



GOVERNMENT OF BERMUDA
MINISTRY OF FINANCE

PATI Information Statement

Name of Public Authority: Customs Department

Introduction:

The Public Access to Information 2010 (PATI) legislation was designed to make central Government, and the larger public sector, more open and accountable by giving the public the legally enforceable right to request and access information subject to limited and prescribed exemptions. Each public authority is required to produce an information statement that gives the public an overview of the types of information accessible through the public authority. This information statement provides information on the functions and services of the Customs Department and the classes of records held. Brief summaries of our administrative manuals, policies, rules, and guidelines are also provided.

Section A: Structure, Organization and Legislation [s5(1)a]

The Customs Department is, subject to the general or special directions and control of the Minister of Finance, under the supervision of the Collector of Customs and consists of three Assistant Collectors of Customs and customs officer posts of the following ranks:

- Principal Customs Officer
- Senior Customs Officer
- Customs Officer
- Trainee Customs Officer

Where any member of the Department is appointed to be an Immigration Officer or a Health Officer pursuant to section 6 of the Customs Department Act 1952 he or she shall, to the extent authorized by the Collector of Customs, comply with the directions and instructions of the Minister responsible for immigration and the Chief Immigration Officer or, as the case may be, the Minister responsible for health and the Chief Medical Officer in relation to matters falling within the control of those authorities.

Where any member of the Department is acting in relation to any prohibition or restriction on the importation or exportation of goods, he shall, to the extent authorised by the Collector of Customs, comply with the directions and instructions of the Minister responsible for national security.

The Customs Department also includes a Financial Controller and the following administrative posts:

- Systems Administrator
- Administrative Assistant
- Administrative officer

- Financial Administrator
- Processing Supervisor
- Payroll Administrator
- Accounts Assistant
- Receptionist/Clerk
- Data input clerk
- Cashier

See Annex I for Customs Department organizational chart

Principal Legislation:

The Customs Department Act 1952
 The Revenue Act 1898
 The Customs Tariff Act 1970

See Annex II for a more comprehensive list of customs related law

Section B: I) Functions, powers, duties of the Authority [s5(1)b]

Key functions:

- Inward and outward clearance of ships and aircraft
- Collection and protection of duty revenue
- Interdiction of restricted and prohibited goods
- Anti money laundering and combating financing of terrorism activities

Powers:

Customs officers may search ships, aircraft, persons and goods, and for that purpose may enter (using reasonable force if necessary) any warehouse or other place in a customs area and any wharf, dock or landing place wherever situated.

Methodology:

In carrying out its functions the Customs Department uses a trade compliance risk management process. The risk management process is designed to target importers who are likely to be non-compliant and enables the Customs Department to direct available resources to those targets. The risk management process involves four basic steps –

1. Collection of data and information
2. Analysis and assessment of risks
3. Prescribing appropriate action
4. Tracking and reporting

Mission statement:

Our mission is to promote compliance with Bermuda's customs laws through quality service and responsible enforcement, thereby contributing to the economic and social stability of our community.

Our Mandate is to:

- Facilitate legitimate trade;
- Assess and collect revenue: and
- Interdict drugs and other contraband.

In carrying out our Mandate we will:

- Encourage and promote voluntary compliance;
- Communicate and co-operate with our clients and stakeholders;
- Adhere to high standards of integrity and professionalism; and
- Treat the public and each other with respect.

Reporting framework:

The Customs Department feeds import trade data directly from the Customs Automated processing system into the Government financial information management system in real time.

The Customs Department also forward import trade data to the Department of Statistics on a monthly basis.

Section B: 2) Obligations under PATI Act [s5(1)b]

To provide an **information statement** for the public and promulgate it [s5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - General information, e.g. activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s6(5)]
 - Contracts valued at \$50,000 or more.
- To **respond to information requests** in a timely manner [s12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s9]
- To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
- To conduct an **internal review** if formally requested [part 5]
- To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests [s58 (3)].
- **To do anything else as required** under the PATI Act and subsequent Regulations [s59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
- To **designate one of its officers** to be the person to whom requests are directed [s62]

Section C: Services and Programmes [s5(1)c]

Services:

Operations:

- Investigations/Audit – Customs compliance audit of trader records and investigation of suspected customs fraud.
- Commercial Operations – validation, review and processing of goods declarations.
- Marine Operations – Inward and outward clearance of vessels, their passengers and crew
- Traveller Operations – Immigration Primary function as well as search of aircraft and targeting of travellers and their baggage for examination/search for the purpose of protecting the revenue, combating money laundering and financing of terrorism and interdiction of import and export prohibitions and restrictions.
- Enforcement operations – Search of vessels and targeting of goods for examination/search for the purpose of protecting the revenue, combating money laundering and financing of terrorism and interdiction of import and export prohibitions and restrictions.
- Administration of wreck.

Customs supervision:

- Attendance of officers outside of customs areas and outside of normal working hours
- Supervision of containers
- Supervision of courier packages
- Supervision of customs Areas
- Supervision of Queen's Warehouses
- Supervision of Bonded warehouses
- Service to ships/pratique
- Stamping services - application of customs stamps, seals, certificates and other forms of certification or identification provided by the Department.

Cost of services set out in the Government Fees Regulations 1976.

Programmes:

- Simplified procedures programme:
 - Duty deferral
 - Local Inland Clearance
 - Simplified Prior Declaration
- Duty relief programme:
 - End-use relief
 - Temporary importation relief
 - Outlying duty relief
 - Diplomatic
 - Preferential
 - Economic development

Projects:

- Customs automation project
- Customs Tariff Act project
- Revenue Act Project
- Cash declarations project
- Customs areas project

Section D: Records and documents held [s5(1)d]

Legislation:

- Schedules to the Customs Tariff Act 1970:
 - 1st Schedule – Bermuda Nomenclature and Import Duties
 - 2nd Schedule – Export Duties
 - 3rd Schedule – Goods not subject to refund or drawback of duty
 - 4th Schedule – Drawback in relation to imported goods incorporated in goods manufactured in Bermuda
 - 5th Schedule – End-Use Relief
 - 6th Schedule – Temporary Importation Relief
 - 7th Schedule – Relief for Miscellaneous Goods
 - 8th Schedule Goods exempt from duty in lieu of wharfage
- Legislative amendments working files
- Ministerial legislative briefs

Maps of Customs Areas:

- Promulgated 1989
- Promulgated 1997

Customs declarations:

- Bermuda Customs Declarations
- Customs Traveller Declarations
- Vessel reports
- Aircraft declarations
- Supporting documentation:
 - Invoices
 - Crew, passenger and cargo manifests
 - Bills of lading/airwaybills

Publications:

- Collector's notices
- Press releases
- Public Notices:
 - Annual Bermuda Customs Tariff
 - Public Notice 5 - SF-BCD Guidelines
 - Public Notice 12 - Electronic Submission

- Public Notice 15 - Customs Reviews and Appeals
- Public Notice 17 - Main Body
- Public Notice 17 - Supplemental 1 - BCD Type Imports
- Public Notice 17 - Supplemental 2 - BCD Type Pro Formas
- Public Notice 17 - Supplemental 3 - BCD Type Deposits
- Public Notice 17 - Supplemental 4 - BCD Type Adjustments
- Public Notice 17 - Supplemental 5 - BCD Type Exports
- Public Notice 17 - Supplemental 6 - BCD Type Temporary Imports
- Public Notice 17 - Appendix A- Field Completion
- Public Notice 17 - Appendix B - Aggregation & Calculation of Values
- Public Notice 20 - Civil penalties, Forfeiture and Restoration
- Public Notice 21 - Simplified Tariff for Post Office and Courier
- Public Notice 25 - Standing Authorization
- Public Notice 26 - Customs Duty Relief Hotels (Temporary Customs Duty Relief)
- Public Notice 27 - Clearance of LCL Containers
- Public Notice 28 - Transfer of Residence Allowance
- Public Notice 29 - Customs Retail Shops Duty Relief
- Public Notice 31 - Customs Duty Deferment: Goods for Retail Sale
- Public Notice 32 - King Edward VII Memorial Hospital Redevelopment Project

- Information leaflets
 - 35th America's Cup – Customs Clearance Kit
 - Clearing Customs
 - Customs Traveller Declaration – Instructions
 - Complaints Against Customs
 - BCD Codes
 - Refund procedure

Staff Guidance and Information:

- Departmental Books of Guidance
 - Reviews and Appeals
 - Search of Person
 - Employee Handbook
 - Code of Personal Appearance
 - Collector's Directives
- Internal bulletins/circulars
 - Float file
 - Interdiction and Intelligence bulletin
 - Weekly newsletters
- Policy statements
 - Communication policy
 - Weekly Exchange Rate Policy

MOUs - various

Industry Meeting Presentations - various

Reports:

- Monthly activity reports by section
- Search/Detention Reports

Databases:

- Trader registration database
- Customs Automated Processing System (CAPS) databases

Other:

- Departmental Business Plan
- Departmental Change Deliverables
- Employee records
- Departmental financial records
- Miscellaneous correspondence

Section E: Administration (all public access) manuals [s5(1)e]

Public access manuals:

- Employee Handbook
- Code of Personal Appearance

Section F: Decision-making documents [s5(1)f]

Penalty Assessment Guidelines

Section G: The information officer [s5(1)g]

Please forward request to customs@gov.bm
Custom House
40 Front Street
Hamilton HM 12

Section H: Any Other Information [s5(1)h]

Customs notices and other information and guidance is posted on the Customs Department website www.customs.gov.bm

Section I: Any Other Information To be Provided? [s5(1)i]

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Date Information Statement was updated: 3RD April 2017

Locations of Information Statement:

- Custom House Reception Area, 40 Front Street, Hamilton (8:30AM to 5:00PM)
- The Bermuda National Library
- The Bermuda Archives
- Available electronically
- Website for public authority (www.customs.gov.bm)
- The Information Commissioner

Sign and Date: 3rd April 2017



Lucinda Pearman Collector of Customs