



Tuvalu

CUSTOMS (AMENDMENT) ACT 2008

Act 11 of 2008



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Tuvalu

CUSTOMS (AMENDMENT) ACT 2008

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AN ACT FOR THE AMENDMENT OF THE CUSTOMS ACT

ENACTED BY THE PARLIAMENT OF TUVALU
2 December 2008

Commencement [1 July 2009]

1 Short title

This Act may be cited as the Customs Amendment Act.

2 Interpretation

The “Principal Act” herein referred to is the Customs Act.

3 Commencement

- (1) This Act shall come into force on a date to be notified by the Minister.
- (2) Different parts of this Act may be brought into force on different dates.

4 Amendment of section 2(1) of Principal Act

Section 2(1) of the Principal Act is hereby amended as follows:

- (a) By inserting at the commencement thereof and immediately prior to the definition of “agent” the following definition:

““**Ad valorem duty**” means a duty imposed under this Act in the form of a percentage of the value of the property to which the duty relates;”

- (b) By inserting immediately prior to the definition of “customs area” the following definition:
“**“CIF”** means initial cost of goods plus insurance and freight charges;”
- (c) By inserting immediately prior to the definition of “exporter” the following definition:
“**“excisable goods”** means goods made or manufactured in Tuvalu which are liable to excise duty under this or any other Act when such are delivered for consumption in Tuvalu;”
- (d) By inserting immediately prior to the definition of “goods” the following definition:
“**“factory”** means any premises or place used for the manufacture or production of excisable goods;”
- (e) By inserting immediately prior to the definition of “master” the following definition:
“**“manufacturer”** means any person who shall by any means make or produce or cause to be made or produced any excisable goods and “manufacture” shall have a corresponding meaning;”
- (f) By inserting immediately prior to the definition of “motor spirit” the following definition:
“**“materials”** includes any goods from which excisable goods are capable of being manufactured or produced and any residue from any process of manufacture or production;”
- (g) By inserting after the words “the importation” in the definition of the term “prohibited goods”, the words “or exportation or manufacture”;
- (h) By deleting the definition of the term “steamship”.

5 Amendment of section 7 of Principal Act

Section 7 of the Principal Act is hereby repealed and replaced with the following section:

“7 Customs and excise duties

- (1) The Minister may by order —
- (a) impose import or export duties of customs and excise duties upon any goods whatsoever which may be imported into or exported from Tuvalu and revoke, suspend, reduce, increase or alter any such duties;
- (b) impose excise duties upon any goods manufactured or made in Tuvalu and revoke, suspend, reduce, increase or alter such duties.
- (2) All import and export duties of customs and all excise duties and all exemptions from duties of customs or excise set out in Schedule 1 shall

continue in force until revoked, suspended, reduced, increased or altered in the manner provided in this Act.”

6 Amendment of section 8 of Principal Act

Section 8 of the Principal Act is hereby amended by:

- (a) deleting the words “Minister may, in his discretion and upon application submitted through the Customs Officer” and substituting therefor the words “Customs Officer may”;
- (b) inserting, after the words “any goods imported or exported”, the words “or manufactured or produced in Tuvalu”; and
- (c) deleting the word “Minister” the last time it appears and substituting therefor the words “Customs Officer”.

7 Insertion of section 9A into the Principal Act

There is hereby inserted into the Principal Act following section 9, the following section:

“9A Excise duty to be paid at rate in force on delivery

All excisable goods manufactured or deposited in any factory or warehouse without payment of excise duty shall upon being delivered therefrom for consumption in Tuvalu or upon being used in such factory or warehouse be subject to the rate of excise duty in force at the time when the same are delivered or used as aforesaid save in any case where special provision shall otherwise be made by law.”

8 Amendment of section 13 of Principal Act

- (1) Section 13 of the Principal Act is hereby repealed, and the following section substituted therefor:

“13 Assessment of value of imported, exported or excisable goods

- (1) For the purposes of any enactment for the time being in force whereunder any import duty is chargeable on goods by reference to their value, the value of such goods shall be determined in accordance with Part IIA of this Act.
- (2) In the case of exported or excisable goods the value for the purposes of customs shall be determined in the manner from time to time prescribed by the Customs Officer.

- (3) Subject to, and in accordance with the said Part IIA, all values to be assessed for duty under the provisions of this Act shall be assessed on the CIF basis.”
- (2) Notwithstanding subsection (1), valuation of goods imported before the date of commencement of this Act shall continue to be valued under section 13 as if it has not been repealed.

9 Amendment of section 32 of Principal Act

Section 32 of the Principal Act is hereby amended by:

- (a) Deleting the words “is imposed, or where any import duty of customs” from subsection (1), and substituting therefor the words “or any new excise duty is imposed, or where any import duty of customs or excise duty”;
- (b) Inserting in subsection (2), after the words “any import duty of customs”, the words “or excise duty”.

10 Amendment of section 43 of Principal Act

Section 43 of the Principal Act is hereby amended by deleting the amount “\$2”, and substituting therefor “\$25”.

11 Insertion of new PART IIA into the Principal Act

The Principal Act is hereby amended by inserting the following Part after the end of Part II —

“PART IIA - VALUATION OF IMPORTED GOODS

“43A Application

This Part shall apply to all goods imported on or after the date of commencement of this Part.

43B Interpretation

- (1) In this Part, unless the context requires otherwise —

“**family**” means, in relation to an individual, the husband or wife of the individual, a relative of the individual, and a relative of the individual's husband or wife, and “**relative**” means mother, father, brother, sister,

ancestor or lineal descendant and includes any person who is adopted legally or customarily by or as a sibling to the individual;

“foreign inland freight” means the cost of transportation (including loading, unloading, handling and other expenses associated with transportation) of the goods to the place in the country of export from which the goods were shipped to Tuvalu;

“foreign inland insurance” means the cost of any insurance relating to foreign inland freight;

“identical goods”, in relation to imported goods, means goods that the Customs Officer is satisfied —

- (a) are the same in all material respects, including physical characteristics, quality and reputation, as the imported goods;
- (b) were produced in the same country as the imported goods; and
- (c) were produced by or on behalf of the producer of the imported goods,

but does not include goods in relation to which —

- (i) art, design, development, or engineering work undertaken or substantially undertaken in Tuvalu; or
- (ii) models, plans, or sketches prepared or substantially prepared in Tuvalu,

was or were supplied, directly or indirectly, by or on behalf of the purchaser free of charge or at a reduced cost for use in relation to their production;

“overseas freight”, in relation to imported goods, means amounts (but not an amount of overseas insurance) paid or payable in respect of the transportation of the goods from their place of export to Tuvalu;

“overseas insurance”, in relation to imported goods, means amounts paid or payable in respect of insurance of the goods from their place of export to Tuvalu;

“place of export”, in relation to imported goods, means:

- (a) the place where the goods were posted for export to Tuvalu;
- (b) the place in the country of export to Tuvalu that the goods were packed into a transport container;
- (c) if goods, not being goods referred to in (a) or (b), were exported from a country by air or sea - the place where the goods were placed on board a ship or aircraft for export to Tuvalu; or
- (d) in any other case - a place determined by the Customs Officer;

“**price**”, in respect of imported goods, means the sum of all amounts paid or payable, directly or indirectly, for the goods by or on behalf of the purchaser to or for the benefit of the vendor;

“**similar goods**”, in relation to imported goods, means goods that the Customs Officer is satisfied —

- (a) closely resemble the imported goods in respect of their component materials and characteristics;
- (b) are functionally and commercially interchangeable with the imported goods;
- (c) were produced in the same country as the imported goods; and
- (d) were produced by or on behalf of the same producer as the imported goods,

but does not include goods in relation to which —

- (i) art, design, development, or engineering work undertaken or substantially undertaken in Tuvalu; or
- (ii) models, plans, or sketches prepared or substantially prepared in Tuvalu,

was or were supplied, directly or indirectly, by or on behalf of the purchaser free of charge or at a reduced cost for use in relation to their production; and

“**time of importation**”, in respect of goods means the date on which the Customs Officer prescribes those particular goods are deemed to be imported.

- (2) For the purposes of this Part, two persons are related persons if —
- (a) both being natural persons —
 - (i) they are connected by family; or
 - (ii) one of them is an officer or director of a company controlled, directly or indirectly, by the other;
 - (b) both being companies —
 - (i) both are controlled, directly or indirectly, by a third person (whether or not a company);
 - (ii) both together control, directly or indirectly, a third company; or
 - (iii) the same person (whether or not a company) is in a position to cast, or control the casting of 5% or more of the maximum number of votes that might be cast at a general meeting of each company;
 - (c) one person being a company is, directly or indirectly, controlled by the other person (whether or not a company);

- (d) one person being a natural person, is an employee, officer, or director of the other person; or
- (e) they are members of the same partnership.

43C Customs value

- (1) For the purposes of any Act under which any import duty is imposed on imported goods by reference to their value, the value of the goods for customs purposes shall be the customs value determined in accordance with this section.
- (2) Subject to this section, the customs value of imported goods shall be the transaction value of the goods as determined under section 43E.
- (3) If the Customs Officer cannot determine the transaction value of imported goods or the transaction value cannot be used as a result of section 43D, the customs value of the goods shall be determined in accordance with the first of the following methods, applied in the order set out below, that can be applied in respect of the goods —
 - (a) the transaction value of identical goods as determined under section 43F;
 - (b) the transaction value of similar goods as determined under section 43G;
 - (c) the deductive value of the goods determined under section 43H; or
 - (d) the computed value of the goods determined under section 43I.
- (4) An importer may apply, in writing, to the Customs Officer for the order of consideration of the methods in subsection (3)(c) and (d) to be reversed.
- (5) An application under subsection (4) must be made before the Customs Officer commences to determine the customs value of the goods.
- (6) If the customs value of imported goods cannot be determined under subsection (3), the customs value shall be determined under section 43J.

43D Transaction value of imported goods not to apply

The transaction value of imported goods shall not be the customs value of the goods if —

- (a) there is a restriction on the disposition or use of the goods by the purchaser, other than a restriction —
 - (i) imposed by Tuvaluan law;

- (ii) limiting the geographical area in which the goods may be resold; or
 - (iii) that does not substantially affect the value of the goods;
- (b) the sale or price of the goods is subject to a condition or consideration for which a value cannot be determined;
- (c) part of the proceeds of any disposal, use or resale of the goods by the purchaser accrues, directly or indirectly, to the vendor, unless an appropriate adjustment can be made in terms of section 43E(2)(g); or
- (d) the vendor and purchaser are related persons at the time the goods were sold for export unless —
 - (i) the Customs Officer is satisfied that the relationship did not influence the price paid or payable for the goods; or
 - (ii) the importer satisfies the Customs Officer that the transaction value of the goods closely approximates the transaction value, deductive value, or computed value of identical or similar goods sold at comparable trade and quantity levels to unrelated buyers in Tuvalu at or about the same time as the goods to be valued.

43E Transaction value of imported goods

- (1) The transaction value of imported goods is the price of the goods at the time they are sold for export to Tuvalu increased by the amounts specified in subsection (2) and decreased by the amounts specified in subsection (3).
- (2) For the purposes of computing the transaction value of imported goods, the price of the goods shall be increased by the sum of the following amounts paid or payable, directly or indirectly, by or on behalf of the purchaser in respect of the goods to the extent that the amount is not included in the price: —
 - (a) commission and brokerage, other than buying commission;
 - (b) packing costs, including any labour and material costs;
 - (c) the cost of containers that are treated as being one with the goods;
 - (d) royalties or licence fees payable as a condition of sale, other than for the right to reproduce the goods in Tuvalu;
 - (e) the cost of foreign inland freight and foreign inland insurance;
 - (f) the cost of overseas freight and overseas insurance;

- (g) the whole or any part of the proceeds of a subsequent use, resale or disposal of the goods by or on behalf of the purchaser that accrues to the vendor; and
 - (h) the value of any of the following goods and services supplied, directly or indirectly, by the purchaser free of charge or for reduced consideration for use in connection with the production and sale for export of the imported goods, apportioned to the goods in a reasonable manner and in accordance with generally accepted accounting principles —
 - (i) any materials, components, parts, and other goods incorporated in the imported goods;
 - (ii) any tools, dies, moulds, and other goods utilised in the production of the imported goods;
 - (iii) any materials consumed in the production of the imported goods; and
 - (iv) any engineering, development, art, or design work, plans or sketches under-taken outside Tuvalu and necessary for the production of the goods.
- (3) For the purposes of computing the transaction value of imported goods, the price of the goods shall be decreased by the sum of the following amounts to the extent that these amounts are separately identified in the price paid or payable for the goods;
- (a) any expenditure incurred for the construction, erection, assembling or maintenance of, or technical assistance provided in respect of the goods after importation;
 - (b) the cost of transportation (including loading, unloading, handling and other expenses associated with transportation) of the goods after importation, and the cost of any insurance relating to such transportation; and
 - (c) any duties or taxes paid or payable by reason of the importation or sale of the goods in Tuvalu.

