

L.N. 42 of 1994

**CUSTOMS ORDINANCE
(CAP. 37)**

Customs (Control at Airport) Regulations, 1994

IN exercise of the powers conferred by section 80 of the Customs Ordinance, the Minister of Finance has made the following regulations:—

1. These regulations may be cited as the Customs (Controls at Airport) Regulations, 1994, and shall come into force on the date of their publication. Citation and commencement.

2. For the purposes of these regulations, unless the context otherwise requires — Interpretation.

“abroad” means outside Malta;

“aircraft” means any aircraft flying, or intended by the operator to fly, for the purpose of aerial work;

“airport” and “customs airport” mean that area designated for the arrival and departure of aircraft, persons, goods and mail; including all buildings and sheds enclosed within the perimeter fence;

“approved” means approved by the Minister;

“commander” means the person having or taking the charge or command of an aircraft;

“Comptroller” means the Comptroller of Customs;

“crew” includes any person having any duty to perform in an aircraft;

“examination station” means a part of, or a place or a space at, a customs airport which is approved as an examination station;

“Minister” means the Minister responsible for customs;

“officer” means an officer of customs;

“proper officer” means the appropriate customs officer at the airport.

3. Upon the arrival from abroad of an aircraft, the commander shall forthwith deliver to the proper officer: Arrival from abroad.

(i) the documents constituting the clearance outwards of the aircraft from the airport which it last left and, if so required by the officer, the journey log book belonging to the aircraft,

(ii) a manifest in duplicate in an approved form of the goods on board the aircraft,

(iii) a passenger manifest in an approved form containing the names of all passengers carried in the aircraft and their places of embarkation and destination.

Importation
of goods.

4. (1) No person who shall import or bring, or be concerned in importing or bringing, any goods into Malta in any aircraft shall, without the special permission in writing of the Comptroller —

(a) unload the goods or allow the same to be unloaded from the aircraft in which they were imported except at an examination station, or before the report mentioned in paragraph (ii) of regulation 3 has been delivered and the consent of the proper officer to such unloading has been obtained, or

(b) remove the goods from an examination station without the authority of the proper officer, except in accordance with any special permission granted by the Comptroller and in compliance with any conditions attached to any such permission.

(2) The importer of any goods of which delivery has not been permitted by the proper officer shall deposit the same in an approved transit shed at the airport at which they were imported, and, for the purposes of the enactments relating to Customs, any goods so deposited shall, until the same shall have been duly entered in accordance with those enactments, be deemed to be goods still on board the importing aircraft.

(3) No person shall, without the permission of the proper officer, remove any goods from any transit shed.

(4) Imported goods are to be conveyed from the aircraft in which they were imported to the examination station without delay and in such manner as the Comptroller may, from time to time, direct.

Departure
for abroad.

5. (1) Before any aircraft shall depart for a place abroad, the commander shall deliver to the proper officer the following documents —

(a) a notice of intended departure and application for clearance in duplicate in an approved form,

(b) a manifest in duplicate in an approved form of the goods on board the aircraft,

(c) a passenger manifest in an approved form containing the names of all passengers carried in the aircraft and their places of embarkation and destination;

and the said documents, when signed by the said officer, shall, for the purpose of the laws relating to Customs, be the clearance and authority for the aircraft to proceed from that airport.

(2) The commander of an aircraft departing for a place abroad shall not permit any goods, stores or passengers to be laden or taken on board the aircraft before he has delivered to the proper officer a notice of intended departure and application for clearance in accordance with sub-paragraph (a) of paragraph (1) of this regulation.

(3) The exporter of any goods intended for exportation in an aircraft shall deliver to the proper officer of customs at the airport from which such aircraft is cleared to its foreign destination, an entry in the form prescribed by the Comptroller and shall truly state in such form the particulars thereby required; and such form, when signed by the proper officer of Customs, shall be the clearance and authority for the exportation of such goods.

(4) No person in any aircraft leaving Malta shall carry or allow to be carried in the aircraft any goods the exportation of which is prohibited by any law for the time being in force in Malta.

6. No person shall, without the permission of the proper officer, unload from any aircraft any goods laden therein which have been cleared for exportation. Exportation of goods.

7. (1) It shall be permissible for an officer of customs at any time to enter upon and inspect the airport and all buildings and goods thereon. Inspection, records, etc.

(2) The commander of an aircraft shall permit an officer of customs at any time to board the aircraft and to inspect the aircraft and any goods laden therein and all documents relating to the aircraft or to goods or persons carried therein, and an officer shall have the right of access at any time to any place to which access is required for the purpose of such inspection.

(3) An aircraft shall not enter or leave Malta having any secret or disguised place adapted for concealing goods.

8. The commander of an aircraft shall enter in every document required by these regulations to be delivered full and true particulars in accordance with the requirements specified in that document. Documents.

9. Subject to such conditions or requirements as the Minister may impose, any of the duties imposed on the commander of an aircraft by these regulations may be carried out on his behalf by an authorized agent being a responsible person who represents, and is authorized in that behalf by, the owner or operator of the aircraft. Authorized agents.

10. In so far as it may be necessary to meet the circumstances of any special case or class of case, the Minister may modify the application of anything in these regulations, subject to such conditions as he may direct. Modifications by Minister.

11. (1) The provisions of the Customs Ordinance and of regulations made thereunder, and of the Import Duties Act, in so far as they are applicable, shall apply to aircraft and to goods, mails and General provisions.
Cap. 37.
Cap. 337.

persons carried in or landed from them as they apply to ships and to goods, mails and persons carried in or landed from ships.

(2) The Comptroller may modify the form of any document prescribed by the above Acts, Ordinances and regulations so as to make such form applicable to aircraft or to goods carried therein.

(3) These regulations shall in no way affect any proceedings already taken before the coming into force of these regulations in so far as such proceedings were covered directly by the Import Duties Act and the Customs Ordinance.

Penalties.

12. Any person who contravenes or fails to comply with any of these regulations shall be liable, on conviction, to a fine (*multa*) not exceeding two hundred Maltese liri, unless such contravention, if committed in any other place outside the airport, would be liable to a higher punishment in terms of the Customs Ordinance, in which case such other higher punishment shall apply.