

No. R. 2

5 January 2007

CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (NO. 1A/R/07)

Under sections 38 and 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R.1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.

IVAN PILLAY
ACTING COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

- (a) By the insertion after rule 38.15(c)(i)(cc) of the following rule:
- “38.16 (a) (i) For the purposes of this rule -
- “**accounting period**” means the period within which imports or exports of a continuous transmission commodity must be accounted for and entered on a bill of entry;
- “**continuous transmission commodity**” or “**CTC**” means -
- (a) natural gases and their derivatives and other liquids and gases transported through a pipeline; or
- (b) electricity transported over an electric transmission line.
- (ii) Any provision for imports and exports or importer or exporter, includes, unless otherwise specified, in relation to a CTC transported to or from the Republic, the supply of a CTC to or from any other Member State of SACU.
- (b) Notwithstanding anything to the contrary contained in any rule
- (i) Any CTC imported or exported must be accounted for and entered as prescribed in this rule.
- (ii) (aa) Every importer or exporter must keep a proper accounting record of any CTC imported into or exported from the Republic;
- (bb) imports and exports must be measured at the places, at the times and by using the methods approved by the Commissioner.

- (cc) provided goods are imported directly to the point where quantities are measured, the quantity of a CTC measured as contemplated in subparagraph (bb) shall, for the purposes of section 10(1)(c), be deemed to be the quantity imported into the Republic at the time any quantity measured is so measured; and
 - (dd) provided goods are exported directly from the point where quantities are measured, the quantity of a CTC measured as contemplated in subparagraph (bb) shall be deemed to be the quantity exported from the Republic at the time any quantity measured is so measured.
- (iii) The accounting period of the relevant CTC must operate, as may be applicable -
 - (aa) from the time on any day in any month of first commencement or importation into or exportation from the Republic until 24:00 on the last day of that month and thereafter from 00:00 of the first day of every month until 24:00 of the last day of such month; or
 - (bb) such monthly period as the Commissioner may determine;
- (iv) On a date approved by the Controller, which must be within a period of 25 days after the end of the accounting period contemplated in subparagraph (iii), the importer or exporter must -
 - (aa) at the place of entry specified in item 200.03(ij) in the Schedule to the rules, make due entry in terms of the Act of the quantity of CTC imported or exported during that accounting period; and
 - (bb) in the case of imports -
 - (A) submit separate bills of entry in respect of each supplier from which a CTC was received during the period concerned;
 - (B) pay any duty and value-added tax due during the hours of business prescribed in item 201.20 of the Schedule to the Rules for acceptance of bills of entry and for receipts and other revenue;
 - (C) if payment is made by electronic funds transfer, proof of payment must be submitted to reach the Controller during the period and hours specified in this subparagraph;
 - (cc) in the case of exports separate bills of entry must be submitted in respect of each consignee to which a CTC was transported during the period concerned.
- (v)
 - (aa) All bills of entry submitted to the Controller must be accompanied by invoices, a summary of the accounting record required to be kept as contemplated in subparagraph

(b)(i) and such other documents **as** the Commissioner may require.

(bb) All invoices submitted, must be serially or transaction numbered and dated and reflecting at least the -

- (A) name and address **of** the importer or exporter;
- (B) a full description of the nature and characteristics of the goods;
- (C) total quantity;
- (D) where applicable, the price charged **for** each unit;
- (E) total invoice price; and
- (F) in the case **of** imports **or** exports, the period applicable.

(c) Where a CTC is transported to or from the territory **of** a SACU Member State, **form** CCA 1 or form SAD 500, as may be applicable in terms of the rules numbered 120A and 120B, must be submitted **together** with **an** invoice as contemplated in subparagraph (b)(v), to the Controller for each accounting **period** within the time prescribed in subparagraph (b)(iii).

(d) **Books**, accounts and documents relating to the procedures prescribed in this rule **must** be kept together with other relevant import and export documents as contemplated in rule 59A.09(2)."

(b) By the insertion in item 200.03 after paragraph (h) of the following paragraph:

"(ij) Johannesburg
where a **continuous** transmission commodity imported into or exported **from** the Republic may be entered **as** contemplated in rule **38.16**"