

## No. 734. THE CUSTOMS MANAGEMENT LAW, 1954.

## REGULATIONS MADE UNDER SECTION 232.

In exercise of the powers vested in him by section 232 of the Customs Management Law, 1954, His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following regulations:—

## PART I.—PRELIMINARY.

1. These Regulations may be cited as the Customs Management Regulations, 1954. Short title.
2. In these Regulations, unless the context otherwise requires— Interpretation.  
 “Customs holiday” means a Customs holiday which the Governor in Council, by Order, declares to be a Customs holiday for the purposes of the Customs Laws under section 2 of the Law ;  
 “the Law” means the Customs Management Law, 1954, and includes any Law amending or substituted for the same ; 8 of 1954.  
 “street” means any square, road, bridle path, pathway, blind-alley, passage, footway, pavement or public place ;  
 “wholesale” in relation to value, means that value for which goods would ordinarily be sold by a manufacturer or his agent to another person for subsequent retail sale in the same country.

## PART II.—WORKING DAYS AND OVERTIME WORK.

3. All Custom Houses shall be open for the transaction of business on every day in the week, except on Sunday and any Customs holiday. Working days.
4. Subject to the provisions of regulation 3, the hours during which transaction of business with the Customs is permitted free of any overtime charges, shall be :— Working hours.

From the 1st November in every year to the 31st May of the year next following, both dates inclusive—

Every day except Saturdays	.. .. .	8 a.m. to 4 p.m.
Saturdays	.. .. .	8 a.m. to 12 noon.

From the 1st June to the 31st October in every year, both dates inclusive—

Every day except Wednesdays and Saturdays	.. .. .	8 a.m. to 4 p.m.
Wednesdays	.. .. .	8 a.m. to 3 p.m.
Saturdays	.. .. .	8 a.m. to 12 noon.

- 5.—(1) Collectors may permit work to be done by officers on Sundays and on Customs holidays, or before or after, or both before and after the prescribed hours of business on any other day : Overtime work.

Provided that for any attendance by any officer before and after the prescribed hours of business on any day, and for any attendance by any officer at any time during a Sunday or a Customs holiday, overtime fees at the rate and under the conditions prescribed by the Comptroller, shall be paid by the public.

- (2) When the services of any officer are required during the same period of overtime work in connection with vessels, aircraft, or goods imported or exported or warehoused on account of more than one master, pilot, agent, consignee, importer, exporter or owner, as the case may be, overtime fees in full shall be paid by each master, pilot, agent, consignee, importer, exporter or owner in respect of the whole period worked by any of them. Overtime fees when more than one vessel, etc., concerned.

PART III.—FEE FOR SUPPLEMENTARY OR AMENDED  
MANIFEST.

Fee for  
amended  
manifest.

6. A fee of two shillings and six piastres shall be charged in respect of each supplementary manifest and in respect of each manifest which requires amendment as in sections 55 and 117 of the Law provided. The fees shall be paid by means of adhesive stamps affixed to the manifest.

PART IV.—PREVENTION OF CONGESTION.

Prevention  
of  
congestion.

7. If the owner of any imported goods, whether such goods are liable to Customs duty or not, shall not, within fifteen days, inclusive of Sundays and Customs holidays, of the day on which the goods were landed in the Colony, make entry of and remove such goods, the Comptroller may, if, in his opinion, their non-removal from the place where they were originally deposited is causing congestion, cause such goods to be conveyed to a Customs warehouse or such other warehouse or place of storage as the Comptroller may appoint: any additional portorage charges resulting from such removal shall be paid by the importer or owner, or agent of either, before the goods are delivered out of Customs control, or charged against the goods if they are, subsequently, sold by the Customs.

PART V.—LICENSED WAREHOUSES.

Applications  
for ware-  
house  
licences.

8.—(1) Every applicant for a licence for a warehouse shall state—

- (a) whether the warehouse is for general or private use;
- (b) the estimated amount of Customs duty that will be paid annually and the estimated quantity of goods to be received therein annually.

Plans to be  
submitted.

(2) Plans of the proposed building, properly drawn to scale, with the dimensions shown thereon in accordance with usual engineering practice, and showing its situation in relation to other buildings and any street by which it is bounded or to which it is adjacent, the name of the owner thereof and a reference to the registration of the same in the records of the Land Registry Office, shall be sent with the application to the Comptroller.

