



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 18.11

## EXTERNAL TRADE ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

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**CHAPTER 18.11**  
**EXTERNAL TRADE ACT**

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## CHAPTER 18.11 EXTERNAL TRADE ACT

AN ACT TO REGULATE THE IMPORTATION AND EXPORTATION OF GOODS INTO AND FROM THE STATE; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

### Short title.

1. This Act may be cited as the External Trade Act.

### Interpretation.

2. In this Act—

“export restricted goods” means any goods in respect of which the Minister has made an Order either under paragraph (a) of subsection (1) of section 5 prohibiting their export from the State without a licence or under paragraph (b) of subsection (1) of section 5 limiting their export from the State;

“goods” include all kinds of moveable or personal property including animals;

“import restricted goods” mean any goods in respect of which the Minister has made an Order either under paragraph (a) of subsection (1) of section 3 prohibiting their import from any country or place without a licence or under paragraph (b) of subsection (1) of the said section 3 limiting their import;

“Minister” means the Minister responsible for Trade;  
*(Inserted by Act 6 of 1976)*

“Supply Officer” means the person appointed as Supply Officer of the State by the Governor-General for the purposes of this Act.  
*(Amended by Act 6 of 1976)*

### Restriction on certain imports.

3. (1) The Minister may, from time to time, by Order published in the *Gazette* and in a newspaper circulating in the State—

- (a) prohibit the importation of any class of goods from or originating in any country or place without a licence granted under the provisions of section 4;
- (b) prohibit absolutely or limit the importation of any goods if in his or her opinion such action is in the interest of the State or of any part of the Commonwealth and may for the same reason make by order any such imports subject to such conditions as he or she may think fit.

*(Amended by Act 6 of 1976)*

- (2) Every such Order shall take effect as from the date of its publication in the *Gazette*.

- (3) Where in any case any import licence has been granted in respect of any goods the subject of any Order limiting their importation made under the provisions of paragraph (b) of subsection (1) such licence shall be deemed to be cancelled from the date of the publication of the Order in the *Gazette* and the Supply Officer shall only issue fresh licences which conform with the provisions of any such Order.

**Licence to import.**

4. (1) Subject to the provisions of subsections (3) and (4), the Supply Officer may grant a licence for the import of any import restricted goods.

(2) Every person applying for a licence under subsection (1) shall affix adhesive stamps to the value of one dollar to such application.

*(Inserted by Act 27 of 1976)*

(3) No licence shall be granted by the Supply Officer for the importation of any import restricted goods if in his or her opinion the import of such goods would, or would be likely to, prejudice any trade agreement or arrangement in respect of external or internal trade or currency entered into or approved of by or on behalf of the Government.

(4) The Supply Officer shall make any licence granted under the provisions of subsection (3) subject to such conditions as he or she shall think necessary in order to ensure that the importation of the goods in respect of which the licence is to be issued is in conformity with any agreement or arrangement in respect of internal or external trade or currency entered into or approved of by or on behalf of the Government.

(5) In imposing such conditions the Supply Officer shall have regard not only to the importation of the goods in respect of which the licence is required but shall take into consideration the necessity, if any, for controlling the import of goods generally or the import of any particular type of goods and by such conditions shall ensure the equitable distribution of import licences.

(6) Subject to the provisions of section 3, the following classes of goods may be imported without a licence provided that such goods are not import restricted goods—

- (a) goods in transit or for transshipment;
- (b) commercial travelers samples;
- (c) articles of British origin which have been imported into the State, subsequently exported therefrom and thereafter returned to the State;
- (d) baggage and private effects;
- (e) articles shown to be *bonâ fide* unsolicited gifts and not for resale;
- (f) currency notes or coins;
- (g) goods imported by the Government.

**Restriction on the export of certain goods.**

5. (1) The Minister may, from time to time, by Order published in the *Gazette*—

- (a) prohibit the export to any country or place of any class of goods without a licence granted under the provisions of section 6;
- (b) prohibit absolutely or limit the exportation from the State of any goods to any country if in his or her opinion such action is in the interests of the State or of any part of the Commonwealth and may for the same reason make by Order any such exports subject to such conditions as he or she may think fit.

*(Amended by Acts 6 of 1976 & 7 of 1976)*

(2) Every such order shall take effect as from the date of its publication in the *Gazette*.

(3) Where in any case any export licence has been granted in respect of any goods the subject of any Order limiting their exportation made under the provisions of paragraph (b) of subsection (1) such licence shall be deemed to be cancelled from the date of the publication of the Order in the *Gazette* and the Supply Officer shall only issue fresh licences which conform with the provisions of any such Order.

#### **Licence to export.**

6. (1) Subject to the provisions of subsection (3), the Supply Officer may grant a licence for the export of any export restricted goods.

