



MONTSERRAT

CHAPTER 17.23
CUSTOMS (AFTER HOURS WORK) ACT
and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 17.23

CUSTOMS (AFTER HOURS WORK) ACT

(Acts 18 of 1975, 9 of 2011 and 19 of 2014)

AN ACT TO REPEAL AND REPLACE THE TREASURY REGULATIONS (AFTER HOURS WORK) ACT.

Commencement

[5 August 1975]

Short title

1. This Act may be cited as the Customs (After Hours Work) Act.

Governor acting on the advice of Cabinet may make Regulations

2. (1) The Governor acting on the advice of Cabinet may make regulations for the entering and clearing of any vessel, and the landing and shipment of passengers and cargo, before or after the usual office hours, including the payment of fees and charges in connection therewith.

(2) Regulations so made shall be laid before the Legislative Assembly as soon as convenient after being made, and shall be published in the *Gazette*.

(3) The Governor acting on the advice of Cabinet may, by Order—

- (a) exempt a person from the payment of fees or charges payable under regulations made under subsection (1) under any conditions as may be specified in the Order; and
- (b) remit any fees or charges unpaid by a person in accordance with regulations made under subsection (1).

(4) An Order made under subsection (3) shall be laid before the Legislative Assembly at its meeting next following the date on which the Order is made.

(5) For the purposes of this section “**person**” includes a legal person.

(Amended by Acts 9 of 2011 and 19 of 2014)

CUSTOMS (AFTER HOURS WORK) (FEES) REGULATIONS

ARRANGEMENT OF REGULATIONS

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CUSTOMS (AFTER HOURS WORK) (FEES) REGULATIONS – SECTION 2

(S.R.O.s 46/2007 and 34/2013)

Commencement

[7 August 2007]

Short title

1. These Regulations may be cited as the Customs (After Hours Work) (Fees) Regulations.

Interpretation

2. In these Regulations—

“**usual office hours**” means from 8 a.m. to 12 noon and 1 p.m. to 4 p.m. on weekdays.

Comptroller may grant permission to enter or clear vessels

3. The Comptroller of Customs and Excise may, upon application, grant permission to enter or clear any vessel before or after the usual office hours, upon being satisfied that all dues and other charges have been paid.

Permission for passengers or cargo to be landed or cargo shipped

4. The Comptroller of Customs and Excise may, upon application allow—

(a) passengers or cargo to be landed or shipped; or

(b) cargo to be examined at the port or any other place,

before or after the usual office hours, upon all fees being paid or upon payment thereof being guaranteed by the agent or master of the vessel.

Fees

5. (1) An hourly rate fee as set out in Column 3 of the Table below shall be charged for in respect of each custom officer employed before or after the usual office hours for the purposes of providing the service set out in Column 2 of the Table on the days specified in Column 1 of the Table—

TABLE

Column 1	Column 2		Column 3
(Day)	(Service)		(Fees for each Customs Officer)
Weekdays	(a)	attending to yachts or pleasure crafts with a total of eight or more passengers and crew	\$50
	(b)	attending on vessels;	\$60
	(c)	receiving cargo, passengers and baggage;	\$60
	(d)	receiving and shipping passengers or cargo;	\$60
	(e)	examining cargo at the port or any other place.	\$60
Saturdays, Sundays and Public Holidays	(a)	attending to yachts or pleasure crafts with a total of eight or more passengers and crew;	\$60
	(b)	attending on vessels;	\$75
	(c)	receiving cargo, passengers and baggage;	\$75
	(d)	receiving and shipping passengers or cargo.	\$75

(2) A minimum charge for two hours is payable respect of each officer for the service provided under paragraph (1).

(Substituted by S.R.O. 34/2013)

Landing goods elsewhere than at Port Little Bay

6. Where application is made to land or load goods elsewhere than at Port Little Bay the sum of \$1,200 per day up to a maximum of ten hours shall be paid in advance to the Comptroller of Customs and Excise for the services and expenses of the customs officers in attendance. (*Substituted by S.R.O. 34/2013*)
