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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 586 **27 June 2001**

CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 4 (No. 4/251)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended, **with retrospective effect to 1 April 2001,** to the extent set out in the Schedule hereto.

M. MPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

I	II				III	
Rebate Item	**Tariff Heading**	**Rebate Code**	**C. D.**	**Description**	**Extent of Rebate**	**Anno= tations**
460.11				By the deletion of rebate code 02.00 to tariff heading No. 00.00.		
				By the insertion after rebate code 05.00 to tariff heading No. 00.00 of the following:		
		"06.00	00	Textiles and textile articles falling within headings Nos. 51.06 to 51.13, 52.04 to 52.12, 53.11, 54.01 to 54.08, 55.08 to 55.16, 56.03, 58.01 to 58.04, 58.06, 58.08, 58.10, 58.11, 59.01, 59.03, 59.06, 59.07, 60.01, 60.02, 61.01 to 61.17, 62.01 to 62.17 and 63.01 to 63.04, entered for home consumption after 1 April 2001 up to 30 September 2006 for the purposes of this provision in accordance with a duty credit certificate issued by the Director-General: Trade and Industry specified in the Guide defined in Note 1 hereto	Full duty to the extent specified in the certificate issued by the Director-General: Trade and Industry"	

I	II				III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Anno= tations
				Notes: The provisions of this item shall be subject to the following: 1. Definitions "Director-General" means the Director-General: Trade and Industry; "DCC" means Duty Credit Certificate; "DCCS" means the Duty Credit Certificate Scheme the requirements of which are specified in the Guide and in accordance with which a DCC is issued by the Director-General; "DCC holder" means the applicant to whom or which a DCC is issued; "DCC buyer" means the person who buys a DCC or part thereof from a DCC holder as contemplated in paragraph 10.6 of the Guide; "Guide" means the Comprehensive Guide to the Duty Credit Certificate Scheme published in Notice 742 in Government Gazette No. 22145 of 23 March 2001. "The Act" means this Act. 2. Subject to the provisions of this Act including the provisions of this item and of these Notes, the importation and exportation of goods for the purposes of the DCCS, the application for and the issuance or withdrawal of a DCC, the use of any DCC and the benefit it confers and any other matter relating to the administration of the DCCS shall be governed by – (a) the conditions and procedures specified in the Guide, and (b) any amendment thereof, and any condition imposed or procedure prescribed by the Director-General.		

I	II				III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Anno= tations
				3. (a) Where any person sells any goods to the DCC holder or DCC buyer in the circumstances specified in section 39A of the Act, such holder or buyer shall not resell the goods to, or otherwise dispose thereof for the benefit of the person who so sold the goods or any person related to such person. (b) If such holder or buyer so resells or disposes of the goods, the amount of duty rebated shall be payable to the Commissioner upon demand and shall be subject to the provisions of this Act as if it were an amount to be repaid under the provisions of section 76A of the Act. (c) Subject to the provisions of paragraphs (a) and (b), goods imported under a DCC may be sold to any person after due entry for home consumption as contemplated in section 10.2 of the Guide. (d) For the purposes of this Note "related" shall have the meaning ascribed thereto in section 66(2)(a) of the Act. 4. (a) Whether the Director-General, as contemplated in paragraph 11 of the Guide – (i) decides that a DCC is null and void; or (ii) has reason to believe that any irregularities have been committed or incorrect information furnished with regard to the obtaining or utilization of the DCC, and withdraws such DCC, any amount of duty rebated shall be paid to the Commissioner upon demand by the DCC holder or DCC buyer, whoever committed the act resulting in the withdrawal of such certificate.		

