

ANTIGUA AND BARBUDA



CUSTOMS (CONTROL AND MANAGEMENT) (AMENDMENT) ACT 2018

No. 19 of 2018

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ANTIGUA AND BARBUDA

CUSTOMS (CONTROL AND MANAGEMENT) (AMENDMENT) ACT 2018

ARRANGEMENT OF SECTIONS

SECTIONS

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3. Amendment of section 2 of the principal Act
4. Repeal and replacement of section 16 – Prior notification of arrival
5. Insertion of new sections 16A, 16B and 16C into the principal Act
6. Insertion of Fifth Schedule into the principal Act

Schedule

[L.S.]



I Assent,

Rodney Williams,
Governor-General.

30th October, 2018.

ANTIGUA AND BARBUDA

LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) ACT 2017

No. 19 of 2018

AN ACT to amend the Customs (Control and Management) Act 2013, to make arrangements for the provision of Advanced Cargo Information and for a connected and related purpose.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Customs (Control and Management) (Amendment) Act 2018

2. Interpretation

In this Act “the principal Act” means the Customs (Control and Management) Act 2013.

3. Amendment of section 2 of the principal Act

Section 2 of the principal Act is amended by inserting in the appropriate alphabetical order the following words and their interpretation –

“Advanced Cargo Information” or “ACI” means manifest, airway bill and bill of lading information or data set out in the Fifth Schedule in respect of –

- (a) the cargo and stores including all imports, exports intransit and transshipment of goods;
- (b) any package of which there is no bill of lading or airway bill;
on board a conveyance;

“Advanced Cargo Information Systems” or “ACIS” means the electronic manifest single window for ACI data interchange;

“cargo reporter” includes a Freight Forwarder, Consolidator, and Non Vessel Operating Common Carrier;

“CONSLE” means the Council for Security and Law Enforcement in CARICOM;

“IMPACS” means –

1. the Implementing Agency for Crime and Security established under the 2006 Agreement establishing the CARICOM Implementing Agency for Crime and Security;
2. the entity appointed and authorised by the CARICOM Heads of Government to act as the Manifest Single Window Operator to manage the Advanced Cargo Information System and receive manifest from cargo reporters on behalf of Antigua and Barbuda;

“In transit”, in reference to cargo, includes –

1. goods declared as remaining on board for exportation on the same importing conveyance;
2. goods that are transferred under Customs control from one port or place to another port or place;

“transshipment” means the procedure under which goods are transferred under Customs control from an importing conveyance to an exporting conveyance within the same port or airport;

4. Repeal and replacement of section 16 – Prior notification of arrival

The principal Act is amended by repealing section 16 and replacing it as follows –

“16. Prior notification of arrival

(1) The captain, master or agent of every conveyance, whether laden or in ballast, and every cargo reporter, shall provide to the Comptroller of Customs through the Manifest Single Window Operator prior notification of the arrival or departure of the conveyance within the time specified by this Act.

(2) The captain, master or agent of the conveyance or a cargo reporter shall file a declaration through the Manifest Single Window Operator in the form and manner prescribed by this Act or regulations that includes the following information —

- (a) the estimated time of arrival of the vessel or aircraft;
- (b) the customs place at which the vessel or aircraft will arrive;
- (c) a list of its cargo for discharge within Antigua and Barbuda, whether commercial or non-commercial;
- (d) a list of its commercial cargo, if any, not intended for discharge within Antigua and Barbuda; and
- (e) a list of all passengers and crew on board.

(3) On the arrival of a conveyance within Antigua and Barbuda, the master, commander, driver or his agent must proceed directly to the customs place notified in accordance with subsection (2), unless directed elsewhere by the proper officer.

(4) A captain, master, agent or cargo reporter who fails to comply with sub-sections (1) or (2) or any direction given by the proper officer under sub-section (3), commits an offence and is liable on conviction to a fine of \$20,000.”

“5. Insertion of new sections 16A, 16B and 16C into the principal Act

The principal Act is amended by inserting immediately after section 16 the following new sections 16A, 16B and 16C to be worded as follows –

“16A. Advanced Cargo Information

- (1) This section applies to every conveyance which is expected —
- (a) to arrive in Antigua and Barbuda; or
 - (b) is expected to depart from Antigua and Barbuda.

(2) The captain, master or agent of every conveyance, whether laden or in ballast, and every cargo reporter shall, prior to arrival of the conveyance, provide the proper officer through the Manifest Single window Operator with the ACI set out in the Fifth Schedule within the time specified in that Schedule.

