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CUSTOMS ACT
(CHAPTER 70)

CUSTOMS
(AMENDMENT)
REGULATIONS 2013

In exercise of the powers conferred by section 143(1) of the Customs Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Customs (Amendment) Regulations 2013 and shall come into operation on 2nd April 2013.

New Part XIVA

2. The Customs Regulations (Rg 2) are amended by inserting, immediately after regulation 112, the following Part:

“PART XIVA

REGISTRATION OF PERSONS
MAKING DECLARATION

Definitions of this Part

112A. In this Part —

“declarant” means an individual who is authorised by a declaring agent to do any act or thing for the purposes of the Act on behalf of the declaring agent (including where the declaring entity is concurrently registered as that declaring agent);

“declaring agent” means an entity making (through a declarant) an application under the Act to the Director-General for a permit, licence or any other document or form of approval on behalf of a declaring entity (including where the declaring entity is concurrently registered as that declaring agent);

“declaring entity” means any importer, exporter, consignor, consignee, licensee, manufacturer or other person who desires to obtain a permit, licence or any other document or form of approval for any purposes of the Act, the application for which involves a declaration being made;

“key personnel” means an individual whose particulars are registered with —

- (a) the Accounting and Corporate Regulatory Authority for the purposes of a registration of a business entity; or
- (b) the relevant Issuance Agency of the Unique Entity Number for the purposes of an application for a unique entity number.

Registration of persons making declaration

112B.—(1) The Director-General may register under this Part any person who is a declaring entity, declaring agent or declarant.

(2) Unless the Director-General allows in any particular case, no declaration may be made by a declarant for any purpose of the Act unless the declaring entity, and the declaring agent and the declarant, are registered by the Director-General under this Part prior to the making of the declaration.

(3) For the purposes of this Part —

- (a) a declaring entity who makes a declaration through a declarant may be registered concurrently as a declaring agent, or as a declaring agent and a declarant;
- (b) a declaring agent need only be registered once, but may act for any one or more declaring entities whose registration has not been suspended or revoked; and
- (c) a declarant may be registered more than once, with each registration in relation to a different declaring agent.

Register

112C.—(1) The Director-General may maintain a register in such form as he may determine containing the particulars

of declaring entities, declaring agents and declarants registered under this Part.

(2) Any person applying for registration under this Part shall provide the Director-General with all information and assistance that the Director-General may require for the purpose of registering the person.

Persons registered to be fit and proper persons

112D.—(1) The Director-General shall not register any person as a declaring entity, a declaring agent or a declarant under this Part unless the Director-General is satisfied that the person is a fit and proper person to be so registered.

(2) Where the Director-General is satisfied that the person is a fit and proper person to be registered under this Part, the Director-General shall cause the particulars of that person to be entered in the register.

(3) For the purposes of paragraph (1) and subject to paragraph (4), the Director-General shall, in determining whether a person is a fit and proper person to be registered as a declaring entity, a declaring agent or a declarant, take into account all relevant facts or matters, including but not limited to the following:

- (a) whether the person has contravened, or is reasonably suspected of having contravened, any provision of the Act, or has breached any condition imposed on him under regulation 112F(1);
- (b) in the case of a person other than an individual, whether any key personnel of the person is not a fit and proper person;
- (c) in the case of an individual applying to register as a declarant, whether he possesses the requisite knowledge in the roles and responsibilities of a declarant or the practical experience in making declarations under the Act.

(4) An individual applying to register as a declarant shall be deemed not to be a fit and proper person if the declaring agent in relation to whom he is to be registered is not a fit and proper person.