

MOTOR SPIRITS DUTY BILL

EXPLANATORY NOTE

THE purpose of this Bill is to provide for the imposition and collection of motor spirits duty. At present duty on motor spirits is collected as Customs duty but collection of duty in that manner has necessitated a great deal of work both in the Customs Department and on the part of taxpayers. It is anticipated that collection of duty in the manner proposed by the Bill will avoid much of that work. The Bill proposes that the duty should be collected in much the same way as sales tax and the legislation will be part of the Sales Tax Act 1932-33, which is one of the Customs Acts.

Clause 1 relates to the Short Title, and declares the Bill to be part of the Sales Tax Act 1932-33. The Bill will come into force on 1 December 1961.

Clause 2 is an interpretation clause.

PART I

ADMINISTRATION

Clause 3 applies the provisions of Parts IV to X of the Sales Tax Act 1932-33 to enable the collection of motor spirits duty, and confers the necessary administrative powers.

Clause 4 authorises the Minister to appoint places for the payment of motor spirits duty.

PART II

LICENSING OF WHOLESALE DISTRIBUTORS

Clause 5 requires wholesale distributors to be licensed, subject to the power of exemption under *clause 9*.

Under *clause 6*, only the holders of wholesalers' licences under the Motor Spirits Distribution Act 1953 may receive licences under the Bill. Subject to that restriction every wholesale distributor is entitled to a licence on compliance with the requirements of the Bill. The licence is to specify the places where the licensee acts as a wholesale distributor, the places where duty is to be paid, and the date on which his accounting month ends for the purposes of the Bill.

Clause 7 provides for the endorsement of the licence to include additional places of business of the licensee.

Under *clause 8* the licence is to be surrendered or revoked if the licensee ceases to carry on business. It is to be amended if he ceases to carry on business at any of the places specified in the licence. Under section 18 (2) (d) of the Motor Spirits Distribution Act 1953 it is a condition of a wholesaler's licence under that Act that he is to comply with any enactment relating to the sale of motor spirits. Thus if he fails to comply with this Bill his wholesaler's licence under the 1953 Act may be revoked or suspended by the Licensing Authority under that Act; but he will then have his rights of appeal under Part III of that Act.

Clause 9 authorises the Minister to exempt any wholesale distributor, as to the whole or any part of his business, from the requirements of the Bill as to licensing, if in the Minister's opinion it is undesirable in the public interest or impracticable or unnecessary that the distributor should be licensed.

PART III

IMPOSITION AND COLLECTION OF MOTOR SPIRITS DUTY

Clause 10 provides for the payment of motor spirits duty at the rate of 1s. 5 $\frac{3}{4}$ d. a gallon on motor spirits sold, used, or disposed of by licensees, except on sales to other licensees. The rate is the same as the present rate of Customs duty, including surtax.

Clause 11 authorises the reduction, by Order in Council, of the rate of motor spirits duty; but any such Order in Council must be laid before Parliament and will expire at the close of the session in which it is laid unless it is validated or confirmed by Act passed during that session.

Clause 12 provides for the declaring of an accounting month by each licensee for the purposes of returns and payment of duty.

Clause 13 provides for returns to be made by licensees. There will be a weekly return made on each Friday which will give an estimate of motor spirits disposed of during the week ending with that day. There will also be a monthly return which will give the actual amount sold during the preceding accounting month, which is the month ending with a day declared in that behalf by each licensee.

Clauses 14 and 15 provide for the assessment of duty.

Clause 16 provides for a right of appeal to the Minister against an assessment.

Clause 17 states that motor spirits duty becomes a debt owing to the Crown immediately on the sale, use, or disposal of any motor spirits by the licensee. The debt becomes payable on the date of the making of the weekly return referred to in *clause 13*.

Clause 18 provides for a reconciliation of accounts being made after the monthly return is made. If the duty paid in the period to which that return relates is less than the return shows should have been paid, the balance will be paid at the date of making the monthly return. If the monthly return shows an overpayment of duty, the amount overpaid shall be credited to the licensee and may be deducted by him from his next weekly payment.

Clause 19 makes motor spirits purchased by the Crown liable to duty unless otherwise determined by Order in Council.

Clause 20 imposes a penalty for late payment of duty.

Clause 21 provides for the payment of duty by a licensee leaving New Zealand.

Clause 22 gives power to collect duty from persons owing money to a licensee.

