

CAYMAN ISLANDS



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**THE CUSTOMS LAW, 1990**

**THE CUSTOMS (TEMPORARY PROVISIONS) REGULATIONS, 1997**

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The Governor, in exercise of the powers conferred on him by section 10A of the Customs Law, 1990 makes the following Regulations-

1. These Regulations may be cited as the Customs (Temporary Provisions) Regulations, 1997. Citation

2. (1) In these Regulations- Interpretation

“heavy equipment” means the equipment, machinery and vehicles specified in the Schedule to these Regulations, excluding parts, which are intended to be used in the course of a business for construction, dredging, road maintenance or engineering or agriculture work;

“water taxi” means a ship intended to be engaged exclusively in coastal excursions in the course of a business for the carriage of passengers.

(2) For the purpose of the definition of “water taxi”-

- (a) “coastal excursion” means an excursion, including an excursion connected with the provision of watersports, in any waters within the jurisdiction lasting not more than one day which starts and ends in the jurisdiction; and
- (b) in determining whether a ship is intended to be engaged exclusively as mentioned in that definition no account shall be taken of any time during which a ship is to be engaged in any other way, if that time would not amount to a substantial part of the time during which the ship is to be engaged as so mentioned.

3. (1) Subject to subregulation (2), a person who imports a water-taxi or any heavy equipment shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$500,000. Regulation of imports.

(2) Subregulation (1) shall not apply to any person-

Application for permission to import.

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

4. An application to the Governor in Council for approval to import a water-taxi 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 imports and those proposed uses.

Approval of imports.

5. (1) The Governor in Council may approve the import of a water taxi or any 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.

(2) An approval granted under subregulation (1) above may be granted subject to such conditions, including conditions as to the use of the goods to be imported and the duration of the approval, as the Governor in Council may determine.

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 subregulation (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 subregulation (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 subregulation (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 subregulation (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.

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-

Application of provisions of the Customs Law, 1990

- (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 subregulation (1) any references to the Customs Law, 1990, or to provisions of that Law, shall be deemed to be references to these Regulations.

8. (1) These Regulations shall continue in force until the 30th June, 1998 and, subject to the remaining provisions of this regulation, shall then expire unless continued in force in accordance with those provisions.

Duration of Regulations.

(2) The Governor in Council may continue these Regulations 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.

## THE SCHEDULE

### Heavy Equipment

- 1. Self-propelled-
  - (a) bulldozers;
  - (b) angledozers, graders, levellers, scrapers and other earth movers;
  - (c) mechanical shovels, excavators and shovel loaders;
  - (d) tamping machines and road rollers; and
  - (e) backhoes.
- 2.
  - (a) Extracting or boring machinery;
  - (b) Pile drivers and pile extractors.
- 3. Cranes.
- 4. Cement or concrete batching equipment or plant.
- 5. Tractors.
- 6. (1) Vehicles not constructed or adapted for use on roads.

- (2) Trucks, including-
  - (a) trucks constructed or adapted for the maintenance of roads;
  - (b) cement or concrete mixing or pumping trucks;
  - (c) crane trucks;
  - (d) works trucks constructed or adapted for the carriage or haulage of ten or more tons of goods or burden or any description, or a trailer so constructed or adapted; and
  - (e) mobile drilling derricks.

Made in Council the 10th day of June, 1997.

Meredith Hew

Clerk of Executive Council.

(Price \$1.60 Cents)