(3) Where the distance from the Port of Departure of a conveyance that is expected to arrive in Antigua and Barbuda is less than the time specified in the Fifth Schedule for the provision of the ACI and advance passenger information, the Comptroller —

- (a) may exempt the master of the conveyance from the requirements set out in that schedule; and
- (b) shall establish an alternative notification arrangement for the conveyance for the provision of the required information prior to the arrival of the conveyance.

(4) The master of a conveyance and every cargo reporter shall, prior to departure of a conveyance from Antigua and Barbuda, provide the proper officer with the ACI and passenger information set out in the Fifth Schedule.

(5) The Minister may, by Order, subject to negative resolution, amend any part of the Fifth Schedule.

16B. Use and sharing of Advanced Cargo Information

(1) The Comptroller may, subject to the Data Protection Act and any other law relating to privacy and data protection, share the data contained in the Advanced Cargo Information System (ACIS) with such entities as approved by the Comptroller or by the Minister on the advise of the Comptroller;

(2) IMPACS shall use the Advanced Cargo Information data to conduct screening against Databases and Watch Lists of cargo, crew members and passengers on any conveyance that enter into, depart from or move within the regional space.

(3) Advanced Cargo Information collected under this section shall only be used for the purpose of this Act.

16C. Retention of Advanced Cargo and Passenger Information

(1) Advanced Cargo Information collected under this Act shall be retained by the Single Window Operator for a period not exceeding 7 years from the date of collection of the information, and advanced passenger information collected under this Act shall be retained in accordance with the provisions of the Advanced Passenger Information Act 2016.

(2) Nothing contained in subsection (1) shall apply to data copied from the Advanced Cargo Information System into any other security database system to which a different retention schedule applies.”

6. Insertion of Fifth Schedule into the principal Act

The principal Act is amended by inserting immediately after the Fourth Schedule a Fifth Schedule to contain the following information—

“FIFTH SCHEDULE

(Section 16A)

ADVANCE CARGO INFORMATION ELECTRONIC MANIFEST MANAGEMENT ASYCUDA

PART 1

CARGO MANIFEST DATA FIELDS

No.	DATA FIELDS	DESCRIPTION	MANDATORY
Tracking No's from Consultant Report	General Information	General details with respect to voyage and conveyance	YES
	Office of departure/arrival	Code of the Customs office of departure or arrival	YES
	Voyage number/ Flight number	Voyage number, which uniquely identifies the current journey of the means of transport (conveyance)	YES
3	Date of departure	Date when the means of transport leaves the place of departure	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
4	Date of arrival	Estimated date when the means of transport arrives at the place of destination	YES
5	Time of arrival	Estimated time when the means of transport arrives at the place of destination	NO
6	Place of departure	Place (LOCODE) where current voyage begins on the current means of transport	YES
7	Place of destination	Place (LOCODE) where current voyage ends for the current means of transport	YES
SHIPPING INFORMATION			YES
9	Carrier code	Carrier code assigned to the party undertaking the transport of the goods	YES
10	Shipping Agent	Code of the Shipping Agent in charge of the ship reporting during the stay in port	YES
TOTALS			YES
11	Bills	Total number of waybills on manifest	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
12	Packages	Total number of packages on manifest	YES
13	Vehicles	Total number of motor vehicles on manifest	YES
14	Containers	Total number of containers on manifest	YES
15	Gross Weight	Total gross weight contained in the manifest	YES
	TRANSPORT		YES
16	Mode	Identifying the mode of transport	YES
17	Nationality	Flag/Nationality of means of transport	YES
18	Identity	Ship's name	YES
19	Registration	Vessel or aircraft registration number	YES
20	Place	Port where the vessel was registered	NO
21	Date	Date of registration	NO
22	Master	Name of Captain of vessel or aircraft	YES
	TONNAGE		

