

GOVERNMENT OF ZAMBIA

ACT

No. 3 of 2006

Date of Assent: 1st April, 2006

An Act to amend the Customs and Excise Act
[1st April, 2006

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Customs and Excise (Amendment) Act, 2006, and shall be read as one with the Customs and Excise Act, in this Act referred to as the principal Act.

Short title
and
commencement
Cap. 322

(2) This Act shall be deemed to have come into operation on 4th February, 2006.

2. The principal Act is amended by the insertion immediately after section *thirty-two A* of the following new section

Insertion of
new section
32B

32B. (1) The Commissioner-General may, subject to such rules as the Commissioner-General may prescribe, accept entry of goods for customs purposes five days prior to the arrival of the goods at a customs port on condition that the importer of the goods or the agent of the importer undertakes to present to the Customs Division goods which match the goods so declared in all material particulars.

Entry of
goods prior
to
importation

(2) Subject to section *eight-seven*, where goods are entered under subsection (1) the Commissioner-General shall make an assessment of the duties due on the goods and the importer of the goods or the agent of the importer shall pay the duties so assessed within five days of such assessment unless the goods are entered to be warehoused or are removed in bond.

(3) The importer of the goods or the agent of the importer may, prior to the examination of the goods, request the Customs Division to amend the declaration made under subsection (1) and where the declaration is amended the Commissioner-General shall make an assessment of the duties due and the importer of the goods or the agent of the importer shall pay the duties so assessed within the period specified in subsection (2) unless the goods are entered to be warehoused or are removed in bond.

(4) Where no request to amend a declaration is received or where the request is received after the examination of the goods has commenced, and if the reasons given by the importer or the agent of the importer for not amending the declaration or for submitting the request late are deemed invalid, the goods shall be liable to seizure.

(5) Subject to the provisions of sections *thirty-one, thirty-two, thirty-four* and *thirty-seven*, goods entered under this section shall be released from Customs control on the issuance of a release order by the Customs Division.

(6) Any importer, importer's agent or other person who makes any declaration to the Customs Division with respect to the pre-entry of goods under this section which that person knows to be false or incorrect in a material particular commits an offence.

Amendment
of section 34

3. Section *thirty-four* of the principal Act is amended by —

(a) the deletion of the title “ types of entry of imported goods ” and the substitution therefor of the title “ Obligations for entry of imported goods ”;

(b) the deletion of the proviso to paragraph (d) and the substitution therefor of the following proviso:

Provided that where electronic registration on the Customs Computer System exists, payment shall be made within five days from the date of the issue of an assessment notice.

(c) the insertion immediately after subsection (4) of the following new subsection:

(5) Goods that remain within customs premises beyond forty-eight hours from the time of their release from customs control shall be liable to such storage fees as the Commissioner General may prescribe.

4. The principal Act is amended by the repeal of section *seventy-seven* and the substitution therefor of the following new section:

Repeal and replacement of section 77

77. (1) There shall be charged, levied, collected, and paid in respect of—

Surtax

(a) goods which are imported into or manufactured or produced in Zambia; or

(b) carbon emissions from motor vehicles;

surtax at the rates specified in the surtax tariff set out on the Fourth Schedule, in this Act referred to as the surtax tariff.

(2) The Commissioner-General shall issue a carbon emission tax certificate upon payment of a surtax, at the rate specified in the Fourth Schedule, in respect of the carbon emissions referred to in paragraph (b) of subsection (1).

(3) A carbon emission tax certificate shall be valid for a period of twelve months ending on the 31st December of the year in which it is issued except for motor vehicles imported on temporal basis, which will expire upon re-export of the motor vehicle.

5. Section *ninety-seven* of the principal Act is amended by the insertion immediately after subsection (6) of the following new subsection:

Amendment of section 97

(7) Notwithstanding subsection (2), the Commissioner-General may waive the requirement for applicants for the renewal of excise licences to re-submit certain documents provided that there has been no material change in the premises, equipment, process of manufacture or such other matters as the Commissioner-General may determine.

