CHAPTER 62

REVENUE (SAFEGUARD) ACT

To make provision for the Safeguard of Revenue and the Prevention of Forestalment.

(14th May, 1928)

ACT V of 1928 as amended by Ordinance LI of 1939; Proclamation XI of 1947; Act XXIII of 1956; Emergency Ordinance XIV of 1958; Ordinances: XVI of 1960, XXV of 1962; Legal Notices 43 of 1962, 46 of 1965; Acts: XXXVIII of 1966, XI and XV of 1977, XXIX of 1979, XIII of 1983, XXII of 1989 and XIV of 2001; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Act is the Revenue (Safeguard) Act.

New or increase of duty.
Amended by: LI. 1939.2; Procl. XI of 1947; XVI.1960.3; XXV.1962.3; L.N. 46 of 1965; XXXVIII.1966.2. Substituted by: XXII. 1989.2; XIV. 2001.2.

2. (1) Whenever notice is given by a Minister to the Clerk of the House of Representatives of a bill having as its object the imposition of a new duty or the increase of an existing duty, such new duty or increase of duty shall be levied and collected by the authority designated in the bill to be responsible for its collection as from the day on which a Proclamation has been issued to that effect that notice as aforesaid has been given.

(2) For the purposes of this Act the term "duty" means and includes any tax, however called, leviable on goods or services upon their importation, manufacture or supply as the case may be, as well as any other tax, tribute, fee, contribution, fare or impost and in general any revenue that may be due to the Government or to any Corporation or Authority established by law.

Amounts collected to be held in deposit.
Amended by: LI. 1939.3; XXV. 1962.3; L.N. 46 of 1965; XIII.1983.5; XXII. 1989.3; L.N. 408 of 2007.

3. (1) Any amounts collected in respect of any such new duty or increase of duty shall be held in deposit to be passed to revenue when the bill is finally approved, or returned to the depositor, wholly or in part, if the bill is finally rejected or the proposed duty decreased or if the bill is not passed within six months from the first sitting of the House of Representatives after the notice referred to in the last preceding article is given.

Deposit to be exempt from stamp or other duty.

(2) The depositor in making or withdrawing, wholly or in part, the aforesaid deposit shall be exempt from any stamp or other duty in respect of such deposit.

Interest.

(3) Interest at the rate of three per cent per annum shall be paid on amounts exceeding in the aggregate two hundred and thirty-two euro and ninety-four cents (232.94) deposited, under this Act, by any one depositor and subsequently returned to such depositor.

Restriction of delivery of goods from bond.
Added by: XXIII. 1956.2. Amended by: XIV.1958.2; XXV.1962.3: XXXVIII.1966.3; XI.1977.2. Substituted by: XV.1977.2. Amended by: XXIX. 1979.3; XIV. 2001.3.

4. (1) The Comptroller of Customs, hereinafter referred to as "the Comptroller" may, during any period to which this article applies, refuse to allow the delivery of goods or commodities for home consumption from any wharf, customs verandah or bonded warehouse in any case where delivery is demanded of amounts exceeding the delivery which appears to him to be reasonable in the circumstances.

(2) The Comptroller or any person having authority under any law in connection with the collection of a duty, may likewise, during any period as aforesaid, refuse to allow the release of any product or the issue of any bands, stamps or certificates denoting the payment of a duty in respect of quantities exceeding those which appear to him to be reasonable in the circumstances.

(3) This article shall apply -

(*a*) to the period in every year beginning with the first day of October of that year and ending with the thirty-first day of January of the next following year, or such later date as the Minister responsible for finance may by order in the Gazette specify;

(*b*) to any other period in any year, not exceeding one month, as the said Minister may by order in the Gazette specify.

Mode of collection of duty.
Added by: XXII. 1989.4.

5. Where in any bill as is referred to in article 2(1) a particular procedure is established for the collection of the duty, such duty shall, subject to the other provisions of this Act, be collected in accordance with the procedure established in such bill.