

L.N. 56 of 1993

**CUSTOMS ORDINANCE
(CAP. 37)**

Customs (Amendment) Regulations, 1993

IN exercise of the powers conferred by section 80 of the Customs Ordinance, the Minister of Finance has made the following regulations:—

1. (1) These regulations may be cited as the Customs (Amendment) Regulations, 1993, and shall be read and construed as one with the Customs Regulations, 1957, hereinafter referred to as “the principal regulations”.

Citation and
commencement.

G.N. 486
of 1957.

(2) These regulations shall come into force on the date of their publication except for the provisions of paragraphs (a) and (b) subparagraphs (i) to (iii) of regulation 12 thereof which shall come into force on the 3rd May, 1993.

2. In regulation 8 of the principal regulations, for the words “Luqa Airport” there shall be substituted the words “Malta International Airport”.

Amends
regulation 8
of the
principal
regulations.

3. For regulation 16 of the principal regulations there shall be substituted the following:

Substitutes
regulation 16
of the
principal
regulations.

“16. (1) All merchandize imported into these Islands in respect of which admission is claimed under the *E.E.C. Rate of Duty* column of the Customs Tariff, shall be accompanied by the certificate issued in accordance with the provisions of the Agreement of Association between Malta and the European Community.

(2) The importer shall, however, declare in all cases on the proper entry form, the country of origin of the goods and, in the event of that declaration not being made to the satisfaction of the Comptroller of Customs, the Comptroller may refuse clearance of the goods until a certificate of origin is produced.”.

4. In paragraph (2) of regulation 17 of the principal regulations for the words “the Civil Airport Station at Luqa” there shall be substituted the words “the Customs Station at the Malta International Airport”.

Amends
regulation 17
of the
principal
regulations.

5. In paragraph (1) of regulation 19A of the principal regulations, for the words “Luqa Airport” there shall be substituted the words “Malta International Airport”.

Amends
regulation 19A
of the
principal
regulations.

6. In regulation 21 of the principal regulations, for the figures “1976” there shall be substituted the words “Cap. 337”, and in the proviso to the same regulation for the word “forty” there shall be substituted the words “one hundred”.

Amends
regulation 21
of the
principal
regulations.

Substitutes
regulation 32
of the
principal
regulations.

7. For regulation 32 of the principal regulations, there shall be substituted the following:

“32. The Comptroller of Customs shall decide in all cases on the staff necessary for the proper protection of the revenue, and he may, in his discretion, before granting any permission, require the deposit of a sum sufficient to cover the expenses and the payment of any amount of arrears due to him for attendance previously given by officers of the Customs at the request of merchants:

Provided that where such arrears are being contested by the merchant, the Comptroller of Customs may require the payment of a deposit equivalent to the amount being contested before granting permission for service to be given.”.

Substitutes
regulation 36
of the
principal
regulations.

8. For regulation 36 of the principal regulations there shall be substituted the following:

“36. (1) Subject to the provisions of paragraph (2) of this regulation, no goods shall be landed or examined at any place other than an approved landing place.

(2) The Comptroller of Customs may allow goods to be landed at any place other than an approved landing place provided such goods are placed in the charge of an officer of the Customs.

(3) The person on whose behalf goods are landed as provided under paragraph (2) of this regulation shall pay the Comptroller, on demand, a charge according to the rates specified below:—

(a) Charges for the guarding of containers, trailers and motor vehicles:

(i) *Imported for home use:*

For the first seven days:	Lm1.25,0	per unit per day or part thereof
For any period thereafter:	Lm1.50,0	per unit per day or part thereof;

(ii) *For Transhipment only:*

For the first period of thirty days:	Lm0.20,0	per unit per day or part thereof
For the second period of thirty days:	Lm0.32,0	per unit per day or part thereof

For the third period of thirty days: Lm0.45,0 per unit
per day or
part thereof

For any period thereafter: Lm1.50,0 per unit
per day or
part thereof;

(b) Charges for the guarding of other goods:

For the first seven days: Lm2.50,0 per 25 cubic
metres or
part thereof
per day or
part thereof

For any period thereafter: Lm3.00,0 per 25 cubic
metres or
part thereof
per day or
part thereof.”.

9. Regulation 40 of the principal regulations shall be amended as follows:

Amends
regulation 40
of the
principal
regulations.

