

# CUSTOMS AND EXCISE (AMENDMENT) ACT, 1993

No. 12



of 1993

## ARRANGEMENT OF SECTIONS

### SECTION

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### **An Act to amend the Customs and Excise Duty Act**

*Date of Assent:* 25th August, 1993.

*Date of Commencement:* Date of publication.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Customs and Excise Duty (Amendment) Act, 1993.

Short title

2. Section 5 of the Customs and Excise Act, hereinafter referred to as the principal Act, is amended by inserting immediately after subsection (3) thereof the following new subsection —

Amendment  
of section 5,  
Cap. 50:01

“(3A) Notwithstanding the provisions of subsection (3) the Director may, in accordance with any convention or agreement in respect of customs cooperation to which Botswana is a party, disclose or authorize any officer to disclose any information relating to any person, firm or business acquired by that officer in the performance of his duties.”.

Amendment  
of section 74

3. Section 74 of the principal Act is hereby amended —

(a) in subsection (1), by substituting for all the words preceding the proviso to paragraph (a) the following words —

“For the purpose of assessing the excise duty on any goods manufactured in Botswana and specified in Section B of Part 2 of Schedule No. 1, the value thereof shall, subject to the provisions of this section, be taken to be the full and final market price (before deduction of any discounts other than cash discounts) at which, at the time of sale, such or similar goods are freely offered for sale, for consumption in Botswana, for purposes of trade in the principal markets of Botswana in the ordinary course of trade, in the usual wholesale quantities and in the condition and the usual packing ready for sale in the retail trade, to any merchant wholesaler in Botswana not deemed to be related as specified in section 72 (2) (a) under fully competitive conditions, plus the cost of packing and packages and all other expenses incidental to placing the goods on rail for delivery to the purchaser, plus any non-rebated excise duty payable in terms of Section A of Part 2 of Schedule No. 1 on such goods, but excluding the non-rebated excise duty payable in terms of Section B of Part 2 of Schedule No. 1 or any sales tax payable on such goods.”;

(b) in subsection (1), by deleting paragraph (b) therefrom; and

(c) in subsection (2), by substituting for paragraph (a) thereof the following new paragraph —

“(a) (i) For the purpose of assessing the excise duty on any goods specified in Section A of Part 2 of Schedule No. 1 (other than goods specified in items 117.01.10 and 117.05 to 117.30), the value thereof shall be the price paid or payable for such goods when sold for home consumption in the ordinary course of trade, in the usual trade packing, where applicable, to any buyers not deemed to be related as specified in section 72 (2) (a), plus any non-rebated excise duty payable in terms of Section A of Part 2 of Schedule No. 1, on such goods.

(ii) For the purpose of assessing the excise duty on any goods specified in items 117.01.10 and 117.05 to 117.30 of Section A of Part 2 of Schedule No. 1, the value thereof shall be the price paid or payable for such goods when sold for home consumption in the ordinary course of trade to any buyers not deemed to be related as specified in section 72 (2) (a), plus any non-rebated excise duty payable in terms of Section B of Part 2 of Schedule No. 1, but excluding any sales tax payable on such goods.”.

4. Section 76 of the principal Act is hereby amended in subsection (2) thereof by deleting the second proviso therefrom.

Amendment  
of section 76

- 5. Section 84 of the principal Act is hereby amended —** Amendment of section 84
- (a) in subsection (2) thereof, by substituting for the expressions “one thousand pula” and “six months” the expressions “P8 000” and “two years”, respectively; and
- (b) in subsection (3) thereof, by substituting for the expressions “one thousand five hundred pula” and “nine months” the expressions “P16 000” and “four years” respectively.
- 6. Section 85 of the principal Act is hereby amended —** Amendment of section 85
- (a) in subsection (1) thereof, by substituting for the expressions “P1 000” and “six months” the expressions “P8 000” and “two years” respectively; and
- (b) in subsection (2) thereof, by substituting for the expressions “P1 500” and “nine months” the expressions “P16 000” and “four years” respectively.
- 7. Section 86 of the principal Act is hereby amended in subsection (1) thereof, by substituting for the expressions “P2 500” and “12 months” the expressions “P20 000” and “five years” respectively.** Amendment of section 86
- 8. Section 87 of the principal Act is hereby amended by substituting for the expression “P5 000” the expression “P8 000”.** Amendment of section 87
- 9. Section 89 of the principal Act is hereby amended by substituting for the expressions “P5 000” and “two years” the expressions “P20 000” and “five years”, respectively.** Amendment of section 89
- 10. Section 90 of the principal Act is hereby amended in subsection (1) thereof, by substituting for the expressions “P5 000” and “two years” the expressions “P40 000” and “ten years”, respectively.** Amendment of section 90
- 11. Section 91 of the principal Act is hereby amended by substituting for the expression “P5 000” the expression “P8 000”.** Amendment of section 91
- 12. Section 92 of the principal Act is hereby amended by substituting for the expressions “P5 000” and “two years” the expressions “P40 000” and “ten years”, respectively.** Amendment of section 92
- 13. (1) Schedule No. 1 to the principal Act is hereby amended to the extent set out in the Schedule to this Act.** Amendment of Schedule No. 1
- (2) Subject to the provisions of section 62(1) of the principal Act, this section shall be deemed to have come into operation on 19th March, 1993.
- 14. (1) Every amendment of Schedules Nos. 1 to 6 to the principal Act made under section 53(1) and (2), section 53A(1), section 59(1) and (1A) or section 81(15) of the principal Act prior to 24th January, 1993 shall not lapse by virtue of the provisions of section 53(6), 53A(2), 59(7) or 81(16) thereof.** Continuation of certain amendments to Schedules No. 1 to 6
- (2) The amendment of Part 5 of Schedule No. 1 to the principal Act made under section 53(1) and (2) thereof shall not lapse by virtue of the provisions of section 53(6).
- (3) The amendments of Part 4 of Schedule No. 5 and Schedule No. 6 to the principal Act made under section 81(15) thereof shall not lapse by virtue of the provisions of section 81(16).