I	II				III	
Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate	Anno= tations
				(b) Such amount shall be recoverable in terms of this Act as if it were an amount to be repaid under the provisions of section 76A of the Act. 5. Whenever the Director-General – (a) withdraws a DCC for any reason; and (b) reconsiders the withdrawal and issues a new DCC from the date of withdrawal of the original DCC, the Commissioner shall refund any amount of duty paid by the person concerned as contemplated in Note 4, but no interest shall be payable in respect of such amount for the period it was held by the Commissioner. 6. (a) Where the amount of duty leviable in respect of any goods rebated on any bill of entry exceeds the amount on the DCC, duty on the excess shall be paid to the Controller where such bill of entry is processed. (b) The DCC is only valid in respect of the period specified in the item and any balance remaining after such period has expired is not carried over to the next period. 7. The Commissioner may prescribe by rule any matter he considers necessary and useful for the purpose of regulating any customs procedure to which this item or the Guide relates. 8. The DCC participant shall notify their local Customs Office of all export consignments as from at least 24 hours prior to packing thereof, on the form DA 73. 9. The Controller may supervise any consign= ment at the premises of the exporter, where it is deemed necessary and will allow those goods to be exported on compliance with the supervision procedures applicable to such exports.		

No. R. 586 **27 Junie 2001**

DOEANE- EN AKSYNSWET, 1964.- WYSIGING VAN BYLAE NO. 4 (NO. 4/251)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by genoemde Wet hiermee gewysig, **met terugwerkende krag tot 1 April 2001,** in die mate in die Bylae hierby aangetoon.

M. MPAHLWA
ADJUNKMINISTER VAN FINANSIES

BYLAE

Korting Item	Tariefpos	Kor= ting= kode	T. S.	Beskrywing	Mate van Korting	Anno= tasies
460.11				Deur kortingkode 02.00 by tariefpos No. 00.00 te skrap. Deur na kortingkode 05.00 by tariefpos No. 00.00 die volgende in te voeg:		
		"06.00	00	Tekstiele en tekstielartikels wat onder poste Nos. 51.06 tot 51.13, 52.04 tot 52.12, 53.11, 54.01 tot 54.08, 55.08 tot 55.16, 56.03, 58.01 tot 58.04, 58.06, 58.08, 58.10, 58.11, 59.01, 59.03, 59.06, 59.07, 60.01, 60.02, 61.01 tot 61.17, 62.01 tot 62.17 en 63.01 tot 63.04 resorteer, geklaar vir binnelandse verbruik na 1 April 2001 tot en met 30 September 2006 vir die doeleindes van hierdie voorsiening in ooreenstemming met 'n regkredietsertifikaat uitgereik deur die Direkteur-generaal: Handel en Nywerheid soos aangedui in die Handleiding omskryf in Opmerking 1 hierby	Volle reg tot die mate aangedui in die reg krediet= sertifikaat uitge= reik deur die Direkteur-gene= raal: Handel en Nywerheid	

Korting Item	Tariefpos	Kor= ting= kode	T. S.	Beskrywing	Mate van Korting	Anno= tasies
				Opmerkings: Die voorsienings van hierdie item sal onderworpe wees aan die volgende: 1. Woordomskrywngs "Direkteur-generaal" beteken die Direkteur-generaal: Handel en Nywerheid; "RKS" beteken Regkredietsertifikaat; RKSS" beteken die Regkredietsertifi= kaat Skema, die vereistes waarvan omskryf word in die Handleiding en in ooreenstemming is met 'n RKS wat uitgereik is deur die Direkteur-generaal; "RKS houer" beteken die aansoeker aan wie of waarvoor 'n RKS uitgereik is; "RKS koper" beteken die persoon wat 'n RKS of gedeelte daarvan koop van 'n RKS houer soos bedoel is in paragraaf 10.6 van die Handleiding; "Handleiding" beteken die Omvattende Handleiding tot die Regkredietsertifikaat Skema gepubliseer in Kennisgewing 742 in Staatskoerant No. 22145 van 23 Maart 2001. "Die Wet" beteken hierdie Wet. 2. Onderworpe aan die voorwaardes van hierdie Wet insluitende die voorsienings van hierdie item en hierdie Opmerkings, die invoer of uitvoer van goedere vir die doeleindes van die RKSS, die aansoek vir en die uitreiking of terugtrekking van 'n RKS, die gebruik van enige RKS en die voordele daaraan verbonde en enige ander aangeleentheid met betrekking tot die administrasie van die RKS sal beheer word deur - (a) die voorwaardes en prosedures soos omskryf in die Handleiding, en (b) enige wysiging daarvan, en enige voorwaardes opgelê of enige prosedure voorgeskryf deur die Direkteur-generaal.		