No.	DATA FIELDS	DESCRIPTION	MANDATORY
23	Gross and Net Tonnage	Tonnage of the ship - Information data not requested for Customs management of the manifest purpose	YES
24	Office of destination	Office of destination. Code of the Customs office of destination in case of transit	Conditional
	CO-LOADER		
25	Co-loader code	Carrier code of the party sharing the vessel or aircraft when multiple parties involved	Conditional
BL	WAYBILL SEGMENT		YES
26	Waybill reference number	This is the « Identifier» of the transport document. This is the reference assigned by the carrier or agent (e.g. Bill of lading or Airway bill number; it is unique in the manifest)	YES
27	Waybill type	Alphanumeric code for the type of transport document	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
28	Nature	Code of the document: export-22, import-23, transit-24, transshipment-28, FROB-26.	YES
29	Waybill Line	The 'line number' is a sequence number used to identify each item –bill of lading or airway bill in the manifest	YES
30	Previous Document	Reference of the previous document (master waybill) when consolidated cargo	Conditional
31	UCR	Unique consignment reference number	NO
32	Place of loading	Place (LOCODE) where the goods were originally loaded on the means of transport	YES
33	Place of unloading	Place (LOCODE) where the goods will be ultimately unloaded/discharged from the means of transport	YES
34	FAS/Liner	Terms of conditions for transported goods (accepted values F or L)	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
	CARRIER		YES
35	Carrier	Carrier Code, name and address of the party undertaking the transport of the goods.	YES
36	Shipping agent	Code of the Shipping Agent in charge of the ship management during the stay in port	YES
	EXPORTER/ SHIPPER		YES
37	Exporter code	Exporter Code	NO
38	Exporter name	Exporter Name	YES
39	Exporter address	Exporter Address	YES
	TRANSPORT		YES
40	Place of loading on current transport	Place (LOCODE) where the goods were loaded on current transport (if there was a change of vessel, it would be recorded here)	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
41	Place of discharge from current transport	Place (LOCODE) where the goods will be discharged from current transport(if there was further transshipment to be done, it would be recorded here)	YES
	NOTIFY		YES
42	Notify code	Code of the notifying party.	NO
43	Notify name	Name of the notifying party	YES
44	Notify address	Address of the notifying party	YES
	CONSIGNEE		YES
45	Consignee	Consignee code	NO
46	Consignee name	Name of the consignee	YES
47	Consignee address	Full address of the consignee	YES
	GOODS DETAILS		YES
48	Total containers	Total number of containers for this transport document.	YES
49	Packages codes	Kind of packages (packaging type code)	YES
50	Marks	Marks and Numbers	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
51	Manifested packages	Number of packages as indicated on the waybill.	YES
52	Vehicles	Total number of vehicles for this waybill	YES
53	Manifested gross weight	Gross weight as indicated on the waybill. This field must be accurately captured as the data are compared to the «Totals» information of the general segment.	YES
54	Volume (CBM)	Volume of the goods in cubic metres.	NO
55	Description of goods	Commercial description of the goods from the waybill data (e.g. clothes, machines...).	YES
56	H.S. Code	Tariff Code for goods	NO
57	UNDG	Dangerous goods code (UNDG)	Conditional
58	Place of Origin	Place where goods are loaded into container for shipment (free text area)	NO
59	Place of Destination	Place where goods will unloaded from container (free text area)	NO

No.	DATA FIELDS	DESCRIPTION	MANDATORY
60	Location	Code of the place where the goods are located in a shed or container park.	NO
DECLARED VALUES AND SEAL DETAILS			YES
61	Value code	Value code	YES
62	P/C	Prepaid or collect indicator for the value code	Conditional
63	Amount	Amount for the value code	YES
64	Currency	Currency code for the value code	YES
65	Seals Number	Number of seals affixed on non containerized cargo	Conditional
66	Marks of seals	Description Marks or references number of seals.	Conditional
67	Party	Code of the party having affixed the seals.	Conditional
68	Information	Additional Information when required.	NO
CT	CONTAINER SEGMENT		NO
69	Container Number	Container number(s) for container(s) relating to waybill.	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
70	Number of packages	Number of packages in container	YES
71	Ctn. Type	Container size-type	YES
72	E/F	Empty/Full indicator	YES
73	Seal Number	Quantity of seals affixed and seal numbers (3 fields)	YES
74	Party	Party affixing the seals	YES
75	Empty Weight	Empty weight of container (KG)	YES
76	Goods Weight	Weight of goods in container (KG)	YES
77	Min. Temp.CE	Minimum temperature in Celsius for refrigerated containers	Conditional
78	Max.Temp.CE	Maximum temperature in Celsius for refrigerated containers	Conditional
79	Humidity	Temperature in Celsius that the goods should be stored.	Conditional
80	Dangerous Code	UNDG code for dangerous goods.	Conditional

