



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1266.

29 Junie 1988

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 69 van 1988: Wysigingswet op Doeane en Aksyns,  
1988.

STATE PRESIDENT'S OFFICE

No. 1266.

29 June 1988

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 69 of 1988: Customs and Excise Amendment Act,  
1988.

Wet No. 69, 1988

WYSIGINGSWET OP DOEANE EN AKSYNS, 1988

## ALGEMENE VERDUIDELIKENDE NOTA:

**I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Doeane- en Aksynswet, 1964, ten einde die Kommissaris van Doeane en Aksyns te magtig om toe te laat dat sekere spiritus gebruik of van die hand gesit word; vir die vervaardiging van synsbare goedere en die invordering van aksynsreg, en vir die omstandighede waaronder die mees-begunstigde-nasie-skaal van reg ten opsigte van sekere goedere van toepassing sal wees, verdere voorsiening te maak; die dokumente wat by die uitvoer van goedere voorgelê moet word, te bepaal; die bepaling van die waarde vir doeanebelastingdoeleindes van ingevoerde goedere verder te reël; die vasstelling van die waarde vir doeleindes van aksynsreg van sekere goedere in die Republiek vervaardig, verder te reël; die toestaan van terugbetalings van reg en brandstofheffing ten opsigte van distillaatbrandstof verder te reël; vir die verhaal van sekere bedrae wat nie vir verrekening vatbaar is nie, voorsiening te maak; vir die verrekening van sekere voorlopige terugbetalings van reg en brandstofheffing, teen bedrae verskuldig ten opsigte van daardie reg en heffing, voorsiening te maak; Bylae No. 1 by genoemde Wet te wysig; voorsiening te maak vir die voortduriing van sekere wysigings van Bylaes Nos. 1, 2, 3, 4, 5, 6 en 7 by genoemde Wet; om die datums van klaring van sekere motorvoertuigmodelle te herreël; en om die Kommissaris van Doeane en Aksyns te magtig om aan sekere persone in 'n staat wat voorheen deel van die Republiek uitgemaak het, terug te betaal, en om aan so 'n staat te betaal, 'n deel van enige reg of brandstofheffing wat in die Republiek betaal is op petrol of distillaatbrandstof wat geklaar of verwyder is vir gebruik in daardie staat; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 17 Junie 1988.)

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 34 van Wet 91 van 1964, soos gewysig deur artikel 15 van Wet 98 van 1980 en artikel 3 van Wet 86 van 1982**

1. Artikel 34 van die Doeane- en Aksynswet, 1964 (hieronder die Hoofwet 5 genoem), word hierby gewysig deur die volgende subartikel by te voeg:

“(6) Ondanks die bepalings van subartikel (5) kan die Kommissaris toelaat dat spiritus wat aldus vervaardig is, gebruik of van die hand gesit word in die omstandighede en op die plekke wat hy geskik ag en onderworpe aan die voorwaardes wat hy in elke geval oplê.”

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**Wysiging van artikel 36A van Wet 91 van 1964, soos ingevoeg deur artikel 11 van Wet 105 van 1969 en vervang deur artikel 4 van Wet 52 van 1986**

2. (1) Artikel 36A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke vervaardiger van verkoopreggoedere of synsbare goedere in 15 Afdeling B van Deel 2 van Bylae No. 1 vermeld, elke eienaar van verkoopreg-

## CUSTOMS AND EXCISE AMENDMENT ACT, 1988

Act No. 69, 1988

## GENERAL EXPLANATORY NOTE:

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

**—** Words underlined with solid line indicate insertions in existing enactments.

**ACT**

To amend the Customs and Excise Act, 1964 , so as to empower the Commissioner for Customs and Excise to allow certain spirits to be used or disposed of; to provide further for the manufacture of excisable goods and the collection of excise duty, and for the circumstances in which the most-favoured-nation-rate of duty shall apply in respect of certain goods; to determine the documents to be produced on the exportation of goods; to further regulate the determination of the value for customs duty purposes of imported goods; to provide further for establishing the value for excise duty purposes of certain goods manufactured in the Republic; to further regulate the granting of refunds of duty and fuel levy in respect of distillate fuel; to provide for the recovery of certain amounts not duly capable of set-off; to provide for the set-off of certain provisional refunds of duty and fuel levy against amounts due in respect of that duty and levy; to amend Schedule No. 1 to the said Act; to provide for the continuation of certain amendments of Schedules Nos. 1, 2, 3, 4, 5, 6 and 7 to the said Act; to readjust the dates of clearing of certain motor vehicle models; and to authorize the Commissioner for Customs and Excise to refund to certain persons in any state which formerly formed part of the Republic, and to pay to any such state, part of any duty or fuel levy paid in the Republic on any petrol or distillate fuel entered or removed for consumption in that state; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 17 June 1988.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 34 of Act 91 of 1964, as amended by section 15 of Act 98 of 1980 and section 3 of Act 86 of 1982**

5   **1.** Section 34 of the Customs and Excise Act, 1964 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection:

10   “**(6) Notwithstanding the provisions of subsection (5), the Commissioner may allow spirits so manufactured to be used or disposed of in such circumstances and at such places as he may deem fit and subject to such conditions as he may impose in each case.”**

**Amendment of section 36A of Act 91 of 1964, as inserted by section 11 of Act 105 of 1969 and substituted by section 4 of Act 52 of 1986**

15   **2. (1)** Section 36A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15   “(1) Every manufacturer of sales duty goods or excisable goods specified in Section B of Part 2 of Schedule No. 1, every owner of sales duty goods or

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goedere of synbare goedere in Afdeling B van Deel 2 van Bylae No. 1 vermeld wat vir hom ten dele of geheel en al van materiale wat aan sodanige eienaar behoort, vervaardig is en elke **[vervaardiger van en]** klas handelaar deur die **Kommissaris aangewys**, in pêrels, edelstene en halfedelstene, edelmetale, **[gewalste]** metale bedek met edelmetale of artikels bevattende of vervaardig van sodanige pêrels, edelstene en halfedelstene, edelmetale of **[gewalste]** metale bedek met edelmetale (uitgesonderd nagemaakte juweliersware) moet sy perseel as 'n spesiale doeane- en aksynspakhuis vir doeleinades van verkoopreg of vir doeleinades van aksynsreg in Afdeling B van Deel 2 van Bylae No. 1 vermeld, ingevolge die bepalings van hierdie Wet lisensieer, en geen sodanige 10 vervaardiger, eienaar of handelaar mag verkoopreg goedere of synbare goedere in Afdeling B van Deel 2 van Bylae No. 1 vermeld, vervaardig of daarin handel dryf of daarmee handel nie tensy hy sy perseel aldus gelisensieer het: Met dien verstande dat die Kommissaris na goeddunke in die mate wat hy geskik ag en op die voorwaardes wat hy in elke geval oplê, enige sodanige vervaardiger of 15 eienaar **[of handelaar]** van die vereistes van hierdie Wet kan vrystel.”.