(2) Every person applying for a licence under subsection (1) shall affix adhesive stamps to the value of one dollar to such application.

*(Inserted by Act 27 of 1976)*

(3) No licence shall be granted by the Supply Officer for the export of any export restricted goods if in his or her opinion the export of any such goods would be contrary to the economic interest of the State or would, or would be likely to, prejudice any trade agreement or arrangement in respect of internal or external trade or currency entered into or approved by or on behalf of the Government.

#### **Cancellation of licences etc.**

7. (1) The Supply Officer may cancel any import or export licence if it appears to him or her necessary in order not to prejudice any agreement or arrangement relating to trade or currency entered into or approved by or on behalf of the Government subsequent to the granting of the licence.

(2) The Supply Officer may waive any condition in any import licence if in his or her opinion the terms of such condition are no longer necessary.

#### **Application forms.**

8. (1) All applications for licences under this Act shall be made in such manner as the Supply Officer shall direct.

(2) All forms for use under the provisions of this Act shall be in such form as the Supply Officer shall direct.

#### **Appeals.**

9. (1) An appeal shall lie to the Minister against any decision made by the Supply Officer refusing or cancelling any licence under this Act.

*(Amended by Act 6 of 1976)*

(2) Any such appeal shall be made within sixty days of the decision being communicated to the party aggrieved.

*(Section 10 deleted by Act 7 of 1976. The remaining sections have been renumbered accordingly)*

#### **Offences and penalties.**

10. (1) Any person who imports or exports any goods in contravention of any of the provisions of this Act or the conditions of any licence issued under the provisions of this Act commits an offence and shall—

- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand five hundred dollars or to both such imprisonment and such fine; or

- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding fifteen thousand dollars, or to both such imprisonment and such fine.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(2) A court convicting any person of any offence under this Act may, in addition to any other penalty it may impose, order the forfeiture of all or any part of the goods in respect of which the offence was committed and shall, in every case, order that the licence in whole or in part in respect of which the offence was committed shall not be granted or if it has already been granted shall be cancelled and may direct the Supply Officer to issue no further licence to such person in respect of the same type of goods for a period not exceeding twelve months.

#### **Liability of officers of corporate bodies.**

**11.** Where a person charged with an offence against any of the provisions of this Act is a body corporate every person who, at the time of the commission of the offence, was a director or officer of the body corporate may be charged jointly in the same proceedings with such body corporate, and where the body corporate is convicted of the offence, every such director or officer shall be deemed to be guilty of that offence unless he or she proves that the offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

#### **Appearance and plea by corporation.**

**12.** (1) Where a corporation is charged with an offence against this Act such corporation may appear and plead to the charge or indictment, by its representative, by entering a plea in writing; and, if either the corporation does not appear by representative, or though it does so appear, fails to enter any plea, the Court shall cause a plea of not guilty to be recorded and the trial shall proceed accordingly.

(2) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence punishable under this Act, the magistrate may, if he or she is of opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, commit the corporation for trial.

(3) Any indictment filed against a corporation or other document addressed to a corporation may be served upon the corporation by leaving it at, or sending it by post to, the registered office of the corporation or, if there be no such office in the State, by leaving it at, or sending it by post to, the corporation at any place in the State at which it trades or conducts business.

(4) In this section, the expression “representative”, in relation to a corporation, means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(5) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as *prima facie* evidence that that person has been so appointed.



**Liability of employers.**

**13.** Every person shall be liable for the acts or omissions of any partner, agent or servant in so far as they relate to the business of such person, and if such partner, agent or servant commits any act or suffers any omission which is an offence against any of the provisions of this Act, or which would be an offence if made or committed by such person, such person and his or her partner, agent or servant shall be jointly and severally liable to the penalties provided by this Act, unless he or she proves that the offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

*(Schedule to the Act deleted by Act 7 of 1976)*

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**FIRST SCHEDULE***(Section 3)***EXTERNAL TRADE (OPEN GENERAL LICENCE) ORDER****Citation.**

1. This Order may be cited as the External Trade (Open General Licence) Order.

**Importation of Goods.**

2. Any person in the State may import any goods from any country except that the following importations without an import licence are hereby prohibited—

- (a) importation of any goods from or originating in the countries listed in the Schedule 1 hereto;
- (b) importation from any country of the goods specified in Schedule 2 hereto,

and nothing in this Order shall be construed as authorising any importation of goods which is prohibited or restricted under any other law for the time being in force.

*(Amended by S.R.O. 16/1965)*

**Certificate of Origin.**

3. The importer or consignee of any imported goods shall produce to the Supply Officer a Certificate of origin of all such goods.

