

CAYMAN ISLANDS



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**THE CUSTOMS (TEMPORARY PROVISIONS)
REGULATIONS 1993**

THE CUSTOMS LAW, 1990

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The Governor, in exercise of the powers conferred on him by section 10A of the Customs Law, 1990, (a) makes the following Regulations: –

Title and commencement 1. These Regulations may be cited as the Customs (Temporary Provisions) Regulations 1993 and shall come into force on 22nd December 1993.

Interpretation 2. In these Regulations –

"heavy equipment" means the machinery described in item 84.02 of Section XVI of the First Schedule to the Customs Tariff Law, 1990;

(a) Law 17 of 1990 as amended.

"vehicle" means any vehicle which is constructed or capable of being used for the carriage of more than nine passengers but does not include any vehicle the import of which is prohibited under any other enactment; and

"vessel" has the same meaning as in the Customs Law, 1990, but does not include –

- (a) a vessel which is not intended for use or retention in the Islands, or
- (b) aircraft.

Regulation of imports

3. (1) Subject to paragraph (2), a person who imports –

- (a) a vehicle, or
- (b) a vessel, or
- (c) any heavy equipment,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$500,000.

(2) Paragraph (1) shall not apply to any person –

- (a) who has applied to the Governor in Council in accordance with regulation 4 of these Regulations, and
- (b) has been granted approval for the import under regulation 5.

Application for permission to import

4. An application to the Governor in Council for approval to import a vehicle, vessel or any heavy equipment shall include –

- (a) a statement, in relation to each such application, of the proposed uses to which the goods will be put if imported, and
- (b) a copy of all documents relating to the proposed import and those proposed uses.

Approval of imports

5. The Governor in Council may approve the import of a vehicle, vessel or heavy equipment if satisfied, having regard to the statement and documents included in the application and all other circumstances, that the import is one which ought to be approved.

Information

6. (1) The Governor in Council may by notice require any person to supply to him such information as may be specified in the notice, being information the Governor in Council considers necessary or desirable for the purpose of enabling him to carry out his functions in relation to the application.

(2) A notice under paragraph (1) shall require the information to be supplied within such period as may be specified in the notice, being not less than 14 days from the date of the notice.

(3) Where the Governor in Council has received an application under regulation 4 and has given a notice under paragraph (1) to the applicant, the applicant shall be treated as having withdrawn the application unless –

- (a) he complies with the notice, or
- (b) before the end of the period allowed for compliance, he shows to the satisfaction of the Governor in Council that he has reasonable grounds for not complying with it.
- (4) If any person other than the applicant fails without reasonable excuse to comply with a notice under paragraph (1), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000.
- (5) If any person, in purported compliance with a notice under paragraph (1), knowingly or recklessly supplies information which is false or misleading in a material respect, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20,000

Application of provisions of the Customs Law, 1990

7. (1) The following provisions of the Customs Law, 1990 shall apply for the purposes of the enforcement and execution of these Regulations, with any modifications and adaptations specified –

- (a) section 50,
- (b) section 51, with the exception of paragraph (b) and the deletion in paragraph (a) of "(other than goods exempt from the Customs process)",
- (c) section 52,
- (d) section 53,
- (e) section 59, with the exception of the words –
 - (i) in subsection (1)(a), "being goods chargeable on their importation with customs duty or package tax", and "without payment of that duty or tax", and
 - (ii) in subsection (1)(c), "any goods being goods chargeable with any duty or",
- (f) section 60, with the substitution for "or evasion of duty or package tax shall, in addition to the duty payable

and" of "shall, in addition",

- (g) section 61(1) with the substitution for "sections 49 to 56 (inclusive)" of "these Regulations", and
- (h) sections 62 to 71.

(2) In the application of the provisions specified in paragraph (1) any references to the Customs Law, 1990, or to the provisions of that Law, shall be deemed you be references to these Regulations.

Duration of Regulations

8. (1) These Regulations shall continue in force until 21st December, 1994, and subject to the remaining provisions of this regulation, shall then expire unless continued in force in accordance with those provision.

(2) The Governor in Council may continue these Regulation in force for a period not exceeding twelve months beyond the day on which they would otherwise expire.

(3) The expiry of these Regulations shall not --

- (a) affect things previously done or omitted to be done;
- (b) revive anything not in force or existing at the time at which the expiry takes effect;
- (c) affect the previous operation of these Regulations or anything duly done or suffered under them;
- (d) affect any right, privilege, obligation or liability acquired, accrued, or incurred under these Regulations;
- (e) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against these Regulations;
- (f) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if these Regulations had not expired.

Made in Council 21 December, 1993.

MONA N. BANKS-JACKSON
Clerk of Executive Council

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