

Amendment of section 22**2. Section 22 of the Customs Act is amended —**

- (a) by inserting, immediately after the words “purposes of” in the first line of subsection (1), the words “levying excise duty under”; 5
- (b) by deleting the word “duty” in the third and in the sixth lines of subsection (7) and substituting in each case the words “excise duty”; and
- (c) by deleting the word “customs” in subsection (8) (c) and substituting the word “excise”. 10

New sections 22A and 22B**3. The Customs Act is amended by inserting, immediately after section 22, the following sections:****“Value of imported goods other than motor spirit for import duty 15**

22A.—(1) For the purposes of levying import duty under this Act, the value of any imported goods other than motor spirit shall be determined according to the regulations made by the Minister for the purposes of this section.

(2) Regulations made under subsection (1) may provide for 20 requiring any importer or other person concerned with the importation of goods —

- (a) to furnish to a proper officer of customs, in such form as he may require, such information as is in his opinion necessary for a proper valuation of the goods; 25
- (b) to produce any books of accounts or other documents of whatever nature relating to the purchase, importation or sale of the goods by that person.

Objection and appeal on valuation

22B.—(1) If any person disagrees with any determination by 30 the proper officer of customs of the value of any goods under section 22 or 22A, he may object to that value by making an application to the Director-General, stating the grounds of his objection and the amount that he considers should be the value of the goods. 35

(2) An objection under this section shall be given in writing to the Director-General within 14 days after any determination made under section 22 or 22A or within such further time as the Director-General may allow.

5 (3) The Director-General shall consider the objection and inform the importer in writing of his decision.

(4) Where a proper officer of customs amends his determination of the value of any goods pursuant to this Act otherwise than as a result of an objection received from the importer of the goods, he shall give notice to the importer of the amended determination.

10 (5) If any person is dissatisfied with the decision of the Director-General in respect of his objection under subsection (1), he may appeal to the High Court against that decision.

15 (6) Every appeal under subsection (5) shall be made by giving notice of appeal within 28 days after the date on which the importer is notified in writing under subsection (3) of the decision or within such further period as the High Court may allow.

20 (7) On any appeal under subsection (5), the High Court may confirm, vary or set aside the decision of the Director-General and make such further or other order on such appeal, whether as to costs or otherwise, as the High Court may think fit.

(8) Notwithstanding anything to the contrary in this section, where, in the course of determining any appeal, it becomes necessary to delay the final determination of the appeal, the importer shall be given delivery of his goods from customs control subject to the Director-General receiving such security as he thinks sufficient to cover the full amount of customs duty on the goods.”.

Amendment of section 130

4. Section 130 (1) (j) of the Customs Act is amended —

- (a) by deleting the word “and” in the ninth line of sub-paragraph (iii) and substituting the word “or”;
- 35 (b) by inserting, immediately after the words “3 years” in the last line of sub-paragraph (iii), the words “or to both”;

- (c) by deleting the words “the goods consist” in the first line of sub-paragraph (iv) and substituting the words “he has been convicted on a previous occasion of an offence under this section involving goods consisting”;
- (d) by deleting the words “— on the second or subsequent conviction to both” in the fourth and fifth lines of sub-paragraph (iv) and substituting the words “, and he is again convicted of such offence — to”;
- (e) by deleting the word “and” in the penultimate line of sub-paragraph (iv) and substituting the word “or”; and
- (f) by inserting, immediately after the words “6 years” in the last line of sub-paragraph (iv), the words “or to both”.

Consequential amendment to Free Trade Zones Act

5. The Free Trade Zones Act (Cap. 114) is amended —

- (a) by deleting the semi-colon at the end of the definition of “senior officer of customs” in section 2 and substituting a full-stop;
- (b) by deleting the definition of “value” in section 2; and
- (c) by inserting, immediately after subsection (2) of section 7, the following subsection:
 - “(3) The valuation applicable to any goods subject to customs duty shall be ascertained in accordance with the Customs Act (Cap. 70).”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Customs Act (Cap. 70) to give effect to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (GATT), known as the Customs Valuation Code (CVC). The CVC will replace the present valuation system under which imported goods are assessed for the purposes of levying import duty according to their open market value with a valuation system based on the value of the imported goods which includes the cost, insurance and freight. However for the purposes of levying excise duties, the current valuation system under section 22 will be retained. A technical amendment is also made to section 130 (1).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 22 (1) to confine the method of valuation in section 22 to that for the purposes of levying excise duty under the Act. The value of any imported goods other than motor spirit shall be taken to be the normal price. This is the price which the goods would fetch at the time when the excise duty becomes payable on a sale in the open market between the buyer and the seller independent of each other.

Clause 3 inserts new sections 22A and 22B. The new section 22A provides that, for the purposes of levying import duty under the Act, the valuation of imported goods other than motor spirit is to be determined in accordance with rules to be made by the Minister. The new section 22B provides for any person who disagrees with the valuation under section 22 or 22A an avenue to object to the valuation and, if necessary, to appeal to the High Court.

