

BILL NO. 32 OF 2022

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 (Budget Amendment) (No. 3) Act 2022.

(2) This Act comes into force on 16 July 2022.

(3) In this Act, the Customs Tariff Act 1986 is referred to as the “Principal Act”.

Part 1 of Schedule 2 amended

2. Part 1 of Schedule 2 to the Principal Act is amended by—

(a) deleting the duty rates appearing in the third column and substituting the new duty rates in the fourth column specified in the table below for the following tariff items—

<i>Tariff Items</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
8701.24.10	5	“9%”	“Free”
8701.24.90	5	“9%”	“Free”

<i>Tariff Items</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
8702.40.11	5	“9%”	“Free”
8702.40.12	5	“9%”	“Free”
8702.40.19	5	“9%”	“Free”
8702.40.21	5	“9%”	“Free”
8702.40.22	5	“9%”	“Free”
8702.40.29	5	“9%”	“Free”
8703.21.20	4	“Free”	“5%”
8703.21.30	3	“15% or \$888 per unit whichever is the greater”	“15% or \$1,888 per unit whichever is the greater”
8703.21.40	4	“Free”	“5%”
8703.21.50	3	“15% or \$1,750 per unit whichever is the greater”	“15% or \$2,750 per unit whichever is greater”
8703.21.60	4	“Free”	“5%”
8703.21.90	3	“15% or \$1,750 per unit whichever is the greater”	“15% or \$2,750 per unit whichever is greater”
8703.22.20	4	“Free”	“5%”
8703.22.30	3	“15% or \$1,338 per unit whichever is the greater”	“15% or \$2,338 per unit whichever is greater”
8703.22.40	4	“Free”	“5%”
8703.22.50	3	“15% or \$2,875 per unit whichever is the greater”	“15% or \$3,875 per unit whichever is the greater”
8703.22.60	4	“Free”	“5%”
8703.22.90	3	“15% or \$2,875 per unit whichever is the greater”	“15% or \$3,875 per unit whichever is the greater”
8703.23.12	4	“Free”	“5%”
8703.23.13	3	“15% or \$2,288 per unit whichever is the greater”	“15% or \$3,288 per unit whichever is the greater”
8703.23.14	4	“Free”	“5%”
8703.23.15	3	“15% or \$4,000 per unit whichever is the greater”	“15% or \$5,000 per unit whichever is the greater”
8703.23.16	4	“Free”	“5%”
8703.23.19	3	“15% or \$4,000 per unit whichever is the greater”	“15% or \$5,000 per unit whichever is the greater”

<i>Tariff Items</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
8703.23.22	4	“Free”	“5%”
8703.23.23	3	“15% or \$2,288 per unit whichever is the greater”	“15% or \$3,288 per unit whichever is the greater”
8703.23.24	4	“Free”	“5%”
8703.23.25	3	“15% or \$5,750 per unit whichever is the greater”	“15% or \$6,750 per unit whichever is the greater”
8703.23.26	4	“Free”	“5%”
8703.23.29	3	“15% or \$5,750 per unit whichever is the greater”	“15% or \$6,750 per unit whichever is the greater”
8703.24.20	4	“Free”	“5%”
8703.24.30	3	“15% or \$3,250 per unit whichever is the greater”	“15% or \$4,250 per unit whichever is the greater”
8703.24.40	4	“Free”	“5%”
8703.24.50	3	“15% or \$7,125 per unit whichever is the greater”	“15% or \$8,125 per unit whichever is the greater”
8703.24.60	4	“Free”	“5%”
8703.24.90	3	“15% or \$7,125 per unit whichever is the greater”	“15% or \$8,125 per unit whichever is the greater”
8703.31.20	4	“Free”	“5%”
8703.31.30	3	“15% or \$1,338 per unit whichever is the greater”	“15% or \$2,338 per unit whichever is the greater”
8703.31.40	4	“Free”	“5%”
8703.31.50	3	“15% or \$2,875 per unit whichever is the greater”	“15% or \$3,875 per unit whichever is the greater”
8703.31.60	4	“Free”	“5%”
8703.31.90	3	“15% or \$2,875 per unit whichever is the greater”	“15% or \$3,875 per unit whichever is the greater”
8703.32.20	4	“Free”	“5%”
8703.32.30	3	“15% or \$2,288 per unit whichever is the greater”	“15% or \$3,288 per unit whichever is the greater”
8703.32.40	4	“Free”	“5%”
8703.32.50	3	“15% or \$4,000 per unit whichever is the greater”	“15% or \$5,000 per unit whichever is the greater”
8703.32.60	4	“Free”	“5%”

