is entitled to obtain from the Collector repayment of any dues paid on the importation of such goods.

(2) Nothing in this section applies to goods imported on approval, or on sale or return, or on other similar terms.

PART 4 POWERS OF CUSTOMS OFFICERS

General powers of Customs Officers

- 31.** A Customs Officer may—
- (a) permit goods to be unladen, landed, warehoused or shipped on Sundays or public holidays (notwithstanding anything in the Sunday Observance (Ascension) Ordinance, 1849 or the Public Holidays (Ascension) Ordinance, 1945 or before or after office hours;
- (b) grant a clearance on Sundays or public holidays (notwithstanding anything in the Sunday (Observance) Ordinance or the Public Holidays Ordinance) or before or after office hours to any ship or aircraft the master or captain of which is desirous of proceeding forthwith on his voyage or journey as the case may be;
- (c) board and search any ship or aircraft and have free access to every part of any ship or aircraft found in the territorial waters or on an airport of Ascension and may—
- (i) cause any goods to be marked before they are unloaded from that ship or aircraft;
- (ii) lock up, seal, mark or otherwise secure any goods carried in the ship or aircraft or any place or container in which they are so carried; and
- (iii) break open any place or container which is found to be locked and of which the keys are withheld;
- (d) take samples of wines, spirits or any other goods for testing or weighing as he may deem necessary;

- (e) permit any importer or his agent to sort, separate, pack, re-pack and take reasonable samples (with or without duty, except as the same may eventually become dutiable as part of the original quantity);
- (f) give such directions as he may consider necessary for the storage at a port or airport of goods imported or to be exported;
- (g) in any case where anything may be done under or by virtue of this Ordinance upon depositing money in the Customs, agree to accept (on such terms as he may determine) security for payment in lieu of such deposit;
- (h) seal up any package, building, means of conveyance, valve, apparatus or thing containing (or believed by him to contain) dutiable or restricted goods or by which the movement of any such goods may be effected or controlled.

Power to question and search

32. (1) Any person entering Ascension must, at a place and in a manner the Collector directs, declare anything (not being a thing in respect of which the person is entitled to exemption from dues) contained in his or her baggage or carried with him and which the person has obtained outside Ascension.

(2) Any person entering or leaving Ascension, or landing from any vessel or aircraft, must answer any questions a Customs Officer puts to him or her with respect to his or her baggage and anything carried in it or carried with the person, and must, if required by the Customs Officer, produce that baggage and any such thing for examination at a place the Collector directs.

(3) A Customs Officer or Police Officer may stop and search any person whom the officer has reasonable cause to believe has restricted or prohibited goods or goods on which duty has not been paid concealed on his or her person. Every search of a person under this subsection must be carried out only by an officer of the same sex.

(4) A Customs Officer may search any ship or aircraft for the purpose of ascertaining whether any dutiable, restricted or prohibited goods are unlawfully contained in it.

(5) For the purposes of subsection (1), the words “outside Ascension” include a ship within the territorial waters of Ascension.

Power to search vehicles and premises

33. (1) A Customs Officer or Police Officer may, on reasonable cause, stop and search any means of conveyance for the purpose of ascertaining whether any dutiable, restricted or prohibited goods or any smuggled goods are unlawfully contained in it or carried on it, and the driver or person in charge must stop and permit such search.

(2) Without affecting other provisions of this Ordinance, Customs Officers have, in connection with the investigation of any offence or suspected offence against this Ordinance, the same powers of search as are conferred upon police officers by the Criminal Procedure Ordinance, 1975 (St Helena), or any statutory modification or re-enactment for the time being in force.

Power of arrest without warrant

34. A Customs Officer may arrest, without warrant, any person whom he or she has reasonable grounds to suspect is guilty of committing or attempting to commit an offence under this Ordinance.

Power to remove seals placed on goods

35. No customs seal placed by a Customs Officer in the exercise of his or her powers under section 31 may be removed by any person who is not a Customs Officer until the ship or aircraft carrying the goods so sealed has lawfully departed from Ascension.

