

OBJECTS AND REASONS

This Bill would make provision for the pre-clearance of certain passengers and goods for entry into Barbados for the purposes of immigration, customs, public health, food inspection and plant and animal health during the ICC Cricket World Cup West Indies 2007.

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BARBADOS

A Bill entitled

An Act to make provision for the pre-clearance of certain passengers and goods for entry into Barbados for the purposes of immigration, customs, public health, food inspection and plant and animal health during the ICC Cricket World Cup West Indies 2007.

ENACTED by the Parliament of Barbados as follows:

PART I

Preliminary

1. This Act may be cited as the *Pre-Clearance (ICC Cricket World Cup West Indies 2007) Act, 2006*. Short title.

Interpreta-
tion.

2. In this Act,

"customs officer" means the Comptroller of Customs and any person in the public service who is employed whether on a whole-time or part-time basis, in the Customs and Excise Department;

"CWC 2007" means the ICC Cricket World Cup West Indies 2007;

"CWC 2007 Inc." means ICC Cricket World Cup West Indies 2007 Inc., a company incorporated in the territory of the British Virgin Islands, or its authorised representatives;

"Destination State" means the State to which a flight is to depart;

"GCC" means Global Cricket Corporation Pte Limited, a company incorporated in Singapore;

"goods" includes baggage, livestock, merchandise, money and stores;

"ICC" means the International Cricket Council, a company limited by guarantee and incorporated in the territory of the British Virgin Islands;

"IDI" means ICC Development (International) Limited, a company incorporated under the laws of the British Virgin Islands;

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"immigration officer" means a person appointed as such under section 25(1) of the *Immigration Act*, and includes the Chief Immigration Officer;

"local officer" means the competent officer for Barbados for the purposes of immigration, customs, public health, food inspection or plant or animal health, in Barbados;

"Minister" means the Minister responsible for Immigration;

"Originating State" means the State from which the flight is to depart;

"pre-clearance" means the procedure whereby the competent authority of the Destination State conducts, in the Originating State, inspection of passengers, goods and aircraft crew required by the Destination State pre-clearance laws for entry into the Destination State;

"pre-clearance area" means an area designated by the Minister under section 5;

"pre-clearance laws" means the laws of a Specified State with respect to the admission of a person to a Specified State or the importation of goods into that State;

"pre-clearance officer" means a person authorised by a Specified State to perform pre-clearance duties in Barbados for the purposes of the admission of a person to a Specified State or the importation of goods into that State;

"prescribed passenger" means a person specified in the *First Schedule*; First
Schedule.

"Specified State" means a State with which Barbados has a bi-lateral agreement with respect to pre-clearance, and which is specified by the Minister by Order; and

"WICB" means the West Indies Cricket Board Inc., a company incorporated in the territory of the British Virgin Islands.

PART II

Administration of pre-clearance laws

3. Pre-clearance laws may be administered in Barbados in a pre-clearance area with respect to Pre-
clearance
laws.

- (a) a prescribed passenger seeking admission to a Specified State; and
- (b) goods to be imported into a Specified State by a prescribed passenger.

PART III

Pre-clearance and intransit areas

Pre-clearance areas.

4. The Minister may designate by Order

- (a) any area as a pre-clearance area where pre-clearance officers may pre-clear prescribed passengers and their goods for entry into a Specified State;
- (b) all or part of a pre-clearance area as an "intransit area" for the pre-clearance of prescribed passengers and their goods that are intransit through Barbados by air to a Specified State.

Access to pre-clearance area.

5. (1) A person who is not

- (a) a prescribed passenger destined for a Specified State; or
- (b) a person, or a member of a category of persons, specified in the *Second Schedule*,

Second Schedule.

shall not enter a pre-clearance area.

(2) A person, other than a person specified in the *Second Schedule*, who enters a pre-clearance area shall report to a pre-clearance officer without delay.

(3) A pre-clearance officer may order a person, other than a person specified in the *Second Schedule*, who is in a pre-clearance area to report to him or to leave the area.

(4) A person ordered to leave a pre-clearance area under subsection (3) shall report without delay to an immigration officer and a customs officer for examination.

(5) A person who

- (a) enters a pre-clearance area when not authorised to do so; or

(b) fails to comply with subsection (2) or (4),

is guilty of an offence and is liable on summary conviction to a fine of [\$5 000].

6. (1) A prescribed passenger intending to travel to a Specified State through an intransit area, shall report without delay on arrival in Barbados to a pre-clearance officer at the intransit area. Arrival in intransit area.

(2) A pre-clearance officer may defer clearance of any prescribed passenger who fails to report to a pre-clearance officer in accordance with subsection (1).

7. (1) Subject to subsection (2), a prescribed passenger may, at any stage of the pre-clearance process, leave the pre-clearance area without departing for a Specified State. Right to leave pre-clearance area.

(2) Subsection (1) does not apply where a pre-clearance officer informs a passenger that the officer suspects on reasonable grounds that the passenger has committed an offence under section 11 or 12.