<i>Tariff Items</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
8703.32.90	3	“15% or \$4,000 per unit whichever is the greater”	“15% or \$5,000 per unit whichever is the greater”
8703.33.12	4	“Free”	“5%”
8703.33.13	3	“15% or \$2,288 per unit whichever is the greater”	“15% or \$3,288 per unit whichever is the greater”
8703.33.14	4	“Free”	“5%”
8703.33.15	3	“15% or \$5,750 per unit whichever is the greater”	“15% or \$6,750 per unit whichever is the greater”
8703.33.16	4	“Free”	“5%”
8703.33.19	3	“15% or \$5,750 per unit whichever is the greater”	“15% or \$6,750 per unit whichever is the greater”
8703.33.22	4	“Free”	“5%”
8703.33.23	3	“15% or \$3,250 per unit whichever is the greater”	“15% or \$4,250 per unit whichever is the greater”
8703.33.24	4	“Free”	“5%”
8703.33.25	3	“15% or \$7,125 per unit whichever is the greater”	“15% or \$8,125 per unit whichever is the greater”
8703.33.26	4	“Free”	“5%”
8703.33.29	3	“15% or \$7,125 per unit whichever is the greater”	“15% or \$8,125 per unit whichever is the greater”
8703.40.10	3	“Free”	“5%”
8703.40.20	3	“\$1,000 per unit”	“\$2,000 per unit”
8703.40.30	3	“Free”	“5%”
8703.40.40	3	“\$1,000 per unit”	“\$2,000 per unit”
8703.40.50	3	“Free”	“5%”
8703.40.60	3	“\$1,250 per unit”	“\$2,250 per unit”
8703.40.70	3	“Free”	“5%”
8703.40.80	3	“\$1,500 per unit”	“\$2,500 per unit”
8703.40.91	3	“Free”	“5%”
8703.40.99	3	“\$3,250 per unit”	“\$4,250 per unit”
8703.50.10	3	“Free”	“5%”
8703.50.20	3	“\$1,000 per unit”	“\$2,000 per unit”
8703.50.30	3	“Free”	“5%”
8703.50.40	3	“\$1,000 per unit”	“\$2,000 per unit”

<i>Tariff Items</i>	<i>Column</i>	<i>Delete</i>	<i>Substitute</i>
8703.50.50	3	“Free”	“5%”
8703.50.60	3	“\$1,250 per unit”	“\$2,250 per unit”
8703.50.70	3	“Free”	“5%”
8703.50.80	3	“\$1,500 per unit”	“\$2,500 per unit”
8703.50.91	3	“Free”	“5%”
8703.50.99	3	“\$3,250 per unit”	“\$4,250 per unit”
8703.80.10	5	“15%”	“Free”
8703.80.11	5	“15%”	“Free”
8703.80.14	5	“15%”	“Free”
8703.80.15	5	“15%”	“Free”
8703.80.18	5	“15%”	“Free”
8703.80.19	5	“15%”	“Free”
8703.80.22	5	“15%”	“Free”
8703.80.23	5	“15%”	“Free”
8703.80.26	5	“15%”	“Free”
8703.80.29	5	“15%”	“Free”
8704.22.10	3	“5%”	“Free”
8704.22.90	3	“15%”	“5%”
8704.60.00	5	“9%”	“Free”
8711.60.00	5	“9%”	“Free”

- (b) deleting tariff item 3924.10.90 in relation to other tableware and kitchen ware and substituting the following—

<i>Item No</i>	<i>Description</i>	<i>Import Duty</i>			<i>Export Duty</i>	<i>Statistical</i>	
		<i>Fiscal</i>	<i>Excise</i>	<i>VAT</i>		<i>Code</i>	<i>Unit</i>
3924.90.90	---Other	32%	15%	9%	Free	893.32	kg

- (c) after tariff item 8424.89.00, inserting the following new tariff item—

<i>Item No</i>	<i>Description</i>	<i>Import Duty</i>			<i>Export Duty</i>	<i>Statistical</i>	
		<i>Fiscal</i>	<i>Excise</i>	<i>VAT</i>		<i>Code</i>	<i>Unit</i>
8424.90.00	- Parts	Free	Free	9%	Free	745.68	kg