Power to compound and restore seized goods

36. (1) Subject to and without affecting the powers of the Attorney General, the Collector may—

- (a) compound any proceedings for any offence which contravenes this Ordinance or any subsidiary legislation made under it, except where the offence involves the evasion or attempted evasion of any import or export prohibition or restriction for the time being in force;
- (b) restore, subject to any conditions the Collector considers appropriate, anything forfeited or seized under this Ordinance or any subsidiary legislation made under it.

(2) The Collector may –

- (a) exercise his or her powers under subsection (1) in any case where he or she has reason to believe an offence has been committed by any person that the Collector is empowered to compound; and
- (b) make an offer to such person to compound that offence on payment of a penalty the Collector considers appropriate, not exceeding the maximum fine payable on conviction.

(3) A person to whom an offer to compound is made under subsection (2) who wishes to accept such offer, must complete a formal request to that effect in the form provided in the Schedule to this Ordinance.

(4) If a person to whom an offer to compound is made under subsection (2) refuses to accept such offer within a period the Collector specifies, the Collector may forthwith institute criminal proceedings under section 41, as if the offer to compound had not been made.

PART 5 - APPEALS, OFFENCES AND FORFEITURE

Appeal against seizure of goods

37. (1) If any goods are seized under any provision of this Ordinance and any person who was at the time of such seizure the owner or one of the owners of the goods wishes to claim that they are not liable to forfeiture, the person must give, within 28 days of the date of the service of the notice of seizure or, if no notice has been served, within one month of the date of seizure, notice of appeal in writing to the Collector, specifying –

- (a) the name and address of the claimant; and
- (b) in the case of a person who does not normally reside in Ascension, the name and address of a person normally so resident who is authorised to accept service of documents and generally act on the claimant's behalf for the purposes of such appeal.

(2) If the Collector has compounded any offence pursuant to section 36, and the penalty imposed has been paid, no appeal lies under this section against the seizure of the goods involved in the offence.

(3) If notice of appeal is given under subsection (1), the Collector must issue proceedings in the Magistrates' Court, and if that court finds that the goods were at the time of their seizure liable to forfeiture, it must order such goods to be forfeited.

(4) Proceedings issued under subsection (3) are civil proceedings, and any party to such proceedings aggrieved by a decision of the Magistrates' Court may appeal to the Supreme Court.

(5) If on the expiration of the relevant period referred to in subsection (1) for the giving of notice of appeal no such notice has been given, the Collector may deem the goods to have been forfeited.

(6) If any goods are ordered to be forfeited under subsection (3), or deemed to have been forfeited under subsection (5), the Collector may dispose of them in any manner the Collector considers appropriate.

(7) If any goods seized, which are liable to forfeiture, have not been ordered or deemed to have been forfeited, the Collector may—

- (a) cause the goods to be delivered to the claimant upon payment of a sum the Collector considers appropriate, not exceeding the sum which, in the opinion of the Collector, represents the value of the goods, including any dues chargeable on them; or
- (b) in the case of living creatures or goods which the Collector considers are of a hazardous or perishable nature, sell or destroy them.

(8) If any goods sold, destroyed or delivered under subsection (7) are held in proceedings issued under subsection (3) to be not liable to forfeiture at the time of seizure, the Collector, on demand by the claimant, must—

- (a) if the goods were delivered - pay to the claimant a sum equal to any amount paid as a condition of delivery;
- (b) if the goods were sold - pay to the claimant an amount equal to the proceeds of sale;
- (c) if the goods were destroyed - pay to the claimant a sum that, in the opinion of the Collector, represents their market value at the time of seizure.

(9) If the amount to be paid includes any sum on account of any dues payable on goods, which was not paid at the time of their seizure, the Collector may deduct from such amount a sum which represents such dues.

