

Statutory Instrument No. 38 of 1987

CONTROL OF GOODS, PRICES AND OTHER CHARGES ACT
(Cap. 43:07)

CONTROL OF GOODS (IMPORT CONTROL) REGULATIONS, 1987
(Published on 3rd April, 1987)

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IN EXERCISE of the powers conferred on the Minister of Commerce and Industry by section 3(1) of the Control of Goods, Prices and Other Charges Act, the following Regulations are hereby made —

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| 1. These Regulations may be cited as the Control of Goods (Import Control) Regulations, 1987. | Citation |
| 2. In these Regulations, unless the context otherwise requires —
“bona fide gift” means an unsolicited gift for which no charge has been or is to be made, sent to the addressee and certified by the addressee to be a bona-fide gift;
“common customs area” means the combined areas of Botswana, Lesotho, Republic of South Africa and Swaziland;
“controller” means the person designated controller of imports under regulation 3;
“free-trade area” means the countries of Zimbabwe and Malawi;
“import permit” or “permit” means a permit issued by the Controller under regulation 7;
“personal effects” means household and personal goods, whether new or otherwise, imported for self-use and not for trade;
“trade” means to carry on the business of buying or selling of goods by retail or wholesale and includes barter or exchange;
“trade sample” means goods imported without any charge, for publicity and information and not for trade; | Interpretation |
| 3. (1) The Minister shall by notice published in the Gazette designate a public officer to be the Controller of Imports.
(2) The Controller may delegate any of his duties or functions under these Regulations to any public officer. | Controller of Imports |
| 4. (1) Subject to the provisions of regulation 10, no person shall import into Botswana goods prescribed under these Regulations unless he is a holder of an import permit issued under these Regulations. | Restriction on importation of certain goods |

(2) The Controller shall, by notice published in the Gazette, prescribe the goods in respect of which an import permit is required for their importation into Botswana.

(3) A notice published in accordance with subregulation (2) may specify goods which may be imported —

- (a) only from a free-trade area or common customs area; or
- (b) from any country including a free trade area or common customs area.

Application for import permit

5. (1) An Application for an import permit shall be made to the Controller in the Form specified.

(2) Every application shall be accompanied by such documents or information as the Controller may consider necessary to specify.

Persons entitled to apply for permit

6. A person shall not be entitled to apply for an import permit under these Regulations unless he is the holder of a valid trading licence and —

- (a) he is a citizen of Botswana and is not a minor;
- (b) he holds a resident permit authorising him to carry on business in Botswana; or
- (c) it is a company or firm registered and carrying on business in Botswana.

Issue of import permit

7. On receipt of an application made under regulation 5, the Controller shall, upon payment of such fee as he may specify by notice published in the Gazette issue, subject to such conditions as he may impose or as may be attached thereto, an import permit to the applicant.

Duration and renewal

8. (1) Unless cancelled or revoked, an import permit issued under regulation 7 shall be valid for a period of six months beginning from the date of issue of the permit and may be renewed from time to time.

(2) when renewing an import permit, the Controller may vary the conditions attached to the permit and may impose additional conditions.

Import permit not transferable negotiable etc.
Exemption

9. An import permit issued under these Regulations shall not be transferred, negotiated, sold or used to the benefit of any person not named in the permit without the prior written approval of the Minister.

10. Notwithstanding the provisions of regulation 4, an import permit shall not be required for the importation of goods prescribed hereunder where such goods are being imported for the following purposes —

- (a) as bona fide gifts;
- (b) as personal effects; or
- (c) as trade samples:

Provided that the total value or quantity of such imports in a single consignment does not exceed the value or quantity prescribed by the Controller in a notice published in the Gazette for such purposes.

Appeal

11. An applicant who is aggrieved by a decision of the Controller —
(a) as to any condition attached to his import permit; or
(b) to cancel, withdraw or suspend his import permit,
may appeal to the Minister within 30 days from the date of such decision of the Controller.

Offence and Penalties

12. (1) Any person who contravenes or fails to comply with the provisions of these Regulations shall be guilty of an offence.

(2) Any person who is convicted of an offence under these Regulations shall be liable —

- (a) for a first offence, to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both; and
- (b) for a second or subsequent offences, to a fine not exceeding P400 or to imprisonment for a term not exceeding 12 months, or to both.

13. The Import Control Notice, 1972 is hereby revoked.

Revocation
of S.I. 72
of 1972

MADE this 17th day of March, 1987.

M.P.K. NWAKO,
Minister of Commerce and Industry.

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