Korting Item	Tariefpos	Kor= ting= kode	T. S.	Beskrywing	Mate van Korting	Anno= tasies
				3. (a) Waar enige persoon goedere verkoop aan die houer van 'n RKS of 'n RKS koper onder die omstandighede omskryf in artikel 39A van die Wet, sal sodanige houer of koper nie die goedere herverkoop aan, of andersins daarvan ontslae raak tot die voordeel van die persoon wie sodanige goedere verkoop het of enige persoon verwant aan sodanige persoon. (b) Indien sodanige houer of koper sodanige goedere verkoop of ontslae raak van die goedere, sal die bedrag aan reg gekort verskuldig wees aan die Kommissaris op aanvraag en sal dit onderhewig wees aan die voorwaardes van hierdie Wet asof dit 'n bedrag was wat betaalbaar was onderworpe aan die voorwaardes van artikel 76A van die Wet. (c) Onderworpe aan die voorwaardes van paragrawe (a) en (b), mag goedere ingevoer onder 'n RKS verkoop word aan enige persoon na behoorlike klaring vir binnelandse verbruik soos voorgeskryf in paragraaf 10.2 van die Handleiding. (d) Vir die doeleindes van hierdie Opmerking sal "verwante" die bedoeling hê soos toegeskryf daaraan in artikel 66(2)(a van die Wet. 4. (a) Wanneer ook al die Direkteur-generaal, soos die bedoeling is in paragraaf 11 van die Handleiding - (i) besluit dat 'n RKS is van nul en gener waarde; of (ii) het rede om te glo dat enige ongeruimdheid plaasgevind het of foutiewe inligting verskaf is met die doel om die verkryging of benutting van die RKS, en trek sodanige RKS terug,		

Korting Item	Tariefpos	Kor=ting=kode	T. S.	Beskrywing	Mate van Korting	Anno=tasies
				sal enige bedrag of reg gekort aan die Kommissaris betaal word op versoek van die RKS houer of RKS koper, wie ook al verantwoordelik was vir die daad wat aanleiding gegee het tot die kansellasie van so 'n permit. (b) So 'n bedrag sal verhaalbaar wees ingevolge die voorwaardes van hierdie Wet asof dit 'n bedrag was wat betaalbaar was ingevolge die voorwaardes van artikel 76A van die Wet. 5. Wanneer ook al die Direkteur-generaal- (a) om watter rede ook al 'n RKS onttrek; en (b) die onttrekking heroorweeg en 'n nuwe RKS uitreik vanaf die datum van onttrekking van die oor=spronklike RKS; die Kommissaris enige bedrag of reg deur die betrokke persoon betaal sal terugbetaal soos bedoel in Opmerking 4, maar geen rente sal betaalbaar wees ten opsigte van so 'n bedrag vir die tydperk wat dit in besit van die Kom=missaris was nie. 6. (a) Waar die bedrag aan reg verhaal=baar ten opsigte van enige goedere gekort op 'n klaringsbrief die bedrag op die RKS oortref , sal die reg op die oortollige bedrag in rekening gebring word by die Kontroleur waar so 'n klarings=brief verwerk is. (b) Die RKS sal slegs geldig wees ten opsigte van die tydperk vermeld in die item en enige balans oorgehou nadat die tydperk vestryk het sal nie oorgedra word na die vol=gende tydperk nie. 7. Die Kommissaris mag by reël enige aangeleentheid wat hy as nood=saaklik en nuttig beskou vir die doeleindes van die regulering van enige doeane prosedure waartoe hierdie item of die Handleiding		

Korting Item	Tariefpos	Kor=ting=kode	T. S.	Beskrywing	Mate van Korting	Anno=tasies
				verwant is, voorskryf. 8. Die RKS-deelnemer sal die plaaslike Doeane kantoor van alle uitvoerbe=sedings vanaf ten minste 24 uur voor verpakking daarvan in kennis stel, op die vorm DA 73. 9. Die Kontroleur mag toesig hou oor enige besending op die perseël van die uitvoerder, waar dit as noodsaak= lik beskou word en sal die uitvoer van sodanige goedere slegs toelaat by die nakoming van die vereistes van die toeighoudingprosedures van toepas=sing by sulke uitvoere.		