- (2) Subartikel (1) van hierdie artikel word geag in werking te getree het—  
 (a) ten opsigte van die skrapping van die woorde “vervaardiger van en”, die invoeging van die woorde “klas” en “deur die Kommissaris aangewys” en die skrapping van die woorde “of handelaar”, op 9 Julie 1969; en 20  
 (b) ten opsigte van die skrapping van die woord “gewalste” en die invoeging van die woorde “metale bedek met”, op 1 Januarie 1988.

**Wysiging van artikel 39 van Wet 91 van 1964, soos gewysig deur artikel 1 van Wet 85 van 1968, artikel 14 van Wet 105 van 1969, artikel 1 van Wet 93 van 1978, artikel 4 van Wet 110 van 1979, artikels 8 en 15 van Wet 98 van 1980 en artikel 10 van Wet 84 van 1987**

3. Artikel 39 van die Hoofwet word hierby gewysig deur na subartikel (2A) die volgende subartikel in te voeg:

“(2B) Die Kommissaris kan die dokumente bepaal wat die uitvoerder by klaring vir uitvoer moet voorlê ten opsigte van enige goedere wat uitgevoer 30 word of enige klas of soort goedere wat uitgevoer word of enige goedere wat uitgevoer word onder omstandighede of na 'n bestemming wat deur hom bepaal word.”.

**Wysiging van artikel 47 van Wet 91 van 1964, soos gewysig deur artikel 11 van Wet 95 van 1965, artikel 17 van Wet 105 van 1969, artikel 2 van Wet 7 van 1974, artikel 35 7 van Wet 105 van 1976, artikel 10 van Wet 112 van 1977, artikel 6 van Wet 110 van 1979, artikels 9 en 15 van Wet 98 van 1980, artikel 8 van Wet 86 van 1982, artikel 6 van Wet 52 van 1986 en artikel 15 van Wet 84 van 1987**

4. (1) Artikel 47 van die Hoofwet word hierby gewysig—  
 (a) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die 40 volgende woorde te vervang:  
 “Die mees-begunstigde-nasie-skaal van reg **[in Kolom IV]** in enige tariefpos of subpos in Deel 1 van Bylae No. 1 vermeld, is van toepassing op enige goedere waarop sodanige pos of subpos betrekking het as sodanige goedere geproduseer of vervaardig is in enige 45 gebied—”; en  
 (b) deur subartikel (4) te skrap.  
 (2) Subartikel (1) van hierdie artikel word geag op 1 Januarie 1988 in werking te getree het.

**Wysiging van artikel 66 van Wet 91 van 1964, soos vervang deur artikel 14 van Wet 50 86 van 1982**

5. Artikel 66 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (8) deur die volgende paragraaf te vervang:  
 “(d) die koste van vervoer, **[en die koste van]** laai, aflaai, hantering en versekering en verwante onkoste verbonde aan die lewering van die 55 ingevoerde goedere by die hawe of plek van uitvoer in die land van uitvoer en plasing van daardie goedere aan boord van 'n skip of op 'n voertuig, of in 'n houer soos omskryf in artikel 1 (2), by daardie hawe of plek, gereed vir uitvoer na die Republiek;”.

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- excisable goods specified in Section B of Part 2 of Schedule No. 1 manufactured for him partly or wholly from materials owned by such owner, and every [manufacturer of and] dealer of a class designated by the Commissioner, in pearls, precious and semi-precious stones, precious metals, [rolled] metals clad with precious metals or articles containing or manufactured of such pearls, precious and semi-precious stones, precious metals or [rolled] metals clad with precious metals (excluding imitation jewellery), shall license his premises as a special customs and excise warehouse for sales duty purposes or for purposes of excise duty specified in Section B of Part 2 of Schedule No. 1 in terms of the provisions of this Act, and no such manufacturer, owner or dealer shall manufacture or deal in or with sales duty goods or excisable goods specified in Section B of Part 2 of Schedule No. 1 unless he has so licensed his premises: Provided that the Commissioner may in his discretion and to the extent he deems fit, exempt, on the conditions imposed by him in each case, any such manufacturer or owner [or dealer] from the requirements of this Act.”.
- (2) Subsection (1) of this section shall be deemed to have come into operation—  
 (a) in respect of the deletion of the words “manufacturer of and”, the insertion of the words “of a class designated by the Commissioner” and the deletion of the words “or dealer”, on 9 July 1969; and  
 (b) in respect of the deletion of the word “rolled” and the insertion of the words “metals clad with”, on 1 January 1988.

**Amendment of section 39 of Act 91 of 1964, as amended by section 1 of Act 85 of 1968, section 14 of Act 105 of 1969, section 1 of Act 93 of 1978, section 4 of Act 110 of 1979, sections 8 and 15 of Act 98 of 1980 and section 10 of Act 84 of 1987**

25. 3. Section 39 of the principal Act is hereby amended by the insertion after subsection (2A) of the following subsection:  
 “(2B) The Commissioner may specify the documents to be produced by the exporter upon entry for exportation in respect of any goods exported or any class or kind of goods exported or any goods exported in circumstances or to a destination specified by him.”.

**Amendment of section 47 of Act 91 of 1964, as amended by section 11 of Act 95 of 1965, section 17 of Act 105 of 1969, section 2 of Act 7 of 1974, section 7 of Act 105 of 1976, section 10 of Act 112 of 1977, section 6 of Act 110 of 1979, sections 9 and 15 of Act 98 of 1980, section 8 of Act 86 of 1982, section 6 of Act 52 of 1986 and section 15 of Act 84 of 1987**

4. (1) Section 47 of the principal Act is hereby amended—  
 (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:  
 “The [most favoured nation rate] most-favoured-nation-rate of duty specified [in Column IV] in any tariff heading or subheading in Part 1 of Schedule No. 1 shall apply to any goods to which such heading or subheading relates if such goods were produced or manufactured in any territory”; and  
 (b) by the deletion of subsection (4).  
 (2) Subsection (1) of this section shall be deemed to have come into operation on 1 January 1988.

