

**Customs (Export to the Southern African Development Community Certificate)  
(Amendment) Regulations 2009**

**GN No. 181 of 2009**

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**THE CUSTOMS ACT**

**Regulations made by the Minister under section 163  
of the Customs Act**

1. These regulations may be cited as the **Customs (Export to the Southern African Development Community Certificate) (Amendment) Regulations 2009**.

2. In these regulations -

"principal regulations" means the Customs (Export to the Southern African Development Community Certificate) Regulations 2000.

3. Regulation 1 of the principal regulations is amended, by deleting the words "(Export to the Southern African Development Community Certificate)" and replacing them by the words "(SADC Certificate of Origin)".

4. Regulation 2 of the principal regulations is amended -

(a) by repealing the definitions of "Comptroller", "Exporter" and "import";

(b) by inserting, in the appropriate alphabetical order, the following new definitions -

"Customs Authority" means the customs authority of any Member State of the SADC;

"Customs Management System" has the same meaning as in the Customs (Use of Computer) Regulations 1997;

"SADC" means the Southern African Development Community;

"TradeNet" has the same meaning as in the Customs (Use of Computer)

Regulations 1997;

"TradeNet user" has the same meaning as in the Customs (Use of Computer) Regulations 1997.

**5.** Regulation 3 of the principal regulations is revoked and replaced by the following regulation -

**3.** (a) No person, other than the Director-General, shall print or cause to be printed the forms set out in the Schedules.

(b) The form of the certificate –

(i) shall measure 210 x 297 mm on a light yellow paper with SADC watermark on paper sized for writing and weighing not less than 25 gm/m<sup>2</sup>;

(ii) shall have a pale yellow guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye;

(iii) shall include a reference that the printer has been approved by the Director-General and shall bear the name and address of the printer or a mark by which the printer can be identified and a serial number, either printed or not, by which it can be identified; and

(iv) bear the seal of the Customs.

**6.** The principal regulations are amended, by inserting, after regulation 3, the following new regulation -

**3A.** (a) No TradeNet user shall submit the form of certificate duly filled in otherwise than in the manner referred to in paragraph (b).

(b) Unless otherwise authorised by the Director-General, every TradeNet user shall, in respect of every export, submit, in due time to the Director-General, the form of certificate duly filled in electronically through the TradeNet.

(c) The form of the certificate under paragraph (b) shall, in respect of the export, be accompanied by -

(i) a declaration by the producer in the form set out in the Second Schedule;

(ii) a copy of the original import Customs declaration relating to the import of any raw materials used in the working or processing of the export;

(iii) a copy of the original export Customs declaration;

(iv) export invoices; and

(v) any other document, evidence or sample as may be required by the Director-General.

(d) The Director-General shall, on being satisfied that the exporter has complied with the provisions of paragraphs (a), (b) and (c), issue, subject to regulation 5, the certificate to the exporter through the Customs Management System at the time the exportation is effected.

(e) The entries and particulars recorded in the TradeNet in respect of the form of certificate submitted by a TradeNet user and in the Customs Management System in respect of the certificate issued by the Director-General, shall be presumed, unless evidence to the contrary is adduced, to be correct.

7. Regulation 4 of the principal regulations is revoked and replaced by the following regulation -

4. No person other than the Director-General shall issue a certificate in respect of any export to any Member State of the SADC.

8. Regulation 5 of the principal regulations is revoked and replaced by the following regulation -

- 5.** (a) A certificate may exceptionally be issued after exportation of the products to which it relates where -
- (i) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
  - (ii) it is proved to the satisfaction of the Director-General that a certificate was issued but was not accepted at importation for technical reasons.
- (b) For the purposes of paragraph (a), the exporter shall indicate in the form of the certificate the place and date of exportation of the products to which the certificate relates and state the reasons for his request.
- (c) Where a certificate is issued under paragraph (a), it shall be endorsed with the words "ISSUED RETROSPECTIVELY".
- 9.** The principal regulations are amended, by inserting, after the new regulation 5, the following new regulations -
- 5A.** (a) In the event of theft, loss or destruction of a certificate, the exporter may apply to the Director-General for a duplicate.
- (b) Where a duplicate is issued under paragraph (a) -
- (i) it shall be endorsed with the word "DUPLICATE" in box 5 of the duplicate certificate; and
  - (ii) it shall bear the date of issue of the original certificate and shall take effect as from that date.
- 5B.** Any Customs Authority may request another Customs Authority to verify the authenticity and accuracy of a certificate issued by the latter authority and for this purpose, a request shall comply with the provisions of the Second Schedule.
- 10.** Regulation 6 of the principal regulations is revoked and replaced by the following regulation -

**6.** Any person who -

- (a) submits, for the purposes of the form of certificate referred to in regulation 3A, a document which is false, incorrect or misleading in any material particular, or which is not a genuine document;
- (b) provides in any document, any information which is false or misleading in any material particular;
- (c) tampers with a certificate or causes a certificate to be tampered with;
- (d) prepares or presents a certificate purporting it to be a genuine certificate which is not, in fact, a genuine certificate,

shall commit an offence and shall on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years and the goods which are the subject matter of the contravention shall be liable to forfeiture.

**11.** These regulations shall come into operation on 1 April 2010.

Made by the Minister on 24 December 2009.

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