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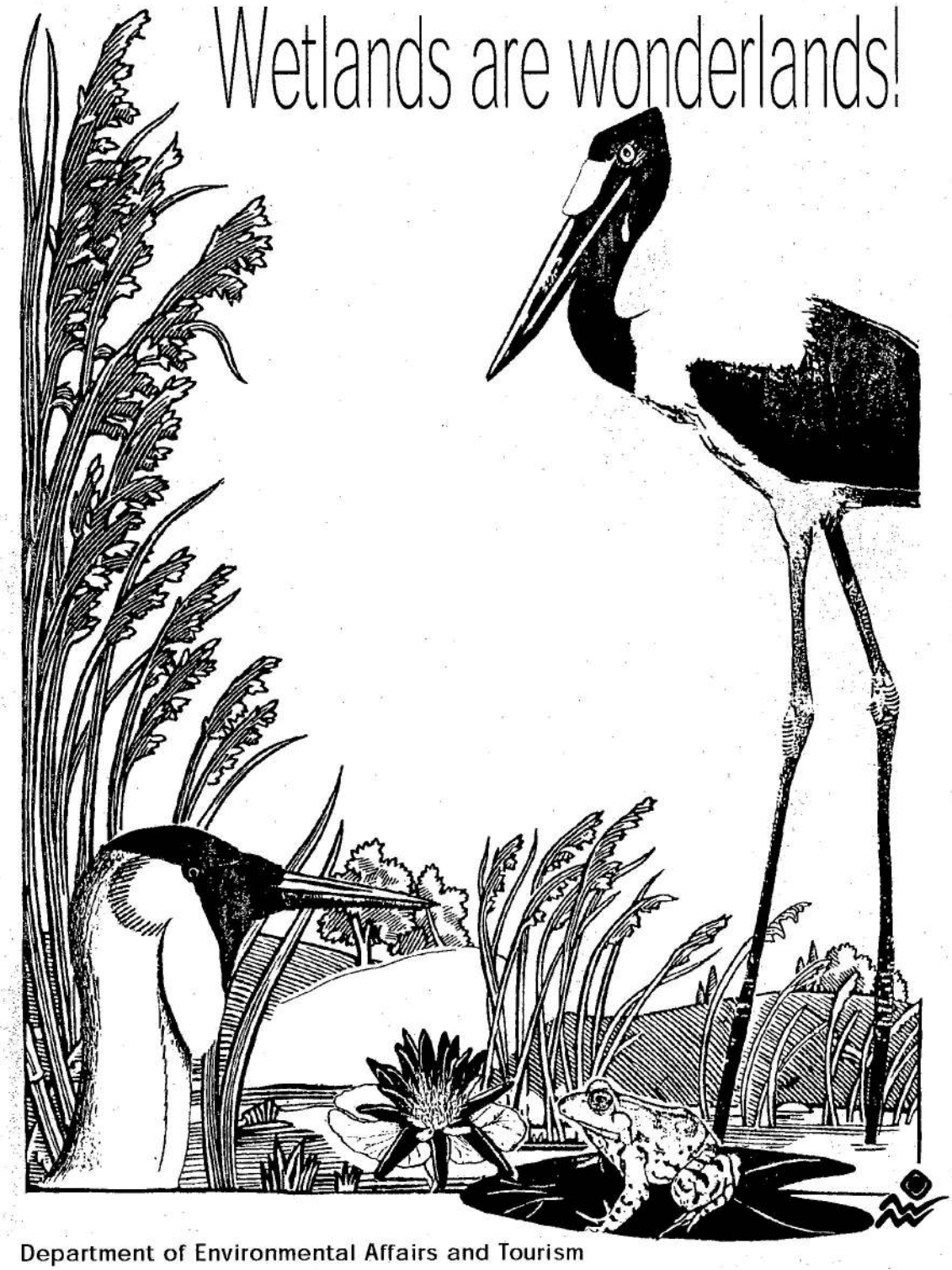

