



Ottawa, February 26, 2010

CUSTOMS NOTICE 10-002

Key Changes to the Administrative Monetary Penalty System (AMPS) Regime as a Result of the AMPS Fundamental Review

1. The purpose of this notice is to explain the key changes to the AMPS regime as a result of the AMPS Review.
2. Essentially, penalty amounts have changed, however the way regions assess penalties will not change in 2010 as the identified changes will all be automated. Contravention code numbers will remain as they are today until the full collapsing of all contraventions is implemented in 2011-2012.
3. The implementation of the revised penalty system will occur in phases.

Phase I – April 2010

4. Phase I will include:
 - (a) Changes to the penalty amounts and structures, including the elimination of most of the percentage of the value for duty penalties, which will be replaced with graduated or flat penalty amounts;
 - (b) A **30-day delay in the escalation of penalty levels** from the first to the second for low and medium risk contraventions. Should a second Notice of Penalty Assessment (NPA) with the same contravention be issued against the same client, the system will not escalate the penalty level for some contraventions to level two unless 30 days have transpired from when the first NPA was issued or the infraction occurred. The non-escalation requirement will apply from the first to second level only: it will not apply from the second to third level and will be automated in the ICS. The contraventions to which the 30-day non-escalation will apply are: C004, C005, C010, C011, C044, C058, C071, C084 to C151, C192, C207, C208, and C342;
 - (c) Updates to legislative references and penalty basis in the Master Penalty Document;
 - (d) Deletion of contraventions C022, C236, C239, C245, C285, C289, C293, C344, C347, C361, C362 and C367 and creation of new penalties C371 and C372;
 - (e) Maintaining the guidelines solely on CBSA's Web site to facilitate their updates;

(f) Improving accessibility to the AMPS Corrections Process by manually adding issuing office fax number on the Notice of Penalty Assessment, and

(g) Reinstating regional review committees (RRC) to ensure penalties are issued correctly and consistently. In the post-release environment, RRCs will review all penalties before they are issued to the client. In the border environment, superintendants review all penalties before they are issued and RRCs will review all issued penalties on a quarterly basis based on a sampling methodology to identify policy clarification and training needs.

Phase II – October 2010

5. Phase II will include:
 - (a) Collapsing of Marking Contraventions from 68 to 1;
 - (b) Adding C008 and C372 to the list of penalties subject to the 30-day non-escalation;
 - (c) Adding a note on the Penalty Reduction Agreement (PRA) policy to the Notice of Penalty Assessment;
 - (d) Deleting contraventions C316, C341 and C360 from the automated system;
 - (e) Updating the contraventions text wording to make them more generic, as per legal advice, for example, from "Person failed" to "Failing to";
 - (f) Enhancing system-related functionality to make it more user friendly;
 - (g) Enhancing the "Search Keywords" feature;
 - (h) Enhancing the search for "Client Contravention History";
 - (i) Embedding a hyperlink from the "Issuing Officer's Report" and the "Reasons" screens to Microsoft Word for spell-check;
 - (j) Embedding a hyperlink from the AMPS system to the web site to directly view the contraventions guidelines; and
 - (k) Programming a field in the automated system to the Notice of Penalty Assessment for the issuing office fax number.

Phase III – 2011-2012

6. Phase III includes full programming of collapsed contraventions into logical regroupings to be completed by the Information, Science and Technology Branch in 2011-12.

7. Inquiries and comments about this notice should be directed to:

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