

REPUBLIC OF VANUATU

BEER ORDER No. 13 OF 1990

An Order to provide for forms of application and licence for the brewing and manufacture of beer and for connected purposes.

IN EXERCISE of the powers conferred by sections 4, 14, 35 and 36 of the Beer Act No.53 of 1989, I, SELA MOLISA, Minister of Finance and Housing, make the following Order:-

INTERPRETATION

1. In this Order, unless the context otherwise requires -

"Act" means the Beer Act No.53 of 1989;

"Collector" means the Collector appointed under section 2 of the Act.

FORM OF APPLICATION FOR LICENCE

2. An application for the grant of a licence under section 4(1) of the Act shall be made to the Collector in the form set out in Schedule 1.

FORM OF LICENCE

3. Every licence granted under subsection (4) of section 4 of the Act shall be in the form set out in Schedule 2.

FEE

4. (1) The fee payable in respect of the granting of a licence referred to in the Act shall be VT1,000,000 payable annually to the Collector.

(2) Any fee payable on the grant or renewal of a licence shall be paid before the applicant is granted the licence or renewal, as the case may be.

RETURNS BY LICENSEES

5. Every licensee shall furnish to the Collector within 21 days after the end of each month a return in the form set out in Schedule 3 of the beer brewed and delivered from the brewery in respect of that month.

DRAWBACK

6. (1) Any licensee may claim drawback for beer exported from Vanuatu to a foreign port or shipped as stores on a vessel leaving Vanuatu for a foreign port.

(2) Where there is satisfactory evidence before the Collector for the purpose of subsection (1), the Collector shall pay the drawback claimed.

ALTERATIONS TO THE BREWERY, ETC.

7. (1) Where at any time any licensee wishes to alter the size, situation, or position of -

- (a) any building or plant forming part of the brewery;
- (b) any equipment, apparatus, tank, container or material in the brewery,

he shall give notice in writing to the Collector specifying the alteration or addition or removal required.

(2) Every licensee who, without the permission of the Collector, carries out any operation in respect of which a notice is required under subsection (1) of this section commits an offence and shall be liable to a fine not exceeding VT100,000

CHANGES IN THE BREWING PROCESS

8. No licensee shall, without prior notice in writing to, and the approval of the Collector in writing, change the brewing process in use from that approved by the Collector at the time of application for a licence to brew beer.

MAINTENANCE OF BREWERY

9. Every licensee shall be responsible for the proper upkeep and maintenance of all buildings, plant, equipment, apparatus, tank, containers and materials in the brewery.

OFFICE ACCOMMODATION

10. Every licensee shall, if required to do so by the Collector, provide and maintain at his brewery, to the satisfaction of the Collector, office accommodation for the exclusive use of the Collector or any officer authorized by the Collector who may at any time be on duty at the brewery.

PROVISION OF FACILITIES

11. Every licensee shall make available for the use of the Collector or an officer authorized by the Collector, any equipment, measuring apparatus or testing instruments or other facilities as may be required by the Collector or Officer, as the case may be, for the proper measurement of beer produced in the brewery.

COMMENCEMENT

12. This Order shall come into force on the date of its publication in the Gazette.

DATED this 26th day of June, 1990.


SELA MOLISA

Minister of Finance and Housing



REPUBLIC OF VANUATU

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BREWERY LICENCE
APPLICATION FORM

NEW	RENEWAL	[Tick box]
!	!	!

If renewal, provide last year's No. below:

LICENSING YEAR :

FOR OFFICIAL USE
DATE RECEIVED:
DATE ACKNOWLEDGED:
LICENCE APPROVED: YES/NO
CONDITIONS IMPOSED: YES/NO [If yes attach details]
FEE PAID :
RECEIPT NO :
APPROVED BY :

SECTION 1. BUSINESS DETAILS

- (A) BUSINESS OR TRADING NAME
- (B) ADDRESS FOR SERVICE OF NOTICES, ETC.....
- (C) BUSINESS LICENCE NUMBER.....
- (D) LOCATION OF PREMISES WHERE BREWING WILL TAKE PLACE
- (E) ARE PLANS OF PLANT ATTACHED : YES/NO.
(Note : Plans are required for new applications)
- (F) ARE DETAILS OF BREWING PROCESS ATTACHED: YES/NO
(Note : Details are required for new applications)
- (G) NAME OF PERSON(S) AUTHORISED TO SIGN RETURNS
UNDER SECTION 14 OF BEER ACT
- (H) PLACE WHERE BREWING RECORDS WILL BE KEPT
- (I) ESTIMATED MONTHLY PRODUCTION OF BEER (IN LITRES)
- (J) DETAILS OF BOND PROPOSALS UNDER SECTION 18 OF BEER ACT.....
- AMOUNT OF SECURITY :
- MEANS OF SECURITY :

SECTION 2.

APPLICANTS DECLARATION

I hereby declare that to the best of my knowledge and belief the information supplied in section 1 of this application and supporting plans and details of process are correct.

Date :

Signature of applicant :

Name of applicant :
(in print)

Status of applicant :

(e.g. Owner, Principal, Partner, Director, Manager.)

Note: This application form is designed to provide the licensing authorities with sufficient information to make an initial assessment of an applicants eligibility for a licence. Applicants may be requested to provide further information.