(3) A prescribed passenger, whether travelling from Barbados or intransit through Barbados, who leaves a pre-clearance area without departing immediately for a Specified State is subject to the laws of Barbados relating to the departure of persons and the exportation of goods from Barbados.

PART IV

Powers of pre-clearance officers

8. (1) A pre-clearance officer may exercise the powers and perform the duties under this Act only in a pre-clearance area. Powers of pre-clearance officer.

(2) Notwithstanding subsection (1), a pre-clearance officer may, outside a pre-clearance area, examine any prescribed passenger who is subject to pre-clearance, and any goods to be loaded onto an aircraft.

(3) After the examination described in subsection (2), the pre-clearance officer may request that a prescribed passenger or the goods of that prescribed passenger be sent to a pre-clearance area to be dealt with in accordance with this Act.

Assistance
of local
officer.

9. A pre-clearance officer may request a local officer to assist in exercising the powers of search, examination, seizure and detention conferred on the pre-clearance officer under the pre-clearance laws, and the local officer is authorised to exercise those powers.

Deferral or
refusal of
clearance.

10. (1) A pre-clearance officer may defer clearance onwards to a Specified State of any prescribed passenger or of any goods.

(2) Where clearance is deferred under subsection (1), the laws of Barbados relating to the departure of persons or the exportation of goods from Barbados shall apply.

(3) Where a prescribed passenger, does not satisfy a pre-clearance officer that

(a) he can be admitted to; or

(b) his goods can be imported into,

a Specified State in accordance with pre-clearance laws, the officer may refuse to pre-clear the prescribed passenger or the goods.

(4) Where clearance is refused under subsection (3), the competent pre-clearance officer shall immediately inform the competent local officer of the refusal and supply all data relevant to that decision.

PART V

Offences and punishment

11. (1) A person who makes an oral or written statement to a pre-clearance officer with respect to the pre-clearance of that person or any goods for entry into a Specified State that the person knows to be false or deceptive or to contain information that the person knows is false or deceptive is guilty of an offence and is liable on summary conviction to a fine of [\$10 000].

False or
deceptive
statements.

(2) A complaint for an offence under subsection (1) may be made at anytime.

12. A person who resists or wilfully obstructs

Obstruction
of officer.

(a) a pre-clearance officer or a local officer in the execution of the officer's duty; or

(b) any person lawfully acting in aid of the pre-clearance or local officer,

is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for 12 months.

PART VI

Civil liability and immunity

13. (1) No action or other proceeding of a civil nature may be brought against a pre-clearance officer in respect of anything that is done or omitted to be done in good faith by the officer under this Act.

Immunity
from suit.

(2) For the purposes of this section, the term "pre-clearance officer" includes any person who assists a pre-clearance officer at the officer's request, but does not include a local officer.

Decisions
not
reviewable.

14. The decision of a pre-clearance officer to refuse pre-clearance, or to refuse the admission of person to or the importation of goods into the Specified State is not subject to judicial review in Barbados.

PART VII

Miscellaneous

Amend-
ment of
Schedules.

15. The Minister may by order amend any *Schedule* to this Act.

Expiry of
Act.

16. This Act expires on the 15th day of May 2007.

FIRST SCHEDULE

(Section 2)

Prescribed Passengers

The following persons are prescribed passengers for the purposes of this Act:

- (a) members of participating teams as determined by IDI;
- (b) officials, staff and advisers of CWC 2007 Inc., WICB, ICC, IDI and GCC;
- (c) sponsors appointed by GCC and approved by IDI in relation to CWC 2007;
- (d) suppliers of products or services appointed as such for CWC 2007 by CWC 2007 Inc. or GCC;
- (e) umpires and match referees appointed as such for CWC 2007;
- (f) members of the media accredited as such by GCC and approved by IDI in relation to CWC 2007;
- (g) aircraft crew members;
- (h) spouses and dependants of persons mentioned in paragraphs (a) to (f);
- (i) those persons not listed in paragraphs (a) to (f) but who are listed in the *First Schedule to the ICC Cricket World Cup West Indies 2007 Act, 2006*; Act 2006-19.
- (j) any other persons who are entitled to enter Barbados during the period 15th January, 2007 to 15th May, 2007, and who have been pre-cleared before entry into Barbados.

SECOND SCHEDULE

(Section 5)

Persons and Categories of Persons who are Permitted to Enter
a Pre-clearance Area

For the purposes of section 5(1)(b), the following persons and categories of persons may enter a pre-clearance area:

- (a) a person who is
 - (i) required to enter the pre-clearance area to perform functions of their employment; and
 - (ii) the holder of a valid restricted area pass that permits the holder to enter a pre-clearance area at the airport.
- (b) a person who is required to enter the pre-clearance area in order to perform maintenance or repair of the airport facilities or provide emergency services at the airport;
- (c) any other person who
 - (i) has permission from the Chief Executive Officer of the Grantley Adams International Airport Inc. to enter the pre-clearance area; or
 - (ii) is the holder of a valid restricted area pass for the airport and has a legitimate requirement to enter the pre-clearance area at the time in question.