



BERMUDA

CUSTOMS DUTY (MERCK, SHARP AND DOHME) REMISSION ORDER 2005

BR 5 / 2005

The Minister Finance, in exercise of the powers conferred by section 2 of the Customs Duty (Special Remission) Act 1951, makes the following Order:

Citation

1 This Order may be cited as the Customs Duty (Merck, Sharp and Dohme) Remission Order 2005.

Interpretation

2 In this Order—

“companies” means—

- (a) the company incorporated in Bermuda under the name of Merck, Sharp and Dohme (International) Limited in pursuance of the Merck, Sharp and Dohme (International) Act 1956;
- (b) the company incorporated in Bermuda under the Companies Act 1981 formerly known as Merck, Sharp & Dohme (Ireland) and now known as MSD Overseas Manufacturing Co. by virtue of the issuance of a certificate of incorporation on change of name by the Registrar of Companies on 21 August 1997;
- (c) the company incorporated in the United States of America in the State of Delaware pursuant to the Delaware Code 1953 under the name of Merck and Company Incorporated and granted a permit pursuant to sections 134 and 136 of the Companies Act 1981 on 24 October 1991 to engage in or carry on any trade or business in or from within Bermuda; and

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- (d) direct and indirect subsidiaries of the parent company Merck & Co. Inc., incorporated in New Jersey in the United States of America that are able to carry on business in Bermuda;

“exempted goods” means any equipment, plant, materials, supplies or goods imported by the companies free of import duty by virtue of paragraph 3.

Exemption from import duty

3 The companies are exempted from the payment of import duty in respect of the importation into Bermuda by the companies of any equipment, plant, materials, supplies and goods—

- (a) which are for use directly and solely for the purpose of the manufacture, warehousing and exporting of chemical, pharmaceutical, proprietary, biological, medicinal and other products and goods, wares and merchandise or which are general sundries dealt with by druggists and pharmacists for the purpose of packing, bottling, boxing or otherwise enclosing the said products or goods, or which are for the erection and operation of factories, laboratories, stores, workshops, warehouses and business places for any of the said purposes;
- (b) which either are consigned to the companies in any location in Bermuda or are consigned to or by the companies and are in transit through any seaport or airport in Bermuda; and
- (c) which are either—
  - (i) the property of the companies, or for the time being hired by the companies, or for the time being loaned to the companies; or
  - (ii) the property of any third party situated outside Bermuda intended either for any of the purposes mentioned in sub-paragraph (a) or, being articles of a similar nature, for export by the companies.

Exemption from export duty

4 The companies are exempted from the payment of export duty in respect of the exportation of exempted goods, provided the exempted goods are exported directly out of Bermuda by the companies.

Expiration

5 This Order shall cease to have effect ten years after the commencement date, but in respect of exempted goods which have been imported free of import duty into Bermuda by virtue of paragraph 3, import or export duty does not fall to be paid by reason only that this Order has ceased to have effect.

*[Section 5 amended by BR 28 / 2010 s. 2 effective 9 April 2010]*

Commencement

6 This Order shall come into operation on the 8th day of July 2005.

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Made this 11<sup>th</sup> day of March, 2005

Minister Finance

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*[Amended by:*

BR 28 / 2010]