

No. 29, 1948.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To approve of the General Agreement on Tariffs and Trade concluded at Geneva on the thirtieth day of October, 1947; to make provision for the carrying out of the said agreement, and for matters incidental thereto.

*(Afrikaans Text signed by the Governor-General.)
(Assented to 27th March, 1948.)*

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act the "Customs Act" means the Customs Act, 1944 (Act No. 35 of 1944), and any expression to which a meaning has been assigned in the Customs Act shall, when used in this Act, have the same meaning unless the context otherwise indicates.

Approval of the general agreement on tariffs and trade.

2. The general agreement on tariffs and trade (hereinafter referred to as the agreement) concluded at Geneva on the thirtieth day of October, 1947, by the Government of the Union of South Africa and the governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, a copy of which agreement, together with such extracts from the schedules thereto as are of interest to the Union, were published in the *Gazette* under Government Notice No. 2421 of the eighteenth day of November, 1947, is hereby approved.

Date from which agreement shall be applied.

3. The agreement shall, in relation to the territories the governments of which are referred to in section two, be applied, either provisionally or definitively as the Governor-General may determine by proclamation in the *Gazette*, with effect from a date specified in such proclamation.

Withholding or withdrawal of concessions in relation to countries not accepting or withdrawing from agreement.

4. The Governor-General may by proclamation in the *Gazette* withhold or withdraw, as the case may be, any concessions, including concessions in customs tariff rates, which the Government of the Union has in terms of the agreement undertaken to grant or granted to any party to the agreement if such party does not accept the agreement or, as the case may be, withdraws from the agreement after having accepted or acceded to it.

Accession of new parties to the agreement.

5. (1) The agreement shall, in relation to any territory the government of which has, in terms of the agreement, acceded thereto, be applied with effect from a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) The Governor-General may, by any proclamation referred to in sub-section (1) or by a later proclamation, grant, in consideration of equivalent privileges in respect of goods imported from the Union into the territory of any acceding Government, concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that government on their importation into the Union.

Withdrawal or modification of concessions in accordance with the agreement.

6. The Governor-General may by proclamation in the *Gazette* and subject to the terms of the agreement and with effect from a date specified in the proclamation withdraw, in whole or in part, any concession, including a concession in customs tariff rates, granted to any party to the agreement or, in consideration of equivalent privileges in respect of goods imported from the Union into the territory of any party to the agreement, grant further concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that party on their importation into the Union.

Application of customs tariff in relation to territories the governments of which are parties to the agreement.

7. (1) Whenever the rate of duty specified in the First or Second Schedules to the Customs Act is, in respect of any goods, in excess of the rate of duty specified in respect of those goods in Schedule XVIII to the agreement, the rate specified in the said Schedule to the agreement shall, in the application of the Customs Act to goods which were produced or manufactured in any territory in relation to which the agreement is being applied, and which are imported into the Union, but subject to the provisions of any proclamation issued under section *four* or *six*, apply instead of the rate of duty specified in the First and Second Schedules to the Customs Act: Provided that in respect of the goods specified in Schedule XVIII to the agreement under tariff items Nos. 15 (a) (i), 15 (a) (ii), 70 (a), 76 (a) (i), 76 (a) (ii), 76 (c) (i) and 97 (1) the rate of duty shall, notwithstanding anything to the contrary contained in the Customs Act, be the rate which the Governor-General prescribes by proclamation in the *Gazette*.

(2) Any concession in customs tariff rates granted in terms of sub-section (2) of section *five* or section *six* shall for the purposes of sub-section (1) of this section be deemed to be incorporated in Schedule XVIII to the agreement.

Proclamations to lapse if not approved by Parliament.

8. Any proclamation under section *three*, other than a proclamation relating to the provisional application of the agreement, and any proclamation under sections *four*, *five*, *six* or *seven*, issued during any session of Parliament upon a date not less than twenty-eight days before the end of that session shall lapse at the end of that session unless it has been approved of during that session by resolution of both Houses of Parliament, and any proclamation issued at any other time shall lapse at the end of the next ensuing session of Parliament unless it has, during that session, been approved of by resolution of both Houses of Parliament, but the lapsing of any such proclamation shall not detract from its validity before it lapsed.

Short title.

9. This Act shall be known as the Geneva General Agreement on Tariffs and Trade Act, 1948.