

S.M.C.D. 188

CUSTOM HOUSE AGENTS (LICENSING) ACT, 1978

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S.M.C.D. 188

CUSTOM HOUSE AGENTS (LICENSING) ACT, 1978¹

AN ACT to provide for the licensing of custom house agents and for related matters.

1. Custom House Agents to be licensed

A person shall not engage in the business of custom house agent unless that person has been granted a licence by the Commissioner or an officer authorised in that behalf in accordance with Regulations made under this Act.

2. Grant of licence to a body of persons

(1) The Commissioner shall not grant a licence under this Act to a body corporate or partnership unless

- (a) in the case of a body corporate, that body corporate is authorised by its instrument of incorporation to transact the business of custom house agent; or
- (b) in the case of partnership, the partnership is by virtue of its partnership agreement authorised to transact the business of custom house agent;
- (c) at least two officers of the body corporate or in the case of a partnership two members of the partnership are licensed custom house agents;

1. This Act was issued as the Custom House Agents (Licensing) Decree, 1978 (S.M.C.D. 188) made on the 2nd day of October, 1978 and notified in the *Gazette* on 6th October, 1978.

- (d) providing for the inspection of books, records and other relevant documents and business premises of custom house agents;
- (e) prescribing for a fine not exceeding five hundred penalty units or term of imprisonment not exceeding two years or both for a contravention of a provision of the Regulations;
- (f) otherwise for giving full effect to the principles and objects of this Act.

8. Interpretation

In this Act, unless the context otherwise requires,

“**business of customs**” or “**customs business**” means the preparation, signing and presenting of documents with respect to the import and export of goods;

“**Commissioner**” means the Commissioner of the Customs, Excise, and Preventive Service;

“**custom house agent**” means a person to whom a licence has been granted under this Act to transact business of customs on behalf of another person;

“**Minister**” means the Minister responsible for Finance;

“**port**” has the meaning assigned to it in the Customs, Excise and Preventive Service (Management) Act, 1993;²

“**prescribed**” means prescribed by this Act or under the Regulations;

“**Regulations**” means the Regulations made under this Act.

9. Transitional provisions

(1) Until the date that this Act comes into force a person shall not transact customs business unless that person has obtained a licence from the Commissioner to do so.

(2) A licence granted under subsection (1) is subject to the conditions that the Commissioner may prescribe and shall be valid for a period not exceeding six months.

(3) A person who transacts customs business in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

10. Commencement

Except section 9 which comes into force on the publication of this Act, the other provisions of this Act shall come into force on the date that the Minister may by legislative instrument appoint.³

2. P.N.D.C.L. 330.

3. The Custom House Agents (Licensing) Decree, 1978 (Commencement) Instrument, 1981 (L.I. 1265) provided that the Decree shall come in to force on the 7th day of December, 1981. But the Custom House Agents (Licensing) Decree, 1978 (Commencement) (Revocation) Instrument, 1983 revoked L.I. 1265.