6. The principal Act is amended by the insertion immediately after section *one hundred and eight* of the following new section:

Insertion of new section 108A

108A. (1) Subject to section *one hundred and eight*, any person who manufactures, distributes or imports cigarettes shall affix a cigarette tax stamp, in the prescribed form, to each individual package of cigarettes in such manner as may be prescribed by the Commissioner-General.

Cigarette tax stamps

(2) Any person who contravenes subsection (1) commits an offence.

(3) In subsection (1) "cigarette tax stamp" means such mark, whether in electronic form or otherwise, as the Minister may, by statutory instrument, prescribe.

Amendment
of section
162

7. Section *one hundred and sixty-two* of the principal Act is amended—

(a) in subsection (9) by the deletion of the words “ three months ” before the words “ of the notice being given ” and the substitution therefor of the words “ thirty days ”; and

(b) in subsection (10) —

(i) by the deletion of the full stop and the substitution therefor of the colon; and

(ii) by the insertion after the colon of the following new proviso:

Provided that the goods shall be forfeited after the expiry of forty-five days from the date of the publication in the Gazette, of a notice issued by the Commissioner-General that the goods shall be forfeited.

Repeal and
replacement
of section
164

8. The principal Act is amended by the repeal of section *one hundred and sixty-four* and the substitution therefor of the following new section:

Notice of
action to be
given to
Authority

164. (1) A writ of summons shall not be issued against nor a copy of any process served upon the Authority for anything done under this Act or any other law relating to customs or excise until one month after notice in writing has been delivered to the Authority, by the person, or the person’s legal practitioner, who intends to issue such writ, summons or process.

(2) In the notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring the action, and the name and address for service of the person’s legal practitioner, if any.

(3) Evidence shall not be adduced at the trial of the action by the plaintiff except as to causes thereof stated in the notice, and judgement shall not be given for the plaintiff unless the plaintiff proves that the notice was given and in default of proof of notice by the plaintiff, the defendant shall be entitled in such action to judgement in the defendant’s favour and costs.

(4) Every such action shall be brought within three months after the cause thereof arose and if the plaintiff discontinues the action, or if judgement is given against the plaintiff, the defendant shall receive as costs full indemnity for all expenses incurred by the Authority in or in respect of the action and shall have such remedy for the same as any defendant has in other cases where costs are given by law.

9. Section *one hundred and sixty-five* of the principal Act is amended by the deletion of the words "Any officer" and the substitution of the words "The Authority".

Amendment of section 165

10. Section *one hundred and sixty-six* of the principal Act is amended by the deletion of the words "or any officer" at the beginning of the section and the substitution therefor of the words "If any action is brought by any person against the Authority".

Amendment of section 166

11. The First Schedule to the principal Act is amended as set out in Appendix I to this Act.

Amendment of First Schedule

12. The Second Schedule to the principal Act is amended as set out in Appendix II to this Act.

Amendment of Second Schedule

13. The principal Act is amended by the repeal of the Fourth Schedule and the substitution therefor of the Fourth Schedule set out in Appendix III to this Act.

Repeal and replacement of Fourth Schedule

APPENDIX I
(Section 9)

AMENDMENT TO THE FIRST SCHEDULE

CUSTOMS TARIFF

1. Chapter 17 is amended by the deletion of subheading 1702.90.00 and the substitution therefor of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
	- Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50% by weight of fructose			
1702.90.10	--- Dextrose powder anhydrous	Kg	15%	
1702.90.20	--- Anhydrous lactose	Kg	15%	
1702.90.90	--- Other	Kg	25%	

2. Chapter 19 is amended by the deletion in the Customs Duty Rate Column opposite subheading 1903.00.00 of the figure "25%" and the substitution therefor of the figure "15%".