Appeal against dues

38. (1) If, in respect of any goods imported, any dispute arises whether any or what amount of dues is payable on them, the importer must pay the amount demanded, and may within 28 days thereafter, appeal in writing to the Collector stating the grounds on which the importer disputes any amount of such dues.

(2) Upon receipt of a notice of appeal under subsection (1), the Collector may increase, decrease or confirm the amount paid, and must cause written notice of the decision to be given to the appellant, and forthwith repay to the appellant any amount the Collector finds to have been wrongly charged.

(3) Any person aggrieved by a decision of the Collector under subsection (2) may, within 14 days of the receipt of the decision, appeal in writing to the Governor, whose decision is final.

(4) If, on any appeal under subsection (3), the Governor determines that a lesser amount of or no dues were payable on the goods, the Governor must direct the Collector to repay to the appellant forthwith the amount paid or overpaid, as the case requires.

General provisions concerning offences

- 39. (1)** It is an offence for a person to—
- (a)* smuggle any goods or without lawful excuse (which the person must prove) have in his or her possession any smuggled goods;
 - (b)* remove any goods from a customs warehouse without the authority of a Customs Officer or without paying all dues on the goods;
 - (c)* give or procure to be given, or offer or promise to give or procure to be given any bribe, recompense, or reward to, or make any collusive agreement with, any Customs Officer to induce him or her in any way to neglect his or her duty, or by threats, demands or promises attempt to influence any Customs Officer in the discharge of his or her duty;
 - (d)* being the master of a ship or captain of an aircraft, depart with the ship or aircraft without first having obtained a certificate of clearance as required by section 19;
 - (e)* assault, resist or obstructs any Customs Officer acting in the execution of his or her duty;
 - (f)* remove any Customs seal contrary to section 35;
 - (g)* be the master of any ship or captain of any aircraft, or the occupier of any premises on or in which any customs seal is removed, contrary to section 35; or
 - (h)* be the owner of any means of conveyance and use it, or knowingly allows it to be used for smuggling.

Penalty: A fine, or imprisonment for 5 years, or both.

- (2)** It is an offence for a person to—
- (a)* evade payment of any dues which are payable;
 - (b)* be found to have upon his or her person or in his or her possession dutiable or restricted goods having denied having such goods on his or her person or in

- his or her possession, or refuse to answer when questioned by a Customs Officer;
- (c) knowingly prepare or present an entry or other document required for the purposes of this Ordinance which is false in any particular;
 - (d) knowingly make in any declaration or document produced to a Customs Officer any statement which is untrue or incorrect in any particular;
 - (e) knowingly mislead any Customs Officer in any particular likely to affect the discharge of his or her duty; or
 - (f) refuse or fail without reasonable excuse (which the person must prove) to answer questions or to produce any documents when required to do so by a Customs Officer.

Penalty: A fine of £500 (or in respect of goods, 2 times the value of the goods, whichever is the greater) or imprisonment for 12 months, or both.

Supplemental provisions concerning offences

40. (1) A person who contravenes any provision of this Ordinance or any subsidiary legislation made under it for which no other penalty is specified, commits an offence.

Penalty: A fine of £500 (or in respect of goods, twice the value of the goods, whichever is the greater.)

(2) Any attempt to commit an offence against this Ordinance is punishable as if the offence had been committed.

(3) A person who aids, abets, counsels or procures or by act or omission is in any way directly concerned in the commission of any offence against this Ordinance is deemed to have committed such offence and liable to be punished accordingly.

(4) All penalties imposed for offences against this Ordinance are in addition to any forfeiture of goods ordered under section 42.

(5) If any offence against this Ordinance is committed by a company, or by a firm or other association of individuals (whether incorporated or not), every director or other officer of the company, and every partner or other officer of the firm or association, and every other person concerned in the management of the company, firm or association (as the case may be) is severally liable to be prosecuted and punished for the offence as if the director, officer or partner had himself or herself committed it, unless the act or omission constituting the offence took place (which he or she must prove) without his or her knowledge, consent, or connivance.