**Amendment of section 66 of Act 91 of 1964, as substituted by section 14 of Act 86 of 1982**

5. Section 66 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (8) of the following paragraph:  
 “(d) the cost of transportation, [and the cost of] loading, unloading, handling [transport] and insurance and associated costs incidental to delivery of the imported goods at the port or place of export in the country of exportation and placing those goods on board ship or on any vehicle, or in a container as defined in section 1 (2), at that port or place, ready for export to the Republic.”.

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**Wysiging van artikel 67 van Wet 91 van 1964, soos ingevoeg deur artikel 15 van Wet 86 van 1982**

6. Artikel 67 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

“(e) vir sover dit nie in die prys werklik betaalbaar vir die goedere ingesluit is nie, die koste van vervoer, **[en die koste van]** laai, aflaai, hantering en versekering en verwante koste verbonde aan die lewering van die goedere by die hawe of plek van uitvoer in die land van uitvoer en plasing van daardie goedere aan boord van 'n skip of op enige voertuig, of in 'n houer soos omskryf in artikel 1 (2), by daardie hawe of plek, gereed vir uitvoer na die Republiek.”.

**Wysiging van artikel 69 van Wet 91 van 1964, soos gewysig deur artikel 22 van Wet 105 van 1969, artikel 6 van Wet 93 van 1978, artikel 15 van Wet 98 van 1980 en artikel 9 van Wet 101 van 1985**

7. (1) Artikel 69 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Wanneer dit nodig is vir die doel van die berekening van die aksynsreg wat betaalbaar is op enige goedere in die Republiek vervaardig, om die waarde van sodanige goedere te bepaal, word daar, behoudens die bepalings van hierdie artikel, aangeneem dat die waarde daarvan die volle en finale markprys (voor aftrekking van enige afslag, behalwe afslag vir kontant) is waarteen sodanige of soortgelyke goedere, ten tyde van die verkoping, vrylik vir handelsdoeleindes in die vernaamste markte van die Republiek in die gewone loop van die handel, in die gewone groothandelhoeveelhede en in die toestand en die gewone verpakking gereed vir verkoop in die kleinhandel, aan enige onafhanglike aankoopgroothandelaar in die Republiek onder omstandighede van vrye mededinging te koop aangebied word vir verbruik in die Republiek plus die koste van pak en verpakking en alle ander uitgawes verbonde aan die plasing van die goedere op spoor vir lewering aan die koper, maar uitgesonderd die aksynsreg of brandstofheffing op sodanige goedere.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Ondanks die bepalings van subartikels (1) en (2), is die waarde vir doeleindes van aksynsreg van enige goedere in die Republiek vervaardig en in Afdeling B van Deel 2 van Bylae No. 1 vermeld (behalwe goedere **[ingevolge]** in item 617.01 van Bylae No. 6 **[geklaar]** vermeld), die waarde vir doeleindes van aksynsreg van sodanige goedere ingevolge subartikel (1) of (2) bereken of bepaal plus enige ongekorte aksynsreg ingevolge Afdeling A van Deel 2 van Bylae No. 1 op sodanige goedere betaalbaar.

(b) Die bepalings van subartikel (3) of (4) van artikel 70 is *mutatis mutandis* van toepassing op die berekening of bepaling van die waarde vir doeleindes van aksynsreg van enige goedere in **[Afdeling B van Deel 2 van Bylae No. 1 vermeld en ingevolge]** item 617.01 van Bylae No. 6 **[geklaar]** vermeld.”.

(2) Paragraaf (b) van subartikel (1) van hierdie artikel word geag op 31 Julie 1985 in werking te getree het.

**Wysiging van artikel 75 van Wet 91 van 1964, soos gewysig deur artikel 13 van Wet 95 van 1965, artikel 10 van Wet 57 van 1966, artikel 8 van Wet 85 van 1968, artikel 24 van Wet 105 van 1969, artikel 8 van Wet 103 van 1972, artikel 2 van Wet 68 van 1973, artikel 9 van Wet 71 van 1975, artikel 27 van Wet 112 van 1977, artikel 8 van Wet 93 van 1978, artikel 10 van Wet 110 van 1979, artikel 15 van Wet 98 van 1980, artikel 19 van Wet 86 van 1982, artikel 6 van Wet 89 van 1984, artikel 11 van Wet 101 van 1985, artikel 9 van Wet 52 van 1986 en artikel 23 van Wet 84 van 1987**

8. (1) Artikel 75 van die Hoofwet word hierby gewysig—

(a) deur subparagraph (iv) van paragraaf (f) van subartikel (1) deur die volgende subparagraph te vervang:

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**Amendment of section 67 of Act 91 of 1964, as inserted by section 15 of Act 86 of 1982**

6. Section 67 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:

- 5        "(e) to the extent that [it is] they are not included in the price actually paid or payable for the goods, the cost of transportation, [and the cost of] loading, unloading, handling and insurance and associated costs incidental to delivery of the goods at the port or place of export in the country of exportation and placing those goods on board ship or on any vehicle, or in a container as defined in section 1 (2), at that port or place, ready for export to the Republic.".
- 10

**Amendment of section 69 of Act 91 of 1964, as amended by section 22 of Act 105 of 1969, section 6 of Act 93 of 1978, section 15 of Act 98 of 1980 and section 9 of Act 101 of 1985**

7. (1) Section 69 of the principal Act is hereby amended—

- 15        (a) by the substitution in subsection (1) for the words preceding the proviso of the following words:

20        "Whenever it is necessary, for the purpose of assessing the excise duty on any goods manufactured in the Republic, to determine the value of such goods, 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 the Republic, for purposes of trade in the principal markets of the Republic 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 independent merchant wholesaler in the Republic 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, but excluding the excise duty or fuel levy on such goods:"; and

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- 30        (b) by the substitution for subsection (4) of the following subsection:

35        "(4) (a) Notwithstanding the provisions of subsections (1) and (2), the value for excise duty purposes of any goods manufactured in the Republic and specified in Section B of Part 2 of Schedule No. 1 (other than goods [entered in terms of] specified in item 617.01 of Schedule No. 6), shall be the value for excise duty purposes of such goods calculated or determined in terms of subsection (1) or (2), plus any non-rebated excise duty payable in terms of Section A of Part 2 of Schedule No. 1 on such goods.

40

- 40        (b) The provisions of subsection (3) or (4) of section 70 shall *mutatis mutandis* apply to the calculation or determination of the value for excise duty purposes of any goods specified in [Section B of Part 2 of Schedule No. 1 and entered in terms of] item 617.01 of Schedule No. 6."

45        (2) Paragraph (b) of subsection (1) of this section shall be deemed to have come into operation on 31 July 1985.

