

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 107A and 120:

1. Insertion of rule 107A

The following rule is hereby inserted in the Rules to the Customs and Excise Act, 1964 (Act No. 91 of 1964), after the rules for section 106:

“RULES FOR SECTION 107A OF THE ACT

Requirements in respect of tobacco growers and tobacco leaf dealers

107A.01 (a) For the purposes of this rule –

“**tobacco grower**” means any person who engages in the farming of tobacco leaf product;

“**tobacco leaf dealer**” means any person who engages in the storing, processing or transacting of tobacco leaf product, excluding the farming thereof;

“**tobacco leaf processing**” means any preliminary, intermediate or supplementary process in connection with tobacco leaf product, including the drying and threshing thereof.

“**tobacco leaf product**” means tobacco not stemmed or stripped, tobacco partly or wholly stemmed or stripped, or tobacco refuse;

“**tobacco not stemmed or stripped**” means tobacco classified under tariff subheading 2401.10 of Section IV of Part 1 of Schedule No. 1;

“tobacco partly or wholly stemmed or stripped” means tobacco classified under tariff subheading 2401.20 of Section IV of Part 1 of Schedule No. 1; and

“tobacco refuse” means tobacco classified under tariff subheading 2401.30 of Section IV of Part 1 of Schedule No. 1.

(b) Every tobacco leaf dealer shall register for that purpose with the Commissioner on form DA 185 and the appropriate annexure in terms of section 59A and the rules thereto.

(c) Every tobacco grower and tobacco leaf dealer shall –

(i) keep records in respect of –

(aa) each receipt of tobacco leaf product, including the name, address and customs and excise client number of the supplier;

(bb) the date, volume, value and detailed description of each such receipt of tobacco leaf product;

(cc) the tobacco leaf processing carried out in respect of each such receipt of tobacco leaf product;

(dd) the person on whose behalf such tobacco leaf processing was carried out, including the name, address and customs and excise client number of such person;

(ee) each supply of tobacco leaf product, including the name, address and customs and excise client number of the recipient; and

(ff) the date, volume, value and detailed description of each such supply of tobacco leaf product; and

(ii) retain such records and the documents in support thereof available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which any such record was created.”

2. Substitution of form

Item 202.00 of the Schedule to the rules is hereby amended by the substitution for form DA 185 of the following form:

“DA 185 Application form: Registration/Licensing of Customs and Excise Clients”

3. Insertion of form

Item 202.00 of the Schedule to the rules is hereby amended by the insertion for form DA 185.4A17 of the following form:

“DA 185.4A17 Registration client type 4A17 – Registered tobacco leaf dealer”

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