Clause 23 provides for the collection of duty when a licensee ceases to carry on business and has in stock motor spirits on which duty has not been paid.

Clause 24 deals with stocks of motor spirits held in licensed warehouses, and not entered for home consumption, at the commencement of the Bill. The motor spirits are to be entered for home consumption by the licensee free of Customs duty. They will then become subject to motor spirits duty under this Part of the Bill.

Under *clause 25* motor spirits tax, at the same rate as now exists, will be deducted from motor spirits duty and paid into the National Roads Fund, in addition to any motor spirits tax derived from Customs duties.

Clause 26 applies to motor spirits duty the provisions of the Transport Act relating to refunds, in certain cases, of Customs duties paid on motor spirits.

Clause 27 consequentially amends the Customs Tariff. The present item 394 (7), and the existing duties and surtax thereon, are repealed and replaced by the new item and rates set out in the *Third* Schedule. The effect of the new item is that motor spirits imported by holders of licences under the Bill will be free of Customs duty (because they will be subject to motor spirits duty on later sale); but motor spirits imported by other persons will be subject only to Customs duty at the rate of 1s. 5 $\frac{3}{4}$ d. (which is the existing rate plus the existing surtax).

Clause 28 makes the consequential amendments set out in the *Sixth* Schedule.

Hon. Mr Marshall

MOTOR SPIRITS DUTY

ANALYSIS

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A BILL INTITULED

An Act to make provision for the imposition and collection of motor spirits duty

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

No. 9—1

1. Short Title and commencement—(1) This Act may be cited as the Motor Spirits Duty Act 1961, and shall be read together with and deemed part of the Sales Tax Act 1932–33* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of December, nineteen hundred and sixty-one. 5

2. Interpretation—In this Act, unless the context otherwise requires,—

“Accounting month”, in relation to any applicant or licensee, means a period ending with a monthly day declared or notified in that behalf by the applicant or licensee pursuant to this Act, and commencing with the day after the corresponding day in the immediately preceding calendar month: 10

“Licence” means a wholesale distributor’s licence issued under this Act and for the time being in force: 15

“Licensee” means any person to whom a licence has been issued under this Act:

“Motor spirits” means all goods, which, if imported, would be admissible for the time being under item 394 (7) or item 395 (2) of the Customs Tariff (being the First Schedule to the Customs Acts Amendment Act 1934 as from time to time amended): 20

“Motor spirits duty” means the motor spirits duty imposed by this Act: 25

“Wholesale distributor” means a person who, whether exclusively or not, engages in the sale of motor spirits by wholesale or who, whether exclusively or not, sells motor spirits to a retailer, or who, whether exclusively or not, manufactures or produces motor spirits within New Zealand. 30

PART I

ADMINISTRATION

3. Application of provisions relating to sales tax—(1) The Minister, the Comptroller, and every Collector shall have and may exercise in respect of the collection of motor spirits duty the like powers and authorities (as far as the same are applicable and with all necessary modifications) as if motor spirits duty were sales tax. 35

*1957 Reprint, Vol. 13, p. 643

Amendments: 1958, No. 33, Part IV; 1960, No. 27, Part III

(2) Except as otherwise provided by this Act, the provisions of Parts IV to X of the principal Act and of section 6 of the Sales Tax Amendment Act 1933 shall, as far as they are applicable and with the necessary modifications, apply in all respects as if motor spirits duty were sales tax, as if a wholesale distributor under this Act were a wholesaler under the principal Act, and as if a person liable to pay motor spirits duty under this Act were a taxpayer under the principal Act.

10 **4. Minister may appoint places for payment of motor spirits duty**—For the purpose of collecting motor spirits duty the Minister may from time to time appoint a place or places for the payment of motor spirits duty.

PART II

15 LICENSING OF WHOLESALE DISTRIBUTORS

5. Wholesale distributors to be licensed—(1) Subject to the provisions of section 9 of this Act, it shall not be lawful after the commencement of this Act for any person to carry on the business of a wholesale distributor otherwise than pursuant to and in conformity with a wholesale distributor's licence issued under this Act.

20 (2) Every person who contrary to the provisions of this section carries on the business of a wholesale distributor commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds and, if the offence is a continuing one, to a further fine not exceeding twenty pounds for every day during which the offence has continued.

6. Issue of licences—(1) Every application for a licence under this Act shall be made in the prescribed form to the Comptroller specifying the place or places at which the applicant carries on or proposes to carry on business as a wholesale distributor.

