

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER E90

EXTERNAL TRADE ACT

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EXTERNAL TRADE ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Restriction on certain imports
3. Licence to import
4. Restriction on the export of certain goods
5. Licence to export
6. Cancellation of licences, etc.
7. Application forms
8. Appeals
9. Offences and penalties
10. Liability of officers of corporate bodies
11. Appearance and plea by corporation
12. Liability of employers
13. Citation

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EXTERNAL TRADE ACT

Interpretation

1. In this Act—

"export restricted goods" means any goods in respect of which the Governor in Council has made an order either under section 4(1)(a) prohibiting their export from Anguilla without a licence or under section 4(1)(b) limiting their export from Anguilla;

"goods" includes all kinds of moveable or personal property including animals;

"import restricted goods" means any goods in respect of which the Governor in Council has made an order either under section 2(1)(a) prohibiting their import from any country or place without a licence or under section 2(1)(b) limiting their import;

"Supply Officer" means the person appointed as Supply Officer of Anguilla by the Governor for the purposes of this Act.

Restriction on certain imports

2. (1) The Governor in Council may from time to time by order published in the *Gazette*—

(a) prohibit the import of any class of goods from or originating in any country or place without a licence granted under the provisions of section 3;

(b) prohibit absolutely or limit the importation of any goods if in his opinion such action is in the interest of Anguilla or of any other part of Her Majesty's dominions and may

for the same reason make by order such imports subject to such conditions as he may think fit;

(c) requiring the payment of fees for a licence under section 3 and prescribing, or providing for the determination of, the fees, which may be based on the amount of goods or any class of goods imported.

(2) Every such order is a regulation and 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 paragraph (1)(b), 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

3. (1) Subject to the provisions of subsections (2) and (3), the Supply Officer may grant a licence for the import of any import restricted goods.

(2) No licence shall be granted by the Supply Officer for the import of any import restricted goods if in his 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.

(3) The Supply Officer shall make any licence granted under the provisions of subsection (2) subject to such conditions as he shall think necessary in order to ensure that the import 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 by or on behalf of the Government. In imposing such conditions the Supply Officer shall have regard not only to the import 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.

(4) Subject to the provisions of section 2, 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 travellers' samples;

(c) articles of British origin which have been imported into Anguilla, subsequently exported therefrom and thereafter returned to Anguilla;

(d) baggage and private effects;

(e) articles shown to be *bona 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

4. (1) The Governor in Council 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 5;

(b) prohibit absolutely or limit the exportation from Anguilla of any goods to any country if in his opinion such action is in the interests of Anguilla or of any part of Her Majesty's dominions and may for the same reason make by order any such exports subject to such conditions as he may think fit.

(2) Every such order is a regulation and 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 (1)(b), 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

5. (1) Subject to the provisions of subsection (2), the Supply Officer may grant a licence for the export of any export restricted goods.

(2) No licence shall be granted by the Supply Officer for the export of any export restricted goods if in his opinion the export of any such goods would be contrary to the economic interest of Anguilla 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.

6. (1) The Supply Officer may cancel any import or export licence if it appears to him 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 opinion the terms of such condition are no longer necessary.

Application forms

7. (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

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

(2) Any such appeal shall be made within 60 days of the decision being communicated to the party aggrieved.

Offences and penalties

9. (1) Any person who imports or exports any goods in contravention of this Act or the conditions of a licence issued under this Act is guilty of an offence and is liable on summary conviction to imprisonment for a term of 2 years or to a fine of $96,000 or to both.

(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 12 months.

Liability of officers of corporate bodies

10. 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 is deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Appearance and plea by corporation

11. (1) Where a corporation is charged with an offence against this Act, such corporation may appear and plead to the charge 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 offence punishable under this Act, the Magistrate may, if he is of the 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 complaint 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 is no such office in Anguilla, by leaving it at, or sending it by post to, the corporation at any place in Anguilla 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

12. 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 partner, agent or servant shall be jointly and severally liable to the penalties provided by this Act, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Citation

13. This Act may be cited as the External Trade Act, Revised Statutes of Anguilla, Chapter E90.

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