

GENERAL EXPLANATORY NOTE:

[] Words that are between square brackets and in bold typeface, indicate deletions from the existing rules

_____ Words that are underlined with a solid line, indicate insertions in the existing rules

DRAFT AMENDMENT OF RULES
in terms of the Customs and Excise Act, 1964

The following amendments are proposed in terms of sections 8 and 120:

Amendment of rule 8.01

1. Rule 8.01 is hereby amended by—

(a) the substitution in the definition of—

- (i) “cargo reporter” for the words “vessel or aircraft” of the words “vessel, aircraft or train”;
- (ii) “cross-border train” for the word “voyage” of the word “trip”; and
- (iii) “outturn report” for the expression “Part 7 and 8” of the expression “Part 7, 8 and 8A”; and

(b) the insertion of the following definition after the definition of “rail consignment note”:

“**railway authority**” means Transnet Freight Rail (TFR), a division of Transnet Limited;”

Amendment of rule 8.23

2. Rule 8.23 is hereby substituted for the following rule:

“Advance train and rail cargo arrival notices

8.23 (1)_____The carrier of a cross-border train scheduled for the Republic **[who will be operating the train on the Republic’s side of the border,]** must in accordance with rule **[8.24] 8.23A** give advance notice to the Commissioner of the scheduled arrival of that **[incoming cargo] train** in the Republic.

(2) A cargo reporter responsible for cargo loaded on board a cross-border train scheduled for the Republic must in accordance with rule 8.24 give advance notice to the Commissioner of the scheduled arrival of that incoming cargo in the Republic.”.

Insertion of rule 8.23A

3. The following rule is hereby inserted after rule 8.23:

“Timeframe for submission of advance train arrival notices and particulars to be reflected

8.23A (1) An advance train arrival notice referred to in rule 8.23(1) must be submitted at least one hour before arrival of the train at the first railway station in the Republic.

(2) An advance train arrival notice must reflect the following information:

(a) General mandatory reporting information;

(b) the railway station of departure;

(c) the railway stations where the train is scheduled to call on the relevant trip;

(d) date and scheduled time of arrival of the train at the first railway station in the Republic; and

(e) the name of each railway station in the Republic where—

(i) cargo will be offloaded; or

(ii) a railway carriage will be detached.”.

Amendment of rule 8.24

3. Rule 8.24 is hereby amended by the substitution for the expression “rule 8.23” of the expression “rule 8.23(2).”

Insertion of rule 8.24A, 8.24B, 8.24C, 8.24D, 8.24E and 8.24F

4. The following rules are hereby inserted after rule 8.24:

“Train arrival reports

8.24A (1) The arrival of a cross-border train at a railway station in the Republic where cargo will be off-loaded or a railway carriage will be detached must be reported to the Commissioner by the railway authority.

(2) A train arrival report referred to in subrule (1) must—

(a) be submitted to the Commissioner within 30 minutes after the arrival of the train at any railway station-referred to in subrule (1); and

(b) reflect the following information:

(i) General mandatory reporting information;

(ii) the date and time of the train's arrival at that railway station; and

(iii) the name of that railway station.

Advance train and rail cargo departure notices

8.24B The carrier of a cross-border train scheduled for a destination outside the Republic who will be operating the train on the Republic's side of the border, must give—

(a) advance notice to the Commissioner in accordance with—

(i) rule 8.24C, of the scheduled departure of the train to a destination outside the Republic; and

(ii) rule 8.24D, if the train is to transport cargo to a destination outside the Republic, of all cargo scheduled to be on board the train when the train crosses the border out of the Republic; and

(b) updates in accordance with rule 8.24E, of its advance cargo departure notice referred to in paragraph (a)(ii) as the train progresses on its trip to the border.

Timeframe for submission of advance train departure notice

8.24C (1) An advance train departure notice referred to in rule 8.24B(a)(i) must be submitted at least one hour before the train is scheduled to depart from the first railway station on its trip to a foreign destination.

(2) An advance train departure notice must reflect the following information:

(a) General mandatory reporting information;

- (b) the railway station of destination in the foreign country;
- (c) the railway station from where the train will depart; and
- (d) the date and scheduled time of departure.

Timeframe for submission of advance rail cargo departure notice

8.24D (1) An advance rail cargo departure notice referred to in rule 8.24B(a)(ii) must be submitted at least one hour before the train is scheduled to depart from the first railway station on its trip to a foreign destination.