43F Transaction value of identical goods

- (1) If the customs value of imported goods cannot be determined under section 43E, the customs value shall be the transaction value of identical goods in a sale of those goods for export to Tuvalu if —
- (a) the transaction value of the identical goods is the customs value of those goods; and
 - (b) the identical goods were exported to Tuvalu at the same or substantially the same time as the imported goods and were sold to a purchaser —

- (i) at the same or substantially the same trade level as the imported goods; and
 - (ii) in the same quantities as the imported goods.
- (2) If subsection (1) does not apply solely because identical goods were not sold under the conditions specified in subsection (1)(b), the customs value of the imported goods may be determined by reference to the transaction value of identical goods in a sale of those goods for export to Tuvalu if the identical goods were sold under any of the following conditions —
 - (a) to a purchaser at the same or substantially the same trade level, but in different quantities from the imported goods;
 - (b) to a purchaser at a trade level different from the purchaser of the imported goods, but in the same or substantially the same quantities as the imported goods; or
 - (c) to a purchaser at a trade level different from the purchaser of the imported goods and in different quantities from the imported goods.
- (3) The customs value of imported goods under this section shall be the transaction value of identical goods referred to in subsection (1) or (2) adjusted to take account of —
 - (a) commercially significant differences in the foreign inland freight and foreign inland insurance costs of the identical goods and those costs for the imported goods attributable to differences in distance and modes of transport; and
 - (b) if subsection (2) applies, differences in the trade levels, quantities, or both, as the case may be.
- (4) If, in relation to imported goods, there are two or more transaction values for identical goods that meet the requirements of subsection (1) or (2), as the case may be, the customs value of the imported goods shall be determined on the basis of the lowest of such transaction value.
- (5) This section shall not apply if there is insufficient information to determine the customs value of imported goods under subsection (3).

43G Transaction value of similar goods

- (1) If the customs value of imported goods cannot be determined under section 43E or 43F, the customs value shall be the transaction value of similar goods in a sale of those goods for export to Tuvalu if —
 - (a) the transaction value of the similar goods is the customs value of those goods; and

- (b) the similar goods were exported to Tuvalu at the same or substantially the same time as the imported goods were sold to a purchaser —
 - (i) at the same or substantially the same trade level as the imported goods; and
 - (ii) in the same quantities as the imported goods.
- (2) Section 43F(2) to (5) apply for the purposes of this subsection on the basis that the reference to “identical goods” is a reference to “similar goods”.

43H Deductive value

- (1) Subject to section 43C, if the customs value of imported goods cannot be determined under section 43E, 43F, or 43G, the customs value shall be the deductive value of the goods.
- (2) If —
 - (a) the imported goods, or identical or similar goods are sold in Tuvalu at the same or substantially the same time as the time of importation of the imported goods;
 - (b) the goods were sold in Tuvalu in the same condition in which they were imported;
 - (c) the sale was made at the first trade level after importation; and
 - (d) the Customs Officer is satisfied that the purchaser in the sale was not related to the importer and did not incur any costs referred to in section 43E(2)(h) in relation to the goods sold,

the deductive value of the imported goods is the unit price of the imported goods, or identical or similar goods, as the case may be, at which the greatest number of the goods are sold, reduced by the following amounts determined on a per unit basis —

- (i) the amount of any commission;
 - (ii) an amount for profit and general expenses, including all costs of marketing the goods based on sales in Tuvalu of goods of the same class or kind as the goods sold;
 - (iii) the cost of transportation of the goods in Tuvalu (including loading, unloading, handling and other expenses associated with transportation) and insurance in relation to such transportation to the extent not deducted under paragraph (ii); and
 - (iv) any amount referred to in section 43E(3)(c).
- (3) If —

- (a) the imported goods, or identical or similar goods are not sold at the same or substantially the same time as the time of importation but are sold within 90 days after the time of importation; and
 - (b) subsections (2)(b) to (d) are satisfied,
- the deductive value of the imported goods is determined in accordance with subsection (2) by reference to such later sale.
- (4) If —
 - (a) the imported goods, or identical or similar goods are not sold in Tuvalu at the time of importation or within 90 days after that time;
 - (b) the goods are sold in Tuvalu, after being assembled, packaged, or further processed, within 180 days after the time of importation; and
 - (c) subsections (2)(b) to (d) are satisfied,

the deductive value of the imported goods is determined, at the request of the importer, in accordance with subsection (2) by reference to such sale and making a reduction on a per unit basis for the value added attributable to the assembly, packaging or further processing in Tuvalu.
 - (5) Subsection (4) shall not apply if the Customs Officer has insufficient information to determine the amount of the reduction for the value added attributable to the assembly, packaging or further processing in Tuvalu.