No.	DATA FIELDS	DESCRIPTION	MANDATORY
81	H.S. Code	Tariff Code for goods in container.	NO
82	Goods Description	Description of goods in container.	YES
83	Ctn Disposition	(Cargo disposition, accepted values "CY. CFS and P. UNSTUFF). Required only when BL nature 23 and container is not empty	Conditional
84	Volume	Volume of cargo per container	Yes
85	Container line code	Code identifying shipping container owner.	Yes
VS	Vehicle Segment		NO
86	Chasis Number	Chasis Number of Vehicle	YES
87	Engine Number	Engine Number of Vehicle	YES
88	Engine Size	Engine (cc) or (kw)	YES
89	Odometer Reading	Mileage of vehicle	YES
90	Make/Brand	Make and Brand of Vehicle	YES
91	Year	Year of Manufacture	YES

No.	DATA FIELDS	DESCRIPTION	MANDATORY
92	Colour	Colour of Vehicle	YES
93	New/Used	If vehicle new or used	YES

PART 2

ADVANCE PASSENGER INFORMATION

(A) Data relating to the flight or voyage (Header Data):

1. Flight Identification
2. Vessel Identification Number
3. Vessel Name
4. Country of Registration
5. Agent/Owner
6. Call Sign (if applicable)
7. Scheduled Departure Date
8. Scheduled Departure Time
9. Scheduled Arrival Date
10. Scheduled Arrival Time
11. Last Place/Port of Call of Vessel or Aircraft
12. Place/Port of Vessel or Aircraft Initial Arrival
13. Subsequent Place/Port of Call within the country/regional space
14. Number of Persons on board

(B) Data relating to each individual on board:

- (a) Official Travel Document Number
 - (b) Issuing State or Organisation of the Official Travel Document
 - (c) Official Travel Document Type
 - (d) Expiration Date of Official Travel document
 - (e) Surname/Given Name(s)
 - (f) Nationality
 - (g) Date of Birth
 - (h) Gender
 - (i) Place of Birth
 - (j) Traveller's Status
 - (k) Place/Port of Original Embarkation
 - (l) Place/Port of Clearance
 - (m) Place/Port of Onward Foreign Destination
 - (n) Passenger Name Record (PNR) Data
- (O) (As available in the traveller's Passenger Name Record in the carrier's reservation System)
- (i) PNR record locator
 - (ii) Date of reservation/issue of ticket
 - (iii) Date(s) of intended travel
 - (iiii) Name(s)
 - (v) Address and contact information (telephone number, e-mail address)
 - (vi) All forms of payment information, including billing address
 - (vii) Complete travel itinerary for specific PNR
 - (viii) Frequent flyer information

- (ix) Travel agency /Travel agent
- (x) Travel status of passenger, including confirmations, check-in status, no show or go show information
- (xi) Split/divided PNR information
- (xii) I 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)
- (xiii) Ticketing field information, including ticket number, date of ticket issuance and one-way tickets, Automated Ticket Fare Quote fields
- (xiv) Seat number and other seat information
- (xv) Code share information
- (xvi) All baggage information
- (xvii) Number and other names of travellers on PNR
- (xviii) Any Advance Passenger Information (API) data collected
- (xix) All historical changes to the PNR listed in numbers 1 to 18

(C) Additional Data Elements

- (a) Visa Number (if applicable)
- (b) Issue Date of the Visa
- (c) Place of Issuance of the Visa
- (d) Other Document Number used for Travel (if applicable)
- (e) Type of Other Document used for Travel
- (f) Primary Residence
 - (i) Country of Primary Residence

- (ii) Address
- (iii) City
- (g) State/Province/County
- 1. Postal Code
- 2. Destination Address
- 3. Address
- 4. City
 - (h) State/Province/County
 - (i) Postal Code

(D) Data relating to the Reporting Party

- (i) Reporting Party Name
- (ii) Reporting Party Telephone Number
- (iii) Reporting Party Facsimile Number

Part 3

- (a) The information set out in Part 1 and 2 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.
 - (d) in the case of commercial or private aircraft, not later than 40 minutes prior to departure from Antigua and Barbuda; and

- (e) in the case of a vessel or other conveyance, not later than one hour prior to its departure from Antigua and Barbuda,
- (iv) Reporting Electronic Mail Address

Part 4

The passenger and cargo information referred to in Parts 1 and 2 shall be —

- (1) the country of destination;
- (2) the estimated time of departure;
- (3) the customs port, customs airport or place of departure;
- (4) a list of cargo for export and the country to which the cargo is to be exported;
- (5) a list of the names of all passengers and crew on board; and
- (6) such other information as may be prescribed by Regulations made under this Act.

Passed the House of Representatives on the
11th September, 2018.

Passed the Senate on the 28th
September, 2018.

Gerald Watt Q.C.,
Speaker.

Alicia Grant,
Vice President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.