

Statutory Instrument No. 24 of 2004

PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT
(Cap. 66:03)

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS, 2004
(Published on 19th March, 2004)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Minerals, Energy and Water Resources by section 38(1)(c) of the Precious and Semi-Precious Stones (Protection) Act, the following Regulations are hereby made —

PART I – *Preliminary*

1. These Regulations may be cited as the Export and Import of Rough Diamonds Regulations, 2004, and shall be deemed to have come into effect on 1st January, 2003.

Citation

2. In these Regulations, unless the context otherwise requires —
“exporter” means a dealer or agent authorised to export rough diamonds;
“importer” means a dealer or agent authorised to import rough diamonds;
“Kimberley Process” means an international certification scheme for rough diamonds as recognised in Resolutions 55/56 and 56/263 passed by the United Nations General Assembly on 1st December 2000 and 13th March 2002, respectively;

Interpretation

“Kimberley Process Certificate” means a certificate issued in terms of regulation 4(2); and

“Kimberley Process Certification Scheme” means the international certification scheme negotiated by the Kimberley Process.

PART II – *Exportation of Rough Diamonds*

Prohibition against unauthorised export of rough diamonds

3. No person shall export rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate.

Application for certificate to export rough diamonds

4. (1) A person wishing to export rough diamonds shall submit an application in Form 1 set out in the Schedule, to the Minister, and the application shall be accompanied by a fee of P500 and such other information as the Minister may require in writing.

(2) Where the Minister is satisfied that the provisions of these Regulations are met, he shall issue a Kimberley Process Certificate in Form 2 set out in the Schedule, which shall identify the rough diamonds as having been handled in accordance with the provisions of the Kimberley Process Certification Scheme.

Refusal to issue certificates

5. (1) The Minister may refuse to issue a Kimberley Process certificate if he is satisfied that —

(a) the rough diamonds in question were not handled in accordance with the provisions of the Kimberley Process Certification Scheme; or

(b) the applicant has not satisfied any provision of these Regulations.

(2) Where the Minister is not satisfied that the provisions of these Regulations are met, and therefore refuses to issue a Kimberley Process Certificate, he shall notify the applicant in writing of that decision and stating his reasons for the refusal, and he may advise the applicant to submit such further information as may be necessary to ensure that his application fulfils the requirements of these Regulations and re-submit the application.

PART III – *Importation of Rough Diamonds*

Prohibition against importation of rough diamonds

6. No person shall import any rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate issued in the State of export.

Validity and transfer of certificates

7. A Kimberley Process Certificate issued in terms of regulation 4(2) shall be valid for one month and shall not be renewable or transferable.

Appeal to President

8. A person aggrieved by any decision of the Minister under these Regulations may appeal to the President against that decision.

PART V – Offences and Penalties

9. Any person who exports or imports or causes to be exported or imported any rough diamonds contrary to these Regulations shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

Offences and penalties

10. Statutory Instrument No. 3 of 2003 is hereby revoked.

Revocation of SI No. 2 of 2003

SCHEDULE
(regulation 4)

REPUBLIC OF BOTSWANA

Form 1
(regulation 4(1))

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS
(S. I. No. of 2004)

**APPLICATION FORM FOR
KIMBERLEY PROCESS CERTIFICATE**

EXPORT OF ROUGH DIAMONDS

Country of origin..... Number of parcels.....
Name and address of exporter..... Name and address of importer.....

<i>HS CLASSIFICATION</i>	<i>CARATS</i>	<i>VALUE (US DOLLAR)</i>
7102.10		
7102.21		
7102.31		

Signed:..... Capacity:.....
Date:..... Place:.....

REPUBLIC OF BOTSWANA

Form 2
(regulation 4(2))

IMPORT AND EXPORT OF ROUGH DIAMONDS REGULATIONS
(S. I. No. of 2004)

KIMBERLEY PROCESS CERTIFICATE

CERTIFICATE NO:.....



REPUBLIC OF BOTSWANA

THE ROUGH DIAMONDS IN THIS SHIPMENT HAVE BEEN HANDLED IN ACCORDANCE WITH THE PROVISIONS OF THE KIMBERLEY PROCESS INTERNATIONAL CERTIFICATION SCHEME FOR ROUGH DIAMONDS

Country of origin..... Number of parcels

Name and address of exporter..... Name and address of importer

HS CLASSIFICATION CARATS VALUE (US DOLLAR)

7102.10
7102.21
7102.31

THIS CERTIFICATE

ISSUED [DD /MM / YY]

EXPIRES [DD /MM /YY]

Signed.....

Official stamp.....

MADE this 5th day of March, 2004.

B. MOKGOTHU,
*Minister for Minerals, Energy and
Water Resources.*

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