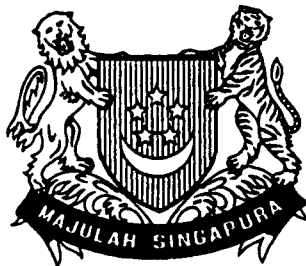
Clause 4 amends section 130 (1) to make it clear that for offences involving tobacco products of more than 2 kg in weight —

- (a) the punishment of imprisonment is not mandatory; and
- (b) the first offence refers to an offence involving tobacco products of more than 2 kg in weight.

Clause 5 makes consequential amendments to the Free Trade Zones Act (Cap. 114) to ensure consistency with the Customs Act in the valuation of imported goods for the purposes of levying customs duty.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
 ACTS SUPPLEMENT

Published by Authority

NO. 24]

FRIDAY, AUGUST 16

[1996

The following Act was passed by Parliament on 12th July 1996 and assented to by the President on 1st August 1996:—

REPUBLIC OF SINGAPORE

No. 24 of 1996.

I assent.

ONG TENG CHEONG,
President.
 1st August 1996.



An Act to amend the Customs Act (Chapter 70 of the 1995 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

1.—(1) This Act may be cited as the Customs (Amendment) Act 1996 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Short title
and com-
mencement.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

Amendment
of section 3.

2. Section 3 of the Customs Act is amended —

(a) by inserting, immediately after the definition of “alcohol” in subsection (1), the following definition:

“ “authentication code” means any identification or identifying code, password or any other authentication method or procedure which has been assigned to a registered user of the computer service referred to in section 90A for the purposes of identifying and authenticating the access to and use of the computer service by the registered user;”;

(b) by inserting, immediately after the definition of “customs territory” in subsection (1), the following definition:

“ “database report” means any automatic log, journal or other report which is automatically generated by the computer service referred to in section 90A for the purposes of recording the details of a transaction relating to an electronic notice including the authentication code, date and time of receipt, storage location and any alteration or deletion relating to the notice;”;

(c) by inserting, immediately after the definition of “dutiable goods” in subsection (1), the following definition:

“ “electronic notice” has the meaning assigned to it in section 90A (1);”;

(d) by inserting, immediately after the definition of “Government warehouse” in subsection (1), the following definition:

“ “Green Channel” means any passage or area in a customs airport, railway station or customs station clearly indicated with a sign in the shape of a regular octagon and marked in green with the words “Customs” and “Nothing To Declare”;”;

(e) by inserting, immediately after the definition of “proper officer of customs” in subsection (1), the following definitions:

“ “Red Channel” means any passage or area in a customs airport, railway station or customs station clearly indicated with a sign in the shape of a square marked in red with the words “Customs” and “Goods To Declare”;

“registered user” means a person who has been registered with and authorised by the Director-General to gain access to and use the computer service referred to in section 90A;”; and

(f) by inserting, immediately after subsection (2), the following subsections:

“(3) In this Act, a reference to a document or record shall include, in addition to a document or record on paper, a reference to any, or part of any —

(a) document or record kept on any magnetic, optical, chemical or other medium;

(b) photograph;

(c) map, plan, graph, picture or drawing;

(d) film (including a microfilm and a microfiche), negative, disc, tape, sound-track or any other device in which one or more visual images, sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

(4) In this Act, a reference to a document or record in writing or the making of a document or record in writing shall, unless the context otherwise requires, include any electronic notice, or the making, serving or submitting of such a notice under the provisions of this Act or any subsidiary legislation made thereunder.”.

Amendment
of section 40.

3. Section 40 (1) of the Customs Act is amended by inserting, immediately after the word “specify” at the end thereof, the words “except that the Director-General may refuse to accept any amendment made after the Director-General has been notified that investigations into any offence under any written law have commenced in connection with goods to which the manifest relates”.

New sections
90A to 90D.

4. The Customs Act is amended by inserting, immediately after section 90, the following sections:

“Computer
service.

90A.—(1) The Director-General may establish and operate a computer service and make provision for any manifest, return, list, statement, declaration, direction, notice, permit, receipt or other document required or authorised by this Act or any subsidiary legislation made thereunder to be made, served or submitted by electronic transmission (referred to in this Act as an electronic notice).

(2) A registered user may, in accordance with the regulations made under subsection (11), make and serve an electronic notice to the computer account of the Director-General.

(3) The Director-General or any person authorised by him may, in accordance with the regulations made under subsection (11), make and serve an electronic notice to the computer account of a registered user.

(4) Where an electronic notice is transmitted to the computer account of the Director-General using the authentication code assigned to a registered user —

(a) with or without the authority of the registered user; and

(b) before the notification to the Director-General by the registered user in the prescribed manner, of cancellation of the authentication code,

that notice shall, for the purposes of this Act or any subsidiary legislation made thereunder, be presumed to be made by the registered user unless he adduces evidence to the contrary; and