(a) for the proviso to paragraph (1) thereof, there shall be substituted the following:—

“Provided that —

(i) where the duration of such service by an officer of the Customs is less than two hours the charge shall be calculated for two hours;

(ii) when such service is given completely between 20.00 hours of one day and 08.00 hours of the following day, an additional charge of Lm2 shall also be raised; however, when the service is not given completely between the aforementioned hours, the additional charge of Lm2 shall be payable only when such service extends into the aforementioned hours either way by a minimum of two hours;

(iii) when a service is given in Gozo, there shall be deducted from the total amount payable to the Comptroller of Customs an amount equivalent to the charge for two hours overtime calculated as prescribed in this paragraph.”;

(b) for paragraph (4) thereof there shall be substituted the following:—

“(4) When the attendance of an officer of the Customs is required at any place, unless the person requesting such an attendance provides satisfactory transport —

(a) when route bus service is available, there shall be made a charge for transport at the current tariff rates for such service; and

(b) whenever the attendance of an officer of Customs is required within normal working hours and no such service is available, there shall be made a charge for transport at the rate of 9c3 per kilometre for the distance between Custom House, Valletta and various localities in Malta as determined by the Comptroller of Customs and displayed at the Customs Department and at the branches of the Customs Department:

Provided that, no charges shall be demanded in respect of all ferry fares between Malta and Gozo, and of kilometres travelled in Gozo;

Provided further that when attendance by an officer of the Customs is given outside normal working hours, the charge for transport shall be calculated as specified in subparagraph (b) above with an additional charge of one Maltese lira, which additional charge shall be reduced to fifty cents whenever attendance commences or ends during the officer's on-duty period.”.

Amends
regulation 49
of the
principal
regulations.

10. In paragraph (1) of regulation 49 of the principal regulations for the words “Duty Free Supplies” there shall be substituted the words “Duty Free”.

Amends
First Schedule
to the
principal
regulations.

11. The First Schedule to the principal regulations shall be amended as follows:—

(a) for item 2 thereof there shall be substituted the following:

“2. The Government Freight Shed at the Malta International Airport.”; and

(b) items 4 and 6 shall be deleted and items 5, 7, 8 and 9 shall be re-numbered 4, 5, 6 and 7 respectively.

Amends
Third Schedule
to the
principal
regulations.

12. The Third Schedule to the principal regulations shall be amended as follows:—

(a) under one heading “TARIFF OF WAREHOUSE RENT”, under the sub-heading “*Articles subject to duty:*” —

(i) against the item “Beer” for the words “per 50 litres 10 cents, minimum 10 cents” there shall be substituted the words “per 50 litres 40 cents, minimum six months”;

(ii) immediately following the item "Beer" there shall be added the following new item:

"Cider (in bulk) (in bottles) per 50 litres 40 cents, minimum six months";

(iii) against the item "Spirits" for the words "per 50 litres 10 cents, minimum 10 cents" there shall be substituted the words "per 50 litres 40 cents, minimum six months";

(iv) against the item "Tobacco (cigars, cigarettes, snuff cavendish and other manufactured tobacco)" for the words "per 50 kilos 10 cents, minimum 10 cents" there shall be substituted the words "per 50 kilos 40 cents, minimum six months"; and

(v) against the item "Wine" for the words "per 50 litres 10 cents, minimum 10 cents" there shall be substituted the words "per 50 kilos 40 cents, minimum six months"; and

(b) under the heading "RENT ON GOODS LODGED IN CUSTOM HOUSE WAREHOUSES FOR EXPORTATION ONLY" —

(i) paragraphs numbered 3, 4, 5, 6 and 7 thereof shall be re-numbered as paragraphs 4, 5, 6, 7 and 8 respectively;

(ii) the following new paragraph shall be inserted after paragraph 2 and numbered as paragraph 3 thereof:

"3. (a) In the case of beer, cider, spirits, tobacco (cigars, cigarettes, snuff, cavendish and other manufactured tobacco), and wine, store-rent charges shall be payable six months in advance on the first warehousing, or subsequent re-warehousing in terms of section 35 of the Customs Ordinance, of the whole consignment or part consignment as the case may be, and shall continue to be so payable on any balance of the consignment remaining in bond at the end of each following period of six months.

(b) No refunds of store-rent shall be effected on any part of the consignment released from bond, found damaged or destroyed by the owner before the expiry of the current six-month period.

(c) No releases from a particular consignment shall be allowed unless store-rent due in accordance with the provisions of this Schedule has been duly paid.

(d) Releases from consignments of identical items shall only be allowed on a first-in first-out basis."

(iii) in paragraph 4 as renumbered, for the words “The rates for a whole period of fifteen days, thirty days or one month,” there shall be substituted the following:—

“The rates for a whole period of fifteen days, thirty days, one month or six months,”;

(iv) in paragraph 5 as renumbered, for the word “penny” wherever it appears there shall be substituted the words “cent”; and

(v) after paragraph 8 as renumbered, there shall be added the following new paragraph:—

“9. In the case of goods not lodged in a Customs warehouse for exportation, the appropriate exportation rate shall start to apply only when a written application to export goods has been submitted to the Customs Department.”.