

THE REPUBLIC OF KIRIBATI
(No. 6 of 1985)

I assent,

M. Tebai
Beretitenti.

10/9/1985.

AN ACT TO AMEND THE CUSTOMS ORDINANCE (Cap 22)

Commencement:

10/9/1985

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title.

1. This Act may be cited as the Customs (Amendment) Act 1985.

Interpretation.

2. In this Act, unless the context otherwise requires -
"the Commission" means the Foreign Investment Commission established under the Foreign Investment Act 1985;
"enterprise" means enterprise as defined in the Foreign Investment Act 1985;

No. 3 of 1985


Amendment to section 8 of Cap 22

3. Section 8 of the Customs Ordinance is amended by inserting after -

- (a). "Minister" where it first occurs the following: "or the Commission in any case where it is empowered to direct the remission or refund of any customs duty under the Foreign Investment Act 1985 and a foreign enterprise whose foreign investment has been approved by the Commission under the said Act is involved";
- (b) "his" the words "or its";
- (c) "Officer" the following:
"or submitted to the Commission by such foreign enterprise";

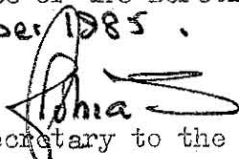
- (d) "paid" where it first occurs the words
"or to be payable or paid";
- (e) "imported" the following:
"or to be imported or exported,";
- (f) "paid" where it next occurs the words
"or to be paid,";
- (g) "Minister" where it next occurs the
following:
"or the Commission as the case may be";
and
- (h) "he" the words "it".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 3rd September, 1985 and is found by me to be a true and correctly printed copy of the said Bill.


Clerk to the Maneaba
ni Maungatabu

Published by exhibition -

- (a) at the Public Office of the Beretitenti this 10th
day of September, 1985.


Secretary to the Cabinet

- (b) at the Maneaba ni Maungatabu this 10th day of
September, 1985

Clerk to the Maneaba
ni Maungatabu

CUSTOMS (AMENDMENT) ACT 1985

EXPLANATORY MEMORANDUM

1. The principal object of this Act is to amend section 8 of the Customs Ordinance (Cap 22) in order to harmonize it with section 11(A)(b) of the Foreign Investment Act 1985 which purports to empower the Commission to be established under that Act to be able to direct the remission or refund of any customs duty in respect of any businesses or foreign investment being carried on in Kiribati by a foreign enterprise.


2. Currently the power to direct the remission or refund of any customs duty is vested solely in the Minister. The proposed amendment in the Act seeks to empower the Commission apart from the Minister but only in respect of particular cases where a foreign investment is involved and such foreign investment has been approved by the Commission under the Foreign Investment Act 1985.

3. Clause 3 of the Act provides for that said power of the Commission.

4. The amendment is considered desirable in the interest of orderly, uniform and speedy procedures for the processing by the Commission of application and approval for foreign investment in Kiribati.

Michael N. Takabwebe
The Attorney General

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act. 

Michael N. Takabwebe
The Attorney General