35 (2) No licence shall be issued under this Act to any person unless he is the holder of a wholesaler's licence for the time being in force under the Motor Spirits Distribution Act 1953.

(3) Subject to the provisions of subsection (2) of this section, the Comptroller, if satisfied that the conditions of this Act have been complied with, shall issue to the applicant a

licence in the prescribed form. The licence shall authorise the holder to act as a wholesale distributor under this Act, at the place or places for the time being specified in the licence, and shall specify the place or places at which payment of motor spirits duty shall be made and the monthly day with which the accounting month of the licensee ends. 5

(4) Every such licence shall remain in force until it is surrendered or revoked in accordance with this Act.

7. Extension of licences—If any licensee applies to the Comptroller for authority to act as a wholesale distributor at any place or places not specified in his licence, the Comptroller shall by endorsement on the licence grant authority so to act. 10

8. Surrender, amendment, and revocation of licences—

(1) If any licensee ceases to carry on a business for which a licence is required, he shall forthwith surrender his licence to the Comptroller. 15

(2) If any licensee ceases to carry on business at one or more of the places specified in his licence, he shall forthwith notify the Comptroller and forward his licence to the Comptroller for amendment. 20

(3) If any person holding a licence under the provisions of this Act ceases to carry on the business for which the licence is required, or dies, or, being a corporation, is dissolved, the Comptroller shall revoke the licence. 25

(4) For the purposes of paragraph (d) of subsection (2) of section 18 of the Motor Spirits Distribution Act 1953, this Act shall be deemed to be an enactment relating to the sale of motor spirits.

9. Directions of Minister as to licensing—(1) If in the opinion of the Minister it is undesirable in the public interest or impracticable or unnecessary that a person who carries on business as a wholesale distributor should be licensed as such, the Minister may in his discretion, and under such conditions as to payment of motor spirits duty or otherwise as he thinks fit, direct that the wholesale distributor need not be licensed for such period as the Minister thinks fit. 30 35

(2) Any direction under this section shall have effect according to its tenor and may be given in respect of the whole or any specified part of the business of the wholesale distributor to which it relates. Any such direction shall exempt the wholesale distributor from such of the provisions of this Act as may be specified in the direction.

(3) Any direction under this section may be given at any time after the passing of this Act.

PART III

10 IMPOSITION AND COLLECTION OF MOTOR SPIRITS DUTY

10. Motor spirits duty—(1) Subject to the provisions of this Act, motor spirits duty at the rate of one shilling and fivepence three farthings per gallon shall be levied, collected, and paid on all motor spirits sold, used, or otherwise disposed of by a licensee after the commencement of this Act:

Provided that where motor spirits are sold or disposed of by a licensee to another licensee no motor spirits duty shall be payable in respect of that transaction.

(2) From the amount of motor spirits duty payable under subsection (1) of this section there shall be deducted the amount of any motor spirits duty or Customs duty, as the case may be, theretofore paid in respect of the motor spirits, if satisfactory evidence of the payment is produced to the Collector.

11. Provision for reduction of rate of duty—(1) The Governor-General may from time to time by Order in Council reduce the rate of motor spirits duty.

(2) Every Order in Council under this section shall be laid before the House of Representatives within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

(3) Every Order in Council laid before the House of Representatives in any session pursuant to subsection (2) of this section shall expire on the close of the last day of that session except so far as it is expressly validated or confirmed by an Act of Parliament passed during that session.

12. Accounting month—(1) Every applicant for a licence shall forward to the Comptroller with his application a declaration declaring the monthly day with which his accounting month ends.

(2) If a licensee intends to change the monthly day with which his accounting month ends, he shall give the Comptroller at least twenty-eight days' notice of his intention and forward his licence to the Comptroller for amendment. 5

13. Returns by licensees—(1) Every licensee shall before three o'clock in the afternoon of each Friday deliver to the Collector a return (in this Part referred to as the weekly return) in the prescribed form setting forth the quantity of motor spirits which he estimates will have been sold, used, or disposed of by him during the week ending with that Friday, the amount of motor spirits duty payable thereon, and such other particulars as may be prescribed or as may be required by the Collector: 10 15

Provided that the first return under this subsection shall be made on the eighth day of December, nineteen hundred and sixty-one, in respect of the period of eight days ending with that day. 20

