
CUSTOMS (ARRIVAL PROCEDURE FOR SHIPS AND CLEARANCE OUTWARDS FOR SHIPS AND AIRCRAFT) NOTICE 2010

The Fiscal Officer issues the following Notice in exercise of the powers under section 17 and section 22(3) of the Customs Ordinance 2005(a).

Citation and commencement

1. This Notice may be cited as the Customs (Arrival Procedure for Ships and Clearance Outwards for Ships and Aircraft) Notice 2010 and comes into force on the day it is published in the Gazette.

Interpretation

2. In this Notice—

“crew’s effects” means clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship;

“crew member” means any person employed for duties on board during a voyage in the working or service of a ship and included in the crew list;

“IMO FAL Convention” means the International Maritime Organisation’s Convention on Facilitation of International Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965;

“IMO FAL forms” means standardised International Maritime Organisation model facilitation forms provided for under the IMO FAL Convention;

“ship’s equipment” means articles other than ship’s spare parts which are on board a ship for use on it and are removable but not of a consumable nature, including accessories, such as lifeboats, life-saving devices, furniture, ship’s apparel and similar items;

“ship’s spare parts” means articles of a repair or replacement nature for incorporation into the ship in which they are carried;

“ship’s stores” means goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship’s equipment and ship’s spare parts.

Arrival procedure for ships

3. (1) The master of a ship or the master’s authorised representative must attend before an officer and submit the following completed documents within 24 hours of the arrival of the ship in a port or mooring within territorial waters or 3 hours before its departure whichever is the sooner—

- (a) IMO FAL form 1 (General Declaration);
- (b) the cargo manifest, which may be in IMO FAL form 2 (Cargo Declaration);
- (c) IMO FAL form 3 (Ship’s Stores Declaration);
- (d) IMO FAL form 4 (Crew’s Effects Declaration);
- (e) IMO FAL form 5 (Crew List);
- (f) IMO FAL form 6 (Passenger List);
- (g) IMO FAL form 7 (Dangerous Goods Declaration), if appropriate.

(2) The documents referred to in paragraphs (1)(a) and (f) must be dated and signed by the master, the ship's agent or by some other person duly authorised by the master.

(3) The documents referred to in paragraphs (1)(b), (c), (d), (e) and (g) must be dated and signed by the master or by some other ship's officer duly authorised by the master who must have personal knowledge of the ship's stores in relation to the document referred to in paragraph 1(c).

(4) The document referred to in paragraph (1)(f) is only required where the ship is carrying 12 passengers or fewer.

Seeking clearance outwards for ships

4. (1) The master of a ship seeking clearance outwards or the master's authorised representative must, before clearance outwards is given, do the following—

- (a) attend before an officer and answer any questions regarding the ship, its cargo and the planned voyage;
- (b) submit the following completed documents to an officer—
 - (i) IMO FAL form 1 (General Declaration);
 - (ii) the cargo manifest, which may be in IMO FAL form 2 (Cargo Declaration), and two copies;
 - (iii) IMO FAL form 3 (Ship's Stores Declaration);
 - (iv) IMO FAL form 4 (Crew's Effects Declaration);
 - (v) IMO FAL form 5 (Crew List);
 - (vi) IMO FAL form 6 (Passenger List);
 - (vii) IMO FAL form 7 (Dangerous Goods Declaration), if appropriate; and
- (c) submit a declaration dated and signed by the master or by some other ship's officer duly authorised by the master that—
 - (i) all the cargo listed for unloading on the cargo manifest has been unloaded; and
 - (ii) all the cargo listed for loading on the cargo manifest has been loaded.

(2) The cargo manifest must be submitted to an officer within 24 hours of the completion of loading the ship if goods are loaded on it.

(3) The documents referred to in paragraphs (1)(b)(i) and (1)(b)(vi) must be dated and signed by the master, the ship's agent or by some other person duly authorised by the master.

