Statutory Instrument No. 10 of 1992

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

AMENDMENT OF SCHEDULES (NO. 7) NOTICE, 1992

(Published on 7th February, 1992)

IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by sections 52 and 53 of the Customs and Excise Duty Act, the Schedules to the Act are amended to the extent set out in the Schedule below.

SCHEDULE

Schedule No. 1 to the Act

HEADING	SUB-HEADING	C. D.	ARTICLE DESCRIPTION	STATISTICAL UNIT	RATE OF DUTY
85.28			By the substitution for subheadings Nos. 8528.10.20 and 8528.10.30 of the following:		
	".20	9	Video monitors, of a value for duty purposes exceeding UA1 000	no.	90%
	.30	6	Video monitors, of a value for duty purposes not exceeding UA1 000	no.	90%"
			By the substitution for subheading No. 8528.10.90 of the following:		
	".90	4	Other	no.	90%"
			By the substitution for subheadings Nos. 8528.20.20 and 8528.20.30 of the following:		
	".20	3	Video monitors, of a value for duty purposes exceeding UA1 000	no.	90%
	.30	0	Video monitors, of a value for duty purposes not exceeding UA1 000	no.	90%"
			By the substitution for subheading No. 8528.20.90 of the following:		
	".90	4	Other	no.	90%"

NOTE: The rate of duty on certain television receivers (including video monitors) is increased from 50% to 90%.

Part 2 B of Schedule No. 1 to the Act

ITEM	HEADING	SUB-HEADING	DESCRIPTION	RATE OF DUTY EXCISE	CUSTOMS
124.75			By the substitution for items 124.75.20 and 124.75.30 of the following:		
	".20	8528.10 .90	Other, colour	38%	3%
	.30	8528.20 .90	Other, black and white or other monochrome	38%	3%"

NOTE: The rate of ad valorem excise duty on certain television receivers is reduced from 52,5% to 38% and a rate of ad valorem customs duty is imposed on certain imported television receivers.

Part 4 of Schedule No. 1 to the Act

SUR-CHARGE ITEM	TARIFF HEADING	SUR-CHARGE CODE	DESCRIPTION	RATE OF SURCHARGE
Notes			By the substitution for Note 7(a)(ii) of the following: "(ii) which, at the time of entry for home consumption, are free of customs duty under Part 1 of this Schedule, but otherwise comply in all respects with the provisions of rebate items 316.09/00.00, 316.17 and 317.05 of Schedule No. 3 and rebate items 405.04, 405.05, 406.00, 407.00, 408.00, 409.00, 412.02, 412.03, 412.04, 412.07, 412.09, 412.10, 412.11, 412.12, 412.13, 412.16, 412.17, 412.26, 412.27, 412.28, 470.00, 480.00 and 490.00 of Schedule No. 4,"	
176.00			By the substitution for surcharge code 01.00 to tariff heading No. 85.00 of the following:	

SUR-CHARGE ITEM	TARIFF HEADING	SUR-CHARGE CODE	DESCRIPTION	RATE OF SURCHARGE
		"01.00	Goods of headings and sub-headings Nos. 8520.31.10, 8520.31.90, 85.21 (excluding subheading No. 8521.10.05), 85.27 (excluding subheading No. 8527.90.10), 8528.10.10 and 8528.20.10	40%"

NOTES:	1.	Note 7(a)(ii) is amended with retrospective effect to 1st July, 1991 in order that goods which, atthe time of entry for home consumption, are free of customs duty but otherwise comply with the provisions of rebate item 316.17, are exempted from payment of surcharge.
	2.	Certain television receivers are exempted from payment of surcharge.

Schedule No. 3 to the Act

REBATE ITEM	TARIFF HEADING	REBATE CODE	C. D.	DESCRIPTION	EXTENT OF REBATE
316.17				By the substitution for rebate item 316.17 of the following:	
"316.17				Industry: Television	
	00.00	02.00	04	Goods of any description, in such quantities and at such times as the Permanent Secretary, Ministry of Commerce and Industry may allow by specific permit, for the manufacture of black and white or other monochrome television receivers, whether or not combined, in the same housing, with radio-broadcasting receivers or sound or video recording or reproducing apparatus, under a manufacturing programme approved by the Permanent Secretary, Ministry of Commerce and Industry	Full duty
		03.00	09	Goods of any description, for the manufacture of television receivers, whether or not combined, in the same housing, with radio-broadcasting receivers or sound or video recording or reproducing apparatus (excluding those manufactured under a manufacturing programme approved by the Permanent Secretary, Ministry of Commerce and Industry)	Full duty

REBATE ITEM	TARIFF HEADING	REBATE CODE	C. D.	DESCRIPTION	EXTENT OF REBATE
316.17	76.08	01.04	43	Tubes of aluminium, round, of a wall thickness not exceeding 1,1 mm and with an outside diameter of 6,5 mm or more but not exceeding 16 mm, for the manufacture of antennas	Full duty
		02.04	48	Tubes of aluminium (excluding round), of a wall thickness not exceeding 1,1 mm and of which no cross-sectional dimension exceeds 30 mm, for the manufacture of antennas	Full duty
	8541.60	01.06	60	Mounted piezo-electric crystals of quartz, for the manufacture of television receivers, whether or not combined, in the same housing, with radio-broadcasting receivers or sound or video recording or reproducing apparatus	Full duty"

NOTE: The effect of this amendment is that not all television receivers need to be manufactured under a manufacturing programme.

Schedule No. 6 to the Act

REBATE ITEM	TARIFF ITEMS	CODE	C. D.	DESCRIPTION	EXTENT OF REBATE	EXTENT OF REFUND
617.02				By the substitution for rebate item 617.02 of the following:		
"617.02				TELEVISION RECEIVING SETS:		

Notes:

1. In this item and the notes thereto —

(a) "net foreign currency usage" in respect of goods manufactured in a special customs and excise manufacturing warehouse means —

the value for customs duty purposes of goods imported for use in the manufacture of goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1

REBATE ITEM	TARIFF ITEMS	CODE	C. D.	DESCRIPTION	EXTENT OF REBATE	EXTENT OF REFUND
617.02				plus		

— foreign currency usage as certified by the Permanent Secretary, Ministry of Commerce and Industry, in respect of goods for use in the manufacture of goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1 acquired from any person in the common customs area

— licence fees and technical assistance fees paid to any person outside the common customs area in respect of the goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1 and goods for the manufacture thereof

less

— the export value of goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1 and goods normally used in the manufacture thereof or goods similar to those which are normally used in the manufacture of the goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1

(b) "imported inputs" means the value for customs duty purposes of any imported goods, imported by the special customs and excise manufacturing warehouse or acquired from any person in the common customs area for the manufacture/assembly of the goods exported

REBATE ITEM	TARIFF ITEMS	CODE	C. D.	DESCRIPTION	EXTENT OF REBATE	EXTENT OF REFUND
617.02				(c) "local content factor" means the value for excise duty purposes per model of goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1 removed from the special customs and excise manufacturing warehouse during a quarter for excise duty purposes;		
				less		
				net foreign currency usage per model expressed as a percentage of the value for excise duty purposes. This percentage shall be converted to a decimal by dividing it by 100.		
				2. The Permanent Secretary, Ministry of Commerce and Industry shall certify the net foreign currency usage -		
				(a) in respect of goods specified in item 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1 per model; and		
				(b) in components acquired from any person within the common customs area.		
				3. For the purpose of calculating the net foreign currency usage in respect of a quarter for excise duty purposes -		
				(i) the value for customs duty purposes of all imported goods shall be included per model removed during a quarter for excise duty purposes as certified by the Permanent Secretary, Ministry of Commerce and Industry;		

REBATE ITEM	TARIFF ITEM	CODE	C. D.	DESCRIPTION	EXTENT OF REBATE	EXTENT OF REFUND
617.02				(ii) the export value of goods exported shall be included according to the date of the export bill of entry;		
				(iii) the foreign currency in respect of goods for use in the manufacture of the goods specified in items 124.75.20 or 124.75.30 of Section B of Part 2 of Schedule No. 1, acquired from any person in the common customs area, shall be included per model removed; and		
				(iv) licence and technical assistance fees may on the strength of a certificate issued by the Permanent Secretary, Ministry of Commerce and Industry, be allocated over four quarters starting with the quarter during which the licence and technical assistance fees were paid.		
				4. Any rebate of duty in terms of this item shall not exceed the excise duty payable by such manufacturer in respect of the quarter for excise duty purposes. To qualify for a rebate of duty in terms of code 02.00 to tariff item 124.75 of this item the value for excise duty purposes shall be greater than the net foreign currency usage.		
617.02	124.75	01.00	51	Black and white or other monochrome television receivers, whether or not combined, in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus, of a value for excise duty purposes not exceeding 13 000u,	Full duty less 3%	

REBATE ITEM	TARIFF ITEM	CODE	C. D.	DESCRIPTION	EXTENT OF REBATE	EXTENT OF REFUND
				manufactured under a manufacturing programme approved by the Permanent Secretary, Ministry of Commerce and Industry in such quantities and at such times as the Permanent Secretary, Ministry of Commerce and Industry may allow by specific permit		
617.02		02.00	56	Other television receivers (excluding video monitors, video projectors and other monitors), whether or not combined, in the same housing, with radio-broadcast receivers or video recording or reproducing apparatus	The lesser of (full duty less 3%) or (an amount equal to 0,35 multiplied by the local content factor multiplied by the value for excise duty purposes)"	

NOTE: The extent of rebate on television receivers is amended.

MADE this 15th day of January, 1992.

F. G. MOGAE,
Minister of Finance and Development Planning.