(2) Every licensee shall within fourteen days after the end of each accounting month deliver to the Collector a return (in this Part referred to as the monthly return) in the prescribed form setting forth the quantity of motor spirits sold, used, or disposed of by him during that accounting month, the amount of motor spirits duty payable thereon, and such other particulars as may be prescribed or as may be required by the Collector. 25

(3) Every licensee who fails to deliver to the Collector any return required by this section commits an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 30

14. Assessment of duty on motor spirits sold—(1) The returns mentioned in section 13 of this Act may be accepted by the Collector as sufficient proof of the matters therein contained, and motor spirits duty may be assessed by the Collector accordingly. 35

(2) If the Collector has reason to believe or suspect that the amount of motor spirits duty shown in any return as aforesaid as payable on any motor spirits is less than the amount payable under this Act, he may assess the motor spirits duty payable at such greater amount as he thinks proper. 40

(3) If the Collector has reason to believe or suspect that motor spirits duty is payable on any motor spirits under subsection (1) of section 10 of this Act by any person who has not made a return in respect thereof, he may assess the motor spirits duty payable by that person at such amount as he thinks proper.

15. Assessment presumed to be correct—(1) Every assessment made by the Collector under this Act shall be taken to be correct, and motor spirits duty shall be payable accordingly unless, on appeal to the Minister under the provisions hereinafter contained, or in proceedings taken under this Act in a Court of competent jurisdiction, a different amount is proved to be the motor spirits duty payable on the motor spirits, or it is proved that no motor spirits duty is payable, as the case may be.

(2) In any such proceedings in any Court the Collector shall disclose to the Court the facts on which his assessment is based.

16. Appeal from assessment to Minister—(1) From any assessment made by the Collector under this Act the licensee may, if he thinks fit, appeal to the Minister.

(2) The right of appeal shall be exercised by giving notice in writing to the Collector within fourteen days after a demand for motor spirits duty is made by the Collector in accordance with his assessment, or within such further time as may be allowed by the Minister.

(3) On any such appeal the Minister shall, by himself or his lawful delegate, after giving a reasonable opportunity to the appellant to be heard, determine the amount of motor spirits duty (if any) payable, and his decision shall, on all questions of fact, be final except in the case of fraud.

(4) The Minister may delegate his power of hearing and determining any such appeal to any person or persons whether officers or not, but otherwise all the provisions of the Customs Act 1913 as to delegation of powers by the Minister shall apply to any delegation under this section.

(5) On any such appeal the burden of proving that the assessment is incorrect shall be upon the appellant.

(6) If any such appeal is unsuccessful, the reasonable costs incurred by the Collector in the appeal as fixed by the Minister or his delegate, in accordance with such regulations (if any) as may be made under this Act in that behalf, shall be added to the motor spirits duty, and shall be paid by the appellant accordingly.

(7) If any such appeal is successful or partially successful, the reasonable costs incurred by the appellant in the appeal, as fixed as aforesaid, shall be paid to the appellant by the Collector.

17. Motor spirits duty a Crown debt—(1) Motor spirits duty payable on any motor spirits shall immediately on the sale, use, or disposal thereof constitute a debt owing to the Crown by the licensee. 5

(2) Subject to the provisions of this Act, any such debt in respect of motor spirits duty for any weekly period shall become payable by the licensee on the delivery to the Collector of the weekly return for that period within the time prescribed for the delivery of the return by section 13 of this Act, or, if the return is not delivered to the Collector within the time prescribed by that section, such debt for the said period shall become payable on the expiration of the time prescribed by that section for the delivery of that return for that period. 10 15

(3) Subject to the provisions of section 18 of this Act, the amount payable under this section shall be the amount of motor spirits duty payable in respect of the total quantity of motor spirits which the licensee estimates will have been sold, used, or disposed of by him as set forth in the weekly return in all respects as if that total quantity had in fact been sold, used, or disposed of during the period to which the return relates. 20 25

(4) Any debt constituted by this section shall be recoverable by action at the suit of the Collector in any Court of competent jurisdiction.

(5) The right to recover motor spirits duty as a Crown debt shall not be affected by the fact that a bond or other security has been given for the payment of motor spirits duty, or that no proper assessment of motor spirits duty has been made in due course under this Act, or that a deficient assessment of motor spirits duty has been made. 30

18. Adjustments in respect of motor spirits duty— 35
 (1) Where the monthly return shows that the total amount of motor spirits duty paid under section 17 of this Act during the accounting month to which the return relates is less than the amount of duty payable by the licensee in respect of motor spirits sold, used, or disposed of by him during that month, the balance of motor spirits duty payable shall 40

become payable on the day of the delivery to the Collector of the monthly return, or on the fourteenth day after the end of the accounting month to which the return relates, whichever day is the earlier.

