



Tuvalu

**CUSTOMS (AMENDMENT)
REGULATIONS 2009**

LN 8 of 2009

November 15, 2010



Tuvalu

CUSTOMS (AMENDMENT) REGULATIONS 2009

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MADE UNDER SECTION 268 OF THE CUSTOMS ACT

Commencement [1 July 2009]

In exercise of the power conferred by section 268 of the Customs Act (Cap 55) the Minister of Finance, with the consent of Cabinet, makes the following regulations,—

1 Short title and commencement

- (1) These Regulations may be cited as the Customs (Amendment) Regulations 2009.
- (2) The Customs Regulations (Cap 55) are in these Regulations referred to as the Principal Regulations.
- (3) These Regulations shall come into force on 1 July 2009.

2 Interpretation

In these Regulations, unless the context requires otherwise—

“**Act**” means the Customs Act (Cap 55); and

“**Customs Officer**” has the same meaning as in section 2 of the Act.

3 Amendment to Regulation 9

Regulation 9 of the Principal Regulations is hereby amended by deleting the word “steamship”, and substituting in its place the words “ship of not less than 100 tonnes net tonnage”.

4 Amendment to Regulation 14(1)

Regulation 14(1) of the Principal Regulations is hereby amended by deleting the words “as may be required from time to time by the International Civil Aviation Organisation”, and substituting in their place the words “or manner as the Customs Officer may approve”.

5 Amendment to Regulation 19

Regulation 19 of the Principal Regulations is hereby amended by deleting the words “other than steamships”, and substituting in their place the words “of less than 100 tonnes net tonnage”.

6 Amendment to Regulation 20

Regulation 20 of the Principal Regulations is hereby amended by deleting the word “steamships.”, and substituting in its place the words “ships of not less than 100 tonnes net tonnage.”.

7 Amendment to Regulation 31(2)(b)

Regulation 31(2)(b) of the Principal Regulations is hereby amended by deleting the words “goods liable to specific duties”, and substituting in their place the words “duty free goods”.

8 Amendment to Regulation 32 and 33

Regulations 32 and 33 of the Principal Regulations are hereby repealed.

9 Amendment to Regulation 37

Regulation 37 of the Principal Regulations is hereby repealed.

10 Amendment to Regulation 42

Regulation 42 of the Principal Regulation is hereby amended by deleting the words “or, in the case of steamships, that the exporting ship has arrived”.

11 Amendment to Regulation 64

Regulation 64 of the Principal Regulations is hereby repealed, and the following regulation is substituted in its place:

“64 Removal of goods for examination at private premises.

- (1) When as a result of an application made under regulation 63 the Customs Officer arranges for one or more officers to supervise the removal of goods from a customs area and to examine such goods at private premises the importer shall pay to the Customs Officer a fee of \$16 for each hour, or part of an hour, for each officer who is in attendance together with any reasonable charges claimed by the Customs Officer for transportation expenses or subsistence allowance, or both, of any such officer or officers.
- (2) Goods to be examined at private premises shall be removed by the most direct route, or otherwise as the proper officer shall direct, and without delay from the customs area to the private premises where they are to be examined.
- (3) No goods shall be removed from any customs area for examination at private premises at any later time than shall permit such goods to be received and unloaded and examined by 4 o'clock in the afternoon of any week day other than Saturday or a public holiday unless the Customs Officer shall otherwise allow.”

12 Amendment to Regulation 67(3)

Regulation 67(3) of the Principal Regulations is hereby repealed, and the following sub-regulation is substituted in its place:

- “(3) Where the Customs Officer has approved a refund or drawback under this Regulation or under Part XIV of these Regulations, he may direct that the amount of the refund or drawback be used to offset any existing Customs liability of the applicant.”

