

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

CUSTOMS TARIFF AMENDMENT (NO. 3) ACT 2011

WHEREAS it is expedient to amend the Customs Tariff Act 1970 in relation to the duty payable on accompanied personal goods;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Customs Tariff Amendment (No. 3) Act 2011.

Amends section 5A

2 In section 5A of the Customs Tariff Act 1970, after subsection (1) insert the following—

“(1A) Notwithstanding paragraph (d) of subsection (1), where two or more members of the same household return to Bermuda on the same aircraft or boat, only one may claim the \$100 allowance as set out in that paragraph.

(1B) “Members of the same household” means persons living in the same residence, regardless of whether or not the persons are related; and so includes persons living in the same residence due to an employer-employee relationship, a house-sharing arrangement, or for any other reason.

(1C) For the avoidance of doubt, the restriction in subsection (1A) does not affect the allowances set out in the other paragraphs of subsection (1).”

Amends the First Schedule

3 In the First Schedule to the Customs Tariff Act 1970, in Chapter 98 of Section XXII, under Heading 98.02 in the rate of duty column specified against Tariff Code 9802.001 (accompanied goods imported for personal use), delete “25%” and substitute “35%”.

Commencement

4 This Act comes into effect on 4 November 2011.

CUSTOMS TARIFF AMENDMENT (NO. 3) BILL 2011

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Customs Tariff Act 1970 in relation to the duty payable on accompanied personal goods.

Clause 1 is self-explanatory.

Clause 2 amends section 5A of the Customs Tariff Act 1970 (duty free allowance) by inserting new subsections (1A) to (1C). Subsection (1A) provides that where two or more members of the same household return to Bermuda on the same aircraft or boat, only one may claim the \$100 allowance set out in subsection (1)(d) for accompanied goods for personal or household use or as souvenirs or gifts. Subsection (1B) clarifies the meaning of “members of the same household”. Subsection (1C) provides, for the avoidance of doubt, that this restriction does not affect the allowances in the other paragraphs of subsection (1) (ie for accompanied baggage, alcoholic beverages, tobacco and bona fide baggage falling within paragraphs (f) or (g)).

Clause 3 amends the First Schedule to the Customs Tariff Act 1970 to increase from 25% to 35% the duty payable on accompanied personal goods.

Clause 4 provides for commencement on the day that this Bill is tabled in the House of Assembly, in accordance with the Provisional Collection of Customs Duties Act 1960.