**SCHEDULE 1 TO THE ORDER***(Regulation 2(1))*

Albania	Japan
Bulgaria	North Korea
China	Poland
Czechoslovakia	Roumania
Eastern Germany	Union of Socialist Soviet Republic
Hungary	

**SCHEDULE 2 TO THE ORDER***(Ref. 2(2))*

All Agricultural Machinery and Equipment  
Animal feed  
Apples  
Asphalt

Beans (canned, frozen or dried)

Beds

Beef (corned)

Beer

Biscuits

Bottled drinks *(Inserted by SRO 31/1976)*

Butter concentrate or butter substitute

Butter salted, cooking or table

Carrots

Cashew nuts

Cabbages

Canned drinks *(Inserted by S.R.O. 31/1976)*

Canned fruits

Canned soups

Canned vegetables

Cauliflower

Celery

Cement

Chemical products being goods within the meaning of any of the subheadings 10, 20, 30, 40, 50, or 90 of heading 11 of Chapter 38 of Part II of the First Schedule to the Customs Tariff Act, Cap. 20.06

Cereals

Cheesed, including processed cheese and cheese spread

Cigarettes

Coffee and Coffee mixtures and dried coffee beans

Cocoa

Cornmeal

Contraceptives *(Inserted by S.R.O. 31/1976)*

Cucumbers

Dehydrated soups *(Inserted by S.R.O. 31/1976)*

Eggs

Fertilizers

Fish (salted or frozen)

Fish pot wire

Flour (Wheaten)

Fruit juices (tinned, canned or bottled)

Galvanize

Garlic

Gold Bullion and fully or semi-manufactured gold

Grapes

Herrings (canned or tinned)

Insecticides *(Inserted by S.R.O. 31/1976)*

Jewellery (gold)

Lettuce *(Inserted by S.R.O. 31/1976)*

Lumber

Luncheon Meat

Malt

Mattresses

Meat, including chicken and chicken parts

Milk (fresh, condensed, evaporated and powdered)

Motor vehicles and motor vehicle parts other than motor cycles and three wheeled cars and parts for motor cycles and three wheeled cars;

Nuts (mixed)

Onions

Paints

Parsley

Peanuts

Peas (canned, frozen or dry)

Peaches

Pears

Peppers

Petroleum and shale oils, crude and refined but not lubricating oils or waxes of all kinds or mixtures of waxes or wax residues or petroleum greases;

Potatoes

Poultry feed

Pumpkin

Radium

Rice whole and broken and all edible rice products including rice, starch and flour;

Rum

Salmon (tinned)

Salt

Sardines in oil (all brands)

Sausage, sausage meat, hamburger or meat ball

Sea fish or fresh water fish salted or dried

Soap (all kinds)

Stout

*(Inserted by S.R.O. 31/1976)*

Strawberries

Sugar

Tea (all kinds)

Television receiving sets and the component parts and accessories of television receiving sets

Toilet paper

Toothpaste

Tobacco (manufactured)

Tomatoes

Tomato Ketchup

Watermelons

Wheat

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## SECOND SCHEDULE

*(Section 3)*

### EXTERNAL TRADE (RESTRICTED IMPORTS – SPECIAL PROVISIONS) ORDER

#### **Citation.**

1. This Order may be cited as the External Trade (Restricted Imports – Special Provisions) Order.

#### **Interpretation.**

2. In this Order—

“Act” means the External Trade Act.

#### **Restricted Imports.**

3. The goods listed under the External Trade (Open General Licence) Order made under section 3 of the Act shall not be imported without a licence granted under section 4 of the Act.

#### **Relief from Licensing Requirement.**

4. For the purposes of this Order and notwithstanding the provisions of paragraph 3 of this Order, goods imported from the countries listed in Schedule 1 to this Order shall not require a licence but shall require evidence of origin in accordance with the Community Rules of Origin 1984 made under section 3 of the Caribbean Community and Common Market Agreements Act, Cap. 25.03.

**Exemption.**

5. Notwithstanding anything herein contained, where the total value of goods of a non-commercial character either contained in passenger baggage or imported by air, sea or parcel post, does not exceed two hundred dollars and the goods are imported from countries named in Schedule 1 to this Order, no licence or evidence of origin shall be required.

**Savings.**

6. Notwithstanding the provisions of this Order—
- (a) goods imported from any country, the importation of which is controlled under the provisions of the Acts listed in Schedule 2 to this Order, shall be governed by the provisions of this Act; and
  - (b) the provisions of the Imported Beer (Regulation of Distribution) Order, and the provisions of the Imported Orange Juice (Regulation of Distribution) Order shall continue to apply in respect of the quota system provided therein.