(d) deleting tariff item 9406.20.00 and substituting the following—

<i>Item No</i>	<i>Description</i>	<i>Import Duty</i>			<i>Export Duty</i>	<i>Statistical</i>	
		<i>Fiscal</i>	<i>Excise</i>	<i>VAT</i>		<i>Code</i>	<i>Unit</i>
9406.20.00	- Modular building units, of steel	32%	Free	9%	Free	811.00	kg

Part 3 of Schedule 2 amended

3. Part 3 of Schedule 2 to the Principal Act is amended by—

(a) in concession code 218A in column 3—

- (i) in paragraphs (i), (ii), (iii), (v) and (vi) after “;”, inserting “or”;
- (ii) in paragraph (iv) after “;”, inserting “and”; and
- (iii) in paragraph (vii) after “litres”, inserting “; or”;

(b) deleting concession code 220 and substituting the following—

Code No.	Persons or Bodies	Goods Eligible for Duty Concession	Import Duty Rates			Conditions	Certificate to be signed by
			Fiscal	Excise	VAT		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
220	<p>(i) Any person taking up initial permanent residence in Fiji; and</p> <p>(ii) Any person(s) on work permit in Fiji</p> <p>(iii) Any returning residents of Fiji</p>	<p>Household effects</p> <p>(i) Used household effects</p>	<p>Free</p> <p>Free</p>	<p>Free</p> <p>Free</p>	<p>Free</p> <p>Free</p>	<p>That the goods are:</p> <p>(a) Owned by a person specified in column (2) at the time of his/her arrival in Fiji and are for his/her personal use;</p> <p>(b) Not intended as gifts or for sale or exchange;</p> <p>(c) In the case of persons specified in paragraph (ii) of column (2), used and been in the possession of such persons for a period of at least 12 months prior to their departure for Fiji;</p> <p>(d) Not imported into Fiji more than 12 months after the date of final disembarkation of the passenger;</p> <p>(e) Are for the person(s) on work permit issued by the department responsible for immigration for a period of 12 months or more.</p>	<p>(i) The person taking up initial residence or the returning resident in the case of unaccompanied goods</p> <p>(ii) Certificate not required in case of accompanied goods</p>

Code No.	Persons or Bodies	Goods Eligible for Duty Concession	Import Duty Rates			Conditions	Certificate to be signed by
			Free	Free	Free		
		(ii) Only 1 used motor vehicle per family	Free	Free	Free	<p>(a) The person should prove to the satisfaction of the Comptroller that he/she is returning to Fiji permanently.</p> <p>(b) The person should have a valid visa.</p> <p>(c) The vehicle must be owned and used by the person for a period of 12 months or more. (Documentary evidence such as registration papers, insurance documents, sales/purchase invoices, etc. required).</p> <p>(d) The vehicle must be imported into Fiji within 12 months from the date of arrival of the person in Fiji.</p> <p>(e) The used vehicle must conform to the import licence conditions stipulated in the Customs (Prohibited Imports and Exports) Regulations 1986.</p> <p>(f) That the concession be subject to such other conditions as the Comptroller may impose.</p> <p>(g) That the disposal or use of goods for purposes other than that for which the concession is granted be subject to the conditions laid down in section 17 of the Customs Tariff Act 1986.</p>	

(c) in concession code 247 in column 7, deleting paragraphs (a), (b) and (c) and substituting the following—

“(a) That the concession is reflected in the price of the goods when imported for retail sale.”; and

(d) deleting concession code 270.

July 2022

CUSTOMS TARIFF (BUDGET AMENDMENT) (NO. 3) BILL 2022

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) (No. 3) Bill 2022 (**‘Bill’**) seeks to amend the Customs Tariff Act 1986 (**‘Act’**) to address budgetary policy changes in the 2022-2023 Budget.

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 16 July 2022.
- 2.2 Clause 2 of the Bill amends Part 1 of Schedule 2 to the Act to provide for the change in duty rate of passenger motor vehicles. An import excise of 5% will now be imposed on the importation of new diesel or petrol passenger motor cars. In addition, a fiscal duty rate of 5% will now apply on the importation of new hybrid passenger motor cars. Furthermore, the specific rate of fiscal duty on used passenger vehicles (diesel, petrol and hybrid) will increase by \$1,000 per unit. Import VAT will not apply on the importation of pure electric powered buses, passenger motor cars and motor bikes, to promote and support the use of green technologies.
- 2.3 Clause 3 of the Bill amends Part 3 of Schedule 2 to the Act to provide *inter alia* conditions on concession codes 220 and 247. Furthermore, concession code 270 on jet skis is removed given it is now a redundant concession as the duty rate on jet skis is free.

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General