

No. R. 1121

28 September 2004

CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/106)

Under section 75(15) of the Customs and Excise Act, 1964, Schedule No.6 of the said Act is hereby amended, with retrospective effect to 1 June 2004, to the extent set out in the Schedule hereto.

J MOLEKETI
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion after Part 3 to Schedule No. 6 of Part 4 as follows:

Rebate Item	Tariff / Environmental levy item	Rebate Code	C D	Description	Extent of		Reference No.
					Rebate	Refund	
				"PART 4 REBATES OR REFUNDS OF ENVIRONMENTAL LEVY ON ENVIRONMENTAL LEVY GOODS MANUFACTURED IN THE REPUBLIC NOTES: 1. For the purposes of Chapter VA of the Act and the provisions of Schedule No. 6 - subject to compliance with any relevant Note or rule, any environmental levy goods manufactured in the Republic shall be admitted under rebate of environmental levy or a refund of environmental levy shall be paid or set off in respect of such goods as specified in this Part; (a) any provision - (b) (i) in the Notes to Part 2 of Schedule No. 6 and, except rebate items 614.02 and 615.03, any item of the said Part 2; (ii) for a rebate or refund of excise duty in respect of goods for the purposes or use specified in any such item, shall, to the extent that it can be applied and except if otherwise specified in this Part, apply <i>mutatis mutandis</i> for the purpose of a rebate or refund of environmental levy on such goods; (c) the provisions contemplated in paragraph (b) shall determine entitlement to			

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				a rebate or refund of environmental levy specified in this Part notwithstanding that no excise duty is leviable on the goods concerned.			
				2. (a) "Full duty" in this Part means the environmental levy payable in terms of the relevant item of Part 3 of Schedule No. 1 less any rebate, refund or drawback of such levy granted previously in respect of the goods. (b) "Part 2" in this Part means Part 2 of Schedule No. 6. (c) The reference 00.00 in the tariff item / environmental levy item column of this Part in respect of any item thereof, shall, as may be applicable in each case, be deemed to refer to - (i) any tariff item or all the tariff items specified in such column in respect of any relevant rebate item of Part 2 of Schedule No. 6; or, (ii) any environmental levy item or all such items specified in Part 3 of Schedule No. 1. 3. The relevant rebate or refund item must be reflected on each document issued or processed, including the quarterly account referred to in the rules, where any environmental levy goods are removed or otherwise dealt with for the purposes or use or in the circumstances specified in such item.			
660.00				Rebates of Environmental Levy			
660.01	00.00	01.00	02	Goods liable to environmental levy entered for any purpose or use or in the circumstances specified in any rebate item (except items 614.02 and 615.03) of Part 2.	Full duty		
660.02	00.00	02.00	09	Environmental levy goods in respect of which the environmental levy together with any excise duty or fuel levy payable (if applicable) thereon amount to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional, while such goods are - (a) in any customs and excise warehouse; (b) are being removed in bond; or (c) are under the control of the Commissioner, provided no compensation in respect of environmental levy on such goods has been paid or is due to the owner by any other person and such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty and that such goods did not enter into consumption.	Full duty		
660.03	00.00	03.00	05	Manufactured environmental levy goods in a customs and excise warehouse used for the manufacture by reprocessing of environmental levy goods or the manufacture of other goods.	Full duty		

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661.00				REFUNDS OF ENVIRONMENTAL LEVY			
661.01	00.00	01.00	02	Goods liable to the environmental levy specified in any item of Part 3 of Schedule No. 1 which, after entry or deemed entry for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VA of the Act and its rules, are removed by such licensee to a consignee in a BLNS country, subject to compliance with the Notes hereto. NOTES: 1. Definitions and application of provisions (a) The refund provided for in this item is subject to the provisions of section 75(11A). (b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates - "BLNS country" or "any other country in the common customs area" means the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia or the Kingdom of Swaziland; "refund" as provided in this item means the amount of environmental levy that may be set off against the amount of environmental levy payable on the quarterly environmental levy account of a licensee of a customs and excise manufacturing warehouse on complying with the Notes, the rules for Chapter VA and any rule regulating the movement of goods to which this item relates; "set-off" means a set-off of duty contemplated in section 77 that is refundable in terms of this item. (c) Any such set-off may, subject to Note 2(c) be shown on the account if so provided thereon as a deduction from the dutiable quantity.		As provided in the Notes hereto	

Rebate Item	Tariff / Environmental levy item	Rebate Code	C D	Description	Extent of Rebate	Extent of Refund	Reference No.
				2. Set-off against accounts in respect of environmental levy goods removed as contemplated in the item (a) The removal of such goods shall be subject to such conditions and procedures as the Commissioner may prescribe by rule. (b) Where such environmental levy goods have been duly removed to the consignee in a BLNS country, the licensee may, where proof of such removal has been obtained and, any other requirement has been complied with as prescribed in the rules, set off the environmental levy paid or payable on the goods so removed against the environmental levy payable in respect of any such goods as declared in the environmental levy account for any accounting period during a period of two years after the date any prescribed document was processed in respect of such removal. (c) (i) For the purposes of section 75(11A), the licensee of the customs and excise manufacturing warehouse must produce proof of the environmental levy paid or payable on the goods so removed to a BLNS country and if the licensee is unable to produce such proof the environmental levy on any quantity of the goods so removed must be calculated at the lowest rate of environmental levy levied in terms of this Act on such goods during the month prior to the date on which any prescribed document was processed in respect of the removal of the goods concerned. (ii) Where the rate of duty payable on any goods accounted for on the environmental levy account differs from the rate paid or payable contemplated in subparagraph (i) on the goods so removed, an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b).			