Prosecution of offenders

41. Notwithstanding any provision of the Criminal Procedure Ordinance, 1975, any prosecution under this Ordinance may be commenced in the name of the Collector, and may be instituted at any time.

Forfeiture of goods

42. (1) On convicting any person of an offence contrary to this Ordinance or of any subsidiary legislation made under it, or upon the application of the Collector, either the Magistrates' Court or the Supreme Court may order to be forfeited to the Government any goods which such court is satisfied are any of the following—

- (a) smuggled goods;
- (b) goods imported, landed or unloaded contrary to any prohibition or restriction for the time being in force with respect to them under or by virtue of any Ordinance;
- (c) goods, being dutiable or restricted goods, which are found, whether before or after the loading or unloading of them, to have been concealed in any manner on any ship or any means of conveyance;
- (d) goods imported concealed in a container holding goods of a different description;
- (e) imported goods found, whether before or after delivery, not to correspond with the entry or declaration made in respect of them;
- (f) imported goods concealed or packed in any manner appearing to be intended to deceive a Customs Officer;
- (g) dutiable goods found in the possession or in the baggage of any person who has disembarked from any ship or aircraft and who has denied that he or she has any dutiable goods in his or her possession, or when questioned by a Customs Officer has not fully disclosed that such goods are in his or her possession or baggage; or
- (h) any other goods which are liable to forfeiture under this Ordinance.

(2) Any Customs Officer, Police Officer, or Post Office Official authorised to act under section 18 may seize and detain any goods which he or she has reasonable cause to suspect are liable to forfeiture. Every such seizure and detention must be reported to the Collector at the earliest practicable opportunity.

(3) The forfeiture of any goods extends to the forfeiture of the package in which the goods are contained and to all goods packed or contained in the package, except that this subsection does not apply to passengers' baggage unless such baggage has been constructed or adapted for the purpose of smuggling.

(4) If any goods are seized under subsection (2), the Collector must give notice of such seizure, and the grounds for it, to any person who to the Collector's knowledge was the owner or one of the owners of the goods at the time of their seizure, unless the seizure was made in the presence of—

- (a) the person whose offence or suspected offence occasioned such seizure;
- (b) the owner or any of the owners of the goods, or an employee or other agent of the owner or owners;
- (c) in the case of goods seized while on board a ship - the master of that ship; or
- (d) in the case of goods seized while on board an aircraft - the captain of that aircraft.

(5) Notice of seizure under subsection (4) must be given in writing, and is deemed to have been served on the person to whom it is addressed if—

- (a) the notice is delivered to him or her personally; or

- (b) the notice is placed in a sealed envelope and addressed to the person and left, or forwarded by post to the person at his or her usual or last known place of business or residence in Ascension; or
- (c) if the person has no address in Ascension or his or her address is not known - by publication of the notice in the *Gazette*.

PART 6 MISCELLANEOUS PROVISIONS

Regulations

- 43.** The Governor may make regulations for the further and better execution of this Ordinance and, without limiting this power, such regulations may provide for—
- (a) anything which by this Ordinance is required or permitted to be prescribed;
 - (b) the amount and nature of any security considered necessary, by way of cash deposit or otherwise, before any permission required is given, for the due performance of any conditions attached thereto;
 - (c) the enforcement of any security given, and the forfeiture or repayment of any cash deposit or equivalent;
 - (d) the forms of notices and applications for and permissions and authorisations which may be applied for and granted, the nature of any conditions which may be attached thereto, and the variation of such conditions;
 - (e) the information to be supplied and documents to be produced in connection with any application or other requirement which may be made or imposed, and the variation thereof;
 - (f) the fees to be charged in respect of anything required or permitted to be done;
 - (g) the documents necessary and the procedure to be followed in the pursuance of any right of appeal provided, including the determination and notification of the appeal;
 - (h) the prohibition, restriction or regulation of the importation or exportation of any goods or class of goods;
 - (i) the determination of the goods on which a drawback of the whole or any part of the dues paid on the importation of them may be granted, and the conditions under which such drawback is to be allowed;
 - (j) the general movement and control of passengers, crew baggage and cargo;
 - (k) the exemption, by the Governor, from all or any of the requirements of this Ordinance, conditionally or otherwise, in respect of any ship, aircraft or person, or of any respective class or description thereof, for a specified period and in specified circumstances;
 - (l) the specification of offences for breach of any such regulations, punishable on summary conviction with a fine not exceeding £500;
 - (m) prescribing the procedure to be followed by a ship arriving at a port and an aircraft arriving at an airport;
 - (n) defining any area at a port as a wharf.
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CUSTOMS ORDINANCE, 2001