**Amendment of section 75 of Act 91 of 1964, as amended by section 13 of Act 95 of 1965, section 10 of Act 57 of 1966, section 8 of Act 85 of 1968, section 24 of Act 105 of 1969, section 8 of Act 103 of 1972, section 2 of Act 68 of 1973, section 9 of Act 71 of 1975, section 27 of Act 112 of 1977, section 8 of Act 93 of 1978, section 10 of Act 110 of 1979, section 15 of Act 98 of 1980, section 19 of Act 86 of 1982, section 6 of Act 89 of 1984, section 11 of Act 101 of 1985, section 9 of Act 52 of 1986 and section 23 of Act 84 of 1987**

8. (1) Section 75 of the principal Act is hereby amended—

- 55        (a) by the substitution for subparagraph (iv) of paragraph (f) of subsection (1) of the following subparagraph:

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- (iv) die mate van die terugbetaling in subparagraph (i) bedoel, is die skaal van sodanige terugbetaling van reg of brandstofheffing in sodanige item van Bylae No. 5 of 6 vermeld **[op die laaste datum van enige tydperk waarvoor sodanige terugbetaling ten opsigte van sodanige gebruik, geëis word]** wat geld op die uitreikingsdatum van die betrokke faktuur bedoel in subartikel (4A) (b) (ii);”;
- (b) deur die volgende subparagraph by paragraaf (f) van subartikel (1) te voeg:
- “(v) indien die mate van sodanige terugbetaling gewysig word en om enige rede enige aanspreeklikheid om enige terugbetaling van reg of brandstofheffing terug te betaal ten opsigte van enige hoeveelheid brandstof wat die gebruiker opgeloop het, nie aangeslaan of die bedrag aan reg of brandstofheffing terugbetaalbaar aan sodanige gebruiker ingevolge enige item van Bylae No. 5 of 6 nie bereken kan word nie op enige hoeveelheid van sodanige brandstof aangekoop deur sodanige gebruiker voor sodanige wysiging, die hoeveelheid van sodanige brandstof ten opsigte van enige terugbetaling wat die gebruiker aanspreeklik is om terug te betaal, of die hoeveelheid gebruik in ooreenstemming met enige sodanige item vir die berekening van die bedrag terugbetaalbaar aan sodanige gebruiker, deur die Kommissaris volgens die inligting tot sy beskikking bepaal;”;
- (c) deur die volgende subparagraph by paragraaf (g) van subartikel (1) te voeg, terwyl die bestaande paragraaf subparagraph (i) daarvan word:
- “(ii) ondanks die bepaling van artikel 47 (1), enige gedeelte van die brandstofheffing wat oorbly, na aftrekking van die bedrag wat terugbetaal is deur sodanige administrasie of deur die Kommissaris van enige brandstofheffing op petrol en distillaatbrandstof geklaar of verwyder vir gebruik in die gebied wat deur sodanige administrasie geadministreer word, indien die Minister dit goedkeur, deur die Kommissaris aan die administrasie in subparagraph (i) bedoel betaal.”; en
- (d) deur na subartikel (1) die volgende subartikel in te voeg:
- “(1A) (a) Ondanks andersluidende bepaling van hierdie Wet kan die Kommissaris na goeddunke en onderworpe aan die voorwaardes, met inbegrip van voorwaardes aangaande die registrasie van die betrokke persoon, wat hy in elke geval ople, ten opsigte van enige terugbetaling bedoel in subartikel 1 (f) (i) enige persoon toelaat om 'n voorlopige terugbetaling van reg en brandstofheffing toe te staan aan enige geregistreerde gebruiker van distillaatbrandstof wat sodanige brandstof van daardie persoon koop.
- (b) Enige sodanige voorlopige terugbetaling word toegestaan ooreenkomsdig 'n skatting van voorgenome gebruik deur sodanige gebruiker verstrek aan die betrokke persoon.
- (c) Die Kommissaris kan aan genoemde persoon betaal of hom toelaat om ingevolge artikel 77 te verreken teen reg of brandstofheffing waarvoor hy aanspreeklik is, enige bedrag wat hy aan sodanige geregistreerde gebruiker toegestaan het, op die tye en by verstrekking van die besonderhede wat die Kommissaris spesifiseer.
- (d) Enige bedrag wat per abuis deur die Kommissaris aan genoemde persoon betaal is, kan volgens voorskrif van artikel 76A op sodanige persoon verhaal word.
- (e) Die Kommissaris kan genoemde registrasie van genoemde persoon kanselleer indien die persoon enige bedrag of betaling eis of ontvang waarop hy nie geregtig is nie.
- (f) Enige voorlopige terugbetaling toegestaan deur genoemde persoon aan genoemde gebruiker word, behoudens die bepaling van paragrafe (g), (h) en (i), geag 'n terugbetaling deur die Kommissaris ingevolge subartikel (1) (f) (i) te wees.
- (g) (i) Enige gebruiker aan wie so 'n voorlopige terugbetaling toegestaan is, moet met betrekking tot die werklike gebruik deur hom van die betrokke brandstof, op die tye by regulasie voorgeskryf aan die Kommissaris 'n verklaring verstrek in die vorm en gestaaf deur die dokumente wat by regulasie voorgeskryf word.