SCHEDULE (section 13(1))

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
104.00		By the substitution for tariff item 104.00 of the following:		
"104.00		PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR; TOBACCO		
104.01	19.01	MALT EXTRACT; FOOD PREPARATIONS OF FLOUR, MEAL, STARCH OR MALT EXTRACT, NOT CONTAINING COCOA POWDER OR CONTAINING COCOA POWDER IN A PROPORTION, BY MASS, OF LESS THAN 50 PER CENT, NOT ELSEWHERE SPECIFIED OR INCLUDED; FOOD PREPARATIONS OF GOODS OF HEADINGS NO. 04.01 TO 04.04, NOT CONTAINING COCOA POWDER OR CONTAINING COCOA POWDER IN A PROPORTION, BY MASS, OF LESS THAN 10 PER CENT, NOT ELSEWHERE SPECIFIED OR INCLUDED:		
.10		Preparations, based on sorghum flour, put up for making beverages	15u/kg	
104.05	22.01	WATERS, INCLUDING NATURAL OR ARTIFICIAL MINERAL WATERS AND AERATED WATERS, NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER NOR FLAVOURED; ICE AND SNOW;		
104.05	22.02	WATERS, INCLUDING MINERAL WATERS AND AERATED WATERS, CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR FLAVOURED, AND OTHER NON-ALCOHOLIC BEVERAGES (EXCLUDING FRUIT OR VEGETABLE JUICES OF HEADING NO. 20.09):		
.10		Mineral waters including spa waters and aerated waters, put up in closed bottles or other closed containers ready for drinking without dilution (excluding beverages packed in plastic tubes or similar containers and which are normally consumed in a frozen state)	12,36 u/l	13,42 u/l

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
.20		Lemonade and flavoured mineral waters, including flavoured spa and aerated waters, put up in closed bottles or other closed containers ready for drinking without dilution (excluding beverages packed in plastic tubes or similar containers and which are normally consumed in a frozen state)	12,36 u/l	13,43 u/l
.30		Non-alcoholic beverages not elsewhere specified or included in this tariff item, put up in closed bottles or other closed containers ready for drinking without dilution (excluding beverages packed in plastic tubes or similar containers and which are normally consumed in a frozen state)	12,36 u/l	13,42 u/l
104.10	22.03	BEER MADE FROM MALT:		
.10		Of a relative density before fermentation not exceeding 1 040°	6 249u/ 100 l	6 248u/ 100 l
		Plus a suspended duty of:		
		(i) In operation		
		(ii) Maximum rate	275u/ 100 l	275u/ 100 l
.20		Of a relative density before fermentation exceeding 1 040° but not exceeding 1 050°, which is cleared ex any customs and excise manufacturing warehouse during any financial year, or which is imported into Botswana or which is illicit beer:		
		(1) On the first 4 500 000 l or any quantity less than 4 500 000 l so cleared during a financial year	6 524u/ - 100 l	
		(2) On the quantity so cleared during a financial year which is more than 4 500 000 l but not exceeding 9 000 000 l	6 656u/ - 100 l	

