

Republic of Nauru – 20th Parliament

## **CUSTOMS (RATES OF DUTY) BILL 2010**

### **Explanatory Memorandum**

#### **BACKGROUND**

The customs laws of Nauru are currently found in three separate pieces of legislation:

- the *Customs Act 1921-2009* (which started out life as the *Customs Ordinance 1921* of the Territory of New Guinea);
- the *Customs Ordinance 1922-1967* (which was originally entitled the *Customs Regulations Ordinance 1922*); and
- the *Customs Tariff Act 1997-2007*.

This Bill seeks to replace the last of these, to set the rates of duty levied in respect of goods imported into Nauru.

#### **NOTES ON CLAUSES**

##### **PART 1 – PRELIMINARY MATTERS**

**Clause 1** specifies the short title of the Bill.

**Clause 2** provides for the date on which the Bill would enter into force.

**Clause 3** defines a number of legal terms that are referred to in the Bill.

**Clause 4** makes it clear that this Bill is intended to be read together with the *Customs Act 1921-2010* and the *Customs Ordinance 1922-1967*.

**Clause 5** provides that the Act will bind the Republic.

##### **PART 2 – CUSTOMS DUTY**

**Clause 6** provides that duty is to be charged on the import of goods specified in Schedules 1 and 2 to the Bill at the rates set out in those Schedules. Duty is to be levied subject to section 119 of the *Customs Act 1921-2010*, which provides for the exemption of duty.

**Clause 7** specifies that, for goods listed in Schedule 1 to the Bill, the rate at which duty is charged will increase by 5 *per cent* annually.

**Clause 8** seeks to apply the method for valuation of goods provided for in section 4 of the *Customs Ordinance 1922-1967*.

**Clause 9** would oblige the Chief Collector of Customs to make available for inspection, upon request, the harmonised system codes.

### **PART 3 – AMENDMENT OF CUSTOMS ACT 1921-2009**

**Clause 10** provides for the amendment of the *Customs Act 1921-2009*, and also provides for a change in the title of that Act, to the *Customs Act 1921-2010*. **Clause 11** seeks to replace the definition of the expression “Dutiable goods” in that Act, to cross-reference the definition of that expression in this Bill.

### **PART 4 – AMENDMENT OF CUSTOMS (AMENDMENT) ACT 2009**

**Clause 12** provides for the amendment of the *Customs (Amendment) Act 2009* by the succeeding provisions of this Part, and also provides that there is to be no change in the title of that Act.

**Clause 13** seeks to amend the long title of the *Customs (Amendment) Act 2009*, to cross-reference the *Customs Ordinance 1921* of New Guinea (adopted), rather than the *Customs Ordinance 1922-1967*. **Clause 14** seeks to make the same changes in section 3 of the *Customs (Amendment) Act 2009*.

**Clause 15** provides for the amendments under this Part to commence on the same date as the commencement of the *Customs (Amendment) Act 2009*.

### **PART 5 – MISCELLANEOUS MATTERS**

**Clause 16** would authorise Cabinet to make regulations.

**Clause 17** provides for the repeal of the Acts listed in Schedule 3 to the Bill.