



BELIZE

CUSTOMS BROKERS AND CUSTOMS CLERKS ACT CHAPTER 326:01

REVISED EDITION 2003

SHOWING THE SUBSTANTIVE LAWS AS AT 31ST MAY, 2003

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

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Amendments in force as at 31st May, 2003.	



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CHAPTER 326:01

CUSTOMS BROKERS AND CUSTOMS CLERKS

No. 29 of
2001.

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CHAPTER 326:01

CUSTOMS BROKERS AND CUSTOMS CLERKS

29 of 2001.

[23rd July, 2001.] Commencement.

PART I

Preliminary

1. This Act may be cited as the Customs Brokers and Customs Clerks Act. Short title.
2. In this Act, unless the context otherwise requires:- Interpretation.

“Board” means the Customs Brokers and Customs Clerks Board established and constituted under section 3 of this Act;

“customs broker” means a person who undertakes or holds himself out as willing to undertake for remuneration, fee or reward to act on behalf of another person, or who in fact so acts in connection with the entering and clearing of goods or other transactions under the customs laws for the time being in force in Belize;

“customs clerk” means a person who is not a customs broker, and who is the employee of some other person and who acts on behalf of that other person in connection with the entering or clearing of goods or other transactions under the customs laws for the time being in force in Belize;

“licence” means a licence issued by the Board under section 8 of this Act;

“Minister” means the Minister for the time being responsible for Customs.

- (2) In this Act, any reference to the expressions “Comptroller”,

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“customs laws”, and “Department of Customs and Excise” shall have the meanings respectively assigned to each of them under the Customs Regulation Act.

PART II

*Establishment, Constitution and
Functions of the Customs Brokers and
Customs Clerks Board*

Establishment and
constitution of the
Board.

3. (1) There is hereby established a Customs Brokers and Customs Clerks Board (hereinafter referred to as “the Board”), which shall consist of the Comptroller and six other members appointed by the Minister as follows:-

(a) two persons representative of the business community; and

(b) four members of the Customs Brokers and Customs Clerks Association nominated by that Association.

(2) The Comptroller shall be *ex officio* Chairman of the Board.

(3) The Minister may revoke the appointment of a member of the Board appointed pursuant to subsection (1) (a) or (b) above on receipt of a letter from the organisation or association which nominated the member requesting the revocation of such appointment.

(4) The Board may, with the approval of the Minister, appoint a secretary who shall be paid such allowances as may be approved by the Board from time to time, but such secretary shall have no voting rights.

(5) Subject to subsection (3) above, a member of the Board other than the Comptroller, shall hold office for a period of two years but shall be eligible for a last reappointment for a further like period.

(6) Where a member of the Board is absent from Belize for a period of not less than three months, or is prevented by illness or any other cause from exercising his functions as a member of the Board, or from attending meetings of the Board, the Minister may appoint another person to act in the place of such member if the member was appointed under subsection (1)(a) or (b) above, during the period of such member's absence or incapacity.

(7) The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*.

(8) If at any meeting of the Board the Chairman is absent, the members present shall elect one of their number to act as Chairman for the purposes of that meeting.

(9) Four members of the Board shall constitute a quorum at any meeting, and the decision of the majority present shall be the decision of the Board.

(10) In the event of an equality of votes at any meeting, the Chairman shall, in addition to his original vote, have a casting or second vote.

4. The functions of the Board shall be to promote high standards of efficiency and integrity in the conduct of customs brokers and customs clerks and to ensure the maintenance of such standards by determining the competence and fitness of such persons and by licensing those who attain the standards set by the Board.

Functions of the Board.

5. (1) The Chairman may summon a meeting of the Board upon giving to each member of the Board written notice to that effect at least two clear days before the meeting.

Meetings of the Board.

(2) The Chairman shall, within seven days of the receipt by him of a written requisition for that purpose signed by any two members, convene a

special meeting of the Board.

(3) Except with the permission of the Chairman, all meetings shall be convened on written notice of not less than two clear days.

Licence required to carry on the business of customs broker or customs clerks.
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6. (1) Notwithstanding the provisions of section 10 of the Customs Regulation Act, but subject to section 12 of this Act, no person may:

(a) carry on business as or style himself a customs broker unless he is the holder of a licence (hereinafter referred to as a “customs brokers licence”) issued by the Board under section 8 of this Act; or

(b) be employed as or style himself a customs clerk unless he is under the supervision of, or employed by, a customs broker.

(2) In addition to the requirements set out under subsection (1) above, no person shall do any of the activities referred to in paragraph (a) or (b) of that subsection unless he is a member of the Association of Customs Brokers and Customs Clerks.

(3) Application for a customs brokers licence shall:-

(a) be made on the Form prescribed in Regulations made under this Act; and

(b) be accompanied by a written recommendation of the Association of Customs Brokers and Customs Clerks.

(4) A person who contravenes subsection (1) or (2) above commits an offence and is liable on summary conviction:-

- (a) for a first offence, to a fine of not less than one thousand dollars and not more than two thousand dollars; and
- (b) for a second or subsequent offence, to imprisonment for a term not exceeding one year, or to a fine of not less than two thousand dollars and not more than four thousand dollars, and if such person is the holder of a licence, his licence shall upon such conviction stand revoked.

7. The Board may, by written and/or oral examinations and through such other means as it may find necessary, examine and satisfy itself as to the competence and fitness of any applicant for a customs brokers licence:

Board may hold examinations.

Provided that the provisions of this section shall not apply to persons whose qualifications are provided for in section 12(1) below.