43I Computed value

- (1) If the customs value of imported goods cannot be determined under section 43E, 43F, 43G, or 43H, the customs value shall be the computed value of the goods.
- (2) The computed value of imported goods is the sum of the following amounts —
 - (a) the cost or value of materials used in producing the goods;
 - (b) the cost of manufacture or processing to produce the goods;
 - (c) any costs referred to in subsections 43E(2)(c), (f) and (g);
 - (d) the value of any goods or services referred to in section 43E(2)(h); and
 - (e) an amount for profit and general expenses equal to that generally applicable in sales of goods of the same class or kind as the imported goods, which are made by producers in the country of exportation.

43J Residual method of valuation

If the customs value of imported goods cannot be determined under the preceding sections, the value shall be determined by the Customs Officer having regard to the methods for valuation specified in this Part and to any other information available to the Customs Officer but not including any of the following matters —

- (a) the selling price in Tuvalu of goods produced in Tuvalu;
- (b) any system that provides for the acceptance for valuation purposes of the higher of two alternative values;
- (c) the selling price of goods on the domestic market of the country of exportation of the imported goods;
- (d) the cost of production, other than computed values which have been determined for identical or similar goods in accordance with section 43I;
- (e) the price of the goods for export to a country other than Tuvalu;
- (f) a system of minimum customs values; or
- (g) arbitrary or fictitious values.

43K. Importer advised method of computation

The Customs Officer shall, upon written request, advise the importer, by notice in writing, of the method used to determine the customs value of imported goods.”

12 Amendment of section 60 of Principal Act

Section 60 of the Principal Act is hereby amended by deleting the word “steamship”, and substituting therefor the words “ship of not less than 100 tonnes net tonnage”.

13 Amendment of section 71(1)(a) of Principal Act

Section 71(1)(a) of the Principal Act is hereby amended by deleting the words “other than a steamship”, and substituting therefor the words “of less than 100 tonnes net tonnage”.

14 Amendment of section 121 of Principal Act

Section 121 of the Principal Act is hereby amended by inserting after the words “import duty”, the words “or excise duty”.

15 Insertion of sections 206A and 206B into the Principal Act

The Principal Act is hereby amended by inserting after section 206, the following sections:

“206A Officer may enter premises used for manufacture of excisable goods

Any officer, after having declared his official capacity and having requested admission, may at any time, by day or by night, enter into and search any part of any factory and examine any machinery or thing therein, engage measure and take an account of every still or other vessel or utensil of any kind and of any excisable or dutiable goods or materials therefore in such premises or place and take such samples of such goods or materials as he shall require; and if any officer after having requested admittance into any factory shall not be immediately admitted, the manufacturer shall for every default be guilty of an offence and liable to a fine not exceeding \$5,000, and it shall be lawful for such officer or any person acting in his aid or assistance at all times, but during the hours of darkness only in the presence of a police officer, to break open by force any doors or windows or break through any walls or any part of such factory as shall be necessary to gain entry.

206B Officer may enter premises for sale of excisable goods

Any officer, after having declared his official capacity and having requested admission, may enter into any premises made use of by any person selling or offering for sale any excisable goods which shall be in the custody or possession of such person, and take at any time samples of any such excisable goods, paying for the same the usual price thereof, if demanded; and if any person selling or offering for sale any excisable goods on any premises shall not immediately admit such officer or shall not aid and assist such officer in measuring and taking an account of all excisable goods in or upon such premises he shall be guilty of an offence and for every such default shall be liable to a fine not exceeding \$500.”

16 Insertion of section 215A into the Principal Act

The Principal Act is hereby amended by inserting after section 215, the following section:

“215A Deficiency and excess in excisable stock

- (1) If any manufacturer shall not produce to any officer on his request any excisable goods manufactured by him and not warehoused, delivered or used in accordance with the provisions of this Act, he shall immediately

pay to the Customs Officer the duties on such goods not so produced, save and except in respect of any deficiency thereof which is proved to be due to evaporation, accidental leakage or other unavoidable cause; and in addition to paying the duties on such goods not produced as aforesaid the manufacturer shall be guilty of an offence and liable to a fine of treble the value of such goods or \$2,000, whichever shall be the greater.

