

THE OFFICIAL GAZETTE 31ST JANUARY, 2007
LEGAL SUPPLEMENT — B

GUYANA

No. 2 of 2007

REGULATIONS

Made Under

**The CUSTOMS ACT
(Cap 82:01)**

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 67A AND 275 OF THE CUSTOMS ACT (CAP 82:01), I HEREBY MAKE THE FOLLOWING REGULATIONS:-

Citation and commencement.

1. These regulations may be cited as the Customs (Advance Passenger and Cargo Information) Regulations 2007 and shall come into operation on 1st February 2007.

Interpretation.

2. (1) In these Regulations -

(a) "advance information" means the information in respect of a passenger, crew member or other occupant seeking to travel or being carried or of cargo to be transported or being transported in an aircraft or ship to be arrived in or to be departed from Guyana or arriving in or departing from Guyana;

(b) "cargo" means any goods to be transported or being transported in an aircraft or ship;

(c) "domestic space" means the countries listed in Schedule II;

(d) "passenger" means any person (not being a *bona fide* member of the crew, seeking to travel or being carried on an aircraft or ship.

(2) Words and expressions used in these Regulations and not defined in these Regulations but defined in the Customs Act or under the Immigration shall have the respective meanings assigned to them in those Acts.

**Cap. 82:01
Cap. 14:01**

Application.

3. These Regulations shall apply to an aircraft or ship which-
(a) is expected to arrive in Guyana;
(b) has left or is expected to leave Guyana.

Advance
information.

4. (1) The master shall at such time as provided in sub-regulation (2), make available to the competent authority, in such form and manner as may be approved in writing by the Comptroller, either generally or for a particular case or class of cases, advance information—

Schedule.

(a) in respect of an aircraft or ship and each person on board in accordance with Part I of Schedule I; and

Schedule.

(b) in respect of the cargo on board in accordance with Part II of the Schedule I.

(2) (a) In respect of an aircraft or ship referred to in regulation 3 (a), advance information shall be provided —

(i) not later than fifteen minutes after departure from the last port of call if it is a commercial aircraft;

(ii) not later than thirty minutes prior to the departure from the last port of call if it is a private aircraft;

(iii) not later than twenty-four hours prior to arrival if it is arriving from outside the domestic space; and

(iv) not later than one hour prior to arrival of the aircraft or ship from the last port of call if it is arriving from a destination within the domestic space.

(b) In respect of an aircraft or ship referred to in regulation 3 (b), advance information referred to in paragraph (a) shall be provided not less than fifteen minutes after departure from Guyana, subject to sub-regulation (3).

(3) Sub-regulation (2) (b) shall not apply to the departure of an aircraft or ship from Guyana to a destination within the domestic space.

Power of Minister
to waive.

5. The Minister may, for reasons recorded in writing, either generally or for a particular case or class of cases, waive any requirement under regulation 4.

Penalty.

6. Where a master -

- (a) intentionally fails to transmit advance information in accordance with regulation 4; or
- (b) recklessly transmits incomplete or false advance information,

he shall be liable to a penalty of G\$20,000,000.00.

Seizure and detention.

7. (1) Where a master fails to comply with regulation 4, the Comptroller may seize and detain the aircraft or ship to which the non-compliance relates.

(2) Where a seizure relates to a commercial aircraft or ship, then, notwithstanding anything contained in paragraph (1), such aircraft or ship shall be released on the lodgement of a bond for a sum of G\$100,000,000.00 or three times the value of such aircraft or ship.

Release of bond.

8. The Comptroller shall release the bond lodged under regulation 7 -

(a) upon -

- (i) receipt of advance information referred to in regulation 4; and
- (ii) payment of the penalty imposed under regulation 6; or

(b) an order of a court of competent jurisdiction.

Refusal of clearance.

9. The proper officer may refuse to grant clearance to an aircraft or ship, not being a commercial aircraft or ship, until -

- (i) the advance information referred to in regulation 4 has been received; or
- (ii) the penalty imposed under regulation 6 has been paid.

SCHEDULE I**[Regulation 4 (1) (a) and (b)]****ADVANCE PASSENGER AND CARGO INFORMATION****PART I****(A) Information relating to the flight or voyage:****1. Aircraft Identification (if applicable)**

(IATA Airline code and flight number)

2. Ship Identification (if applicable)

(Ship name and voyage number)

3. Registration of aircraft or ship

Ship or aircraft Registration Number

4. Country of Registration

(Country where aircraft or ship is registered)

5. Agent or Owner (where applicable)

(Name of Agent for the aircraft or ship or where no agent, name of owner)

6. Scheduled Departure Date

(Date of scheduled departure of ship or aircraft (based on local time of departure location))

7. Scheduled Departure Time

(Time of scheduled departure of aircraft or ship (based on local time of departure location))

8. Scheduled Arrival Date

(Date of scheduled arrival of aircraft or ship (based on local time of arrival location))

9. Scheduled Arrival Time

(Time of scheduled arrival of aircraft or ship (based on local time of arrival location))