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- 5                 “(iv) the extent of the refund referred to in subparagraph (i) shall be the rate of such refund specified in such item of Schedule No. 5 or 6 **[at the last date of any period for which such refund in respect of such use is claimed]** in operation on the date of issue of the invoice concerned, referred to in subsection (4A) (b) (ii);”;
- 10                 (b) by the addition to paragraph (f) of subsection (1) of the following subparagraph:
- 15                 “(v) if the extent of such refund is amended and for any reason any liability to repay any refund of duty or fuel levy in respect of any quantity of fuel which the user may incur cannot be assessed or the amount of duty or fuel levy refundable to such user in terms of any item of Schedule No. 5 or 6 cannot be calculated on any quantity of such fuel purchased by such user before such amendment, the quantity of such fuel in respect of any refund which the user is liable to repay, or the quantity used in accordance with any such item for the calculation of the amount refundable to such user, shall be determined by the Commissioner according to the information at his disposal;”;
- 20                 (c) by the addition to paragraph (g) of subsection (1) of the following subparagraph, the existing paragraph becoming subparagraph (i) thereof:
- 25                 “(ii) notwithstanding the provisions of section 47 (1), any portion of the fuel levy remaining, after deducting the amount refunded by such administration or by the Commissioner of any fuel levy on petrol and distillate fuel entered or removed for consumption in the territory administered by such administration, shall, if the Minister approves, be paid by the Commissioner to the administration referred to in subparagraph (i).”; and
- 30                 (d) by the insertion after subsection (1) of the following subsection:
- 35                 “(1A) (a) Notwithstanding anything to the contrary in this Act contained, the Commissioner may in his discretion and subject to such conditions, including conditions as to the registration of the person concerned, as he may in each case impose, allow in respect of any refund referred to in subsection (1) (f) (i) any person to grant a provisional refund of duty and fuel levy to any registered user of distillate fuel who purchases such fuel from that person.
- 40                 (b) Any such provisional refund shall be granted in accordance with an estimate of intended use furnished by such user to the person concerned.
- 45                 (c) The Commissioner may pay to such person or allow him to set off in terms of section 77 against duty or fuel levy for which he is liable, any amount which he granted to such registered user at such times and on furnishing of such particulars as the Commissioner may specify.
- 50                 (d) Any amount paid in error by the Commissioner to such person shall be recoverable from such person as provided in section 76A.
- 55                 (e) The Commissioner may cancel the said registration of such person if such person claims or receives any amount or payment to which he is not entitled.
- 60                 (f) Any provisional refund granted by such person to such user shall, subject to the provisions of paragraphs (g), (h) and (i), be deemed to be a refund paid by the Commissioner in terms of subsection (1) (f) (i).
- 65                 (g) (i) Any user who has been granted such a provisional refund shall, in relation to the actual use by him of the fuel concerned, furnish the Commissioner at such times as may be prescribed by regulation, with a declaration in such form and supported by such documents as may be prescribed by regulation.

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- (ii) Sodanige verklaring word geag 'n aansoek om 'n terugbetaling bedoel in subartikel (4A) (b) (i) te wees.
- (h) (i) Indien die Kommissaris na oorweging van genoemde verklaring oortuig is dat die voorlopige terugbetaling wat aan die betrokke gebruiker toegestaan is die bedrag terugbetaalbaar ingevolge item 533.01 of 540.02 van Bylae No. 5 of item 609.05.10 of 640.03 van Bylae No. 6, of oorskry of daaraan tekortskei, moet bedoelde oorskryding op aanvraag deur die Kommissaris deur daardie gebruiker betaal word en word enige tekort deur die Kommissaris aan hom terugbetaal.
- (ii) Indien daardie gebruiker versuim om die bedrag aangevra in gevvolge subparagraph (i) te betaal, is sodanige bedrag verhaalbaar ingevolge artikel 76A.
- (i) Enige gebruiker van brandstof aan wie 'n voorlopige terugbetaling toegestaan is en wat versuim om aan die bepalings van paragraaf (g) te voldoen, word geag die brandstof te gebruik het vir 'n ander doel of gebruik as die doel of gebruik vermeld in die items van Bylae 5 of 6 bedoel in paragraaf (h), en die bedrag van sodanige terugbetaling word geag 'n terugbetaling te wees wat nie behoorlik aan sodanige gebruiker betaalbaar was nie en is ingevolge artikel 76A verhaalbaar.”.
- (2) (a) Paragraaf (c) van subartikel (1) van hierdie artikel word geag op 1 Julie 1987 in werking te getree het.
- (b) Paragrawe (a), (b) en (d) van subartikel (1) van hierdie artikel word geag op 1 November 1987 in werking te getree het.

## Wysiging van artikel 76A van Wet 91 van 1964, soos ingevoeg deur artikel 25 van Wet 25 van 1984

9. (1) Artikel 76A van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) daarvan word:
- “(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing op enige bedrag verreken ingevolge artikel 77 (1) (a).”.
- (2) Subartikel (1) van hierdie artikel word geag op 1 November 1987 in werking te getree het.

## Wysiging van artikel 77 van Wet 91 van 1964, soos vervang deur artikel 26 van Wet 105 van 1969 en gewysig deur artikel 3 van Wet 68 van 1973, artikel 15 van Wet 98 van 1980, artikel 21 van Wet 86 van 1982 en artikel 26 van Wet 84 van 1987

10. (1) Artikel 77 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) Enige bedrag wat aan 'n lisensiehouer van 'n doeane- en aksynspakhuis wat kragtens die regulasies toegelaat word om aksynsreg, verkoopreg of brandstofheffing maandeliks of kwartaalliks te betaal, verskuldig is ten opsigte van sodanige reg deur hom betaal waarvoor hy nie aanspreeklik was nie of enige voorlopige terugbetaling deur hom toegestaan ingevolge artikel 75 (1A) of wat ingevolge item 534.00 van Bylae No. 5 of 'n item van Bylae No. 6 of 7 aan hom terugbetaalbaar is, kan te eniger tyd binne 'n tydperk van twee jaar vanaf die datum waarop sodanige bedrag vir die eerste keer verskuldig word, verreken word teen enige bedrag waarvoor sodanige lisensiehouer daarna aanspreeklik word ten opsigte van aksynsreg, verkoopreg of brandstofheffing, mits die rekeninge of klaringsbrieue wat deur sodanige lisensiehouer voorgelê word ten opsigte van die betaling van enige bedrag waarteen enige bedrag aldus aan hom verskuldig, verreken is, vergesel gaan van 'n volledige verklaring van sodanige lisensiehouer, gesteun deur 'n sertifikaat van 'n beampete, wat volle besonderhede verstrek van die aksynsreg, verkoopreg of brandstofheffing aldus betaal en 'n volledige relaas gee van die omstandighede waarin betaling daarvan geskied het en deur die dokumentêre getuenis wat die Kommissaris in elke geval verlang.”.

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- 5
- (ii) Such declaration shall be deemed to be an application for a refund referred to in subsection (4A) (b) (i).
  - (h) (i) If the Commissioner is satisfied after considering the said declaration that the provisional refund granted to the user concerned either exceeds or falls short of any amount refundable in terms of item 533.01 or 540.02 of Schedule No. 5 or item 609.05.10 or 640.03 of Schedule No. 6, such excess shall be paid by that user upon demand by the Commissioner and any shortfall shall be refunded by the Commissioner to him.
- 10
- (ii) If that user fails to pay the amount demanded in terms of subparagraph (i), such amount shall be recoverable in terms of section 76A.
  - (i) Any user of fuel who has been granted a provisional refund and who fails to comply with the provisions of paragraph (g) shall be deemed to have used such fuel for a purpose or use other than the purpose or use stated in the items of Schedule No. 5 or 6 referred to in paragraph (h), and the amount of such refund shall be deemed to be a refund not duly payable to such user and shall be recoverable in terms of section 76A.”.
- 15
- 20 (2) (a) Paragraph (c) of subsection (1) of this section shall be deemed to have come into operation on 1 July 1987.
- (b) Paragraphs (a), (b) and (d) of subsection (1) of this section shall be deemed to have come into operation on 1 November 1987.