- (2) If at any time the quantity of excisable or uncustomed goods found in a factory or private warehouse shall be greater than the quantity which ought, according to the books of the manufacturer or warehouse keeper to be therein, all such quantity in excess shall be forfeited and the manufacturer or warehouse keeper as the case may be, shall incur a penalty equal to the value of the goods found in excess, unless he shall explain the same to the satisfaction of the Customs Officer.”

17 Amendment of section 219 of Principal Act

Section 219 of the Principal Act shall be amended by:

- (a) repealing subsection (1); and
- (b) deleting from subsection (2) the words “Subject to the approval of the Minister (which approval may be signified by general directions to the Customs Officer), the”, and substituting therefor the word “The”.

18 Insertion of section 221A into the Principal Act

The Principal Act is hereby amended by inserting after section 221, the following section:

“221A Liability for acts of servants

- (1) A manufacturer, warehouse keeper and a holder of a licence under this Act or any regulation made thereunder shall be responsible, as well as the actual offender, for any offence under this Act or any regulations made thereunder, committed by any person in his employ or acting with his expressed or implied permission in his behalf, as if he himself had committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punished by imprisonment except in default of payment of fines.

- (2) The provisions of this section shall be in addition to, and not in derogation of, the provisions of this or any other law.”

19 Amendment of section 222 of Principal Act

The Principal Act is hereby amended by repealing section 222, and substituting therefor the following section:

“222 Ships’ agents

Where under the customs laws any special procedure is prescribed in regard to ships of not less than 100 tonnes net tonnage, and where the owner of any such ship is not resident in Tuvalu, it shall be the duty of the master or owner of such ship to appoint an agent in Tuvalu for the purpose of performing any act which may under the customs laws be performed by the agent of the master or owner of such ship, and if the master or owner of such ship shall fail to appoint an agent as aforesaid, and until such agent be appointed or if such agent shall not give security when so required to the satisfaction of the Customs Officer for the due observance of the customs laws, then such ship shall be subject to the requirements of the customs laws applicable to ships of less than 100 tonnes net tonnage, and on failure or omission to perform any such requirements, the owner or master shall be liable in respect of such failure or omission to all penalties that might be imposed upon them or either of them under the customs laws as if such ship were a ship of less than 100 tonnes net tonnage.”

20 Amendment of section 224 of Principal Act

Section 224 of the Principal Act is hereby amended by:

- (a) inserting after the words “the importation or exportation of any goods” in subsection (1), the words “or in the manufacture of any excisable or uncustomed goods”;
- (b) inserting after the words “the importer or exporter” in subsection (1), the words “or manufacturer”.

21 Amendment of section 230 of Principal Act

Section 230 of the Principal Act is hereby amended by inserting, after the words “or warehouse” in both places where they occur, the words “or factory”.

22 Amendment of section 245 of Principal Act

Section 245 of the Principal Act is hereby amended by:

- (a) inserting after the words “any imported goods from customs charge” in subsection (1), the words “or any excisable goods for consumption or use within Tuvalu”;

- (b) inserting after the words “the importer” in subsection (1), the words “or manufacturer” .

23 Insertion of new section 260A into the Principal Act

The Principal Act is hereby amended by inserting after section 260, the following section:

“260A Presumption relating to excisable goods

- (1) All excisable goods manufactured in Tuvalu shall be deemed to be goods manufactured for sale unless and until the contrary is proved.
- (2) All excisable goods found in a factory shall be deemed to have been manufactured in such factory unless and until the contrary is proved.
- (3) Where any spirits are found upon any premises upon which there is an unlicensed still, such spirits shall be deemed to have been distilled by the occupier of such premises unless and until the contrary is proved.”

24 Amendments to the Principal Act to increase monetary values of penalties and fines

The Principal Act is hereby amended by increasing monetary values in the manner outlined in Schedule 1 to this Act.