CUSTOMS (ENTRY FORMS) REGULATIONS, 2002

(Section 43)

Citation and commencement

1. These Regulations may be cited as the Customs (Entry Forms) Regulations, 2002 and come into force on 1st April 2002.

Interpretation

2. In these Regulations—
“approved form” means any of the forms specified in the Schedules to these Regulations;
“delivery warrant” means a form approved under any of sections 9(4), 10, 11(1), 12(2), 13(3) or 14 of the Ordinance, authorising the removal of goods from the wharf.

Approved forms

3. (1) The approved form of entry to be used by the importer or the exporter of any goods to which section 10 of the Ordinance applies is as shown in the First Schedule to these Regulations.

(2) The approved form of provisional entry to be used by the importer or the exporter of any goods to which section 11 of the Ordinance applies is as shown in the Second Schedule to these Regulations.

(3) The approved form of Delivery Warrant issued under any of sections 9(4), 10, 11(1), 12(2), 13(3) or 14 of the Ordinance is as shown in the Third Schedule to these Regulations.

(4) The approved form of bond to be signed by approved importers under section 12 of the Ordinance is as shown in the Fourth Schedule to these Regulations.

Guidance on completion of forms

4. The approved forms specified in regulation 3 must be completed in accordance with guidance notes from time to time published and distributed by the Collector.

Release of cargo

5. No delivery warrant may be issued, nor any cargo released from the control of a Customs Officer, until a form specified in regulation 3 is completed and presented to the satisfaction of the officer.

SCHEDULES

[NOTE: For technical reasons, it has not been possible to reproduce the forms in this Revised Edition; reference should be made to the original Legal Notice, number A4 of 2002.]

CUSTOMS ORDINANCE, 2001

CUSTOMS (TARIFFS AND EXEMPTIONS) REGULATIONS, 2002
(Section 43)

Citation and commencement

1. These Regulations may be cited as the Customs (Tariffs and Exemptions) Regulations, 2002, and come into force on 1st April 2002.

Interpretation

2. The definitions contained in the Customs (Entry Forms) Regulations, 2002, the Customs (Arriving and Departing Ships) Regulations, 2002, and the Customs (Drawback on Goods for use on Her Majesty's Ships) Regulations, 2002, apply to these Regulations.

Provisions for tariffs and exemptions

3. (1) The tariff of customs duties on imports is as set out in Part I of the Schedule to these Regulations, subject to the exemptions set out in Part II of that Schedule.

(2) If any of the goods imported free of duty under any of the exemptions mentioned in sub-regulation (1) is hired, sold or otherwise disposed of for value within one year from the date of importation, the importer is liable to pay the full duty which would have been payable if such exemptions had not been granted.

SCHEDULE
(Regulation 3)

PART I – Customs Duties on Imports

Goods	Rate of Duty	Unit of Quantity
Alcoholic Beverages:		
Not exceeding 3% Alcohol by Volume ("ABV")	£0.50	Litre
Exceeding 3% but not exceeding 6% ABV	£0.75	Litre
Exceeding 6% but not exceeding 11% ABV	£1.00	Litre
Exceeding 11% but not exceeding 16% ABV	£1.80	Litre
Exceeding 16% but not exceeding 30% ABV	£2.50	Litre
Exceeding 30% but not exceeding 80% ABV	£6.00	Litre
Exceeding 80% ABV	£9.00	Litre
Fuel:		
Motor Spirit – Petrol	0.25	Litre