**Amendment of section 76A of Act 91 of 1964, as inserted by section 25 of Act 84 of 25 1987**

- 9.
- (1) Section 76A of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1) thereof:
- “(2) The provisions of subsection (1) shall apply *mutatis mutandis* to any amount set off in terms of section 77 (1) (a).”.
- 30
- (2) Section (1) of this section shall be deemed to have come into operation on 1 November 1987.

**Amendment of section 77 of Act 91 of 1964, as substituted by section 26 of Act 105 of 1969 and amended by section 3 of Act 68 of 1973, section 15 of Act 98 of 1980, section 21 of Act 86 of 1982 and section 26 of Act 84 of 1987**

- 35
10. (1) Section 77 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) Any amount due to a licensee of a customs and excise warehouse who, in terms of the regulations, is permitted to pay excise duty, sales duty or fuel levy monthly or quarterly, in respect of such duty paid by him for which he was not liable or any provisional refund granted by him in terms of section 75 (1A) or which is refundable to him in terms of item 534.00 of Schedule No. 5 or any item of Schedule No. 6 or 7 may, at any time within a period of two years from the date on which such amount first becomes due, be set off against any amount for which such licensee subsequently becomes liable in respect of excise duty, sales duty or fuel levy, provided the accounts or bills of entry submitted by such licensee in respect of the payment of any amount against which any amount so due to him has been set off are accompanied by a full statement by such licensee, supported by a certificate by an officer, giving full particulars of the excise duty, sales duty or fuel levy so paid and a full account of the circumstances under which the payment thereof took place and by such documentary evidence as the Commissioner may in each case require.”.
- 40
- 45
- 50

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(2) Subartikel (1) van hierdie artikel word geag op 1 November 1987 in werking te getree het.

**Wysiging van Bylae No. 1 by Wet 91 van 1964, soos gewysig deur artikel 19 van Wet 95 van 1965, artikel 15 van Wet 57 van 1966, artikel 2 van Wet 96 van 1967, artikel 22 van Wet 85 van 1968, artikel 37 van Wet 105 van 1969, artikel 9 van Wet 98 van 1970, artikel 2 van Wet 89 van 1971, artikel 12 van Wet 103 van 1972, artikel 6 van Wet 68 van 1973, artikel 3 van Wet 64 van 1974, artikel 13 van Wet 71 van 1975, artikel 13 van Wet 105 van 1976, artikel 38 van Wet 112 van 1977, artikel 3 van Wet 114 van 1981, artikel 27 van Wet 86 van 1982, artikel 10 van Wet 89 van 1984 en artikel 14 van Wet 101 van 1985**

11. (1) Bylae No. 1 by die Hoofwet word hierby gewysig in die mate in die Bylae by hierdie Wet uiteengesit.

(2) Behoudens die bepalings van artikel 58 (1) van die Hoofwet word hierdie artikel geag op 16 Maart 1988 in werking te getree het.

**Voortdurende sekere wysigings van Bylaes Nos. 1, 2, 3, 4, 5, 6 en 7 by Wet 91 van 15 1964**

12. (1) Elke wysiging van Bylaes Nos. 1, 2, 3, 4, 5, 6 en 7 by die Hoofwet wat voor 5 Februarie 1988 kragtens artikel 48 (1) en (2), artikel 56 (1) en (1A) of artikel 75 (15) van die Hoofwet aangebring is, verval nie uit hoofde van die bepalings van artikel 48 (6), 56 (7) of 75 (16) van die Hoofwet nie.

(2) Die wysiging van Bylae No. 6 by die Hoofwet wat kragtens artikel 75 (15) van die Hoofwet by Goewermentskennisgewing No. R.481 van 16 Maart 1988 aangebring is, verval nie uit hoofde van die bepalings van artikel 75 (16) van die Hoofwet nie.

**Toepassing van tariefitem 117.05.15 van Afdeling A van Deel 2 van Bylae No. 1 by Wet 91 van 1964 met betrekking tot motorvoertuigmodelle wat gedurende sekere tydperke geklaar is**

13. Enige motorvoertuigmodelle wat gedurende die tydperke 26 Augustus 1987 tot 31 Augustus 1987 en 26 November 1987 tot 30 November 1987 geklaar is, word, op versoek van enige motorvoertuigvervaardiger aan die Kommissaris van Doeane en Aksyns, by die toepassing van tariefitem 117.05.15 van Afdeling A van Deel 2 van Bylae No. 1 by die Hoofwet, geag geklaar te gewees het gedurende onderskeidelik die tydperke 26 Mei 1987 tot 25 Augustus 1987 en 26 Augustus 1987 tot 25 November 1987.

**Betalings van reg en brandstofheffing aan ander state en gebruikers in sodanige state**

14. (1) Ondanks andersluidende bepalings van die Hoofwet, kan die Kommissaris van Doeane en Aksyns, ten opsigte van enige reg of brandstofheffing wat in die Republiek betaal is op enige petrol of distillaatbrandstof geklaar of verwyder vir gebruik in enige staat wat voorheen deel van die Republiek uitgemaak het—

(a) sodanige reg of brandstofheffing ten dele aan enige gebruiker in sodanige staat wat ingevolge artikel 75 (1) (f) (i) van daardie Wet aansoek doen, terugbetaal; en

(b) na aftrekking van enige terugbetaling bedoel in paragraaf (a), enige gedeelte van die balans van sodanige brandstofheffing soos deur die Minister van Finansies gemagtig word, aan die betrokke staat betaal.

(2) (a) Enige aansoek aan en betaling gedoen deur genoemde Kommissaris ingevolge subartikel (1) (a) word geag aan sodanige staat gedoen of deur sodanige staat betaal te gewees het.

(b) By die toepassing van subartikel (1) (b) kan genoemde Kommissaris sodanige betalings doen op die grondslag van enige dokumente, met betrekking tot die beweging van sodanige petrol of distillaatbrandstof, in besit van enige persoon soos hy bepaal.

(3) Subartikels (1) en (2) van hierdie artikel word geag op 1 Julie 1987 in werking te getree het.

**Kort titel**

15. Hierdie Wet heet die Wysigingswet op Doeane en Aksyns, 1988.

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(2) Subsection (1) of this section shall be deemed to have come into operation on 1 November 1987.

