

ARRANGEMENT OF CLAUSES

1. Short title
2. Insertion of new part in principal Act
3. Insertion of new section in principal Act
4. Insertion of new sections in principal Act
5. Amendment of section 264 of principal Act
6. Insertion of new Schedule in principal Act



ACT NO. 32 OF 2017

I assent,



22nd December, 2017.

CÉCILE E. F. LA GRENADA
Governor-General.

AN ACT to amend the Customs Act No. 9 of 2015.

[29th December, 2017].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

1. This Act may be cited as the

Short title.

CUSTOMS (AMENDMENT) (NO. 2) ACT, 2017,

and shall be read as one with the Customs Act, No. 9 of 2015, hereinafter referred to as the “principal Act”.

2. The principal Act is amended by inserting after Part II the following new part—

Insertion of new Part in principal Act.

“PART IIA

Customs
Computerised
System.

4A. (1) The Comptroller may, for the proper and efficient management and administration of Customs—

- (a) establish and maintain administrative, financial, communicative and other systems as may be necessary for the administration and enforcement of this Act;
- (b) implement such electronic systems and other systems as the Comptroller thinks fit with respect to the automatic reporting of cargo, processing of customs declarations, the collection and processing of data and such other functions and procedures of Customs as the Comptroller thinks necessary;
- (c) arrange for the design and implementation of such training and other programs as may be necessary for the guidance of persons to whom access to such electronic systems or other systems may be granted, or who are otherwise required under this Act or regulations to routinely engage in customs procedures; and
- (d) determine, and on an ongoing basis inform the public of the level of training or certification required for

the access to the electronic systems or other systems of Customs.

(2) An electronic system implemented under subsection (1)(b) shall, for the purposes of this Act, be called the Customs Computerised System.

Security of
CustomsCom-
puterised
System.

4B. The Comptroller shall in relation to the Customs Computerised System implement such security or other measures as may be reasonably necessary to—

- (a) safeguard the integrity of any data processed therein;
- (b) prevent unauthorised access and disclosure of any record or stored or processed information;
- (c) prevent illegal interception or interruption of any data or information transmitted or processed; and
- (d) prevent loss, destruction, inappropriate alteration, modification or inappropriate disclosure of any record or information.

Regulations.

4C. The Minister may make regulations to give effect to this part.”

3. The principal Act is amended by inserting after section 20 the following new section—

Insertion of
new section in
principal Act.

“Advance passenger and cargo information.

20A. (1) The master of every conveyance whether laden or in ballast, and every agent shall, prior to arrival of the conveyance in Grenada, provide to the proper officer, the passenger and cargo information set out in Parts I and II of Schedule IA within the periods specified in Part III of that Schedule.

(2) Where the distance from Grenada to a port of departure of a conveyance arriving in Grenada does not permit the master to provide the information within the time specified in Part III of Schedule IA, the Comptroller—

- (a) may exempt the master of the conveyance from the requirements set out in that Schedule; and
- (b) shall establish alternative notification arrangements for the conveyance to which this subsection applies.

(3) The master of a conveyance and every agent shall, prior to departure of the conveyance from Grenada provide to the proper officer, the passenger and cargo information set out in Part IV of Schedule IA.

(4) The Minister may, by Order subject to negative resolution, amend Schedule IA.

(5) Regulations may prescribe procedures for the reporting and processing of advance passenger and cargo information.

(6) A master or an agent who fails to comply with the requirements of, or arrangements established under this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to a term of imprisonment for one year or to both.

4. The principal Act is amended by inserting after section 185 the following new sections—

Insertion of new sections in principal Act.

“Falsification, etc. of record in the Customs Computerised System.

185A. (1) A person who falsifies or, without the authorisation of the Comptroller,

- (a) deletes;
- (b) damages;
- (c) alters; or
- (d) impairs

any record, data message or information stored in or processed by the Customs Computerised System or on any duplicate electronic storage medium respecting the Customs Computerised System commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars or to a term of imprisonment for five years or to both.

Unauthorised use of the Customs Computerised System.

185B. (1) No person shall transmit or receive information from the Customs Computerised System or otherwise use the Customs Computerised System unless that person is a registered user of the Customs Computerised System.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars and to a term of imprisonment for five years or to both.

Unauthorised
modification
of the Customs
Computerised
System.

185C. (1) Subject to subsection (2), a person who unlawfully modifies any program or data held in the Customs Computerised System commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars or to a term of imprisonment for five years or to both.