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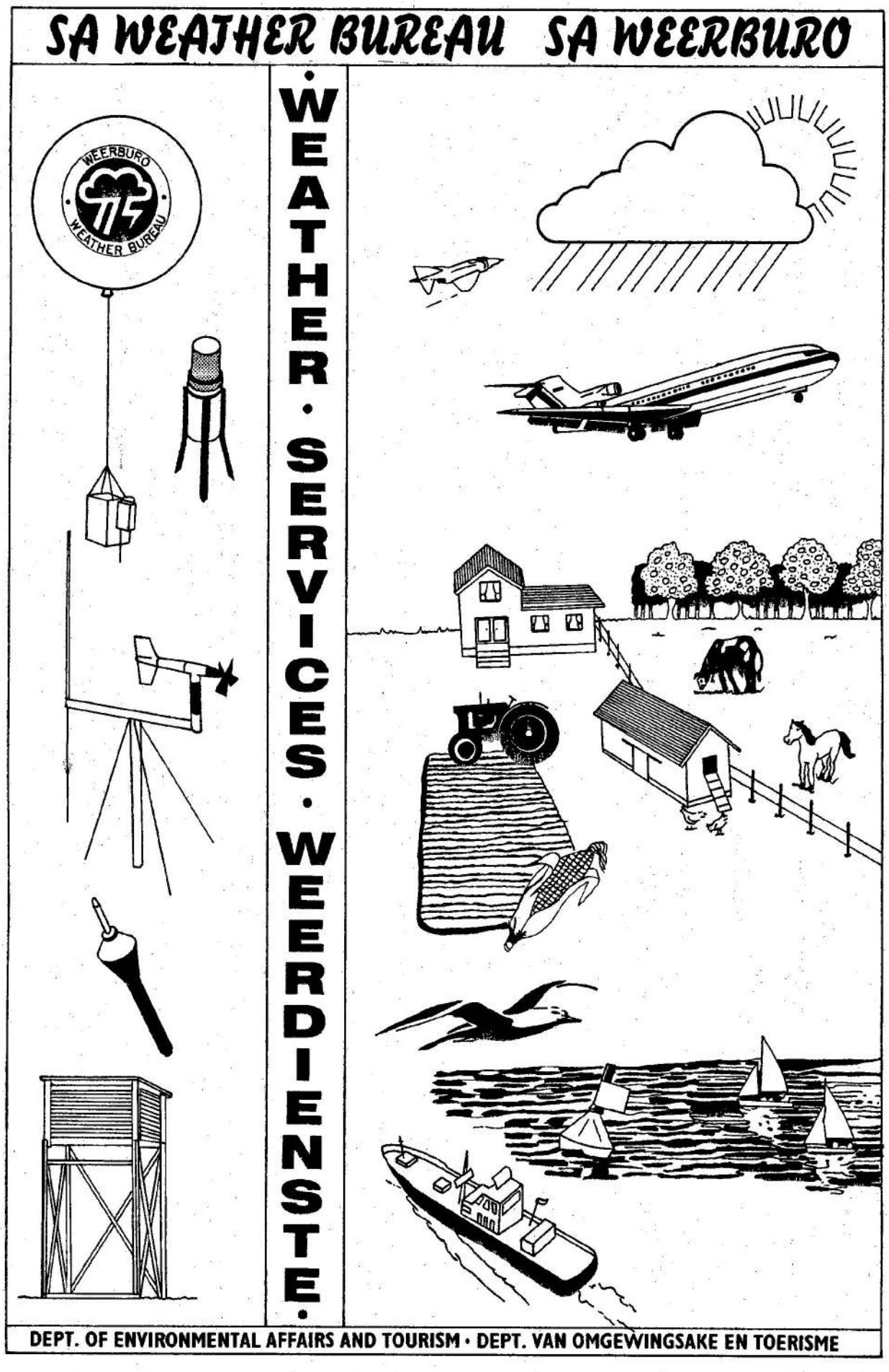
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