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661.02	00.00	02.00	06	Goods liable to the environmental levy specified in any item of Part 3 of Schedule No. 1 which after entry or deemed entry, for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VA of the Act and its rules are found to be off specification or otherwise defective and are returned to such warehouse for reprocessing, subject to compliance with the Notes hereto. NOTES: 1. Definitions and application of provisions (a) The refund provided for in this item is subject to the provisions of section 75(11A). (b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates - "refund" as provided in this item means the amount of environmental levy that may be set off against the amount of environmental levy payable on the quarterly environmental levy account of a licensee of a customs and excise manufacturing warehouse on complying with the Notes and the rules for Chapter VA; "set-off" means a set-off of duty contemplated in section 77 that is refundable in terms of this item. 2. Limitation For the purposes of any refund in terms of this item, goods may only be returned to a customs and excise manufacturing warehouse for reprocessing where the environmental levy amounts to not less than R100 on any quantity found to be so off specification or otherwise defective on a single occasion within a period of six months after removal from such warehouse and such goods are returned within one month after expiry of such period.		As provided in the Notes hereto	

Rebate Item	Tariff / Environmental levy item	Rebate Code	C D	Description	Extent of Rebate	Extent of Refund	Reference No.
661.03	00.00	03.00	02	3. Procedures and set-off against accounts The licensee of the customs and excise manufacturing warehouse to which such goods are returned must keep a record which includes at least the following: (a) a detailed description of the goods received including the applicable tariff item; (b) the quantity received; (c) the date of receipt; (d) the name or registered business name (if any) and the physical address of the person who returned the goods concerned; (e) a copy of the credit note issued to, and the delivery or stock return note issued by the person who returned the goods; (f) the invoice or dispatch delivery note number issued and the date of issue in respect of the removal of the goods to the person concerned. 4. (a) For the purposes of section 75(11A) the licensee of the customs and excise manufacturing warehouse must produce proof of the environmental levy paid or payable on the goods returned for reprocessing in accordance with the provisions of this item and, if the licensee is unable to produce such proof, the levy on any quantity so returned, shall be calculated at the lowest rate levied in terms of this Act on such goods during the month prior to the date of the return of the goods. (b) The licensee of the customs and excise manufacturing warehouse may, after accounting for the goods in the quarterly environmental levy account, set off the amount of duty duly refundable in terms of this item against the amount of duty payable in respect of any such goods as declared on any such account during a period of two years after receipt of the goods. (c) Where the rate of duty payable on any goods accounted for on the environmental levy account differs from the rate as contemplated in paragraph (a) on the goods so returned an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b). Goods liable to the environmental levy specified in any item of Part 3 of Schedule No. 1 which after entry or deemed entry, for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VA of the Act and its rules are returned to such warehouse for any purpose other than reprocessing as contemplated in item 661.02, subject to compliance with the Notes hereto.		As provided in the Notes hereto	

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				NOTES: 1. Definitions and application of provisions The refund provided for in this item is subject to the provisions of section 75(11A). (a) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates - "refund" as provided in this item means the amount of environmental levy that may be set off against the amount of environmental levy payable on the quarterly environmental levy account of a licensee of a customs and excise manufacturing warehouse on complying with these Notes and the rules for Chapter VA; "set-off" means a set-off of duty contemplated in section 77 that is refundable in terms of this item. 2. Limitation For the purposes of any refund in terms of this item, goods may only be returned to a customs and excise manufacturing warehouse where the environmental levy amounts to not less than R100 on any quantity returned on a single occasion within a period of six months after removal from such warehouse and such goods are returned within one month after expiry of such period. 3. Procedures and set-off against accounts The licensee of the customs and excise manufacturing warehouse to which such goods are returned must keep a record which includes at least the following: (a) a detailed description of the goods received including the applicable tariff item; (b) the quantity received; (c) the date of receipt; (d) the name or registered business name (if any) and the physical address of the person who returned the goods concerned; (e) a copy of the credit note issued to, and the delivery or stock return note issued by the person who returned the goods; (f) reasons for the return of the goods; (g) the invoice or dispatch delivery note number issued and the date of issue in respect of the removal of the goods to the person concerned.			

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661.04	00.00	04.00	09	4. (a) For the purposes of section 75(11A) the licensee of the customs and excise manufacturing warehouse must produce proof of the environmental levy paid or payable on the goods returned in accordance with the provisions of this item and, if the licensee is unable to produce such proof, the levy on any quantity so returned, shall be calculated at the lowest rate levied in terms of this Act on such goods during the month prior to the date of the return of the goods. (b) The licensee of the customs and excise manufacturing warehouse may, after accounting for the goods in the environmental levy account, set off the amount of duty duly refundable in terms of this item against the amount of duty payable in respect of any such goods as declared on any such account during a period of two years after receipt of the goods. (c) Where the rate of duty payable on any goods accounted for on the environmental levy account differs from the rate as contemplated in paragraph (a) on the goods so returned an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b). Environmental levy goods exported by an exporter registered with the International Trade Administration Commission as an approved exporter, provided a duly completed refund application in the prescribed form for a total amount of environmental levy of R100 or more, supported by the necessary documentary evidence, is submitted to the Controller within a period of 6 months from the date of posting in the case of export by post, or within a period of 6 months from the date of entry for export in the case of export in any other manner, but not later than 2 years from the date on which the environmental levy on any such goods was paid: provided that such refund application may relate to more than one consignment each of a value of R100 or more and the date of entry for export is taken to be the date of export of the first such consignment.		Full duty"	