- Diesel	0.25	Litre
Diesel – generation and public utilities	0.046	Litre
Marine Diesel or Petrol	0.05	Litre
Tobacco		
Cigars, cheroots, cigarillos containing tobacco	£106.67	Kg
Cigarettes containing tobacco	£16.00	Carton of 200

PART II – Exemption from Customs Duties

1. Passengers Baggage

The following articles, provided that they are imported by and in the possession of a passenger, shall be exempt from the payment of customs duty—

- (a) (i) Alcoholic beverages with Alcohol by Volume (‘ABV’) exceeding 30% 1 Litre
- plus either:
- (ii) Alcoholic beverages with ABV exceeding 11% but not exceeding 30% 2 Litres
- or (ii) Alcoholic beverages with ABV not exceeding 11% (Beers/Lagers) 4.1 Litres
- (b) Cigarettes not exceeding 200, or other tobacco goods not exceeding in all 250 grams.
- (c) Perfumed spirits and toilet water not exceeding 250ml.

Provided that -

- (i) the allowances referred to in (a) shall not be available to any person under the age of 18 years; and
- (ii) the allowance referred to in (b) shall not be available to any person under the age of 16 years.

2. Goods for Places of Worship

Wine, which the Collector is satisfied, is imported solely for use in places of worship.

3. General

- (1) Goods, which the Ascension Island Government is under any international obligation to admit free of duty.
- (2) Goods not exempted from duty, which in any particular case may be exempted by order of the Governor.
- (3) Goods not otherwise exempt which the Governor agrees may be exempted in any particular case or circumstances.
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CUSTOMS ORDINANCE, 2001

CUSTOMS (MISCELLANEOUS FEES) REGULATIONS, 2002

(Section 43)

Citation and commencement

1. These Regulations may be cited as the Customs (Miscellaneous Fees) Regulations, 2002 and come into force on 1st April 2002.

Fees prescribed

2. The fees payable by the master of a vessel for the attendance of Customs Officers attending the loading or unloading of the vessel are as set out in the Schedule to these Regulations.

SCHEDULE

(Regulation 2)

Fees for the Attendance of Customs Officers

1.	<u>On any Sunday or Public Holiday</u>	
	For the first 3 hours or part thereof	£15.00
	For each hour (or part thereof) after the first 3 hours	£5.00
2.	<u>At all other times</u>	
	For the first 3 hours or part thereof	£10.00
	For each hour (or part thereof) after the first 3 hours	£3.50

CUSTOMS ORDINANCE, 2001

CUSTOMS (DRAWBACK) REGULATIONS, 2002

(Section 43)

Citation and commencement

1. These Regulations may be cited as the Customs (Deawback) Regulations, 2002 and come into force on 1st April 2002.

Provision for drawback

2. A drawback in the amount of the duty paid on them is to be allowed in respect of the items listed in regulation 3 that are purchased in Ascension by or on the authority of the commanding officer of any of Her Majesty's ships, if:

- (a) such goods are purchased under the certificate of the commanding officer that they are for consumption on the ship commanded by him or her; and
- (b) the certificate is countersigned by the Collector of Customs before the purchase is made.

Goods on which drawback allowed

- 3.** The items referred to in regulation 2 are –
- (a) non-alcoholic beverages (including mineral and flavoured waters, but excluding fruit or vegetable juices);
 - (b) cider and fermented beverages;
 - (c) beer (including ale, stout and porter);
 - (d) distilled alcoholic beverages;
 - (e) bitters, cordials and liqueurs;
 - (f) unmanufactured tobacco;
 - (g) cigars and cheroots;
 - (h) cigarettes; and
 - (i) other tobacco manufactures.

CUSTOMS ORDINANCE, 2002

CUSTOMS (ARRIVING AND DEPARTING SHIPS) REGULATIONS
(Section 43)

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PART 1 PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Customs (Arriving and Departing Ships) Regulations, 2002 and come into force on 1st April 2002.