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**SCHEDULE 1 TO THE ORDER**

Antigua and Barbuda

Dominica

Grenada

Montserrat

Saint Lucia

Saint Vincent and the Grenadines

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**SCHEDULE 2 TO THE ORDER**

Animals (International Movement and Diseases) Act, Cap. 9.03

Antibiotics and Therapeutic Substances Act, Cap. 9.04

Drugs (Prevention and Abatement of Misuse and Abuse of Drugs) Act, Cap. 9.08

Explosives Act, Cap. 19.03

Firearms Act, Cap. 19.05

Petroleum Act, Cap. 23.20

Pesticides and Toxic Chemicals Control Act, Cap. 9.18

Plant Protection Act, 14.09

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**THIRD SCHEDULE**

*(Section 3)*

**EXTERNAL TRADE (RESTRICTED IMPORTS) ORDER**

**Citation.**

1. This Order may be cited as the External Trade (Restricted Imports) Order.

**Interpretation.**

2. In this Order—  
“Act” means the External Trade Act.

**Relief from Licensing Requirement.**

3. Save as provided in paragraph 4 of this Order, goods imported from the countries listed in Schedule 1 to this Order shall not require a licence but shall require evidence of origin in accordance with Article 14 of the Common Market Annex to the Treaty of Chaguaramas.

**Exceptions.**

4. Notwithstanding the provisions of paragraph 3 of this Order, goods imported from the countries listed in Schedule 1 to this Order shall require a licence when these goods either are the subject of an authorisation by the Common Market Council permitting the imposition of quantitative restrictions and duty pursuant to Article 56 of the Common Market Annex to the Treaty of Chaguaramas or are Oils and Fats products traded under Schedule IX to the Common Market Annex to the Treaty of Chaguaramas.

*(Amended by S.R.O. 2/2003)*

**Restricted Imports.**

5. It is hereby ordered that save and except as provided in paragraphs 3 and 4, the goods listed in Schedule 2 to this Order shall not be imported without a licence granted under section 4 of the Act.

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**SCHEDULE 1 TO THE ORDER**

Antigua and Barbuda	Guyana
Bahamas	Jamaica
Barbados	St. Lucia
Belize	St. Vincent & The Grenadines
Dominica	Montserrat
Grenada	Trinidad & Tobago

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**SCHEDULE 2 TO THE ORDER****IMPORT RESTRICTED GOODS**

All Agricultural, Machinery and Equipment  
Animal Feed  
Apples  
Asphalt  
Beans (canned, frozen or dried)  
Beds  
Beef (corned)  
Beer  
Biscuit  
Butter concentrate or butter substitute  
Butter salted, cooking or table  
Carrots  
Cashew nuts  
Cabbages  
Cauliflower  
Celery  
Cement  
Cereals  
Cheese, including processed cheese and cheese spread  
Cigarettes  
Coffee and coffee mixtures and dried coffee beans  
Cocoa  
Cornmeal  
Cucumbers  
Edible Oils  
Fish (salted or frozen)  
Fish pot wire  
Flour (wheaten)  
Fruit juices (tinned, canned or bottled)  
Galvanize  
Garlic  
Gold Bullion and fully or semi-manufactured gold  
Grapes  
Herrings (canned or tinned)



Jewellery (gold)  
Lumber  
Luncheon Meat  
Malt  
Margarine  
Insecticides  
Lettuce  
Bottled drinks  
Canned Fruits  
Canned drinks  
Canned vegetables  
Contraceptives  
Dehydrated soups  
Eggs  
Fertilizers  
Stout  
Mattresses  
Meat, including chicken and chicken parts  
Milk (fresh, condensed, evaporated and powdered)  
Motor Vehicles and motor vehicle parts other than motor cycles and three wheeled cars and parts for motor cycles and three wheeled cars – **Accessories not Included**  
Nuts (mixed)  
Onions  
Paints  
Parsley  
Peanuts  
Peas (canned, frozen or dry)  
Peaches  
Pears  
Peppers  
Petroleum and shale oils, crude and refined but not lubricating oils or waxes of all kinds or mixtures of waxes or wax or wax residues or petroleum greases  
Potatoes  
Poultry feed  
Pumpkin  
Radium  
Rice whole and broken and all edible rice products including rice, starch and flour

Rum

Salmon (tinned)

Salt

Sardine in oil (all brands)

Sausage, sausage meat, hamburger or meat ball

Sea fish or fresh water fish salted or dried

Soap (all kinds)

Strawberries

Sugar

Tea (all kinds)

Television receiving sets and the component parts and accessories of television receiving sets

Toilet paper

Toothpaste

Tobacco (manufactured)

Tomatoes

Tomato Ketchup

Varnish

Watermelons

Wheats

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