(2) An advance rail cargo departure notice must reflect the following information:

- (a) General mandatory reporting information; and
- (b) if the train is to transport containerised cargo to a foreign destination—
 - (i) the total number of containers on board; and
 - (ii) containerised cargo details and container details in respect of each consignment;
- (c) if the train is to transport bulk cargo to a foreign destination—
 - (i) bulk cargo details; and
 - (ii) the number of each railway carriage containing bulk cargo; and
- (d) if the train is to transport break bulk cargo to a foreign destination—
 - (i) the number of consignments;
 - (ii) break bulk cargo details in respect of each consignment; and
 - (iii) the number of each railway carriage containing break bulk cargo.

Updates of advance rail cargo departure notices

8.24E (1) Any updates of an advance rail cargo departure notice referred to in rule 8.24B(b) must be submitted to the Commissioner within one hour after the train has departed from each railway station where—

- (a) cargo bound for a foreign destination were taken on board that train; or
- (b) a cross-border railway carriage transporting such cargo was attached to that train.

(2) An update of an advance rail cargo departure notice must reflect the following information:

(a) General mandatory reporting information;

(b) containerised cargo details and container details in respect of each consignment of cargo contemplated in subrule (1)(a) or (b) consisting of containers;

(c) bulk cargo details in respect of each consignment of cargo contemplated in subrule (1)(a) or (b) consisting of bulk cargo; and

(d) break bulk cargo details in respect of each consignment of cargo contemplated in subrule (1)(a) or (b) consisting of break bulk cargo.

Train departure reports

8.24F (1) The departure of a cross-border train from the last railway station in the Republic to a destination outside the Republic must be reported to the Commissioner by the railway authority managing that railway station.

(2) A train departure report referred to in subrule (1) must—

(a) be submitted to the Commissioner within one hour after the departure of the train from the last railway station in the Republic; and

(b) reflect the following information:

(i) General mandatory reporting information;

(ii) the name of the railway station; and

(iii) the date and time of departure.”

Amendment of rule 8.25

5. Rule 8.25 is hereby amended by the substitution for the words “customs authority” of the word “Commissioner”.

Amendment of rule 8.26

6. Rule 8.26 is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) A rail cargo departure notice referred to in rule 8.25 must be submitted within one working day after departure of the train from the last railway station in the Republic **[before the train leaves the Republic]**.”

Insertion of Part 8A

7. The following Part is hereby inserted after Part 8:

“Part 8A: Rail Cargo outturn reports

Outturn reports on containers removed from or received at rail cargo terminals

8.45A (1) The railway authority must submit to the Commissioner outturn reports in respect of containers containing imported goods removed from a rail cargo terminal at hourly intervals.

(2) A gate-out outturn report referred to in subrule (1) must reflect the following information:

- (a) General mandatory reporting information;
- (b) the date of arrival at the terminal of the train from which each container was off-loaded;
- (c) the railway station where off-loaded;
- (d) the landed purpose;
- (e) the gate-out date and time; and
- (f) container details in respect of each container.

(3) The railway authority must submit to the Commissioner outturn reports in respect of containers containing goods destined for export received at rail cargo terminal at hourly intervals.

(4) A gate-in outturn report referred to in subrule (3) must reflect the following information:

- (a) General mandatory reporting information;
- (b) the railway station where received;
- (c) the gate-in date and time; and
- (d) container details in respect of each container.

Outturn reports on break bulk and bulk cargo received at rail cargo terminals

8.45B (1) The railway authority must submit to the Commissioner outturn reports in respect of break bulk and bulk cargo destined for export received at a rail cargo terminal at hourly intervals.

(2) An outturn report referred to in subrule (1) must reflect the following information:

- (a) General mandatory reporting information;
- (b) terminal where received;
- (c) the gate-in date and time;
- (d) the landed purpose;
- (e) the wagon number;
- (f) in the case of break bulk cargo the break bulk cargo details listed in paragraphs (g) to (n) of the definition of “break bulk cargo details” in respect of each consignment of break bulk cargo received; and
- (g) in the case of bulk cargo the bulk cargo details listed in paragraphs (g) to (j) of the definition of “bulk cargo details” in respect of bulk cargo received.”.

Amendment of rule 8.47

8. Rule 8.47 is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Any outturn report submitted in terms of Part 7, 8 or 8A in respect of cargo off-loaded, deconsolidated or unpacked must, where relevant, specify –“.

Amendment of rule 8.49

9. Rule 8.49 is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“The Commissioner may disclose to a container terminal operator, wharf operator, transit shed operator, railway authority, licensee of a container depot or licensee of a degrouping depot any of the following information submitted to the Commissioner in an advance cargo arrival notice in relation to any

cargo, to enable that licensee or operator to submit outturn reports in relation to that cargo:”.

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