13 Amendment to Regulation 68

Regulation 68 of the Principal Regulations is hereby repealed, and the following new Part is substituted in its place:

**“PART IVA.—GOODS IMPORTED FOR TEMPORARY
USE OR PURPOSE****68 Goods imported for temporary use or purpose termed “privileged goods”**

- (1) For the purpose of these Regulations goods imported for temporary use or purpose shall be termed privileged goods and shall mean—

- (a) goods for public entertainment, trial or exhibition (excluding films which the Customs Officer, in his discretion is satisfied are for commercial exhibition);
 - (b) goods for repair or alteration;
 - (c) goods (excluding foodstuffs, alcoholic beverages and tobacco products) imported by bona fide visitors for their own use while in Tuvalu;
 - (d) goods of type not normally used in Tuvalu, admitted as such by the Customs Officer, which are imported for some particular project or particular occasion;
 - (e) commercial travellers' samples.
- (2) The Customs Officer may in his absolute discretion decide what goods may be entered as privileged goods, e.g ships and aircraft containers delivered outside the customs area.

68A Application to import privileged goods.

Any person desiring to import privileged goods shall make application in the form C16 or in such other form as the proper officer may require at the port of importation giving such information as the proper officer may require.

68B Examination and marking of goods.

Privileged goods shall be examined upon importation and such identification marks shall be made thereon as the proper officer shall deem necessary.

68C Duty to be secured.

The proper officer may require security to be given for the payment of duty on privileged goods or may, in his discretion, require that the duty payable on such goods be deposited with him.

68D Privileged goods not to not to be sold in Tuvalu.

Privileged goods may not be sold or disposed of in Tuvalu except with the prior written permission of the Customs Officer and subject to the payment of the duty thereon and the observance of such conditions as he may impose.

68E Privileged goods to be returned to customs prior to exportation.

Privileged goods shall be presented to the proper officer at the port of export for identification prior to exportation within 4 months of the date of importation, or within such further period as the Customs Officer may allow,

and they shall be in the same condition as when imported, reasonable wear and tear accepted.

68F Refund of deposit.

Any deposit paid in respect of privileged goods shall be refunded or the bond cancelled on the certificate of the proper officer that the goods have been exported.

68G Security to be forfeited for breach of regulations.

Should there be any breach of the regulations in respect of privileged goods the amount of duty deposited shall be forfeited or the security accepted shall be enforced.”

14 Amendment to Regulation 77

Regulation 77 of the Principal Regulations is hereby amended by deleting from the second proviso the words “1 ounce in total”, and substituting in their place the words “25 grams in total (25 cigarettes shall be deemed to be equivalent to 25 grams of tobacco)”.

15 Amendment to Regulation 91

Regulation 91 of the Principal Regulations is hereby amended by deleting the words “Her Majesty's aircraft or ships of war or”.

16 Amendment to Regulation 98

Regulation 98 of the Principal Regulations is hereby amended by deleting the words “other than steamships”, and substituting in their place the words “of less than 100 tonnes net tonnage”.

17 Amendment to Regulation 100

Regulation 100 of the Principal Regulations is hereby amended by deleting the words “as may be required from time to time by the International Civil Aviation Organisation”, and substituting in their place the words “or manner as the Customs Officer may approve”.

18 Amendment to Regulation 112

Regulation 112 of the Principal Regulations is hereby amended by deleting the words “if not a steamship and,”.

19 Amendment to Regulation 116

Regulation 116 of the Principal Regulations is hereby amended by deleting the phrase “\$3” in sub-regulation (1), and substituting the phrase “\$16”.

20 Amendment to Regulation 143

The Principal Regulations are hereby amended by deleting regulation 143, and substituting in its place the following regulation:

“143 Time limit for payment of drawback.

No drawback shall be paid on any goods exported or used on board any aircraft or ship as stores unless the same are exported or put on board as stores within twelve months of the date of importation unless the Customs Officer shall in any special circumstances direct that drawback shall be paid.”

21 Amendment to Regulation 144(6)

The Principal Regulations are hereby amended by repealing regulation 144(6).

22 Amendment to Regulation 148(1)(a)

Regulation 148(1)(a) of the Principal Regulations is hereby amended by deleting the words “the import duty paid may be refunded notwithstanding the limitations contained in regulations 67, 143 and 146(2) provided that no amount less than 50 cents shall be refunded and provided further”, and substituting the following words “drawback of import and excise duty paid may be made provided”.