PART III

Licences

8. (1) The Board may issue a customs brokers licence to any applicant who:-

Board to issue licences.

- (a) has attained the age of eighteen years or more;
- (b) is not suffering any mental or physical incapacity;
- (c) has not been convicted during the five years preceding his application of an offence involving dishonesty, whether in Belize or elsewhere;
- (d) has satisfied the Board as to his competence and fitness

under section 7 of section 12.

(2) Where a customs clerk applies to the Board for a customs brokers licence, the Board may, on the written recommendation of the Association of Customs Brokers and Customs Clerks, issue to him the customs brokers licence if: -

- (a) his application is in the Form prescribed by Regulations made under this Act;
- (b) he pays the prescribed fee;
- (c) he gives and executes a security bond in the sum of one thousand dollars.

(3) The Minister may, by Order published in the *Gazette*, vary the sum of the bond required under subsection (2) (c) above, or under subsection (5) below.

(4) A licence granted under this Act shall expire on the thirty-first day of December in each year, but may be renewed on application and payment of the prescribed fee to the Board. The application and payment for renewal shall not be made earlier than twenty-one days before the date of the expiry of the licence.

(5) Every holder of a customs brokers licence shall give and execute to the Board a security bond in the sum of five thousand dollars in such form as may be approved by the Board, and in accordance with the Customs Regulation Act, for the faithful and incorrupt performance of all his functions and duties under the Customs Regulation Act, any other applicable laws relating to customs procedure, and any Regulations made thereunder.

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(6) A holder of a customs clerk's licence who assists any person other than his employer in connection with the entering or clearing of goods or

other transactions under the customs laws commits a summary jurisdiction offence and is liable:-

- (a) on first conviction, to a fine of not less than five hundred dollars and not more than one thousand dollars;
- (b) on a second or subsequent conviction, to imprisonment for a period not exceeding one year, or to a fine of not less than one thousand dollars and not more than four thousand dollars.

(7) The Chairman of the Board shall, in January of each year, cause to be published in the *Gazette*, a notice containing the names, business addresses and telephone numbers of all the holders of customs brokers licences or customs clerks for public general information.

9. All fees paid to the Board under this Act shall be paid into a Fund and be applied by the Board towards defraying expenses incurred in carrying out the provisions of this Act. Fees to be paid into Fund.

10. (1) Every customs broker shall register with the Board every customs clerk who is employed by him or acts under his supervision to clear or enter goods or to effect other transactions under the customs law. Employers to register customs clerks.

(2) A customs broker who fails to comply with subsection (1) above commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars and not exceeding five thousand dollars.

11. (1) The Board may revoke, suspend or refuse to renew a licence issued to any person under this Act if after holding an inquiry at which such person has been represented and given an opportunity to be heard, the Board comes to the decision that the person has been engaged in unbecoming conduct detrimental to the interests of the Board, customs brokers or customs clerks. Refusal, revocation or suspension of licences.

(2) In arriving at any decision under subsection (1) above, the Board may take into account, *inter alia*:

- (a) the mental or physical incapacity of the person concerned;
- (b) whether the person concerned obtained his licence by misrepresentation, fraud or deceit;
- (c) whether the person concerned has been convicted by a court of competent jurisdiction in Belize or elsewhere of an offence involving dishonesty, fraud or corruption during the performance of his functions and duties as a customs broker or a customs clerk.

(3) The Board shall notify every person of the revocation or suspension of, or refusal to renew, his licence and shall in such written notification state the reasons therefor.

(4) Any person whose licence has been revoked or suspended, or the renewal thereof has been refused, may within twenty-one days of the receipt by him of the written notification referred to in subsection (3) above, appeal to the Minister against such revocation, suspension or refusal and the Minister's decision thereon shall be final.

(5) Where the Board revokes, suspends or refuses to renew a licence under this section, then, if no appeal against such suspension, revocation or refusal has been made within the time-limit prescribed in subsection (4) above, or if such an appeal has been made and dismissed for any reason by the Minister, the Chairman of the Board shall cause to be published forthwith a notice in the *Gazette* stating the name and address of the person whose licence has been revoked, suspended, or the renewal thereof refused, and the date on which such revocation, suspension or refusal took effect.

12. Where at the commencement of this Act, a person has been carrying on business as a customs broker or has been employed as a customs clerk, that person may continue to act as such for a period of three months, and shall within that period apply for a customs broker's licence without being required to take the examination referred to in section 7 and the Board, if satisfied as to the competence and fitness of such person, shall issue to the person a custom brokers licence on payment by him of the prescribed fee. Issue of certificate and licence to persons acting as customs brokers.
13. A customs broker who charges or attempts to charge for his services any fee other than as prescribed in the Regulations made under this Act is liable on summary conviction to a fine of one thousand dollars and every contract whereby he charges or attempts to charge such fee shall be void. Customs broker who charges fee other than as prescribed commits an offence.
14. The Board may, subject to the approval of the Minister signed in writing, mitigate or remit any penalty at any time prior to the commencement of proceedings in any court, against any person for an offence under this Act. Board may remit penalties.

PART IV

Miscellaneous

15. The Board may, with the approval of the Minister, make Regulations generally for giving effect to the provisions of this Act, and for prescribing all things to be prescribed, and in particular such Regulations may provide for:- Regulations.
- (a) the nature, scope and conduct of examinations referred to in section 7 and the fees payable for such examinations;
 - (b) the establishment and supervision of an apprenticeship scheme for the training of persons desirous of becoming customs brokers or customs clerks.

Commencement. 16. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.