Interpretation

2. In these Regulations—
 “**arrival**”, in relation to a ship, means the anchoring, berthing and mooring of a ship within the limits of the port of Georgetown;
 “**cabin baggage**” means baggage that is the personal property of a passenger or crew member, not being imported for commercial purposes, that has been stored in his or her cabin during the voyage;
 “**crew paying-off**” in relation to a member of the crew of a ship, means a person who has been released from ship’s articles and is proceeding ashore for a period in excess of 7 days;
 “**form**” means any of the forms specified in the Schedules to these Regulations;
 “**hold baggage**” means baggage that is the personal property of a passenger or crew member, not being imported for commercial purposes, that has been stored in the ship’s hold during the voyage;
 “**transit passenger**” means a person who, having arrived on any ship, intends to remain on Ascension for a period not exceeding 14 days;
 “**port**” has the meaning assigned to it by section 2 of the Ordinance.

PART 2 SHIPS

Arrival of ships

3. (1) The Master of an arriving ship must cause to be flown a yellow flag (the signal flag for “Q” in the International Code of Signals) at all times between the entry by the ship into the limits of the port and the making of the report in accordance with sub-regulation (2).

(2) The master of every arriving ship must immediately upon arrival of the ship make a report, in the form shown in the First Schedule to these Regulations, to a customs officer and such report must be accompanied by the following documents—

- (a) two copies of the cargo manifest of the vessel;
- (b) a copy of the list of passengers and crew;
- (c) the Crew Declaration for each member of the crew, completed in accordance with the form shown in the Third Schedule to these Regulations;
- (d) the Clearance Outwards from the last port of call;
- (e) the ship’s registration documents; and

(f) a list of stores on board the ship on arrival.

(3) The list of passengers and crew required by sub-regulation (2)(b) must be annotated by the Master to show those crew members, if any, who are crew paying-off and those passengers who are transit passengers.

(4) The Master of a ship must, upon arrival, ensure that all bond stores, bars, duty-free shops and other areas used for the storage of goods upon which customs charges have not been paid in Ascension, are secured, unless permission is obtained from a Customs Officer not to do so.

(5) Sub-regulation (4) does not apply in respect of stores agreed with a Customs Officer as being needed for the feeding or other use of the passengers and crew whilst the ship is in port, and the Master must pay any deposit required by a Customs Officer in respect of the duty or other customs charges which may become payable on any goods left so unsecured.

Landing of cargo

4. Goods unloaded from an importing ship onto another ship for landing at a port must not, except with the permission of a Customs Officer, be again removed into another ship before being so landed, but must forthwith be taken to and landed at the port.

Restrictions on loading of goods

5. No person may load onto a ship or make waterborne for loading any goods for exportation or as stores—

- (a) outside the hours approved by the Collector, except as otherwise permitted by him or her;
- (b) at any place other than a port, except with the prior permission of the Collector;
- (c) without the prior authority of a Customs Officer.

Requirements relating to exporting ships

6. The Master or owner of every exporting ship must, except as otherwise permitted by the Collector, either himself or herself or by his or her agent—

- (a) deliver to a Customs Officer before the final clearance of the ship a manifest of all goods shipped as cargo specifying—
 - (i) the shipper;
 - (ii) the names of the consignors and the consignees according to the bill of lading;
 - (iii) the goods, marks, numbers and descriptions of the containers; and
- (b) make a declaration that the manifest contains a true and accurate account of the cargo of the ship.

Departure of ships

7. The Master of every ship intending to depart from the port to a destination outside the territorial waters of Ascension must obtain from a Customs Officer a clearance in

the form shown in Part C of the First Schedule to these Regulations, and the application for clearance shall be accompanied by the following documents—

- (a) a copy of the cargo manifest for the ship;
- (b) a copy of the list of passengers and crew; and
- (c) a list of stores remaining on board the ship.