(2) For the purpose of this section—

- (a) it is immaterial that the modification in question is not directed at—
 - (i) any particular program or data;
 - (ii) a program or data of any kind; or
 - (iii) a program or data held in the Customs Computerised System;
- (b) it is immaterial whether an unauthorised modification is or is intended to be permanent or temporary;
- (c) a modification of any program or data held in the Customs Computerised System takes place, if, by reason of the operation of any function of the Customs Computerised System—

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- (i) any program or data held in the Customs Computerised System is altered or erased;
 - (ii) any program or data is added to or removed from any program or data held in the Customs Computerised System; or
 - (iii) any act occurs which impairs the normal operation of the Customs Computerised System; and
- (d) any act that contributes to the modification referred to in paragraph (c) shall be regarded as causing the modification.

Unauthorised obstruction of the Customs Computerised System.

185D. (1) Subject to subsection (2), a person who knowingly and without authority—

- (a) interferes with, interrupts, or obstructs the lawful use of the Customs Computerised System; or
- (b) impedes, prevents access to, or impairs the usefulness of any program or data on the Customs Computerised System,

commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for a term of five years or to both.

Unauthorised interruption of the Customs Computerised System.

185E. A person who unlawfully engages in a conduct which causes the Customs Computerised System to cease functioning whether permanently or not commits an offence and is liable, on summary conviction, to a fine of one hundred thousand dollars or to a term of imprisonment for five years or to both.”.

Amendment of section 264 of principal Act.

5. Section 264 of the principal Act is amended by inserting after subsection (1) the following—

“(2) Without limiting the generality of subsection (1), regulations made under subsection (1) may impose penalties for breach in the amount of a fine of twenty-five thousand dollars and a term of imprisonment for two years or to both.”.

Insertion of new Schedule in principal Act.

6. The principal Act is amended by inserting after Schedule I the following new Schedule—

SCHEDULE IA

(Section 20A)

PART I

ADVANCE CARGO INFORMATION

DATA RELATING TO THE MANIFEST

1	Voyage Number: (The Number assigned by the local Shipping Agent For Vessels or the scheduled Flight Number for Aircraft)
2	Date and Time of Submission:
3	Scheduled Departure Date: (Date of departure of aircraft or ship)
4	Scheduled Arrival Date: (Date of arrival of aircraft or ship)

5	Scheduled Arrival Time: (Time of arrival of aircraft or ship)
6	Place of Departure: (The last foreign port or place of call for aircraft or ship)
7	Destination: (Port or place in the country of destination where the aircraft or ship first reports)
8	Subsequent Place/Port of Call within the Country: (Optional)
9	Agent: (Name of authorised representative of aircraft or ship, where available)
10	Owner: (Name of owner of aircraft or ship)
11	Transport: Mode (The manner in which the goods are imported or exported)
12	Transport: Name (The name of the importing or exporting aircraft or ship)
13	Transport: Nationality (The nationality of the aircraft or ships as determined by its port of registry)
14	Transport: Place (Optional)
15	Transport: Place (Optional)
16	Registration: Place (Optional) (International registration number, including in respect of ships, the International Maritime Organisation (IMO) registration number or the Lloyds registration number, or in respect of aircrafts, the International Air Transport registration number (IATA))
17	Master: (The name of the aircraft or ship's captain)
18	Total: Bills
19	Total: Packages
20	Total: Containers
21	Total: Gross Mass
22	Total: Gross (Optional)
23	Tonnage: Net (Optional) (The Ship's registered tonnage)

24	Date of last discharge (Optional) (The date the aircraft or ship last discharged cargo at any port or place)
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DATA RELATING TO INDIVIDUAL BILLS OF LANDING AIR WAYBILLS

25	Manifest Line Number: (The number indicating the order of bills of lading on a manifest)
26	Transport Document Type: (The type of document issued by the aircraft or ship including bills or airway bill, bill of lading or waybill)
27	Transport Document Reference Number:
28	Purpose of Shipment: (Whether for import, export, in transit or transshipment) (Include high duty stores, narcotics and firearms)
29	Unique Consignment Reference (UCR) Number (Optional)
30	Place of loading
31	Place of Discharge
32	Exporter:
33	Exporter Address:
34	Consignee:
35	Notify: (Either the consignee or the name and phone number)
36	Total Containers: (The total number of containers for each transport document)
37	Packages: Kind
38	Packages: Marks and Numbers
39	Quantity: Package(s)
40	Quantity: Gross Mass
41	Volume: Cubic Measurement (cbm)
42	Description of Goods: (Pursuant to applicable laws)
43	Freight Indicator: (Payment status whether prepaid or payment on collection)
44	Amount and Currency:

45	Values: Value of Goods Freight on Board Insurance Freight
46	Additional Seals:
47	Additional Information:

DATA RELATING TO CONTAINER MANAGEMENT

48	Container: Number (The Bureau International of Container – (BIC) identification number of the container)
49	Container: Type (Type of container, e.g. 20 feet, refrigerated)
50	Empty or Full Indicator: (Whether Full Container Load (FCL) or Less than Container Load (LCL))
51	Seals: (The number of security seal(s) affixed to the container door)
52	Marks: (The marks or number of the seal(s) affixed to the container door)
53	Sealing Party: (The authority that affixed the seal(s) to the containers)
54	Total Containers:
55	Transport Document Reference Number:

PART II**ADVANCE PASSENGER INFORMATION****(a) Data relating to the flight or voyage (Header Data):**

Flight Identification

Vessel Identification Number

Vessel Name

Country of Registration

Agent/Owner

Call Sign (if applicable)

Scheduled Departure Date

Scheduled Departure Time

Scheduled Arrival Date

Scheduled Arrival Time

Last Place/Port of Call of Vessel or Aircraft

Place/Port of Vessel or Aircraft Initial Arrival

Subsequent Place/Port of Call within the country/regional space

Number of Persons on board

(b) Data relating to each individual on board:

Official Travel Document Number

Issuing State or Organisation of the Official Travel Document

Official Travel Document Type

Expiration Date of Official Travel document

Surname/Given Name(s)

Nationality

Date of Birth

Gender

Place of Birth

Traveller's Status

Place/Port of Original Embarkation

Place/Port of Clearance

Place/Port of Onward Foreign Destination

Passenger Name Record (PNR) Data

(As available in the traveller's Passenger Name Record in the carrier's reservation System)

- (1) PNR record locator
- (2) Date of reservation/issue of ticket
- (3) Date(s) of intended travel
- (4) Name(s)
- (5) Address and contact information (telephone number, e-mail address)
- (6) All forms of payment information, including billing address
- (7) Complete travel itinerary for specific PNR
- (8) Frequent flyer information
- (9) Travel agency /Travel agent
- (10) Travel status of passenger, including confirmations, check-in status, no show or go show information
- (11) Split/divided PNR information
- (12) General remarks (including all available information on unaccompanied minors under 18 years, such as name and gender of the minor, language(s) spoken, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor, departure and arrival agent)
- (13) Ticketing field information, including ticket number, date of ticket issuance and one way tickets, Automated Ticket Fare Quote fields
- (14) Seat number and other seat information
- (15) Code share information

- (16) All baggage information
- (17) Number and other names of travellers on PNR
- (18) Any Advance Passenger Information (API) data collected
- (19) All historical changes to the PNR listed in numbers 1 to 18

(c) Additional Data Elements:

Visa Number (if applicable)

Issue Date of the Visa

Place of Issuance of the Visa

Other Document Number used for Travel (if applicable)

Type of Other Document used for Travel

Primary Residence

Country of Primary Residence

Address

City

State/Province/County

Postal Code

Destination Address

Address

City

State/Province/County

Postal Code

(d) Data relating to the Reporting Party:

Reporting Party Name

Reporting Party Telephone Number

Reporting Party Facsimile Number

Reporting Electronic Mail Address

PART III

- (1) The information set out in Parts I and II of this Schedule shall be provided—
- (a) in the case of commercial or private aircraft, not later than 40 minutes prior to departure from their last port of call;
 - (b) in the case of a vessel or conveyance arriving from a member state of the Caribbean Community, not later than one hour prior to its arrival from that member state; and
 - (c) in the case of a vessel or conveyance arriving from a country which is not a member state of the Caribbean Community, at least 24 hours prior to its arrival.

PART IV

- (a) in the case of commercial or private aircraft, not later than 40 minutes prior to departure from Grenada; and
 - (b) in the case of a vessel or other conveyance, not later than one hour prior to its departure from Grenada,
- (2) The passenger and cargo information referred to in subsection (1) shall be—
- (a) the country of destination;
 - (b) the estimated time of departure;
 - (c) the customs port, customs airport or place of departure;
 - (d) a list of cargo for export and the country to which the cargo is to be exported;
 - (e) a list of the names of all passengers and crew on board; and
 - (f) such other information as may be prescribed by Regulations made under this Act.

Passed by the House of Representatives this 15th day of November, 2017.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 24th day of November, 2017.

WILLAN A. THOMPSON
Clerk to the Senate.

GRENADA