THE ANGUILLA HOUSE OF ASSEMBLY

MOTION PAPER

EIGHTEENTH MEETING OF THE FIRST SESSION OF
THE ELEVENTH ANGUILLA HOUSE OF ASSEMBLY
22nd MARCH, 2016

Motions: 457

HOUSE OF ASSEMBLY

CUSTOMS DUTY EXEMPTION (MOTIONS NO. 457) RESOLUTION, 2016

Regulations of Anguilla No. 11/2016

Resolution made by the House of Assembly under section 77 (1) of the Customs Act, R.S.A. c.C169.3 was proposed and seconded in the House of Assembly on the 22nd day of March 2016;

BE IT RESOLVED that, under the powers contained in section 77(1) of the Customs Act, R.S.A. c. 169, the House of Assembly exempts from duty the goods imported into Anguilla specified in the Schedule.

1. The following conditions apply in respect of all goods exempted from duty by virtue of this Resolution –

(a) The goods shall not, within 5 years of the date of importation, be sold, exchanged, given away or applied to any use other than the use specified in the Schedule;

(b) On the expiry of 6 months from the date of importation and each successive 6 month period within the 5 year period after the date of importation, the importer shall certify to the Comptroller of Customs, in a form acceptable to the Comptroller of Customs, that he has complied with the conditions set out in paragraph (a);

(c) Upon demand made by a customs officer, the goods exempted from duty under this Resolution shall be produced or otherwise accounted for to the customs officer;

(d) In accordance with the Customs Administrative Costs Recovery Act, R.S.A. c. 170, at the time of import, the importer shall pay the Customs Administrative Charge at the rate specified in the Schedule.

2. In accordance with section 71 of the Customs Act, R.S.A. c 169, the following apply in the event that a condition referred to in section 1 of this Resolution is contravened or not complied with –

(a) If any of the goods exempted from duty under this Resolution are sold, exchanged, given away or applied to any use other than the use specified in the Schedule within 5 years of the date of importation –

(i) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;

(ii) the importer and any person knowingly concerned in such sale, exchange, gift or unsanctioned use is guilty of an offence and may be arrested and is liable to a fine of $20,000 or 3 times the duty relieved, whichever is the greater, or to imprisonment for a term of 2 years or to both; and

(iii) the goods in respect of which the exemption was granted are liable to forfeiture.

(b) If the importer fails to certify that he has not sold, exchanged, given away or applied the goods to any use other than the use specified in the Schedule –

(i) the importer shall produce or account for the goods exempted from duty under this Resolution to the Comptroller of Customs;

(ii) any goods not produced or accounted for will be deemed to have been sold, exchanged, given away or applied to some use other than the use specified in the Schedule and paragraph (a)(i) applied; and

(iii) If any goods not produced or accounted for are subsequently found, they are liable to forfeiture.

(c) If the importer fails to produce or account for the goods exempted from duty under this Resolution upon demand by a customs officer –

(i) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of $20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and

(ii) if any goods not produced or accounted for are subsequently found they are liable to forfeiture.

(d) If the importer fails to pay the Customs Administrative Charge at the rate specified in the Schedule, at the expiry of 30 days from the date of delivery of a demand for payment made by the Comptroller of Customs, or such longer period as may be designated by the Comptroller of Customs –

(i) the importer shall pay the duty on the value of such goods at the rate of duty specified in the Integrated Customs Tariff at the date of importation;

(ii) the importer and any person knowingly concerned in such failure are guilty of an offence and may be arrested and are liable to a fine of $20,000 or 3 times the value of the goods, whichever is the greater, or to imprisonment for a term of 2 years or to both; and

(iii) the goods exempted from duty under this Resolution are liable to forfeiture.

Leroy C Rogers
Speaker

Passed by Resolution of the House of Assembly the 22nd day of March 2016.

Lenox J Proctor
Clerk, House of Assembly

MOTION NO.

SCHEDULE

IMPORTER:	Micael Bourne / Omololu international School.
PURPOSE:	Social Development
PERIOD DURING WHICH IMPORTATION ALLOWED:	February 17, 2016 – February 16, 2017
GOODS THAT MAY BE IMPORTED:	- List Attached
RATE OF CUSTOMS ADMINISTRATIVE CHARGE:	5% Administrative Charge of the value of the goods in respect of which customs duty exemption is granted.
DUTY LOSS:	- **EC** $ 35,352.52.

Michael Bourne
Omololu International School
P.O. Box 703
The Valley
Anguilla

Duty loss for Omolulu International School

QUANTITY	DESSCRIPTION OF GOODS	HS CODE	VALUE IN US	VALUE IN EC	RATE OF DUTY	DUTY PAYABLE
			$	$		EC$
2	Containers	8609.00.00	3,900.00	10,483.98	20%	2,096.80
2	Sidewall Removal	? 8609.00.00	6,300.00	16,935.66	20%	3,387.13
3	Framed Opening	? 8609.00.00	1,950.00	5,241.99	20%	1,048.40
2	Steel Stud Framing	7326.90.90	3,700.00	9,946.34	15%	1,491.95
2	Electrical Outlet	8536.69 (8526.69.00)	7,700.00	20,699.14	25%	5,174.79
2	Instulation	7019.39.00	17,000.00	45,699.40	20%	9,139.88
2	Panel Interior	6809.11.00	7,130.00	19,166.87	20%	3,833.37
2	Panel Interior	6809.11.00	2,500.00	6,720.50	20%	1,344.10
2	Window Frames	7308.30.00	1,250.00	3,360.25	15%	504.04
2	Window Frames	7308.30.00	1,500.00	4,032.30	15%	604.85
5	Window Frames	7308.30.00	3,750.00	10,080.75	15%	1,512.11
2	Plywood	4412.39.00	2,500.00	6,720.50	20%	1,344.10
1	Sealing Tape	3919.10.00	950.00	2,553.79	15%	383.07
3	Threshold Plate	7308.90.00	3,750.00	10,080.75	15%	1,512.11
2	Steel Wall	7308.90.00	4,900.00	13,172.18	15%	1,975.83
TOTAL						35,352.52

Prepared by
JK&V Customs Brokage
Phone#1264 729 2596

3/2/2016.

Finance Officer
Please note the changes
24/2/16
C.O.C