

BILL NO. 44 OF 2020

A BILL

FOR AN ACT TO AMEND THE CUSTOMS TARIFF 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 Tariff (Amendment) (No. 3) Act 2020.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Part 1 of Schedule 2 amended

2. Part 1 of Schedule 2 to the Customs Tariff Act 1986 is amended as specified in the table below, by deleting the duty rates in column 3 and substituting the new duty rates in column 4 for the following tariff items—

<i>Item No.</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
2106.10.00	3	“32%”	“Free”
6301.10.00	3	“32%”	“5%”
6301.20.00	3	“32%”	“5%”
8704.21.19	3	“5%”	“Free”
8716.31.10	3	“5%”	“Free”

December 2020

CUSTOMS TARIFF (AMENDMENT) (NO. 3) 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 Tariff (Budget Amendment) Bill 2020 was tabled in Parliament on 17 July 2020 as Bill No. 22 of 2020 to amend the Customs Tariff Act 1986 (**‘Act’**) and to address budgetary policy changes in the 2020-2021 Budget. The Customs Tariff (Budget Amendment) Bill 2020 was debated, voted upon and passed as the Customs Tariff (Budget Amendment) Act 2020 (**‘Act No. 21 of 2020’**) on 31 July 2020.
- 1.2 Since the enactment of Act No. 21 of 2020, 5 anomalies have been identified in relation to section 2. The 5 anomalies are a result of referencing, typesetting and printing errors.
- 1.3 The Customs Tariff (Amendment) (No. 3) Bill 2020 (**‘Bill’**) therefore seeks to rectify the anomalies in Act No. 21 of 2020.

2.0 PERTINENT FEATURES OF THE BILL

- 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 a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends Part 1 of Schedule 2 to the Act to rectify the anomalies in Act No. 21 of 2020.
- 2.3 The anomalies are outlined as follows:
 - (a) The tariff item 2106.10.10 that was referenced in Act No. 21 of 2020 does not exist. The correct tariff item is 2106.10.00, which is described as food preparations (protein concentrates and textured protein substances).

- (b) Act No. 21 of 2020 did not provide for an amendment to tariff item 6301.10.00 to change the fiscal duty rate for electric blankets from 32% to 5% as a result of typesetting and printing errors.
- (c) Act No. 21 of 2020 did not provide for an amendment to tariff item 6301.20.00 to change the fiscal duty rate for blankets (other than electric blankets) from 32% to 5% as a result of typesetting and printing errors.
- (d) The import excise duty rate for tariff item 8704.21.19 was incorrectly amended in Act No. 21 of 2020 from 5% to free as a result of typesetting and printing errors. Instead, it is the fiscal duty rate that should have been amended from 5% to free for used chassis fitted with engine and cabs with a cylinder capacity exceeding 2000cc for motor vehicles used for the transport of goods.
- (e) The tariff item 8716.31.00 that was referenced in Act No. 21 of 2020 does not exist. The correct tariff item is 8716.31.10, which is described as new tanker trailers and tanker semi-trailers.

2.4 Even though there are anomalies in Act No. 21 of 2020, in practice, the Fiji Revenue and Customs Service has applied the law as intended, and in accordance with the 2020-2021 Budget policy.

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General