5 (2) Where the monthly return shows that the total amount of motor spirits duty paid under section 17 of this Act during the accounting month to which the return relates is more than the amount of duty payable by the licensee in respect of motor spirits sold, used, or disposed of by him during that
10 month, the amount of motor spirits duty overpaid shall be credited against the next weekly payment due after the day on which the monthly return is made, and may be deducted by the licensee from that payment accordingly:

15 Provided that if the next weekly payment due by the licensee is less than the amount due to the licensee under this subsection, the balance due to the licensee may be deducted from any other weekly payment payable by him.

19. Motor spirits purchased by Crown—Unless the Governor-General by Order in Council determines otherwise,
20 motor spirits duty in accordance with this Act shall be levied, collected, and paid on any motor spirits purchased in New Zealand by the Crown.

20. Penalty for late payment of duty—Notwithstanding the provisions of this Act, if any motor spirits duty that has
25 become payable under section 17 or section 18 of this Act remains unpaid after the expiration of the time prescribed by section 13 of this Act for the delivery to the Collector of the appropriate return, ten per cent of the amount of the motor spirits duty unpaid shall be added thereto by way of
30 additional motor spirits duty, and shall be payable accordingly:

35 Provided that the Minister may, in any particular case, for reasons which in his discretion he thinks sufficient, remit the whole or any part of the additional motor spirits duty imposed by this section.

21. Licensee leaving New Zealand—If the Collector has reason to believe that a licensee is about to leave New Zealand before any motor spirits duty owing by him becomes payable in accordance with the foregoing provisions of this Act, the
40 motor spirits duty shall, if the Collector thinks fit, be payable on such earlier date as the Collector fixes and notifies to the licensee in that behalf.

22. Power to collect duty from person owing money to licensee—(1) Where any sum is due and payable by a licensee for motor spirits duty or costs or otherwise under this Act, the Comptroller may, by notice in writing (a copy of which shall be forwarded to the licensee at his last place of address known to the Comptroller), require— 5

- (a) Any person by whom any money is due or accruing or may become due to the licensee; or
- (b) Any person who holds or may subsequently hold money for or on account of the licensee; or 10
- (c) Any person who holds or may subsequently hold money on account of some other person for payment to the licensee; or
- (d) Any person having authority from some other person to pay money to the licensee— 15

to pay to the Comptroller forthwith, or within such time as he allows, such money (not being salary or wages due or accruing due to the licensee) or so much thereof as is sufficient to pay the sum due and payable by the licensee as aforesaid.

(2) Every person who fails or refuses to comply with a notice under this section commits an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 20

(3) All payments made pursuant to a notice under this section shall be deemed to be made on behalf of the licensee and with the authority of the licensee and of all other persons concerned. 25

23. Motor spirits duty payable on motor spirits held in stock by wholesale distributor on ceasing to carry on business—Where any licensee who ceases to carry on business as a wholesale distributor has in stock any motor spirits on which motor spirits duty has not been paid, he shall include particulars of the motor spirits in the appropriate return furnished by him in accordance with section 13 of this Act as if the motor spirits had, at the time when he ceased to carry on business as a wholesale distributor, been sold by him otherwise than to another licensee, and shall pay motor spirits duty thereon accordingly. 30 35

24. Stocks of motor spirits held in licensed warehouses by wholesale distributors—(1) Every wholesale distributor to whom a licence is issued under this Act shall forthwith enter for home consumption, in accordance with the Customs Act 1913 and this section, all motor spirits that have been entered by him for warehousing, but have not been entered for home consumption, before the commencement of this Act.

(2) The entry to be made under this section shall be made as if the motor spirits had been imported under item 394 (7)

10 (a) of the Customs Tariff, as set out in the Third Schedule to this Act; and the provisions of the Customs Act 1913 shall apply as if the motor spirits had actually been imported under that Tariff item.

25. Apportionment of money received as motor spirits duty—(1) Of the money received under this Act as motor spirits duty, the following amount shall be deemed to be received as a tax in respect of the use of motor vehicles (hereinafter referred to as motor spirits tax)—namely, one shilling and threepence three farthings per gallon.