(4) The documents referred to in paragraphs (1)(b)(ii) to (v) and (1)(b)(vii) must be dated and signed by the master or by some other ship's officer duly authorised by the master who must have personal knowledge of the ship's stores in relation to the document referred to in paragraph 1(b)(iii).

(5) The document referred to in paragraph (1)(b)(vi) is only required where the ship is carrying 12 passengers or fewer.

Granting clearance outwards for ships

5. (1) Prior to granting clearance outwards for a ship, an officer must be satisfied that—

- (a) any amounts owed by the ship to the Republic have been paid or arrangements have been put in place for their payment; and
- (b) the documents referred to in Article 4 have been properly completed and submitted.

(2) For the purpose of carrying out duties under paragraph (1), an officer may board and search a ship.

(3) Clearance outwards for a ship is granted by an officer signing, dating and stamping the IMO FAL form 1 submitted in accordance with Article 4(1)(b)(i), which must then be returned to the master or the master's authorised representative.

Record of ships departures

6. An officer must keep a record of the departure of a ship.

Seeking clearance outwards for aircraft

7. The commander of an aircraft seeking clearance outwards or the commander's authorised representative must submit to an officer the following completed documents—

- (a) a general manifest;
- (b) a cargo manifest; and
- (c) a declaration dated and signed by the commander or by the commander's authorised representative that—
 - (i) all the cargo listed for unloading on the cargo manifest has been unloaded; and
 - (ii) all the cargo listed for loading on the cargo manifest has been loaded.

Granting clearance outwards for aircraft

8. (1) Prior to granting clearance outwards for an aircraft, an officer must be satisfied that the documents referred to in Article 7 have been properly completed and submitted.

(2) Clearance outwards for an aircraft is granted by an officer signing, dating and stamping the general manifest submitted in accordance with Article 7, which must then be returned to the commander or the commander's authorised representative.

Record of aircraft departures

9. An officer must keep a record of the departure of an aircraft.

Dated this 17th day of March 2010.

(SBA/AG/2/CE/288/1)

G. K. Pitts,
Fiscal Officer,
Sovereign Base Areas.

Notes

(a) Ordinance 16/05. Section 17 was amended by the Customs (Amendment) Ordinance 2010 (Ordinance 5/10).

EXPLANATORY NOTE

(This note is not part of the Notice)

Introduction

1. This explanatory note relates to the Customs (Arrival Procedure for Ships and Clearance Outwards for Ships and Aircraft) Notice 2010 (the “Notice”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Notice. It does not form part of the Notice.

Particular points

2. The Notice is based on a Republican law and a Republican public instrument. First, in relation to the arrivals procedure for ships, it replicates the effect of Republic of Cyprus Law 155(I)/2003 which itself implements EU Directive 2002/6/EC on reporting formalities for ships arriving in and/or departing from ports of the Member States of the European Union. The Notice requires that certain International Maritime Organisation forms are lodged on a ship’s arrival in the Areas. Section 17 of the Customs Ordinance 2005 already provided for the lodging of a cargo manifest so section 17 was amended to allow the Fiscal Officer to require by Notice the lodging of other documents. The arrival procedure for aircraft is already set out in section 21 of the Customs Ordinance 2005 which requires that a cargo manifest is lodged with the Fiscal Officer within 24 hours of the arrival or 3 hours before the departure of the aircraft whichever is the sooner.

3. In relation to outward clearance, the Notice replicates the effect of Republic of Cyprus public instrument 384/2004. It makes provision for the customs procedures when a ship departs from a port in the Areas and when an aircraft departs from an airport in the Areas. Section 22(1) of the Customs Ordinance 2005 provides that a ship or aircraft departing from a customs port or customs airport to a destination outside the Areas or the Republic has to have clearance for the departure from an officer. “Officer” is defined in the Customs Ordinance 2005 to mean an officer of customs and excise appointed or commissioned by the Fiscal Officer and the same definition applies to the Notice. Customs ports and customs airports have been designated in the Customs (Designation of Customs Ports and Airports) Order 2009 (Public Instrument 17/09).