

CAYMAN ISLANDS



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THE CUSTOMS (AMENDMENT) REGULATIONS 1994

THE CUSTOMS LAW, 1990

THE CUSTOMS (AMENDMENT) REGULATIONS 1994

The Governor in Council, in exercise of the powers conferred on him by section 10A of the Customs Law, 1990 (a), and of all other powers enabling him in that behalf, makes the following Regulations:-

Title and Commencement

1. These Regulations may be cited as the Customs (Amendment) Regulations 1994 and shall come into force on 3rd February 1994.

Amendment of the Customs (Temporary Provisions) Regulations 1993

2. (1) Regulation 2 of the Customs (Temporary Provisions) Regulations 1993 (b) ("the Principal Regulations") is amended by inserting after the regulation designation "2" the paragraph designation "(1)", and by revoking the definitions of "heavy equipment", "vehicle" and "vessel" and substituting the following definitions –

"(a) "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 agricultural work;

(b) "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) At the end of regulation 2 of the Principal Regulations there shall be inserted the following paragraph –

"(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

(a) Law 17 of 1990, as amended.

(b) Supplement No. 3 published with Extraordinary Gazette Dated 24 December 1993.

(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) Regulation 3 of the Principal Regulations is amended by revoking paragraph (1) and substituting the following paragraph –

"(1) Subject to paragraph (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."

(4) Regulation 4 of the Principal Regulations is amended by revoking the words "vehicle, vessel or any heavy equipment" and substituting "water-taxi or any heavy equipment".

(5) Regulation 5 of the Principal Regulations is amended –

- (a) by inserting after the regulation designation "5" the paragraph designation "(1)";
- (b) by revoking the words "vehicle, vessel or heavy equipment" and substituting "water-taxi or any heavy equipment"; and
- (c) by adding at the end –

"(2) An approval granted under paragraph (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."

(6) The Principal Regulations are amended by adding at the end the following –

"THE SCHEDULE

Regulation 2

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;
 - (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 of any description, or a trailer so constructed or adapted;
 - (e) mobile drilling derricks."

Made in Council 1 February, 1994.

MONA N. BANKS-JACKSON
Clerk of Executive Council

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Customs (Temporary Provisions) Regulations 1993 which imposed temporary controls on the import of a wide range of vehicles, vessels and heavy equipment.

The amendments made by these Regulations reduce the range of goods to which these import controls will continue temporarily to apply. The import controls now apply only to certain types of heavy equipment, and water-taxis.

"Heavy equipment" is defined as the equipment, machinery and vehicles, listed in the Schedule added to the Customs (Temporary Provisions) Regulations 1993, which are intended for use in the course of a business for construction, dredging, road maintenance or

engineering or agricultural work. It includes trucks used for those activities, but excludes parts for any of the equipment, machinery or vehicles listed in the Schedule.

"Water-taxis" are defined as ships intended to be engaged exclusively in coastal excursions in the course of a business for carrying passengers in Cayman waters. This definition includes watersports boats used in the course of a business in such excursions. It excludes from the import controls cruise ships, and yachts or other pleasure craft not intended to be used in the course of a business for carrying passengers.

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