WARNING: THE ATTENTION OF APPLICANTS IS DRAWN TO :

Section 3 (1) & (2) of the Beer Act makes it unlawful to brew or carry on the trade or business of a brewer except under authority of a licence granted in accordance with Section 4 of the Beer Act.

Section 27 of the Beer Act provides for a fine not exceeding VT1,000,000 or imprisonment for a term not exceeding 5 years for an offence under Section 3.

SCHEDULE 2

REPUBLIC OF VANUATU

CB2

LICENCE TO BREW BEER

(Section 3)

LICENCE

ADDRESS

PREMISES AT WHICH BREWING WILL TAKE PLACE

.....

PERIOD OF LICENCE: FROM TO

RECEIVED THE SUM OF VATU BEING THE FEE DUE.

SIGNED DATE

COLLECTOR

For notes and conditions see overleaf.

NOTES AND CONDITIONS RELATING TO LICENCE TO BREW

1. This Licence is not transferable

It relates only to the licensee named and to the premises specified. A separate licence must be held by each person or company brewing or intending to brew beer in Vanuatu. A separate licence must also be held for each brewery or place where beer is brewed even if operated by the licensee.

2. This Licence only relates to requirements under Part 2 Section 4 of the Beer Act 1989

The issue of this licence does not constitute authority to carry on any activity other than the brewing of beer or to carry on the business of a brewer, as defined in the Beer Act 1989. Neither does the issue of this licence exempt the licensee from any other legal requirements for licences or payments of rates or taxes prescribed in any other law. The payment of the licence fee does not constitute payment of duty on beer brewed which must be separately accounted for in the manner prescribed.

3. Changes in Business

Any change or intended change in business or alteration to plant or brewing process from that specified in the application or this licence must be notified at the earliest opportunity to the Collector. Such notifications must be in writing. Failure to notify changes may lead to the revoking of the licence.

4. Suspension or Revocation of Licence

Part 2 Section 5 of the Beer Act 1989 gives the Collector the authority to revoke or suspend a licence where the licensee is convicted of an offence under the Beer Act or on breach of a condition of this licence.

5. Renewal of Licence

This licence is valid for one year from the date of issue. Licence must be renewed annually on payment of the prescribed fee. It is an offence under the Beer Act 1989 to operate a brewery without a valid licence.

SCHEDULE 3

REPUBLIC OF VANUATU

Department of
Customs

CB3

BEER DUTY RETURN

(Section 5)

MONTH : _____ **19** _____ **BREWERY :** _____

Section A. AMOUNT OF BEER BREWED AND LIABLE TO DUTY.

In cases _____ X 8.25 litres = _____ litres.
 [no.]

In kegs _____ X 30 litres = _____ litres.
 [no.]

In kegs _____ X 50 litres = _____ litres.
 [no.]

Other - specify below : _____ = _____ litres.

TOTAL PRODUCED AND LIABLE TO DUTY = _____ LITRES.

SECTION B: STOCK AND DELIVERIES EX WAREHOUSE.

	OPENING STOCK		RECEIPTS		DELIVERIES		CLOSING STOCK	
	IN WAREHOUSE		EX BREWERY		EX WAREHOUSE		IN WAREHOUSE	
	No	Litres	No	Litres	No	Litres	No	Litres
Cases @ 8.25 l.								
Kegs @ 30 l.								
Kegs @ 50 l.								
Other								
TOTALS	//		//		//		//	

Note: Please indicate any breakages or losses in warehouse on a separate sheet attached to this return. Losses in warehouse are not eligible for refund of duty.

Section C. ALLOWABLE DEDUCTIONS

1. Spoilt Beer = litres.
2. Exports or ships stores on drawback = litres.
3. Other [please specify] = litres.

TOTAL DEDUCTIONS = LITRES.

NOTE : (1) Only beer spoilt in production and returned and destroyed in the presence of the Collector will be eligible for refund.

(2) Drawback will only be allowed on exports and ships stores for which satisfactory evidence of shipment has been produced to the Collector.

Section D. QUANTITY FOR DUTY AND DUTY PAYABLE.

A. TOTAL BEER PRODUCED = LITRES.
(see Section A)

B. TOTAL DEDUCTIONS = LITRES.

A - B = LITRES.

X DUTY AT _____ VATU PER LITRE = VATU.

TOTAL DUTY PAYABLE AS STATED ABOVE = VATU.

DECLARATION

I DECLARE THAT THE INFORMATION GIVEN IN THIS RETURN IS A TRUE AND ACCURATE RECORD OF PRODUCTION OF BEER FOR THE MONTH STATED.

I ENCLOSE A REMITTANCE FOR THE BEER DUTY PAYABLE.

SIGNED : DATE :

NAME :

WARNING : THIS RETURN, TOGETHER WITH THE BEER DUTY PAYABLE, MUST BE PRESENTED TO THE COLLECTOR AT THE DEPARTMENT OF CUSTOMS AND TAXES WITHIN TWENTY ONE [21] DAYS OF THE END OF THE MONTH TO WHICH IT RELATES.

THE BEER ACT 1989 PROVIDES FOR FINANCIAL PENALTIES FOR LATE PAYMENT OF BEER DUTY. FAILURE TO RENDER A RETURN OR SUBMISSION OF FALSE RETURNS ARE OFFENCES UNDER THE BEER ACT 1989.

FOR OFFICIAL USE

DATE RECEIVED :

RECEIPT NO :

VERIFICATION DETAILS :

COLLECTOR:

DATE: