

CUSTOMS AND EXCISE DUTY ACT
(Cap. 50:01)

CUSTOMS AND EXCISE DUTY AMENDMENT OF SCHEDULE
(No. 14) NOTICE 2016
(Published on 4th November, 2016)

IN EXERCISE of the power conferred on the Minister of Finance and Economic Development by sections 54 and 55 of the Customs and Excise Duty Act, the schedules to the Act are proposed to be amended to the extent set out in the Schedule below.

SCHEDULE

By the deletion of the following (with retrospective effect from 7 April, 2016):

| Item | Tariff Heading | Code | CD | Description | Rebate Item | Imported from or Originating in | Rate of Anti-dumping duty |
|--------|----------------|-------|----|---|-------------|---------------------------------|---------------------------|
| 216.02 | 8544.60.10 | 01.08 | 80 | Electric cable (excluding ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships and co-axial cable), insulated with paper and covered with lead, for a voltage exceeding 1 000 V | | India | 65.47% |

By the insertion of the following Note(s) after Note 5 in Section C to Part 1 of Schedule No. 6:

6. For the purpose of items 620.22, 620.23 and 620.24 the following:

- (a)
- (i) Wine, vermouth and other fermented beverages which are off-specification or has become contaminated or has undergone post-manufacturing deterioration may be returned to a customs and excise special manufacturing warehouse (SVM) for destruction or reprocessing, only if such products are found to be off-specification, contaminated or has undergone post-manufacturing deterioration within a period of 12 months after removal from the SVM and that the goods are returned within this period.
 - (ii) The provisions of this item shall apply in respect of wine, vermouth and other fermented beverages –
 - (aa) under the control of the manufacturer;
 - (bb) returned as produced from the same batch(es); and
 - (cc) returned in the originally sealed containers for wholesale or similar packaging.
 - (iii) The licensee of the customs and excise manufacturing warehouse in which such goods will be reprocessed or destroyed must apply to the Commissioner General for such reprocessing or destruction stating the circumstances in which the goods have become, and the extent to which the goods are off-specification or contaminated.
- (b)
- (i) If the Commissioner General approves the application, any wine, vermouth or other fermented beverages returned in terms of this item shall be –
 - (aa) kept intact and entirely separate from any other goods or materials until it has been examined and identified by an officer; and
 - (bb) unpacked, where applicable, and transferred to and mixed with stocks of materials for reprocessing, under supervision of an officer; or

- (cc) destroyed under supervision of an officer.
- (iii) The licensee of a SVM to which such products are returned for destruction or reprocessing must keep a record which includes at least the following —
- (aa) a detailed description of the goods received including the applicable tariff item;
 - (bb) the quantity received;
 - (cc) the date of receipt;
 - (dd) the delivery note under cover of which such products were returned;
 - (ee) proper record of the excise inspection processes; and
 - (ff) proper record of the excise permission to destroy or reprocess.
- (c)
- (i) For the purpose of section 75(11A), the licensee of the SVM making such application must produce proof that duty was in fact paid as well as the rate at which the excise duty was paid on such products presented for destruction or reprocessing in accordance with the provisions of this item and, if the licensee is unable to produce such proof of the rate, the duty on any quantity so returned shall be calculated for refund purposes at the lowest rate of excise duty levied in terms of this Act on such products during the 12 months period contemplated in Note.
- 6(a)(i).
- (ii) Where any goods containing spirits for which any rebate of duty on the spirits has been allowed as contemplated in section 75 (18) are returned to a customs and excise manufacturing warehouse for reprocessing or destruction as provided in this item, the excise duty so allowed as a rebate in respect of the goods returned must be paid back before any process of reworking the product or destruction thereof may take place.
- (d) The licensee of such warehouse may, after reprocessing or destruction of the products concerned, and on accounting for the goods reprocessed or destroyed in the monthly account, prescribed in the rules for section 19A, set-off as contemplated in section 77, any amount duly refundable against the amount payable on such account during a period of two years after receipt of the goods for reprocessing or destruction, as the case may be.

By the insertion of the following:

| Rebate Item | Tariff Item | Rebate Code | CD | Description | Extent of Rebate | Extent of Refund |
|-------------|-------------|-------------|----|---|------------------|------------------|
| 620.22 | 104.15 | | | Wine, after removal from a special manufacturing warehouse (SVM) after entry for home consumption and payment of duty, are found to be off-specification or have become contaminated or have undergone post manufacture deterioration and are returned to a SVM for destruction or reprocessing, subject to the provision of Note 6 to this Section: | | |
| 620.22 | 104.15.01 | 01.01 | 75 | Sparkling wine | | Full duty |
| 620.22 | 104.15.03 | 02.01 | 73 | With an alcoholic strength of at least 4.5 per cent by volume but not exceeding 16.5 per cent by vol. | | Full duty |
| 620.22 | 104.15.04 | 03.01 | 72 | Other | | Full duty |
| 620.22 | 104.15.05 | 04.01 | 76 | With an alcoholic strength of at least 15 per cent by volume but not exceeding 22 per cent by vol. | | Full duty |
| 620.22 | 104.15.06 | 05.01 | 72 | Other | | Full duty |
| 620.22 | 104.15.07 | 06.01 | 79 | With an alcoholic strength of at least 4.5 per cent by volume but not exceeding 16.5 per cent by vol. | | Full duty |
| 620.22 | 104.15.08 | 07.01 | 75 | Other | | Full duty |
| 620.22 | 104.15.09 | 08.01 | 71 | With an alcoholic strength of at least 15 per cent by volume but not exceeding 22 per cent by vol. | | Full duty |
| 620.22 | 104.15.10 | 09.01 | 78 | Other | | Full duty |
| 620.23 | 104.16 | | | Vermouth, after removal from a special manufacturing warehouse (SVM) after entry for home consumption and payment of duty, are found to be off-specification or have become contaminated or have undergone post manufacture deterioration and are returned to a SVM for destruction or reprocessing subject to the provision of Note 6 to this Section: | | |

| Rebate Item | Tariff Item | Rebate Code | CD | Description | Extent of Rebate | Extent of Refund |
|-------------|-------------|-------------|----|--|------------------|------------------|
| 620.23 | 104.16.01 | 01.01 | 74 | Sparkling | | Full duty |
| 620.23 | 104.16.03 | 02.01 | 72 | With an alcoholic strength of at least 4.5 per cent by volume but not exceeding 15 per cent by vol. | | Full duty |
| 620.23 | 104.16.04 | 03.01 | 79 | Other | | Full duty |
| 620.23 | 104.16.05 | 04.01 | 75 | With an alcoholic strength of at least 15 per cent by volume but not exceeding 22 per cent by vol. | | Full duty |
| 620.23 | 104.16.06 | 05.01 | 71 | Other | | Full duty |
| 620.23 | 104.16.09 | 06.01 | 71 | With an alcoholic strength of at least 4.5 per cent by volume but not exceeding 15 per cent by vol. | | Full duty |
| 620.23 | 104.16.10 | 07.01 | 78 | Other | | Full duty |
| 620.23 | 104.16.11 | 08.01 | 74 | With an alcoholic strength of at least 15 per cent by volume but not exceeding 22 per cent by vol. | | Full duty |
| 620.23 | 104.16.12 | 09.01 | 70 | Other | | Full duty |
| 620.24 | 104.17 | | | Other fermented beverages, after removal from a special manufacturing warehouse (SVM) after entry for home consumption and payment of duty, are found to be off-specification or have become contaminated or have undergone post-manufacture deterioration and are returned to a SVM for destruction or reprocessing subject to the provision of Note 6 to this Section: | | |
| 620.24 | 104.17.03 | 01.01 | 77 | Sparkling fermented fruit or mead beverages; mixtures of sparkling fermented beverages derived from the fermentation of fruit or honey; mixtures of sparkling fermented fruit or mead beverages and non-alcoholic beverages | | Full duty |
| 620.24 | 104.17.05 | 02.01 | 75 | Traditional African beer as defined in Additional Note 1 to Chapter 22 | | Full duty |
| 620.24 | 104.17.07 | 03.01 | 73 | Other fermented beverages, unfortified, with an alcoholic strength of less than 2.5 per cent by volume | | Full duty |
| 620.24 | 104.17.09 | 04.01 | 71 | Other fermented beverages of non-malted cereal grains, unfortified, with an alcoholic strength of at least 2.5 per cent by volume but not exceeding 9 per cent by vol. | | Full duty |
| 620.24 | 104.17.11 | 05.01 | 71 | Other mixtures of fermented beverages of non-malted cereal grains and non-alcoholic beverages, unfortified, with an alcoholic strength of at least 2.5 per cent by volume but not exceeding 9 per cent by vol. | | Full duty |
| 620.24 | 104.17.15 | 06.01 | 71 | Other fermented apple or pear beverages, unfortified, with an alcoholic strength of at least 2.5 per cent by volume but not exceeding 15 per cent by vol. | | Full duty |
| 620.24 | 104.17.16 | 07.01 | 78 | Other fermented fruit beverages and mead beverages, including mixtures of fermented beverages derived from the fermentation of fruit or honey, unfortified, with an alcoholic strength of at least 2.5 per cent by volume but not exceeding 15 per cent by vol. | | Full duty |
| 620.24 | 104.17.17 | 08.01 | 74 | Other fermented apple or pear beverages, fortified, with an alcoholic strength of at least 15 per cent by volume but not exceeding 23 per cent by vol. | | Full duty |

| Rebate Item | Tariff Item | Rebate Code | CD | Description | Extent of Rebate | Extent of Refund |
|--------------------|--------------------|--------------------|-----------|---|-------------------------|-------------------------|
| 620.24 | 104.17.21 | 09.01 | 76 | Other fermented fruit beverages and mead beverages including mixtures of fermented beverages derived from the fermentation of fruit or honey, fortified, with an alcoholic strength of at least 15 per cent by volume not exceeding 23 per cent by vol. | | Full duty |
| 620.24 | 104.17.22 | 10.01 | 70 | Other mixtures of fermented fruit or mead beverages and non-alcoholic beverages, unfortified, with an alcoholic strength of at least 2.5 per cent by volume but not exceeding 15 per cent by vol. | | Full duty |
| 620.24 | 104.17.25 | 11.01 | 75 | Other mixtures of fermented fruit or mead beverages and non-alcoholic beverages, fortified, with an alcoholic strength of at least 15 per cent by volume but not exceeding 23 per cent by vol. | | Full duty |
| 620.23 | 104.17.90 | 12.01 | 73 | Other | | Full duty |

MADE this 18th day of October, 2016.

O. K. MATAMBO,
*Minister of Finance and Economic
Development.*