PART 3 PASSENGERS AND CREW

Exemption of passengers' baggage from requirement to submit an entry

8. For the purposes of these Regulations, cabin baggage and hold baggage is deemed to be goods prescribed under section 10(2) of the Ordinance for which no customs entry need be made or delivery warrant issued.

Declarations by passengers

- 9.** (1) Any passenger entering Ascension must—
- (a) complete a declaration in the form coloured green, shown in the Second Schedule to these Regulations, in accordance with the notes for completion printed on the reverse of the form; and
 - (b) deliver the declaration to a Customs Officer at the customs examination hall at a port, or at such other place as the Collector may appoint for this purpose.
- (2) The Collector may, in his or her discretion, waive the requirement for the completion of a declaration under this regulation.

Declarations by crew

- 10.** Any crew entering Ascension shall—
- (a) complete a declaration in the form coloured yellow, shown in the Third Schedule to these Regulations, in accordance with the notes for completion printed on the reverse of the form; and
 - (b) deliver the declaration to the Master of the ship on which they are crew.

Clearance of baggage

11. (1) All cabin baggage and hold baggage, on being landed, must be delivered to a Customs Officer at the customs examination hall at a port, or to any other place the Collector appoints for this purpose, for examination, and must not be removed from such place until a Customs Officer has authorised its removal.

(2) All crew must, upon landing, deliver their baggage to a Customs Officer at the customs examination hall at a port, or at any other place the Collector appoints for this purpose, for examination.

Removal of baggage

12. (1) The owner of any baggage delivered to a Customs Officer under regulation 11 must attend upon the Customs Officer to whom the baggage has been delivered and—

- (a) make any further declaration (orally or in writing) relating to such baggage the Customs Officer may require;
- (b) promptly pay all dues payable on the baggage; and
- (c) when authorised by a Customs Officer, immediately remove the baggage from the place of examination.

(2) Any baggage remaining at a port after the expiration of 28 days from the date it was landed may be disposed of at the discretion of the Collector.

PART 4 MISCELLANEOUS PROVISIONS

Penalty for offences

13. A person who contravenes or fails to comply with any requirement of these Regulations commits an offence, and any goods concerned are liable to forfeiture.
Penalty: A fine of £500;

SCHEDULES

[NOTE: For technical reasons, it has not been possible to reproduce the forms in this Revised Edition; reference should be made to the original Legal Notices A8 of 2002, A3 of 2013 and A5 of 2013]

CUSTOMS ORDINANCE, 2001

CUSTOMS (EXPORT CONTROL) REGULATIONS (Regulation 43)

Citation and commencement

1. These Regulations may be cited as the Customs (Export Control) Regulations, 2010. And come into force on 23^r December 2010.

Prohibition of export

2. (1) For the purposes of this regulation, “goods” means anything capable of being exported from Ascension Island or transhipped within, which are consigned to a place outside Ascension.

- (2)** The export of the following goods—
 - (a) fish;
 - (b) scrap metal;
 - (c) artefacts of historical significance;

(d) mineral specimens; and

(e) spiny lobster,

is prohibited except under permit issued by the Administrator:

(3) Any person who applies for a permit pursuant to sub-regulation (2) must provide the Administrator with information as to type, description, quantity, value and source of origin of the goods in such form as the Administrator may require.

(4) There is payable for and in respect of every permit a fee in a sum the Administrator determines.

Non-application to Government of United States of America

3. These Regulations do not apply to the export by United States authorities of any property of the United States of America which may by agreement be exported free from any licence, export tax, duty or impost by virtue of Article XVIII of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America Concerning the extension of the Bahamas Long Range Proving Ground by the Establishment of Additional Sites in Ascension Island, executed in Washington on 25th June, 1956.

Offences by Company etc.

4. ...

Offence and penalty

5. ...

CUSTOMS ORDINANCE, 2001

CUSTOMS (IMPORT CONTROL) REGULATIONS, 2012

(Revoked by L.N. A3 of 2018)