(3) The Comptroller may—

- (a) require such further particulars, not included in sub-regulation (2) of this regulation, as he may consider necessary;
- (b) refuse to issue a warehouse licence in respect of any building if, in his opinion, the amount of goods estimated or likely to be warehoused therein is such as does not warrant the grant of a licence, or if the siting of the building, or its security as a warehouse, or the accommodation for officers therein, is unsatisfactory for purposes of Customs control;
- (c) suspend any licence issued, by notice to the licensee in writing, or refuse to renew any such licence if the building in respect of which it was issued has become defective for the said purposes of Customs control or for security of the goods therein, until such time as such defect has been remedied, to the satisfaction of the Comptroller.

(4) For the purposes of sub-regulation (3) of this regulation—

“security” shall include provision by the licensee at any time, on written notice being given by the Comptroller and in accordance with the terms of such notice, of specially secure compartments for the accommodation within the warehouse of such descriptions or classes of goods as the Comptroller may notify the licensee require special stowage; “accommodation for officers” shall include provision free of charge, by the licensee, of necessary and appropriate office furniture and, where required by the Comptroller, reasonable lavatory and sanitary facilities, to the satisfaction of the Comptroller, in, or in close proximity to, the warehouse.

9. A bond to secure the Customs duties on the warehoused goods and compliance by the licensee with the provisions of the Customs Laws shall be executed by him in such form as may be approved by the Comptroller. Bond to be given.
10. The liability of a licensee under the Customs Laws to any Customs duties in respect of any goods contained or found deficient in the warehouse, or any penalties, shall not be affected by any suspension of the licence by the Comptroller. Suspension of licence not to affect liability to Customs duties and penalties.
11. No warehouse licence shall be transferred without the written approval of the Comptroller and, where approval is given for a transfer, the transferee shall enter into a fresh bond. Licence not transferable.
12. No alteration in a licensed warehouse shall be made without the previous written sanction of the Comptroller. Any proceedings in bankruptcy against the licensee, the death of the licensee or his surety, or any other change as regards the licence shall at once be reported to the Comptroller by the licensee or, as the case may be, by the heirs or the legal personal representatives of the licensee. Alteration in warehouse, etc.
13. Every licensed warehouse shall be distinguished by a particular number, allotted by the Comptroller, which shall be clearly and legibly painted by the licensee on a conspicuous part of the exterior above or in proximity to the principal entrance thereof, in combination with the legend "Customs Licensed Warehouse", and shall be secured by two locks, one affixed by the Customs and one by the licensee; the keys of the lock affixed by the Customs shall be held by the collector, or by such officers as may be authorized by him. Marking and security of warehouse.
14. No naked light shall be taken into any licensed warehouse, and every licensee thereof shall keep or cause the premises to be kept in a clean and sanitary condition, and free from any accumulation of dirt or rubbish. Any goods which have become a source of annoyance, or of probable injury or depreciation to other goods stored in the warehouse shall, upon the demand of the collector, be cleared upon payment of the Customs duty due thereon, or be destroyed by the licensee of the warehouse or the owner at the expense, in either case, of the latter. Safety, cleanliness, etc., in warehouse.
15. A register, in such form as the Comptroller may approve, shall be kept by the licensee at the warehouse showing particulars of every receipt thereinto and delivery of goods therefrom. The licensee shall permit any officer detailed by the collector to inspect the register at all reasonable times and to make copies of any entry in, or extracts from, such register, as he may require. Record of receipts and deliveries.
16. When goods are to be cleared for home consumption, removal or re-exportation from a warehouse, the entry, after being prepared by the owner, shall be presented to the collector to be passed in the usual way. Entry of goods cleared for home consumption, etc.
17. The charges by way of rent or otherwise to be levied and taken by general warehouse licensees in respect of goods warehoused shall be regulated from time to time by the Comptroller, and a copy of the approved scale of charges in force shall be posted up in a conspicuous part of every general warehouse. Warehousing charges.
18. Notification of the licensing of every licensed warehouse shall be published in the *Gazette* by the Comptroller. Notice of licensed warehouse to be published.
19. Any person who acts in contravention of any of the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds. Penalty for offences under Part V.

## PART VI.—UNCLAIMED AND UNCLEARED GOODS.

How proceeds of sale of unclaimed and uncleared goods are to be applied.

20.—(1) The proceeds of sale of goods, sold in accordance with sections 71, 78, 88, 89, 104 and 241 of the Law, shall be applied first in the payment of the Customs duties, storage charges and warehouse rent and removal charges, secondly of freight and charges, and the residue, if any, shall revert to the owner of the goods on his application therefor, if such application is received within one year from the date of the sale of the goods. If such goods cannot be sold for a sufficient sum to pay the Customs duties and Customs charges due thereon, if ordered for sale for home consumption, or the Customs charges, if for exportation, they may be destroyed or otherwise disposed of as the Comptroller may direct.

Time in which goods must be removed.