20 (2) Subject to the provisions of subsection (4) of section 22 of the National Roads Act 1953, all money received as motor spirits tax, after deducting a proportionate amount of any refunds or drawbacks of duty made under the principal Act, as applied by this Act, shall be paid into the Public Account to the credit of the National Roads Fund. The money to be paid 25 under this subsection is in addition to the money to be paid under this subsection is in addition to the money to be paid to the said Fund under section 60 of the Transport Act 1949.

(3) All such refunds or drawbacks of motor spirits duty as aforesaid shall be apportioned rateably between the amount of that duty payable into the Consolidated Fund and the amount 30 thereof deemed by this section to be received as motor spirits tax in the proportion that each such amount bears to the total of those amounts.

26. Refunds of motor spirits duty—Subject to the provisions 35 of this Act, the provisions of section 62 (except subsection (10)), 62A, 63, and 63A of the Transport Act 1949 (which relate to refunds in respect of Customs duties paid on motor spirits) shall, with all necessary modifications, apply to motor spirits duty paid under this Act as if references in those sections to Customs duties or to duty were references to motor spirits 40 duty.

27. Provisions in respect of Customs Tariff—(1) So much of the Customs Tariff (being the First Schedule to the Customs Acts Amendment Act 1934, as from time to time amended) as is set out in the First Schedule to this Act is hereby repealed.

(2) So much of the Seventh Schedule to the Customs Acts Amendment Act 1960 as is set out in the Second Schedule to this Act is hereby repealed. 5

(3) The duties of Customs set out in the Third Schedule to this Act are hereby imposed and the exemptions from those duties set out in that Schedule are hereby created, and the provisions of that Schedule are hereby incorporated in and shall be deemed to form part of the Customs Tariff. 10

(4) All duties of Customs that have become due and payable and all penalties and forfeitures that have been incurred before the commencement of this Act shall be recovered and enforced as if this section had not been enacted. 15

(5) The class of goods set out in the Fourth Schedule to this Act is hereby exempted from the surtax imposed by section 5 of the Customs Amendment Act 1930.

(6) The class of goods set out in the Fifth Schedule to this Act is hereby exempted from the primage duty imposed by section 4 of the Customs Acts Amendment Act 1931. 20

(7) This section shall not be in force in the Cook Islands.

28. Consequential amendments—The enactments specified in the Sixth Schedule to this Act are hereby amended in the manner indicated in that Schedule. 25

SCHEDULES

Section 27 (1)

FIRST SCHEDULE

PROVISIONS OF CUSTOMS TARIFF REPEALED BY THIS ACT

| Item No. | Tariff Item | British Preferential Tariff Column No. 1 | General Tariff Column No. 2 |
|----------|---|--|--------------------------------|
| 394 | Oils in vessels capable of containing 1 gallon or more, viz: (7) <i>Motor spirits</i> | 1s. 3d. per gallon | 1s. 3d. per gallon |

Section 27 (2)

SECOND SCHEDULE

ADDITIONAL CUSTOMS DUTIES (AS SET OUT IN THE SEVENTH SCHEDULE TO THE CUSTOMS ACTS AMENDMENT ACT 1960) REPEALED BY THIS ACT

| Item No. | Tariff Item | Additional Rates of Duty Imposed |
|----------|---|----------------------------------|
| 394 | Oils in vessels capable of containing 1 gallon or more, viz: (7) <i>Motor spirits</i> | 2d. per gallon |

Section 27 (3)

THIRD SCHEDULE

RATES OF CUSTOMS DUTY IMPOSED AND EXEMPTIONS CREATED

| Item No. | Tariff Item | British Preferential Tariff Column No. 1 | General Tariff Column No. 2 |
|----------|---|--|-----------------------------------|
| 394 | Oils in vessels capable of containing 1 gallon or more, viz: (7) <i>Motor spirits</i> , viz: (a) Imported by the holder of a licence under the Motor Spirits Duty Act 1961 | Free | Free |
| | (b) Other | 1s. 5 $\frac{3}{4}$ d. per gallon | 1s. 5 $\frac{3}{4}$ d. per gallon |

Section 27 (5)FOURTH SCHEDULE
GOODS EXEMPTED FROM SURTAX

| Tariff Item No. | Class of Goods |
|-----------------|--|
| 394 | Oils in vessels capable of containing 1 gallon or more, viz: (7) <i>Motor spirits</i> , viz: (b) Other. |

