



GUYANA.

ACT NO. 15 OF 1970

CUSTOMS (AMENDMENT) ACT, 1970.

I assent.


President.

 14th September 1970.

Arrangement of Sections.

Section

1. Short title.
2. Repeal and re-enactment of section 21 of Chapter 309.
3. Amendment of section 126 of Chapter 309.
4. Addition of schedule to Chapter 309.

 SCHEDULE.

AN ACT to amend the Customs Ordinance.

A.D. 1970 Enacted by the Parliament of Guyana:—

Short
title.
Cap. 309.

1. This Act may be cited as the Customs (Amendment) Act, 1970, and shall be construed and read as one with the Customs Ordinance, hereinafter referred to as the Principal Ordinance, and all amendments thereto.

Repeal and
re-enactment
of section 21
of Chapter
309.

2. Section 21 of the Principal Ordinance is hereby repealed and the following section substituted therefor—

“Value of
goods liable
to ad valorem
duty.”

21. (1) For the purposes of any enactment for the time being in force whereunder duty is chargeable on goods by reference to their value, that value shall—

- (a) in the case of imported goods, be determined by the Comptroller in accordance with the provisions of the fifth schedule to this Ordinance and the duty paid accordingly:

Provided that where goods are imported under a contract of sale and entered for use in Guyana, duty shall be deemed to have been paid on that value if, before the goods are delivered for such use, duty is tendered and accepted on a declared value based on the contract price; and

- (b) in the case of exported goods, be determined in the manner from time to time prescribed and the duty paid accordingly.

(2) For the purpose of the proviso to paragraph (a) of subsection (1) of this section—

- (a) the declared value of any goods is their value as declared by or on behalf of the importer in making entry of the goods for use in Guyana;

- (b) that value shall be deemed to be based on the contract price if it represents that price properly adjusted to take account of circumstances differentiating the contract from such a contract of sale as is contemplated by the fifth schedule to this Ordinance;

- (c) the rate of exchange to be used for determining the equivalent in Guyana dollars of any foreign currency shall be the selling rate for sight drafts as last notified in the Gazette before the time when the goods are entered for home use.”.

3. Section 126 of the Principal Ordinance is hereby amended by the deletion of the words “value or”.

Amendment
of section
126 of Chap-
ter 309.

4. The schedule to this Act shall be added to the Principal Ordinance as the fifth schedule thereto.

Addition of
schedule to
Chapter 309.

SCHEDULE

“S. 21

FIFTH SCHEDULE

1. (1) The value of any imported goods shall be taken to be the normal price, that is to say the price which they would fetch, at the time when they are entered for use in Guyana (or, if they are not so entered, the time of importation), on a sale in the open market between buyer and seller independent of each other.

(2) The normal price of any imported goods shall be determined on the following assumptions:—

- (a) that the goods are treated as having been delivered to the buyer at the port or place of importation; and
- (b) that the seller will bear freight, insurance, commission and all other costs, charge and expense incidental to the sale and the delivery of the goods at that port or place; but
- (c) that the buyer will bear any duty or tax chargeable in Guyana.

2. A sale in the open market between buyer and seller independent of each other pre-supposes —

- (a) that the price is the sole consideration; and
- (b) that the price made is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller or any person associated in business with him and the buyer or any person associated in business with him (other than the relationship created by the sale of the goods in question); and
- (c) that no part of the proceeds of the subsequent resale, use or disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.

3. Where the goods to be valued —

- (a) are manufactured in accordance with any patented invention or are goods to which any registered design has been applied; or
- (b) are imported under a foreign trade mark, or are imported for sale (whether or not after further manufacture) under a foreign trade mark,

the normal price shall be determined on the assumption that the price covers the right to use the patent, design or trade mark in respect of the goods.

4. For the purposes of the last foregoing paragraph, the expression "trade mark" includes a trade name and a get-up and a foreign trade mark is a trade mark used for the purpose of indicating that goods in relation to which it is used are those of —

- (a) a person by whom the goods to be valued have been grown, produced, manufactured, selected, offered for sale or otherwise dealt with outside Guyana; or
- (b) a person associated in business with any such person as is referred to in sub-paragraph (a) of this paragraph; or
- (c) a person to whom any such persons as is mentioned in sub-paragraph (a) or (b) of this paragraph has assigned the goodwill of the business in connection with which the trade mark is used.

5. Two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them."

Passed by the National Assembly on the 25th of August, 1970.


Clerk of the National Assembly.

(Bill No. 12/1970)
(C. Ex. 95/1953)