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
		(3) On the quantity so cleared during a financial year which is more than 9 000 000 l but not exceeding 18 000 000 l	6 788u/ - 100 l	
		(4) On the quantity so cleared during financial year which is more than 18 000 000 l but not exceeding 27 000 000 l	6 920u/ - 100 l	
		(5) On the quantity so cleared during a financial year which is more than 27 000 000 l but not exceeding 36 000 000 l	7 052u/ - 100 l	
		(6) On the quantity so cleared during a financial year which is more than 36 000 000 l	7 184u/ - 100 l	
		(7) If duty is paid on illicit beer	7 184u/ - 100 l	
		(8) If imported	6 502u/ 100 l	
.30		Of a relative density before fermentation exceeding 1 050°	7 283u/ 100 l	6 722u/ 100 l
		Plus, for every degree of relative density before fermentation exceeding 1 080°	22u/ 100 l	22u/ 100 l
104.15	22.04	WINE OF FRESH GRAPES, INCLUDING FORTIFIED WINES; GRAPE MUST OTHER THAN THAT OF HEADING NO. 20.09;		
	22.05	VERMOUTH AND OTHER WINE OF FRESH GRAPES FLAVOURED WITH PLANTS OR AROMATIC SUBSTANCES;		
	22.06	OTHER FERMENTED BEVERAGES (FOR EXAMPLE, CIDER, PERRY, MEAD):		
.05		Sorghum beer (excluding beer made from preparations based on sorghum flour	300u/ 100 l	300u/ 100 l
.10		Unfortified still wine	2 300u/ 100 l	2 000u/ 100 l

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
.40		Fortified still wine	6 168u/ 100 l	6 168u/ 100 l
.50		Other still fermented beverages, unfortified	2 700u/ 100 l	2 700u/ 100 l
.60		Other still fermented beverages, fortified	6 702u/ 100 l	6 702u/ 100 l
.70		Sparkling wine	7 774u/ 100 l	7 774u/ 100 l
.80		Other fermented beverages (excluding sorghum beer)	8 404u/ 100 l	8 404u/ 100 l
104.20	22.07	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF 80% VOL. OR HIGHER; ETHYL ALCOHOL AND OTHER SPIRITS, DENATURED, OF ANY STRENGTH;		
	22.08	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF LESS THAN 80% VOL.; SPIRITS, LIQUEURS AND OTHER SPIRITUOUS BEVERAGES; COMPOUND ALCOHOLIC PREPARATIONS OF A KIND USED FOR THE MANUFACTURE OF BEVERAGES:		
.10		Wine spirits, manufactured in Botswana by the distillation of wine	163 838 - u/100 l of abso- lute alcohol	
.15		Spirits, manufactured in Botswana by the distillation of any sugar cane product	173 801 - u/100 l of abso- lute alcohol	
.25		Spirits, manufactured in Botswana by the distillation of any grain product	178 308 - u/100 l of abso- lute alcohol	
.29		Other spirits, manufactured in Botswana	168 275 - u/100 l of abso- lute alcohol	

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
.60		Imported spirits of any nature, including spirits in imported spirituous beverages (excluding liqueurs, cordials and similar spirituous beverages containing added sugar) and in compound alcoholic preparations of an alcoholic strength exceeding 1,713 per cent alcohol by volume		154 225 u/100 l of abso- lute alcohol or 67 174u/ 100 l
.70		Spirits of any nature in imported liqueurs, cordials and similar spirituous beverages containing added sugar, with or without flavouring substances	154 225 u/100 l of abso- lute alcohol	
104.30		24.02 CIGARS, CHERROOTS, CIGARILLOS AND CIGARETTES, OF TOBACCO OR OF TOBACCO SUBSTITUTES;		
	24.03	OTHER MANUFACTURED TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES, "HOMOGENISED" OR "RECONSTITUTED" TOBACCO EXTRACTS AND ESSENCES:		
.10		Cigars	230u/ kg net	252u/ kg net
.20		Cigarettes	28,45 u/10 cigar- ettes	28,45 u/10 cigar- ettes
		Plus in respect of cigarettes the mass of the tobacco of which exceeds 1,5 kg/1 000 cigarettes	1 264 u/kg tobacco content	1 264 u/kg tobacco content
.30		Cigarette tobacco	35,5u/ 50g or fract- tion thereof plus 213u/kg	35,5u/ 50g or fract- tion thereof plus 213u/kg
		Plus a suspended duty of:		
		(i) In operation	Nil	Nil
		(ii) Maximum rate	73u/kg tobacco	73u/kg tobacco

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
.40		Pipe tobacco in immediate packings of a content of less than 5 kg	260u/kg net	260u/kg net
.50		Pipe tobacco in immediate packings of a content of not less than 5 kg	242u/kg net	242u/kg net"

PASSED by the National Assembly this 4th day of August, 1993.

T.G.G.G. SEELETSO,  
*Clerk of the National Assembly.*