

MONTSERRAT

**PORT SECURITY CHARGE (AMENDMENT) ACT**

No. 5 of 2018

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**I ASSENT**

(Sgd.) Andrew Pearce  
**Governor**

DATE: 19.01.19

**MONTSERRAT**

No. 5 of 2018

AN ACT TO AMEND THE PORT SECURITY CHARGE ACT (NO. 15 OF 2013).

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the authority of the same as follows:—

**1 Short title and commencement**

This Act may be cited as the Port Security Charge (Amendment) Act, 2018 and comes into force on a date appointed by Order of the Governor acting on the advice of Cabinet.

**2 Interpretation**

In this Act, “**principal Act**” means the Port Security Charge Act (No. 15 of 2013).

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**3 Replacement of “Accountant General”**

Sections 9 and 11 of the principal Act are amended by deleting “Accountant General” and substituting “Comptroller of Customs and Excise”.

**4 Section 3 amended**

Section 3 of the principal Act is amended by deleting—

(a) subsection (1) and substituting the following:

“(1) Subject to section 5, a Port Security Charge shall be levied on and collected from the following persons, at the rate specified in the Schedule—

(a) a traveller who intends to depart Montserrat from a port; and

(b) a consignor.”; and

(b) subsection (2).

**5 Section 4 deleted**

Section 4 of the principal Act is deleted.

**6 Section 6 amended**

Section 6 of the principal Act is deleted and the following is substituted:

**“6. Port Security Charge to be collected by carrier**

(1) A carrier shall include the Port Security Charge under section 3(1)(a) in the cost of an aircraft ticket or ship ticket sold to a person to depart Montserrat from a port.

(2) A consignor shall pay the Port Security Charge under section 3(1)(b) to a carrier after a consignment is screened by an employee of a port for shipment to a place outside of Montserrat.

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- (3) The carrier shall pay the Port Security Charge collected under subsection (2) in respect of a consignment departing Montserrat on—
- (a) an aircraft, to a customs officer designated by the Comptroller of Customs and Excise; and
  - (b) a ship, to the Port Authority,
- prior to the departure of the aircraft or ship from Montserrat.
- (4) If an aircraft or ship departs from a port in Montserrat during a month, the carrier shall pay the Port Security Charge collected in respect of a person departing—
- (a) on the aircraft, to the Comptroller of Customs and Excise; and
  - (b) on the ship, to the Port Authority,
- no later than the tenth of the following month.
- (5) If an aircraft or ship operates an intermittent trip from a port in Montserrat to a place outside Montserrat, the carrier shall—
- (a) collect the Port Security Charge from a person travelling on the aircraft or ship; and
  - (b) pay the Port Security Charge collected under paragraph (a)—
    - (i) in respect of an aircraft, to a customs officer designated by the Comptroller of Customs and Excise; and
    - (ii) in respect of a ship, to the Port Authority,
- prior to the departure of the aircraft or ship from a port in Montserrat.
- (6) Subsections (1) and (4) do not apply to an intermittent trip under subsection (5).

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- (7) A carrier shall submit with the Port Security Charge under—
- (a) subsection (3), details of the consignment;
  - (b) subsections (4) and (5), the carrier's passenger manifest setting out details of the persons—
    - (i) departing on the aircraft or ship;
    - (ii) in respect of whom the Port Security Charge is collected; and
    - (iii) who are exempted from the payment of the Port Security Charge; and
  - (c) subsections (3), (4) and (5), any other information the Comptroller of Customs and Excise or Port Authority may require.
- (8) A carrier who fails to collect the Port Security Charge which he or it is required to collect shall, despite the failure, pay to the Comptroller of Customs and Excise or the Port Authority the amount of the Port Security Charge required to be paid.
- (9) A claim by a traveller or consignor to an entitlement to exemption from the Port Security Charge under section 5(1) which cannot be resolved by the carrier shall be referred to—
- (a) the Comptroller of Customs and Excise, in respect of departure from a port on an aircraft; and
  - (b) the Port Authority, in respect of departure from a port on a ship.
- (10) For the purpose of deciding a claim under subsection (9), the Comptroller of Customs or the Port Authority may make inquiries as he thinks fit.
- (11) For the purpose of this section, an “**intermittent trip**” is a trip which the Comptroller of Customs

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and Excise or the Port Authority determines is being offered by a carrier who does not offer transportation from Montserrat at regularly scheduled intervals”.”

**7 Section 7 amended**

Section 7(3) of the principal Act is deleted and the following is substituted:

“(3) A person who fails, without reasonable cause to furnish to the Comptroller of Customs or the Port Authority any information required by the Comptroller of Customs or the Port Authority for the purpose of section 6(10) commits a summary offence and is liable to a fine of \$300.”.

**8 Section 8 amended**

Section 8 of the principal Act is deleted and the following is substituted:

**“8. Enforcing payment**

If the Port Security Charge due and payable under section 6 remains unpaid—

(a) the full amount of the Port Security Charge may be recovered as a debt due in civil proceedings; or

(b) the customs officer designated by the Comptroller of Customs and Excise or the Port Authority may withhold clearance of the aircraft or ship transporting the travellers in respect of whom the charge is payable, if he or it is not satisfied that adequate arrangements have been made for the payment of the Port Security Charge.”.

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**9 Section 10 amended**

Section 10(1) of the principal Act is amended by deleting “Accountant General” the first time it appears and substituting “Comptroller of Customs and Excise”.

(Sgd.) Shirley Osborne

**SPEAKER**

Passed by the Legislative Assembly this 27<sup>th</sup> day of November, 2018.

(Sgd.) Judith Baker

**CLERK OF THE LEGISLATIVE ASSEMBLY**