23 Amendment to Regulation 149

The Principal Regulations are hereby amended by repealing regulation 149, and substituting in its place the following regulation:

“149 Working days and hours.

- (1) The working days and hours during which officers may attend to the public shall be notified by the Customs Officer in such manner as he may direct and by displaying such information at each customs office and the Customs Officer may notify different days and hours for different places and services.
- (2) Any person requiring any service to be performed outside the days and hours notified by the Customs Officer shall make written application to

the proper officer in sufficient time for arrangement to be made for the attendance of the necessary staff.”

24 Amendment to Regulation 155

The Principal Regulations are hereby amended by inserting, immediately before regulation 155, the following regulation:

“154A Small craft may not go alongside a ship without a permit.

Except with the permission of the Customs Officer, no small craft shall approach within 100 metres of any aircraft or ship that shall have arrived in Tuvalu.”

25 Amendment to Regulation 159 to 165

The Principal Regulations are hereby amended by repealing regulations 159 to 165.

26 Amendment to Regulation 171

The Principal Regulations are hereby amended by inserting, immediately after regulation 171, the following regulation:

“171A Goods under bond or drawback exported by post.

Goods under bond or under drawback may, subject to the Post Office Regulations, be exported by post. The wrapper of such goods shall be clearly marked “under bond” or “under drawback”, as the case may be, and the goods shall not be delivered from a post office to any person within Tuvalu without authority in writing first being obtained from the Customs Officer.”

27 Amendment to Schedule 4

The Principal Regulations are hereby amended by repealing Schedule 4, and substituting in its place, the new Schedule 4 contained in the Schedule to these regulations.

SCHEDULE

NEW SCHEDULE 4

LIST OF FORMS

Reference	Regulation	Description
C.1	9	Ship's Stores List
C.2	9	Crew's Stores List
C.3	9	List of Unmanifested Cargo
C.4	14	Ships Report Inwards
C.5	14, 100	General Declaration for Aircraft
C.6	48	Ships Bad Order List
C.7	24	Application to Amend
C.8	98	Certificate of Rummage
C.9	51	Discharges to Small Craft
C.10	27, 28	Application to Unload/Load at a Sufferance Wharf
C.11	84	Passenger's Baggage Declaration (for passengers arriving by sea)
C.12	84	International Passenger Baggage Declaration (for passengers arriving by air)
C.13	98, 99	Entry Outwards/Content—Ship
C.14	103	Customs Clearance
C.15	31, 128	Entry
C.16	31	Provisional Entry
C.17	31	Entry for Warehousing
C.18	40	Transshipment Shipping Bill
C.19	45	Permit to Remove Goods Prior to Entry
C.20	66	Claim for Abatement of Duty
C.21	67	Application for a Refund of Duty
C.22	89	Permit to Ship Stores
C.23	89, 104	Drawback and Debenture Application
C.24	89, 104	Drawback Shipping Bill
C.25	104, 108, 109	Shipping Bill for Goods for Exportation or use as Aircraft's or Ship's Stores
C.26	35	Invoice Declaration
C.27	111	Permission to Unload
C.28	123	Request to operate on Warehoused Goods
C.29	127	Transfer of Warehouse Goods

C.30	130	Entry ex-Warehouse—for Removal of Goods for Re-warehousing
C.31	140	Proceeds of Sale by Auction
C.32	55	Landing Certificate
C.33	162	Permit for Small Craft
C.34	141	Licence to carry Uncustomed Goods
C.35	29	Coastwise Cargo Book
C.36	172	Clearing Agents Licence
C.37	141	Customs Licence to carry Passengers
C.38	175	Certificate
C.39	150	Request for Extra Attendance of Officers
C.40	39	Certificate of Export
C.41	84	Baggage
C.42	104, 106, 108	Shipping Bill ex-Warehouse for Goods for Exportation or Use as Aircraft's or Ship's Stores
C.43	69	Air Cargo Docket

CHARGES FOR FORMS

Charges for forms supplied to the public shall be as notified from time to time by the Customs Officer in such manner as he may direct by displaying such information at each customs office.