THE PROCESS FLOW

PRE-ARRIVAL PROCESSES

UCR
Unique Consignment Reference

IDF
Import Declaration Form

MDA
Ministries Department & Agencies

CCVR
CUSTOMS CLASSIFICATION & VALUATION REPORT

YES

NO

MDA?
Require MDA?

DECLARATION

BANK

GREEN

YELLOW

RED

EXAMINATION
[JMIS]

CRMS

TERMINAL PROCESSES

SHIPPING LINE PROCESSES

GATEOUT PROCESSES

CLEARED?

CAUSE & EFFECT
OUR TAKE

THE COUNT!

1 “Day After Discharge”

“Example
For a 40' reefer container that is discharged on April, 5 and returned empty to the terminal on April,12 demurrage will be USD 600 (3 days at USD 200 per day - total time is 8 days from day after discharge to date of empty return and 5 days free-time is applied).”

AN EXTRACT FROM MAERSK LINE WEBSITE
[emphasis mine]
2 “...Days After Final Discharge”

Customs Act, 2015 (Act 891)

• Section 53 (1) (a) – Deposit of goods in State warehouse
  “Where goods imported are not delivered from a customs controlled area
  (a) Within seven days after final discharge, or...

• Section 59 (1) – Forfeiture of overstayed motor vehicles
  “A person who imports a motor vehicle into the country and does not enter and clear the motor vehicle within sixty days after final discharge of the ship or aircraft or in the case of a motor vehicle imported over land the date on which it crossed the national borders into the country shall forfeit the motor vehicle to the state”
3 What Saith our Law?

Interpretation Act, 2009 (Act 792)

• Section 44 (3)  
  “Where in an enactment a period of time is expressed to be reckoned from or after a particular day, that day shall not be included in the period”

4 How about Weekends and Public Holidays?

• Section 44 (5)  
  “Where the time limited by an enactment for the doing of a thing expires or falls on Saturday, Sunday or a Public Holiday, the time shall extend to and the thing may be done on, the first following day that is not a Saturday, Sunday or a Public Holiday”
In Summary

- Clearly the players in this Game of Demurrage have been identified
- We are not Alien to the Process Flow
- We know the Difficult Zones and dare say that we know the Answers
- We have teased out some Legal Positions with our lay appreciation of the Law
- AGI and likes, you are business, you pay the bills we get to pay eventually but this is your call; lets see what happens next!
THANK YOU!!!