25 Amendment of Schedule 1 of Principal Act

Schedule 1 of the Principal Act is hereby amended by:

- (a) Deleting the words “Customs Co-operation Council Nomenclature” in paragraph 4 of the “General Provisions, Tariff And Exemptions” part, and substituting therefor the words “Harmonised Commodity Description and Coding System (HS) classifications”;
- (b) Inserting after the omitted “(1) Classification And Tariff” section in the “Imports” part, the following section:

“(1A) EXCISABLE GOODS

The following are specified as excisable goods to which excise duty under this Act applies:

- Beer not exceeding 3% volume of alcohol
- Other beer
- Sparkling wine
- Other wine, grape must with fermentation prevented or arrested by the addition of alcohol

- Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
 - Other fermented beverages
 - Undernature ethyl alcohol of an alcoholic strength by volume of 80% volume or higher
 - Ethyl alcohol and other spirits, denatured, of any strength
 - Compound alcoholic preparations of a kind used for the manufacture of beverages
 - Spirits obtained by distilling grape wine or grape marc
 - Whiskies less than 57% by volume of alcohol
 - Whiskies 57% by volume of alcohol or more
 - Rum and tafia less than 57% by volume of alcohol
 - Rum and tafia 57% by volume of alcohol or more
 - Gin and Geneva less than 57% by volume of alcohol
 - Gin and Geneva 57% by volume of alcohol or more
 - Other alcoholic drinks less than 57% by volume of alcohol
 - Other alcoholic drinks 57% by volume of alcohol or more
 - Cigarettes
 - Twist or sticks containing tobacco
 - Other tobacco products
 - Plastic bags
 - Tea
 - Coffee
 - Sugar
 - Such other items as may be added by order of the Minister”;
- (c) By omitting the “(1) Classification And Tariff” section from the “Exports” part.

26 Amendment of Schedule 2 of Principal Act

Schedule 2 of the Principal Act is hereby amended by:

- (a) Deleting from the “List of Prohibited Imports”, paragraphs 6, 8 and 9;
- (b) Deleting from paragraph 6 of the “List of Restricted Imports”, the words “other than soil which has originated naturally in, and been exported directly from, Australia, New Zealand, Fiji, the Solomon Islands or Hawaii”.

Schedule 1**AMENDMENTS TO INCREASE MONETARY VALUES OF PENALTIES AND FINES**

1. Sections 27, 28, 44, 48, 49, 53, 61, 66, 67, 89, 128, 135, 138, 139, 142, 143, 150, 152, 154, 158, 159, 162, 169, 192, 196, 197, 199, 204, 208, 210, 211, 213, 224, 245, 247, 248 and 265 of the Principal Act are amended by deleting the amount “\$200” wherever it appears and substituting therefor “\$2,000”.
2. Sections 57, 160, 161, 167, 175, 179, 183 and 201 of the Principal Act are amended by deleting the amount “\$50” wherever it appears and substituting therefor “\$500”.
3. Sections 75, 133, 171, 200 and 207 of the Principal Act are amended by deleting the amount “\$100” wherever it appears and substituting therefor “\$1,000”.
4. Section 82 of the Principal Act is amended —
 - (i) by deleting the amount “\$100” from subsection (2) thereof and substituting therefor “\$1,000”;
 - (ii) by deleting the amount “\$0.50” from subsection (3) thereof and substituting therefor “\$5”.
5. Section 101 of the Principal Act is amended by deleting the amounts “\$10” and “\$2” and substituting therefor “\$100” and “\$20” respectively.
6. Section 102 of the Principal Act is amended by deleting the amount “\$10”, and substituting therefor “\$100”.
7. Section 104 of the Principal Act is amended by deleting the amounts “\$200” and “\$20” and substituting therefor “\$2,000” and “\$200” respectively.
8. Section 145 of the Principal Act is amended by deleting the amount “\$10” and substituting therefor “\$100”.
9. Sections 151 and 172 of the Principal Act are amended by deleting the amount “\$400” wherever it appears and substituting therefor “\$4,000”.
10. Sections 155, 209 and 214 of the Principal Act are amended by deleting the amount “\$1,000” wherever it appears and substituting therefor “\$10,000”.
11. Section 176 of the Principal Act is amended by deleting the amounts “\$200” and “\$100” whenever they appear and substituting therefor “\$2,000” and “\$1,000” respectively.
12. Section 177 of the Principal Act is amended by deleting the amount “\$20” and substituting therefor “\$200”.

13. Section 194 of the Principal Act is amended by deleting the amounts “\$100” and “\$1,000” whenever they appear and substituting therefor “\$1,000” and “\$10,000” respectively.
14. Section 195 of the Principal Act is amended by deleting the amount “\$500” and substituting therefor “\$5,000”.