

BILL NO. 6 OF 2020

A BILL

FOR AN ACT TO AMEND THE CUSTOMS ACT 1986

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Customs (COVID-19 Response) (Amendment) Act 2020.

(2) This Act comes into force on 1 April 2020.

Section 52 amended

2. The Customs Act 1986 is amended by deleting section 52 and substituting the following—

“Period of warehousing

52.—(1) If the owner does not lawfully remove any goods which have been deposited in a bonded warehouse within 12 months from the date the goods were deposited, the Comptroller may, after giving one month’s notice of his or her intention to do so to the owner, proceed to sell the goods in the prescribed manner or otherwise dispose of the goods, and the proceeds of any sale of the goods shall be dealt with in accordance with section 63.

(2) For the purposes of subsection (1), the Comptroller may allow any goods deposited in a bonded warehouse to be re-warehoused by the owner for a further period determined by the Comptroller.

(3) If the owner does not lawfully remove the goods deposited in a bonded warehouse within the extended period approved by the Comptroller in accordance with subsection (2), the Comptroller may, after giving one month's notice of his or her intention to do so to the owner, proceed to sell or dispose of the goods in accordance with subsection (1).”.

March 2020

CUSTOMS (COVID-19 RESPONSE) (AMENDMENT) BILL 2020

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Customs (COVID-19 Response) (Amendment) Bill 2020 (**'Bill'**) seeks to amend the Customs Act 1986 (**'Act'**).

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 April 2020.
- 2.2 Clause 2 of the Bill amends section 52 of the Act to provide clarity on the timelines and requirements in relation to deposited goods in bonded warehouses.
- 2.3 At the moment, the period of warehousing is 6 months with only certain goods being allowed an extension for a period of up to a further 6 months. The Bill will increase the period of warehousing from 6 to 12 months and will also allow the goods to be re-warehoused for a further extended period determined by the Comptroller. This will apply to all goods that are deposited in a bonded warehouse.
- 2.4 Given the current economic slowdown due to the coronavirus disease (COVID-19) pandemic, importers are facing difficulties in securing potential buyers or export markets for their goods and are therefore unable to clear the goods from their bonded warehouse within the stipulated timeframe.
- 2.5 This amendment assists importers with ease of doing business and allows them to make timely payments of duty within an extended timeframe, ensuring cash flow and allowing importers time to secure their business activity while continuing to comply with the requirements of the Act.

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3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for finance.

A. SAYED-KHAIYUM
Attorney-General