

### **OBJECTS AND REASONS**

This Bill would provide for the imposition of a cess on condensed milk, flavoured milk, milk, milk based beverages and milk substitute beverages.

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**BARBADOS**

A Bill entitled

An Act to provide for the imposition of a cess on condensed milk, flavoured milk, milk, milk based beverages and milk substitute beverages.

ENACTED by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Cess on Milk Act, 2018*.

### **Interpretation**

2. In this Act,

“c.i.f.” means cost, insurance and freight;

“Commissioner” shall have the meaning assigned to it by section 2 of the *Barbados Revenue Authority Act (Act 2014-1)*;

“condensed milk” means the product appearing under tariff heading 0402.99.10 of the *Customs Tariff (Amendment) (No.9) Order, 2009* (S.I. 2009 No. 159);

“milk” means full cream milk or partially or completely skimmed milk;

“milk based beverages” means milk based beverages which fall under tariff heading 2202.90.90 of the *Customs Tariff (Amendment) (No.9) Order, 2009* (S.I. 2009 No. 159); and

“milk substitute beverages” means beverages, which fall under tariff heading 2202.90.90 of the *Customs Tariff (Amendment) (No.9) Order, 2009* (S.I. 2009 No. 159), usually made from plant or vegetable matter rendered ready for consumption as a beverage by the addition of water with or without

- (a) the addition of sugar;
- (b) flavouring; or
- (c) other sweetening matter.

### **Imposition of cess**

3.(1) Subject to subsections (2) and (4), a cess shall be imposed on

- (a) condensed milk;
- (b) flavoured milk;
- (c) milk;
- (d) milk based beverages; and

(e) milk substitute beverages

imported into or produced in Barbados at the rate set out in the *First Schedule*.

(2) The cess imposed by subsection (1) shall not apply to the products listed in the *Second Schedule*.

(3) The cess referred to in subsection (1) shall be collected by

(a) the Commissioner where the

- (i) condensed milk;
- (ii) flavoured milk;
- (iii) milk;
- (iv) milk based beverages; and
- (v) milk substitute beverages

are produced in Barbados; or

(b) the Comptroller of Customs where the

- (i) condensed milk;
- (ii) flavoured milk;
- (iii) milk;
- (iv) milk based beverages; and
- (v) milk substitute beverages

are imported into Barbados.

(4) Where the condensed milk, flavoured milk, milk, milk based beverages or milk substitute beverages are imported into Barbados, the cess, imposed by subsection (1), shall be charged on the c.i.f. value of the condensed milk, flavoured milk, milk, milk based beverages or milk substitute beverages prior to the imposition of value added tax.

(5) Milk based beverages and milk substitute beverages shall be exempt from the imposition of excise tax under the *Excise Tax Act*, Cap. 69.

(6) The revenue collected from the imposition of the cess pursuant to subsection (1) shall be paid into the Consolidated Fund.

(7) The Minister may by Order amend the *First Schedule* and the *Second Schedule*.

**Offences**

4. A person who fails to pay the cess imposed by section 3 is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 12 months or to both.

**FIRST SCHEDULE**

*(Section 3(1) and (7))*

*Rate of cess*

	<b>Rate of Cess</b>
Rate of cess imposed on condensed milk, flavoured milk, milk, milk based beverages and milk substitute beverages imported into or produced in Barbados	10%

**SECOND SCHEDULE**

*(Section 3(2) and (7))*

*Products exempt from the imposition of cess*

1. Preparations for Infant Use
2. Beverages that attract the imposition of excise tax at a rate of 10 per cent