

No. 2 of 2008.

Customs (2009 Budget Amendment) Act 2008.

Certified on: 12.05.09



No: of 2008.

Customs (2009 Budget Amendment) Act 2008.

ARRANGEMENT OF SECTIONS.

1. Forfeited Ships and Aircrafts (Amendment of Section 145).
2. Smuggling (Amendment of Section 149).



No. of 2008.

AN ACT

entitled

Customs (2009 Budget Amendment) Act 2008,

Being an Act to amend the *Customs Act* (Chapter 101),

MADE by the National Parliament to come into operation on 1 January 2009.

1. FORFEITED SHIPS AND AIRCRAFTS (AMENDMENT OF SECTION 145).

Section 145 of the Principal Act is amended -

(a) in Subsection (1) -

- (i) by repealing the figure "250" and replacing it with -
"500"; and
- (ii) by repealing from Paragraph (b) the words "three nautical miles" and replacing them with -
"twelve nautical miles"; and
- (iii) by repealing from Paragraph (c) the words "three nautical miles" and replacing them with -
"twelve nautical miles"; and
- (iv) by repealing from Paragraph (f) the words "three nautical miles" and replacing them with -
"twelve nautical miles"; and

(b) by repealing Subsection (2) and replacing it with the following: -

"(2) The owner of a ship exceeding 500 tons registered tonnage that would be forfeited if the ship did not exceed 500 tons registered tonnage is liable, subject to Sections 163, 164 and 165, to a penalty of a fine not less than K100,000.00 and not exceeding K500,000.00 and the ship may be detained until -

- (a) the penalty is paid; or
- (b) security is given for its payment."

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2. SMUGGLING (AMENDMENT OF SECTION 149).

Section 149 of the Principal Act is amended by inserting after Subsection (5) the following new subsection:-

“(6) In addition to any penalty imposed by the Court under Subsection (5) in respect of smuggled goods other than goods that are narcotic drugs, the Court may order the person convicted to pay to the Commissioner General the amount of customs duties that would otherwise have been avoided plus a sum not exceeding three times the value of the smuggled goods.”

I hereby certify that the above is a fair print of the *Customs (2009 Budget Amendment) Act 2008*, which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Customs (2009 Budget Amendment) Act 2008* was made by the National Parliament on 26 November 2008.

Speaker of the National Parliament