Section 27 (6)FIFTH SCHEDULE
GOODS EXEMPTED FROM PRIMAGE DUTY

| Tariff Item No. | Class of Goods |
|-----------------|---|
| 394 | Oils in vessels capable of containing 1 gallon or more, viz: (7) <i>Motor spirits</i> , viz: (a) Imported by the holder of a licence under the Motor Spirits Duty Act 1961. |

Section 28SIXTH SCHEDULE
CONSEQUENTIAL AMENDMENTS

| Title of Act | Amendment |
|--|---|
| 1930, No. 5—The Customs Acts Amendment Act 1930 (1957 Reprint, Vol. 3, p. 684) | By omitting from paragraph (a) of subsection (1) of section 5 the number "394 (7)". By repealing section 12. |
| 1931, No. 30—The Customs Acts Amendment Act 1931 (1957 Reprint, Vol. 3, pp. 688, 692) | By repealing section 11. |
| 1934, No. 14—The Customs Acts Amendment Act 1934 (1957 Reprint, Vol. 3, pp. 689, 699, 716) | By omitting from section 14 the words "duty on", and substituting the words "Customs duty, or, as the case may require, motor spirits duty imposed under the Motor Spirits Duty Act 1961, on"; and by omitting from that section the words "of duty", and substituting the words "of any such duty". By repealing section 15. By repealing so much of the Third Schedule as relates to section 12 of the Customs Acts Amendment Act 1930. |

SIXTH SCHEDULE—*continued*

CONSEQUENTIAL AMENDMENTS—*continued*

| Title of Act | Amendment |
|---|--|
| 1939, No. 30—The Customs Acts Amendment Act 1939 (1957 Reprint, Vol. 3, pp. 689, 702) | By omitting from subsection (1) of section 7 the words “any duty imposed thereon pursuant to section 11 of the Customs Acts Amendment Act 1931”, and substituting the words “any motor spirits duty imposed thereon pursuant to the Motor Spirits Duty Act 1961”. |
| 1949, No. 7—The Transport Act 1949 (1957 Reprint, Vol. 16, p. 1) | <p>By omitting from subsection (2) of section 62 the words “or, in the case of motor spirits manufactured in New Zealand, to refunds in respect of any duty imposed thereon pursuant to section 11 of the Customs Acts Amendment Act 1931”.</p> <p>By omitting from subsection (2) of section 62A (as inserted by section 3 of the Transport Amendment Act 1958) the words “of one shilling a gallon in respect of the Customs duties thereon, or, in the case of motor spirits manufactured in New Zealand, in respect of any duty imposed thereon pursuant to section 11 of the Customs Acts Amendment Act 1931”, and substituting the words “in respect of each gallon used of so much of the Customs duties thereon as exceeds the rate of one shilling and threepence three farthings a gallon”.</p> <p>By omitting from paragraph (a) of subsection (1) of section 66 the words “394 (7), or under section 11 of the Customs Acts Amendment Act 1931”, and substituting the words “394 (7) (b), or on which motor spirits duty has been imposed under the Motor Spirits Duty Act 1961”.</p> <p>By repealing paragraph (b) of clause 5 of the Second Schedule, and substituting the following paragraph: “(b) Be reduced or increased, as the case may require, by one-fifteenth thereof for every 1d. by which the motor spirits duty imposed on motor spirits under the Motor Spirits Duty Act 1961 is less than or exceeds the rate of 1s. 3¼d. per gallon, or by a</p> |

SIXTH SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS—*continued*

| Title of Act | Amendment |
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| 1949, No. 7—The Transport Act 1949 (1957 Reprint, Vol. 16, p. 1)— <i>continued</i> | corresponding proportion where the amount by which that duty is less than or exceeds the last-mentioned rate is not 1d. or a multiple of 1d.” |
| 1953, No. 115—The Finance Act (No. 2) 1953 (1957 Reprint, Vol. 3, pp. 687, 709; Vol. 5, p. 168) | By repealing section 10 and the Schedule. |
| 1953, No. 118—The National Roads Act 1953 (1957 Reprint, Vol. 10, p. 856) | By inserting in subsection (2) of section 22, after paragraph (c), the following paragraph: “(cc) All money payable into the Fund under <u>section 25</u> of the Motor Spirits Duty Act 1961:”. |
| <u>1955, No. 102—The Transport Amendment Act 1955</u> (1957 Reprint, Vol. 16, p. 147) | By repealing subsection (3) of section 21. |