

[LEGAL NOTICE NO. 110]

CUSTOMS TARIFF ACT, 1986

(Act 12 OF 1986)

CUSTOMS TARIFF (INDUSTRIAL REBATES) REGULATIONS, 1986

IN exercise of the powers conferred upon me by section 22 of the Customs Tariff Act, 1986 I have made the following Regulations—

Short title

1. These Regulations may be cited as the Customs Tariff (Industrial Rebates) Regulations, 1986.

Interpretation

2. In these Regulations—

"manufacturer", means a person approved by the Minister and who by any means makes or produces or causes to be made or produced any goods approved by the Minister under regulation 3 and the expression "manufacture" has a corresponding meaning;

"rebate certificate" means a certificate issued under subregulation 4(1).

Grant of rebate of import duty

(Amended by Legal Notice 93 of 1991)

3.—(1) The Minister may, following receipt of an application made to him under subregulation (4), grant with or without conditions to a manufacturer a rebate of the whole or a part of the import duty payable by him in respect of—

(a) machinery, equipment or parts thereof;

(b) materials;

imported or removed from bond by or on behalf of such manufacturer and intended to be used in the manufacture of goods.

(2) The grant of a rebate of import duty under subregulation (1) shall be in respect of a period determined by the Minister.

(3) An application for the grant of a rebate of import duty under subregulation (1) shall—

(a) be made on a form provided for the purpose by the Minister; and

(b) be accompanied by such information and particulars as the Minister may require.

(4) An application for the grant of a rebate of import duty under subregulation (1) shall be accompanied by the fee prescribed in subregulation (5) of this regulation.

(5) A fee of ~~\$10.00~~ (*Amended by Legal Notice 6 of 1992*) \$11.00 shall be payable to the Comptroller in respect of each rebate certificate issued under sub-regulation (1) of this regulation.

(6) The grant of a rebate of import duty under subregulation (1) has no effect unless the manufacturer to whom it is granted is the holder of a valid certificate issued in respect of that grant.

Rebate certificates

4.—(1) Where the Minister has granted a manufacturer a rebate of import duty under subregulation 3(1), the Comptroller shall, as soon as practicable after the grant of that rebate, issue to the manufacturer a rebate certificate

(2) A rebate certificate shall state—

(a) the name of the manufacturer;

(b) the address of the premises at which the goods are to be manufactured;

- (c) the machinery, equipment, parts thereof or materials in respect of which the rebate has been granted, and the goods in the manufacture of which that machinery, equipment, parts thereof or materials are intended to be used;
- (d) the rate of the rebate;
- (e) the period in respect of which the rebate has been granted; and
- (f) any conditions subject to which the rebate was granted.

(3) Subject to subregulation 5(5), a rebate certificate ceases to be valid at the end of the period specified in that certificate in accordance with paragraph (2) (e).

Variation and revocation of grant of rebate

5.—(1) Where the Minister is satisfied—

- (a) that a manufacturer to whom a rebate of import duty has been granted under subregulation 3(1) has failed to comply with—
 - (i) a provision of regulation 6; or
 - (ii) any condition subject to which the rebate was granted; or
- (b) that it is expedient for any other reason to do so, having regard to any consideration relating to the protection of the revenue or otherwise,

he may revoke the grant of the rebate or vary any of the conditions subject to which it was granted.

(2) The Minister may take the action referred to in subregulation (1) irrespective of whether or not proceedings have been brought against the manufacturer in respect of any offence alleged to have been committed by him under regulation 7.

(3) Where a rebate certificate is revoked or amended the manufacturer shall, if required to do so by a written notice served on him by the Comptroller, return that certificate to the Comptroller within the time specified in the notice.

(4) Where a rebate certificate is returned to the Comptroller in accordance with subregulation (3), he shall cancel it, and, if it was returned following a variation under subregulation (1) of a condition subject to which the rebate in question was granted, he shall issue a new rebate certificate amended accordingly.

(5) Notwithstanding subregulation 4(3), a rebate certificate ceases to have effect at the end of the period specified in any notice served in respect of that certificate under subregulation (3).

Obligation of manufacturers

6.—(1) Unless the Comptroller otherwise directs, a manufacturer shall, when taking delivery of any machinery, equipment or parts thereof or any materials in respect of which he claims a rebate of import duty, make a written declaration, in a form approved by the Comptroller, stating that those materials are not to be used except in the manufacture of goods of the kind specified in the relevant rebate certificate.

(2) A manufacturer shall not store or use any machinery, equipment or parts thereof or any materials referred to in subregulation (1) except—

(a) at the premises specified in the relevant rebate certificate; or

(b) at other premises approved by the Comptroller for the purpose.

(3) Except with the Comptroller's written permission and in accordance with any conditions the Comptroller imposes, a manufacturer shall not—

(a) use any machinery, equipment or parts thereof or any materials in respect of which he has obtained a rebate of import duty except in the manufacture of goods of the kind specified in the relevant rebate certificate; or

(b) sell or otherwise dispose of that machinery, equipment or parts thereof or materials or remove them from the premises referred to in subregulation (2) before they have been used in the manufacture of goods of the kind specified in the relevant rebate certificate.

(4) A manufacturer shall, if required to do so by the Comptroller—

(a) keep at the premises referred to in subregulation (2) accurate records and accounts showing full particulars of all receipts and disposals of materials in respect of which the manufacturer has obtained a rebate of excise duty in a

manner that will allow the materials to be readily accounted for to the satisfaction of an officer; and

(b) carry out, under an officer's supervision, at times directed by the Comptroller, any manufacturing operation involving the use of those materials.

(5) A manufacturer shall ensure that—

(a) records and accounts required to be kept by him under subregulation (4) shall be available for inspection by an officer at all reasonable times; and

(b) the premises referred to in subregulation (2) are open for inspection by an officer at all reasonable times.

Offences

7.—(1) A manufacturer is guilty of an offence if he—

(a) fails to comply with a notice served on him under subregulation 5(3);

(b) contravenes a provision of regulation 6; or

(c) fails to comply with a condition specified in a rebate certificate,

and is liable to a fine not exceeding \$1,000.

(2) Goods forming the subject matter of an offence under subregulation (1) are liable to be forfeited.

Revocation

8.—(1) The Customs Tariff (Industrial Concessions), Regulations 1970 are revoked.

(2) The Customs Tariff (Industrial Rebates) Regulations, 1968 are revoked.

Dated this 30th day of October 1986.

M QIONIBARAVI

Minister of Finance