3. Chapter 25 is amended by—

(a) the deletion of subheadings 2520.20.10 and 2520.20.90 and the substitution thereof of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
2520.20.00	- Plasters	Kg	Free	

4. Chapter 27 is amended by the deletion of the subheading 2712.90.00 and the substitution thereof of the following new subheading:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
2712.90.10	- other residues of petroleum oils or oils obtained from bituminous minerals --- Semi refined wax	Dk/litre	5%	
2712.90.90	--- Other	Dk/litre	15%	

5. Chapter 32 is amended by the deletion in the Customs Duty Rate Column opposite subheadings 3204.11.00 and 3204.19.00 of the figure "5%" and the substitution thereof of the word "free".

6. Chapter 35 is amended by the deletion in the Customs Duty Rate Column opposite subheading 3503.00.10 of the figure "15%" and the substitution thereof of the figure "5%".

7. Chapter 39 is amended by —

(a) the insertion immediately after subheading 3921.13.10 of the following new subheading;

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
3921.13.20	- Of polyurethane --- Upper lining foil	Kg	5%	

(b) the insertion immediately after subheading 3921.90.10 of the following new subheading:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
3921.90.20	- Other --- Upper lining foil of polyurethane	Kg	5%	

(c) Chapter 39 is amended by the deletion of subheading 3926.20.00 and the substitution thereof of the following new subheadings:

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<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
3926.20.10	- Articles of apparel and clothing accessories (including gloves, mittens and mitts) --- Articles and clothing accessories, not elsewhere specified, for use in the textile industry	Kg	Free	
3926.20.90	--- Other	Kg	25%	

8. Chapter 48 is amended by—

(a) the deletion in the Customs Duty Rate Column opposite subheading 4811.39.00 of the figure "5%" and the substitution therefor of the word "free".

(b) the deletion of subheading 4818.40.00 and the substitution therefor of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
4818.40.10	- Sanitary towels and tampons, napkins and napkin liners for babies and similar sanitary articles --- Sanitary towel and tampons	Kg	5%	
4818.40.20	--- Napkins and napkin liners for babies	Kg	25%	
4818.40.90	--- Other	Kg	25%	

9. Chapter 52 is amended by the deletion of subheadings 5208.11.00, 5208.12.00 and 5208.19.00 and the substitution therefor of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
5208.11.10	-- Plain weave, weighing not more than 100g/m ² --- Grey fabric including loomstead specially imported for further processing in the textile industry	Kg	Free	
5208.11.90	--- Other	Kg	*	
5208.12.10	-- Plain weave, weighing more than 100g/m ² --- Grey fabric including loomstead specially imported for further processing in the textile industry	Kg	Free	
5208.12.90	--- Other	Kg	*	
5208.19.10	-- Other Fabrics --- Grey fabric including loomstead specially imported for further processing in the textile industry	Kg	Free	
5208.19.90	--- Other	Kg	*	

* 25% or K7000 per Kg whichever is greater

10. Chapter 54 is amended by the deletion in the Customs Duty Rate Column opposite heading 5401 of the figure "15%" and the substitution therefor of the word "free".

11. Chapter 55 is amended by the deletion of subheadings 5513.19.00, 5513.29.00 and 5513.39.00 and the substitution therefor of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
5513.19.10	-- Other woven fabrics			
	--- Of polyester staple fibres imported for further processing in the textile industry	Kg	Free	
5513.19.90	--- Other	Kg	*	

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
5513.29.10	-- Other woven fabrics			
	--- Of polyester staple fibres imported for further processing in the textile industry	Kg	Free	
5513.29.90	--- Other	Kg	*	

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
5513.39.10	-- Other woven fabrics			
	--- Of polyester staple fibres imported for further processing in the textile industry	Kg	Free	
5513.39.90	--- Other	Kg	*	

