

MEMORANDUM BY THE HON. MINISTER OF JUSTICE
REGARDING
THE BEER (EXCISE DUTY) (AMENDMENT) BILL, 1965.

Under the provisions of the Agreement on Mutual Defence and Assistance, British personnel are exempt on a "per capita" quota basis from the payment of excise duty on beer which they require for their personal use. This bill amends the Beer (Excise Duty) Act in order to give effect to those provisions. The bill provides also for drawback of any excise duty, always on a quota basis, which may have been paid on any beer manufactured in these Islands and which has been supplied for consumptions by British personnel. Besides this, the bill provides for the supply free of excise duty of beer manufactured in these Islands to members of the Diplomatic Corps and other persons who under the Diplomatic Immunities and Privileges Bill would be exempt from the payment of import duty on beer: once this category of persons will be enjoying the latter exemption, it may be of advantage to Malta's home industries if relief from excise duty is likewise granted.

It is necessary to make the abovementioned provisions of this bill take effect from 21st September, 1964, because the practice of supplying N.A.A.F.I. with beer manufactured in Malta on which no excise duty is paid has been in use from that date.

22nd November, 1965.

A B I L L
entitled

AN ACT further to amend the Beer (Excise Duty)
Act, Cap. 112.

BE IT ENACTED by the Queen's most Excellent
Majesty, by and with the advice and consent of the
House of Representatives of Malta, in this present
Parliament assembled, and by the authority of the same
as follows:-

Short title and
commencement.

1. (1) This Act may be cited as the Beer
(Excise Duty) (Amendment) Act, 1965, and shall be read
and construed as one with the Beer (Excise Duty) Act,
hereinafter referred to as the "principal Act".

(2) This Act shall be deemed to have come
into force on the 21st day of September, 1964.

Substitution of
section 26 of
the principal
Act.

2. For section 26 of the principal Act there
shall be substituted the following:-

"Power of
Governor-
General
to grant
exemption
from excise
duty.

26. (1) It shall be lawful for
the Governor-General by order to
grant exemption from the excise duty
leviable under section 2 of this
Act -

(a) where the granting of
such exemption is nec-
essary, but to the extent
only that it is so
necessary, for the imple-
mentation of any agree-
ment entered into
between the Government
of Malta and the Govern-
ment of any other
country; or

(b) where such exemption is
granted in favour of a
person or of a class of
persons who, in

/accordance.....

accordance with, or by an order made under, the provisions of the Diplomatic Immunities and Privileges Act, 1965, is exempt from customs duties on articles intended for the personal use of such person or persons.

(2) The Governor-General may grant the said exemption subject to such conditions and restriction as he may deem proper to impose in the order whereby the exemption is granted."

Addition of new section 27 in the principal Act.

3. Immediately after section 26 there shall be added the following new section:-

"Duty paid not to be refunded. Cases where drawback is allowed.

27. (1) No duty paid under this act on any beer released for consumption in these Islands shall be refunded to the manufacturer thereof:

Provided that a drawback of the actual duty paid in accordance with the provisions of this act shall be allowed -

- (a) in respect of duty on any beer in a bonded factory or warehouse which is exported as merchandise or shipped as stores on any ship or aircraft; or
- (b) in respect of duty on any beer supplied from a bonded factory or warehouse by the manufacturer or by any person who has taken delivery of the beer

/directly.....

directly from him
in circumstances in which
such beer is exempt from
duty in terms of an order
of exemption made under
the provision of paragraph
(a) of subsection (1) of
section 26 of this Act.

(2) The payment of drawback shall be made in any case falling under paragraph (a) of the last preceding subsection to the exporter, or in any case falling under paragraph (b) of the said subsection to the supplier, of the beer in respect of which the drawback is allowed.

(3) The payment of drawback shall be subject to the production of such documents and to the making and signing by the exporter or by the supplier, as the case may be, of a written declaration in such form or manner as the Comptroller of Customs may require."

Objects and Reasons

The object of this Bill is to empower the Governor-General to grant exemption from excise duty on beer in cases in which the Government has undertaken, by agreement with the Government of other countries, to grant such exemption and in cases in which the representatives or officers of foreign countries or of international organizations qualify for exemption from customs duty on articles intended for the personal use of such representatives or officers by or under the provisions of the Diplomatic Immunities and Privileges Act, 1965. Where exemption from excise duty would apply, the refund of duty paid will be allowed accordingly.