



Ottawa, March 4, 2014

# Memorandum D8-3-11

## Tariff Item 9832.00.00 Coffins or Caskets

### In Brief

The editing revisions made in this memorandum do not affect or change any of the existing policies or procedures.

This memorandum outlines the conditions under which imported coffins or caskets qualify for duty-free entry under tariff item 9832.00.00 of the [Customs Tariff](#) and for relief from the goods and services tax/harmonized sales tax (GST/HST) and any other taxes owing under the [Excise Tax Act](#).

### Legislation

#### *Coffin or Casket Remission Order*

Order Respecting the Remission of Taxes Imposed Under Division III of Part IX and Under any other Part of the [Excise Tax Act](#) on Imported Coffins or Caskets

#### Short Title

1. This Order may be cited as the [Coffin or Casket Remission Order](#).

#### Remission

2. Subject to section 3, remission is hereby granted of the taxes paid or payable under Division III of Part IX and under any other Part of the [Excise Tax Act](#) on any imported coffin or casket that
  - (a) is imported by a funeral director who does not normally reside in Canada or carry on business in Canada in order to transport the remains of a non-resident person who died in Canada, where the funeral service and burial or cremation take place outside Canada;
  - (b) is imported into Canada containing the remains of a person who died outside Canada, where the funeral service is held in Canada and the burial or cremation takes place outside Canada; or
  - (c) is imported into Canada containing the remains of a person who died outside Canada, where the burial or cremation takes place in Canada.

#### Condition

3. Remission is granted under this Order on condition that a claim for remission is made in writing to the Minister of National Revenue, in a form satisfactory to the Minister, within two years after the date of importation.

### Guidelines and General Information

1. Tariff item 9832.00.00 allows for the duty-free entry of coffins or caskets:
  - (a) containing the remains of a person who died abroad or,
  - (b) imported by a funeral director who does not normally reside in Canada or carry on business in Canada, to transport the remains of a non-resident who died in Canada, where the funeral service and burial or cremation will take place outside Canada.

2. The [Coffin or Casket Remission Order](#) remits the goods and services tax/harmonized sales tax (GST/HST) and all other excise taxes levied under the [Excise Tax Act](#) on these coffins or caskets
3. All customs documents relating to goods for which a remission of the GST/HST and any other excise taxes has been claimed are to show the Order in Council number in the "Special Authority" field, in the following format: 83-1250.

### Corrections and Re-determinations

4. In accordance with subsection 32.2(2) of the [Customs Act](#), the importer is obligated to make a correction to declarations of tariff classification, value for duty, and origin within 90 days after the importer has reason to believe that the original declaration is incorrect. For example, if the importer realizes that the coffin imported under tariff item 9832.00.00 will be used by a resident of Canada and the funeral service will be held in Canada, the goods no longer meet the conditions of relief and the importer is obligated to adjust the accounting declaration for the goods.
5. To correct a declaration, [Form B2 – Canada Customs – Adjustment Request](#), should be submitted to the appropriate Canada Border Services Agency (CBSA) office and any customs duties and taxes owing paid. A correction shall be treated for the purposes of the [Customs Act](#) as if it were a re-determination under paragraph 59(1)(a) of the [Customs Act](#).
6. The obligation to make a correction in respect of imported goods ends four years after the goods are accounted for under subsection 32(1), (3), or (5) of the [Customs Act](#).
7. For more information on the filing of corrections, refer to [Memorandum D11-6-6, “Reason to Believe” and Self-adjustments to Declarations of Origin, Tariff Classification, and Value for Duty](#).

### Failure to Comply

8. If the goods no longer qualify under tariff item 9832.00.00, they will also fail to comply with the terms of the [Coffin or Casket Remission Order](#). Under subsection 118(1) of the [Customs Tariff](#), within 90 days after the date of failure to comply, the importer must report the failure to comply to a CBSA office and pay an amount equal to the amount of duties, in this case the GST/HST, that were relieved. When filing [Form B2](#), the importer must ensure that the "Special Authority" field is left blank.
9. Importers can submit the [Form B2](#) under a dual authority, in this case subsection 32.2(2) of the [Customs Act](#) and subsection 118(1) of the [Customs Tariff](#).

### Audit, Examination, or Verification

10. If as a result of an audit, examination, or verification by the CBSA, goods are found to have been declared incorrectly, the customs duties payable on the goods will be subject to a re-determination or further re-determination under paragraph 59(1)(a) or (b) of the [Customs Act](#), whichever is applicable.
11. Under subsection 118(1) of the [Customs Tariff](#), where the importer has failed to comply with the terms of the Remission Order, an amount equal to the duties relieved will be owing. In this case, the GST/HST and any other excise taxes normally assessed against coffins or caskets will be owing.

### Interest and Penalties

12. In accordance with subsection 33.4(1) of the [Customs Act](#), the importer is liable to pay interest against any outstanding customs duty amount owed to the CBSA until the amount is paid in full. The interest will be calculated at the specified rate beginning on the first day after the date the importer became liable to pay the customs duties. For example, where it is determined that the goods were imported incorrectly under tariff item 9832.00.00 for the reason mentioned in paragraph 4 of this memorandum, the importer is obligated to pay interest on the customs duty amount owing from the day following the original date of accounting until the amount owing is paid.
13. Importers who have “reason to believe” and who do not file corrections within the 90-day period as required under section 32.2 of the [Customs Act](#) will be liable to penalties under the Administrative Monetary Penalty System (AMPS).

14. More information on penalties is available in [Memorandum D22-1-1, Administrative Monetary Penalty System](#).

15. More information on self-adjustments is available in [Memorandum D11-6-6](#).

16. More information on the interest and penalty provisions of the [Customs Act](#) and [Customs Tariff](#) is available in [Memorandum D11-6-5, Interest and Penalty Provisions: Determinations/Re-determinations, Appraisals/Re-appraisals, and Duty Relief](#).

### Additional Information

17. For more information, call contact the [CBSA Border Information Service](#) (BIS):

Calls within Canada & the United States (toll free): **1-800-461-9999**

Calls outside Canada & the United States (long distance charges apply):

1-204-983-3550 or 1-506-636-5064

TTY: **1-866-335-3237**

[Contact Us online](#) (webform)

[Contact Us](#) at the CBSA website.

<b>References</b>	
<b>Issuing Office</b>	Trade Programs Directorate
<b>Headquarters File</b>	6564-2
<b>Legislative References</b>	<a href="#">Customs Tariff</a> <a href="#">Customs Act</a> <a href="#">Excise Tax Act</a> <a href="#">Coffin or Casket Remission Order</a>
<b>Other References</b>	<a href="#">D11-6-5</a> , <a href="#">D11-6-6</a> , <a href="#">D22-1-1</a> <a href="#">Form B2</a>
<b>Superseded Memorandum D</b>	D8-3-11 dated September 11, 1998