* 25% or K7 000 per Kg whichever is greater

12. Chapter 56 is amended by the deletion of subheading 5610.10.00 and the substitution therefor of the following new subheadings:

<i>HS Code</i>	<i>Description of goods</i>	<i>Statistical unit of Quantity</i>	<i>Customs Duty Rate</i>	<i>Remarks</i>
	- Sanitary towels and tampons, napkins and napkin liners for babies and similar articles, of wadding			
5601.10.10	--- Sanitary towel and tampons	Kg	5%	
5601.10.20	--- Napkins and napkin liners for babies	Kg	15%	
5601.10.90	--- Other	Kg	15%	

13. Chapter 59 is amended by the deletion in the Customs Duty Rate column in heading 5903.10.20 of the figure "25%" and the substitution therefor of the word "free".

14. Chapter 73 is amended by the deletion in the Customs Duty Rate Column in heading 7319 of the figure "15%" and the substitution therefor of the word "free".

15. Chapter 83 is amended by the deletion in the Customs Duty Rate Column opposite subheading 8308.10.00 of the figure "15%" and the substitution therefor of the figure "5%".

16. Chapter 84 is amended by—

(a) the deletion in the Customs Duty Rate Column opposite subheadings 8447.11.00, 8447.12.00, 8447.20.00, 8447.90.00, 8451.50.00, 8452.21.00, 8452.29.00, 8452.30.00, 8452.40.00 and 8452.90.00 of the figure "5%" and the substitution therefor of the word "free"; and

(b) the deletion in the Customs Duty Rate Column opposite subheading 8473.30.00 of the figure "15%" and the substitution therefor of the word "free".

APPENDIX II
(Section 10)

AMENDMENT TO THE SECOND SCHEDULE

Excise Tariff

1. Heading 6 is amended by the deletion in the Excise Duty Rate Column opposite subheading (2) of the figure "30%" and the substitution therefor of the figure "15%".

2. Heading 10 is amended by the deletion of Heading 10 and the substitution therefor of the following:

<i>Heading</i>	<i>Description of Goods</i>	<i>Harmonised Commodity Description and coding System Heading</i>	<i>Statistical Unit of Quantity</i>	<i>Duty Rate</i>	<i>Remarks</i>
10.	(1) Motor vehicles for the transport of ten or more persons, including the driver:				
	(a) Diesel or semi diesel, of a sitting capacity of ten but not exceeding fourteen persons including the driver;	8702.10.10	No	25%	
	(b) Other, of a sitting capacity of ten but not exceeding fourteen persons including the driver	8702.90.10	No	25%	
	(2) Motor cars and other motor vehicles principally designed	8703.10.00 8703.21.90	No No	15% 15%	

for the transport of persons (other than those of heading 87.02), including station 8703.24.90 and racing cars.	8703.22.90	No	15%
	8703.23.90	No	25%
	8703.24.90	No	25%
	8703.31.90	No	15%
	8703.32.90	No	25%
	8703.33.90	No	25%
(3) Motor vehicles for transport of goods.	8703.90.90	No	25%
	8704.21.10	No	10%
	8704.21.90	No	10%
	8704.22.10	No	10%
	8704.22.90	No	10%
	8704.31.10	No	10%
	8704.31.90	No	10%
	8704.32.10	No	10%
	8704.32.90	No	10%
	8704.90.10	No	10%
8704.90.90	No	10%	

APPENDIX III
(Section 77)

FOURTH SCHEDULE
Surtax Tariff

Description of Goods	Surtax Rate		Remark
	Engine Capacity	Unit Tax (ZMK)	
10. Carbon emissions from vehicles of headings 8702, 8703 and 8704 excluding emissions from ambulances and prison vans.	Motor Cycles	50,000	Carbon emission tax is payable on importation including temporal importation and thereafter per annum
	0 – 1500 cc	50,000	
	1501–2000 cc	100,000	
	2001 – 3000 cc	150,000	
	3001 cc+	200,000	