

Customs Act

Customs Controlled Area Sections

Designation of customs controlled areas

11.2 (1) The Minister may designate an area as a customs controlled area for the purposes of this section and sections 11.3 to 11.5 and 99.2 and 99.3.

Amendment, etc. of designation

(2) The Minister may amend, cancel or reinstate at any time a designation made under this section.
2001, c. 25, s. 11.

Entry prohibited

11.3 No owner or operator of a facility where a customs controlled area is located shall grant or allow to be granted access to the customs controlled area to any person unless the person

- (a) has been authorized by the Minister in accordance with regulations made under section 11.5; or
- (b) is a prescribed person or a member of a prescribed class of persons.

2001, c. 25, s. 11.

Presentation and reporting

11.4 (1) Subject to subsection (2), every person leaving a customs controlled area, other than for the purpose of boarding a flight with a destination outside Canada, shall

- (a) present himself or herself in the prescribed manner to an officer and identify himself or herself;
- (b) report in the prescribed manner and make available to the officer any goods that he or she has acquired through any means while in the customs controlled area; and
- (c) answer truthfully any questions asked by an officer in the performance of his or her duties under this or any other Act of Parliament.

Non-application of subsection (1)

(2) Subsection (1) does not apply to

- (a) persons who are required to present themselves under section 11 or report goods under section 12; or
- (b) prescribed persons or members of prescribed classes of persons in prescribed circumstances.

2001, c. 25, s. 11.

Regulations

11.5 The Governor in Council may make regulations

- (a) respecting the authorization of persons under paragraph 11.3(a);
- (b) prescribing persons or classes of persons who may be granted access under paragraph 11.3(b);
- (c) respecting the circumstances in which an authorization under paragraph 11.3(a) may be amended, suspended, renewed, cancelled or reinstated;
- (d) respecting the manner in which a person must present himself or herself under paragraph 11.4(1)(a) and report goods under paragraph 11.4(1)(b); and
- (e) prescribing for the purposes of paragraph 11.4(2)(b) persons or classes of persons who are exempt from the requirements imposed by subsection 11.4(1) and the circumstances in which they are exempted.

2001, c. 25, s. 11.

Search of persons

99.2 (1) An officer may search any person leaving a customs controlled area, other than a prescribed person or a member of a prescribed class of persons who may be searched under subsection (2), if the officer suspects on reasonable grounds that the person has secreted on or about their person anything in respect of which this Act or the regulations have been or might be contravened, anything that would afford evidence with respect to a contravention of this Act or the regulations or any goods the importation or exportation of which is prohibited, controlled or regulated under this or any other Act of Parliament.

Search of prescribed persons (2) An officer may, in accordance with the regulations, search any prescribed person or member of a prescribed class of persons leaving a customs controlled area.

Person taken before senior officer (3) An officer who is about to search a person under this section shall, on the request of the person, immediately take that person before the senior officer at the place where the search is to be conducted.

Review by senior officer (4) A senior officer before whom a person is taken by an officer shall, if the senior officer agrees with the officer that under subsection (1) or (2), as the case may be, the person may be searched, direct that the person be searched or, if the senior officer does not so agree, discharge the person.

Limitations on searches (5) No person may be searched by an officer who is not of the same sex and, if there is no officer of the same sex at the place at which the search is to be conducted, an officer may authorize any suitable person of the same sex to conduct the search.
2001, c. 25, s. 60.

Non-intrusive examination of goods **99.3** (1) An officer may, in accordance with the regulations and without individualized suspicion, conduct a non-intrusive examination of goods in the custody or possession of a person leaving a customs controlled area.

Other examination of goods (2) An officer may examine any goods in the custody or possession of a person leaving a customs controlled area and open or cause to be opened any baggage, package or container and take samples of the goods in reasonable amounts, if the officer suspects on reasonable grounds that this Act or any other Act of Parliament administered or enforced by the officer or any regulations made under it have been or might be contravened in respect of the goods.

Examination of abandoned goods (3) An officer may, at any time, open or cause to be opened, inspect and detain any baggage, package or container found abandoned in a customs controlled area.
2001, c. 25, s. 60.

Regulations **99.4** The Governor in Council may make regulations

- (a) prescribing persons or classes of persons who may be searched under subsection 99.2(2);
- (b) respecting, for the purposes of subsection 99.2(2), the circumstances and manner in which searches are to be conducted and the types of searches that may be conducted; and
- (c) respecting, for the purposes of subsection 99.3(1), the manner in which examinations are to be conducted and the machines, instruments, devices or other apparatuses or classes of machines, instruments, devices or apparatuses that may be used to conduct examinations.

2001, c. 25, s. 60.