**Amendment of Schedule No. 1 to Act 91 of 1964, as amended by section 19 of Act 95 of 1965, section 15 of Act 57 of 1966, section 2 of Act 96 of 1967, section 22 of Act 85 of 1968, section 37 of Act 105 of 1969, section 9 of Act 98 of 1970, section 2 of Act 89 of 1971, section 12 of Act 103 of 1972, section 6 of Act 68 of 1973, section 3 of Act 64 of 1974, section 13 of Act 71 of 1975, section 13 of Act 105 of 1976, section 38 of Act 112 of 1977, section 3 of Act 114 of 1981, section 27 of Act 86 of 1982, section 10 of Act 89 of 1984 and section 14 of Act 101 of 1985**

10 11. (1) Schedule No. 1 to the principal Act is hereby amended to the extent set out in the Schedule to this Act.

(2) Subject to the provisions of section 58 (1) of the principal Act, this section shall be deemed to have come into operation on 16 March 1988.

**Continuation of certain amendments of Schedules Nos. 1, 2, 3, 4, 5, 6 and 7 to Act 91 of 1964**

12. (1) Every amendment of Schedules Nos. 1, 2, 3, 4, 5, 6 and 7 to the principal Act made under section 48 (1) and (2), section 56 (1) and (1A) or section 75 (15) of the principal Act prior to 5 February 1988 shall not lapse by virtue of the provisions of section 48 (6), 56 (7) or 75 (16) of the principal Act.

20 20. (2) The amendment of Schedule No. 6 to the principal Act made under section 75 (15) of the principal Act by Government Notice No. R.481 of 16 March 1988, shall not lapse by virtue of the provisions of section 75 (16) of the principal Act.

**Application of tariff item 117.05.15 of Section A of Part 2 of Schedule No. 1 to Act 91 of 1964 in relation to motor vehicle models cleared during certain periods**

25 25. 13. Any motor vehicle models cleared during the periods 26 August 1987 to 31 August 1987 and 26 November 1987 to 30 November 1987 shall, at the request of any motor vehicle manufacturer to the Commissioner for Customs and Excise, for the purposes of tariff item 117.05.15 of Section A of Part 2 of Schedule No. 1 to the principal Act, be deemed to have been cleared during the periods 26 May 1987 to 25 August 1987 and 26 August 1987 to 25 November 1987, respectively.

**Payments of duty and fuel levy to other states and users in such states**

30 30. 14. (1) Notwithstanding anything to the contrary in the principal Act contained, the Commissioner for Customs and Excise may, in respect of any duty or fuel levy paid in the Republic on any petrol or distillate fuel entered or removed for consumption in any state which formerly formed part of the Republic—

(a) refund such duty or fuel levy in part to any user in such state who applies for such refund in terms of section 75 (1) (f) (i) of that Act; and  
 40 (b) pay, after deducting any refund referred to in paragraph (a), any portion of the balance of such fuel levy as may be authorized by the Minister of Finance to the state concerned.

45 45. (2) (a) Any application to and payment made by the said Commissioner in terms of subsection (1) (a) shall be deemed to have been made to and paid by such state.  
 (b) For the purposes of subsection (1) (b), the said Commissioner may make such payments on the basis of any documents, relating to the movement of such petrol or distillate fuel, in possession of any person as may be determined by him.

(3) Subsections (1) and (2) of this section shall be deemed to have come into operation on 1 July 1987.

50 50. **Short title**

15. This Act shall be called the Customs and Excise Amendment Act, 1988.

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## WYSIGINGSWET OP DOEANE EN AKSYNS, 1988

## WYSIGINGSWET OP DOEANE EN AKSYNS, 1988

## Bylae

## WYSIGINGS VAN BYLAE NO. 1 BY DIE DOEANE- EN AKSYNSWET, 1964

Tariefitem	Tarief-pos	Beskrywing	Skaal van reg	
			Aksys	Doeane
104.10		Deur tariefitem 104.10 deur die volgende te vervang:		
"104.10 .10	22.03	BIER VAN MOUT GEMAAK: Met 'n relatiewe digtheid voor fermentasie van hoogstens 1 040° (uitgesonderd sorghumbier soos omskryf in die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962)) Plus 'n opgeskorte reg van: (i) In werking (ii) Maksimumskaal	3 447c/100 ℥	3 446c/100 ℥
.20		Met 'n relatiewe digtheid voor fermentasie van meer as 1 040° maar hoogstens 1 050°, wat uit 'n doeane- en aksynsvervaardigingspakhus gedurende 'n boekjaar geklaar word, of wat in die Republiek ingevoer word, of wat onwettige bier is (uitgesonderd sorghumbier soos omskryf in die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962)): (1) Op die eerste 4 500 000 ℥ of enige hoeveelheid minder as 4 500 000 ℥ aldus gedurende 'n boekjaar geklaar	Nul 275c/100 ℥	Nul 275c/100 ℥
		(2) Op die hoeveelheid aldus gedurende 'n boekjaar geklaar wat meer as 4 500 000 ℥ maar hoogstens 9 000 000 ℥ is	3 722c/100 ℥	—
		(3) Op die hoeveelheid aldus gedurende 'n boekjaar geklaar wat meer as 9 000 000 ℥ maar hoogstens 18 000 000 ℥ is	3 854c/100 ℥	—
		(4) Op die hoeveelheid aldus gedurende 'n boekjaar geklaar wat meer as 18 000 000 ℥ maar hoogstens 27 000 000 ℥ is	3 986c/100 ℥	—
		(5) Op die hoeveelheid aldus gedurende 'n boekjaar geklaar wat meer as 27 000 000 ℥ maar hoogstens 36 000 000 ℥ is	4 118c/100 ℥	—
		(6) Op die hoeveelheid aldus gedurende 'n boekjaar geklaar wat meer as 36 000 000 ℥ is	4 250c/100 ℥	—
		(7) Indien reg op onwettige bier betaal word	4 382c/100 ℥	—
		(8) Indien ingevoer	—	3 700c/100 ℥
.30		Met 'n relatiewe digtheid voor fermentasie van meer as 1 050° (uitgesonderd sorghumbier soos omskryf in die Wet op Sorghumbier, 1962 (Wet No. 63 van 1962)) Plus, vir elke graad relatiewe digtheid voor fermentasie bo 1 080°	4 481c/100 ℥	3 920c/100 ℥
104.20		Deur tariefitems 104.20.10, 104.20.15 en 104.20.25 deur die volgende te vervang: Wynspiritus, in die Republiek vervaardig deur die distillering van wyn	22c/100 ℥	22c/100 ℥
".10		Spiritus, in die Republiek vervaardig deur die distillering van enige suikerrietproduk	101 398c/100 ℥ absolute alkohol	—
.15		Spiritus, in die Republiek vervaardig deur die distillering van enige graanproduk	111 361c/100 ℥ absolute alkohol	—
.25		Ingevoerde spiritus van enige aard, met inbegrip van spiritus in ingevoerde spiritusdranke (uitgesonderd likeure, soetdranke en dergelike spiritusdranke wat bygevoegde suiker bevat) en in saamgestelde alkoholiese preparate met 'n alkoholsterkte van meer as 1,713 persent alkohol volgens volume	115 868c/100 ℥ absolute alkohol	—
104.20		Deur tariefitems 104.20.29, 104.20.30 en 104.20.40 deur die volgende te vervang: Ander spiritus, in die Republiek vervaardig	105 835c/100 ℥ absolute alkohol	—
".29		Ingevoerde spiritus van enige aard, met inbegrip van spiritus in ingevoerde spiritusdranke (uitgesonderd likeure, soetdranke en dergelike spiritusdranke wat bygevoegde suiker bevat) en in saamgestelde alkoholiese preparate met 'n alkoholsterkte van meer as 1,713 persent alkohol volgens volume	91 785c/100 ℥ absolute alkohol of 40 326c/100 ℥	—
.30				