(2) All goods in respect of which entries shall have been passed, or which shall have been sold by authority, shall be removed by the owner or purchaser within seven days from the date of passing entry or of purchase or within such further time as the Comptroller may allow and, unless such goods are removed within seven days or such further period allowed, they shall be sold or, if worthless, destroyed; the proceeds of sale shall be paid to the Comptroller for disposal as in sub-regulation (1) of this regulation provided.

Notice of sale of unclaimed goods, etc. to be published.

(3) A notice of every sale by the Customs of goods specified in sub-regulation (4) of this regulation shall be inserted in the *Gazette* by the Comptroller at least one week prior to the date of such sale.

(4) The goods to which sub-regulation (3) of this regulation applies are :—

- (i) goods to which sub-regulation (1) of this regulation applies ;
- (ii) goods, not being perishable goods, deposited in any Customs store and not cleared within three months of the date of deposit thereof ;
- (iii) goods deposited in any licensed warehouse and not cleared within three years of the date of deposit thereof or such further time as may be authorized by the Comptroller, or within the time directed by the Comptroller under the provisions of sub-section (1) of section 78 of the Law ;
- (iv) goods deposited in any Customs warehouse and not cleared within one year of the date of deposit thereof ;
- (v) goods deposited in any private warehouse, the removal of which to a general warehouse has been ordered by the collector, under the provisions of section 88 of the Law, and which have not been removed accordingly ;
- (vi) goods deposited as passenger's baggage in any Customs store and not cleared or collected within six months of the date of deposit thereof ;
- (vii) loose remnants of goods found in any place under the control of the Customs, the ownership of which cannot be identified.

(5) No notice other than a notice of sale given under sub-regulation (3) of this regulation shall be given, and the Comptroller shall not be responsible for informing the owner of the intended sale of any goods included in any notice of sale even if such owner is known to him.

## PART VII.—CUSTOM HOUSES.

Prescribed Custom Houses.

21. The Custom Houses prescribed by the Law, in addition to the Custom Houses at ports, shall be those established at Nicosia and Nicosia aerodrome.

## PART VIII.—STORAGE CHARGES.

22. The charges set out in the Schedule hereto, subject to the conditions and exemptions set out in the said Schedule, shall be made for the storage of goods at any place provided, approved or occupied by the Customs at any port, aerodrome, shipping place or any place, other than a licensed warehouse, where such goods are under Customs control. Schedule.

## PART IX.—INVOICES.

23.—(1) Every invoice of goods imported into the Colony shall be made out clearly and legibly and shall— Particulars to be contained in invoices.

- (a) show the true price or value, as the case may be, of the goods ;
- (b) contain a certificate from the supplier of the goods as to the country of origin thereof ;
- (c) contain a detailed description of the goods, including any trade name by which any item thereof is known, the grade or quality, and the marks, numbers and symbols under which sold by the seller or manufacturer, together with the marks and numbers of the packages in which the goods are packed ;
- (d) the quantity of each kind, grade or quality, either in the metric system of weights and measures or in standard English weights and measures and in accordance with the nomenclature, so far as it may apply, of the Second Schedule to the Customs Tariff Law, 1954 ; 64 of 1954.
- (e) the price of each unit ;
- (f) the gross weight of each package ;
- (g) the net weight of the goods contained in each package ;
- (h) the total gross and net weights of the consignment ;
- (i) if for textile goods in the piece, not including made-up articles, contain a statement of the composition of the goods, such as cotton, silk, wool, mixed cotton and silk, et cetera, and the length, width and weight of each piece, of each kind, grade or quality ; and, where such textiles are composed of two or more materials, the percentage by weight of each class of material therein contained ;
- (j) have endorsed thereon a declaration signed by the manufacturer, consignor, owner or the duly authorized agent of the manufacturer, consignor or owner stating that the invoice is in all respects correct and true, that is to say, that it contains a true statement of the price of the goods, any deductions by way of discount or allowance specified therein, and of all charges thereon or, when the goods are obtained in any other manner than by purchase, that the value therein stated is not less than the actual wholesale market value thereof in the country or place whence consigned at the time of their despatch therefrom, together with all charges incidental to the exportation of the goods up to the port or place of discharge in the Colony. Such declaration shall be witnessed by a responsible person or a credible employee, such as a principal or head clerk of the exporting firm or person issuing the invoice. The designation or qualification of such witness shall also be appended.

(2) For the purpose of paragraph (b) of sub-regulation (1) of this regulation, the country of origin of any goods— Country of origin.

- (a) in the case of primary goods, shall be the country in which the goods were grown or produced, and
- (b) in the case of manufactured articles, the country in which the manufacturing process was substantially completed.