10. Last Place/Port of Call of aircraft or ship

(Ship or aircraft departed from this last foreign place/port of call to go to the place/port of aircraft or ship and initial arrival)

11. Place/Port of aircraft or ship and Initial Arrival

(Place/port in the country of destination where the aircraft or ship arrives from the last place/port of call of aircraft or ship)

12. Subsequent Place/Port of Call within the country/domestic space

(Subsequent place/port of call within the country)

13. Number of Persons on board

(Total number of passengers, crew on board)

14. Place/Port of Onward Foreign Destination

(For departure from Guyana)

(B) Information relating to each individual on board:

Core Advance information Elements of Passport or travel document

15. Passport or travel document Number**16. Issuing Country or Organisation of passport or travel document**

(Name of the State or Country or Organisation responsible for the issuance of passport or travel document)

17. Type of passport or travel document

(Indicator to identify type of passport or travel document)

18. Expiration Date

(Expiration date of passport or travel document)

19. Surname/Given Name(s)

(Family name and given name(s) of the passenger as it appears on the passport or travel document.)

20. Nationality

(Nationality of the passenger)

21. Date of Birth

(Date of birth of the passenger)

22. Gender

(Gender of the passenger)

PART II**Information relating to Cargo:**

The information contained in the Annex with respect to -

- (i) its cargo for discharge within Guyana; and
- (ii) its cargo not intended for discharge within Guyana

ANNEX

Advance information relating to the Manifest:

Voyage number

(A number assigned by local Shipping Agent for ships or the scheduled flight number for aircrafts)

Date and Time of Submission***Scheduled Departure Date***

(Date of departure of shipper aircraft)

Scheduled Arrival Time

(Time of arrival of aircraft or ship)

Place of Departure

(The last foreign port or place of call for aircraft or ship)

Destination

(Port or place in the country of destination where the aircraft or ship first reports)

Subsequent Place/Port of call within the country [(Optional)]**Agent: Name**

(authorised representative of the aircraft or ship, where available)

Owner

(Name of owner of aircraft or ship)

Transport: Mode

(The manner in which the cargo is imported or exported)

Transport: Name

(Name of the importing or exporting aircraft or ship)

Transport: Nationality

(Nationality of aircraft or ship as determined by its port of registry)

Transport: Place (Optional)

(Port of Registry)

Registration (Optional)

(International registration number including in respect of ships, the International Maritime Organisation registration number or Lloyd's registration number or in respect of aircraft the International Air Transport Authority registration number)

Master

(Name of captain of the ship)

Total: Bills**Total: Packages****Total: Containers****Total: Gross mass****Tonnage: Gross (Optional)****Tonnage: Net [(Optional)]**

(Registered tonnage of ship) **Date of last discharge (Optional)**

(Date of last discharge of cargo by the ship at any port)

Advance information relating to individual bills of lading/Airway Bill

Manifest Line Number

(Number indicating the order of bills of lading on a manifest)

Transport Document Type

(Type of document issued by aircraft or ship including bills of airway bill, bill of lading or waybill)

Transport Document Reference Number

Purpose of Shipment

(Whether for import, export, in-transit or trans-shipment)

Unique Consignment Reference (Optional)

Place of Loading Place of Discharge

Exporter

Exporter Address

Consignee

(Name of the consignee or the name and phone number of the representative)

Total Containers

(Total number of containers for each transport document)

Packages: Kind

Packages: Marks and Numbers

Quantity: Package

Quantity: Gross Mass

Volume: Cubic Measurement (cbm)

Description of Goods

Pursuant to applicable law)

Freight Indicator

Payment status whether prepaid or payment on collection)

Amount and Currency

Values:

Value of Goods Freight on Board [(Optional)]

Freight [(Optional)]

Additional Seals

Additional Information

Advance information relating to Container Management:

Container: Number

(The Bureau of International of Containers - BIC identification number of containers)

Container: Type

(Type of container, e.g. 20 feet, refrigerated)

Empty/Full Indicator

(Whether Full Container Load or Less than Container Load)

Seals

(The number of the security seal(s) affixed to the container door)

Marks

(Marks or numbers of the seal(s) affixed to the container door)

Sealing Party

(The authority that affixed the seal(s) to the containers)

Total Containers

Transport Document Reference Number

1	Africa and Barbuda
2	Barbados
3	Bonina
4	Guatemala
5	Guiana
6	Jamaica
7	St Kitts and Nevis
8	Saint Lucia
9	St Vincent and the Grenadines
10	Trinidad and Tobago

Made this 31st day of January 2007

Minister of Finance

SCHEDULE II**[Regulation 2 (1) (c)]****DOMESTIC SPACE COUNTRIES**

1. Antigua and Barbuda
2. Barbados
3. Dominica
4. Grenada
5. Guyana
6. Jamaica
7. St. Kitts and Nevis
8. Saint Lucia
9. St. Vincent and the Grenadines
10. Trinidad and Tobago

Made this the ... of January, 2007**Minister of Finance**