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## CUSTOMS AND EXCISE AMENDMENT ACT, 1988

**Schedule**

## AMENDMENTS TO SCHEDULE NO. 1 TO THE CUSTOMS AND EXCISE ACT, 1964

Tariff item	Tariff heading	Description	Rate of duty	
			Excise	Customs
104.10		By the substitution for tariff item 104.10 of the following:		
"104.10	22.03	BEER MADE FROM MALT: Of a relative density before fermentation not exceeding 1 040° (excluding sorghum beer as defined in the Sorghum Beer Act, 1962 (Act No. 63 of 1962))	3 447c/100 ℥	3 446c/100 ℥
		Plus a suspended duty of:		
		(i) In operation	Nil	Nil
		(ii) Maximum rate	275c/100 ℥	275c/100 ℥
	.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 the Republic, or which is illicit beer (excluding sorghum beer as defined in the Sorghum Beer Act, 1962 (Act No. 63 of 1962)):		
		(1) On the first 4 500 000 ℥ or any quantity less than 4 500 000 ℥ so cleared during a financial year	3 722c/100 ℥	—
		(2) On the quantity so cleared during a financial year which is more than 4 500 000 ℥ but not exceeding 9 000 000 ℥	3 854c/100 ℥	—
		(3) On the quantity so cleared during a financial year which is more than 9 000 000 ℥ but not exceeding 18 000 000 ℥	3 986c/100 ℥	—
		(4) On the quantity so cleared during a financial year which is more than 18 000 000 ℥ but not exceeding 27 000 000 ℥	4 118c/100 ℥	—
		(5) On the quantity so cleared during a financial year which is more than 27 000 000 ℥ but not exceeding 36 000 000 ℥	4 250c/100 ℥	—
		(6) On the quantity so cleared during a financial year which is more than 36 000 000 ℥	4 382c/100 ℥	—
		(7) If duty is paid on illicit beer	4 382c/100 ℥	—
		(8) If imported	—	3 700c/100 ℥
	.30	Of a relative density before fermentation exceeding 1 050° (excluding sorghum beer as defined in the Sorghum Beer Act, 1962 (Act No. 63 of 1962))	4 481c/100 ℥	3 920c/100 ℥
		Plus, for every degree of relative density before fermentation exceeding 1 080°	22c/100 ℥	22c/100 ℥"
104.20		By the substitution for tariff items 104.20.10, 104.20.15 and 104.20.25 of the following:		
	".10	Wine spirits, manufactured in the Republic by the distillation of wine	101 398c/100 ℥ of absolute alcohol	—
	.15	Spirits, manufactured in the Republic by the distillation of any sugar cane product	111 361c/100 ℥ of absolute alcohol	—
	.25	Spirits, manufactured in the Republic by the distillation of any grain product	115 868c/100 ℥ of absolute alcohol"	—
104.20		By the substitution for tariff items 104.20.29, 104.20.30 and 104.20.40 of the following:		
	".29	Other spirits, manufactured in the Republic	105 835c/100 ℥ of absolute alcohol	—
	.30	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	—	91 785c/100 ℥ of absolute alcohol or 40 326c/100 ℥

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Tariefitem	Tariefpos	Beskrywing	Skaal van reg	
			Aksyns	Doeane
.40		Spiritus van enige aard in ingevoerde likeure, soetdranke en dergelike spiritusdranke wat bygevoegde suiker bevat, met of sonder geurende bestanddele	—	91 785c/100 ℥ absolute alkohol"
104.30		Deur tariefitems 104.30.20 en 104.30.30 deur die volgende te vervang: Sigarette	14,5c/10 sigarette plus 56c/kg tabakinhoude	14,5c/10 sigarette plus 56c/kg tabakinhoude
" .20			672c/kg tabakinhoude	672c/kg tabakinhoude
.30		Plus, ten opsigte van sigarette waarvan die massa van die tabak 1,5 kg/1 000 sigarette oorskry Sigarettabak	14,5c/50 g of gedeelte daarvan plus 213c/kg tabak	14,5c/50 g of gedeelte daarvan plus 213c/kg tabak
		Plus 'n opgeskorte reg van: (i) In werking (ii) Maksimum skaal	Nul 73c/kg tabak	Nul 73c/kg tabak"

## CUSTOMS AND EXCISE AMENDMENT ACT, 1988

Act No. 69, 1988

Tariff item	Tariff heading	Description	Rate of duty	
			Excise	Customs
.40		Spirits of any nature in imported liqueurs, cordials and similar spirituous beverages containing added sugar, with or without flavouring substances	—	91 785c/100 ℥ of absolute alcohol"
104.30		By the substitution for tariff items 104.30.20 and 104.30.30 of the following:		
"20		Cigarettes	14,5c/10 cigarettes plus 56c/kg tobacco content	14,5c/10 cigarettes plus 56c/kg tobacco content
		Plus in respect of cigarettes the mass of the tobacco of which exceeds 1,5 kg/1 000 cigarettes	672c/kg tobacco content	672c/kg tobacco content
.30		Cigarette tobacco	14,5c/50 g or fraction thereof plus 213c/kg tobacco	14,5c/50 g or fraction thereof plus 213c/kg tobacco
		Plus a suspended duty of:	Nil	Nil
		(i) In operation	73c/kg tobacco	73c/kg tobacco"
		(ii) Maximum rate		

