

CUSTOMS AND BORDER MANAGEMENT

EXTERNAL POLICY

REMOVAL OF GOODS

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1 SCOPE

- a) This policy prescribes the removal of goods in bond **or in transit by road** with specific focus to the provisions of Section 64D and the rules thereto.
- b) **This document does not apply to:**
 - i) **Any movement by sea, air or rail;**
 - ii) **Goods removed between enterprises or to the Industrial Development Zone (IDZ) operator within the same Customs Controlled Area (CCA) of the IDZ (SC-CW-02-01, SC-CW-02-02 and SC-CW-02-03);**
 - iii) **The licensing of a remover of goods in bond (SC-CF-19); and**
 - iv) **Bonds pertaining to a remover of goods (SC-SE-05).**

2 POLICY

- a) In terms of Rules 18, 18A, 19A, 64D, 120A.01 and 120B goods which are removed in bond in South Africa or the BLNS countries or transit through South Africa may only do so if a **Customs declaration** is processed in the office of the Controller/Branch Manager before such removal may be undertaken and must be acquitted as prescribed. (SC-TR-01-02)
- b) **A licensed remover must be licensed as prescribed in SC-CF-19.**
- c) **According to Rule 64D.05(4) goods in bond refer to:**
 - i) **Goods imported and landed in the South Africa and entered for removal in bond;**
 - ii) **Goods in a Customs and excise warehouse entered for;**
 - A) **Removal in bond to another such warehouse within the Southern African Customs Union (SACU);**
 - B) **Export to any destination outside SACU; and**
 - I) **Goods entered for delivery to a rebate user with the exception of goods provided for in Rules 64D.04(i)(f) and (h) under schedule no. 6;**
 - II) **Excise goods contemplated in the Rules for Section 19A; and**
 - III) **Goods imported under Rule 64D.04(1)(f)(i) which are removed by road to a licensed premises unless moved by a licensee using own transport.**
- d) Clients must also be aware that before any application for cabotage permits will be considered by the Cross Border Road Transport Agency (CBRTA), a permit must first be obtained from the International Trade Administration Commission (ITAC) and temporary clearance must be made at a SARS Customs Branch Office.
- e) Keeping records
 - i) Every client must keep for record purposes for a period of five (5) years:
 - A) Books, accounts and documents in respect of all transactions relating to the Rules for the purpose of any acquittal procedure; and
 - B) Any data related to such documents created by means of a computer.
 - ii) The five (5) year period is calculated from the end of the calendar year in which the document was created, lodged or required. (Sections 101 and 101A)
 - iii) Every client must produce such books, accounts and documents on demand.
- f) Penalties
 - i) Failure to adhere to the provisions of the Act, as set out in this document, is considered an offence.
 - ii) Offences may render the client liable to, as provided for in the Act:
 - A) Monetary penalties;
 - B) Criminal prosecution; and/or
 - C) Suspension/cancellation of registration/license/accreditation.

g) Appeals against decisions

- i) In cases where clients are not satisfied with any decision taken in terms of the Customs and Excise Act they have a right of appeal to the relevant appeal committee. The policy in this regard, as well as the process to be followed, is contained in document SC-CC-24.
- ii) Should clients be unhappy with a decision of any appeal committee their recourse will be to lodge an application for ADR (Alternative Dispute Resolution) with the relevant appeal committee. The committee will add its comments thereto and forward the application to the ADR Unit for attention. The policy in this regard, as well as the process to be followed is contained in document SC-CC-26.

3 REFERENCES

3.1 Legislation

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	Customs and Excise Act No. 91 of 1964: Sections 18, 18A, 38, 19A, 64D, 98, 99, 101, 101A, 120A.01, 120B and 119A Customs and Excise Rules: Rules 18, 18(15);18A, 19A, 38, 64D, 101, 101A.01, 120A.01, 120B and 119A.00 Value-Added Tax Act No. 89 of 1991: Section 13, Schedule 1
Other Legislation:	Promotion of Administrative Justice Act No. 3 of 2000: Section 3 and 5 National Road Traffic Act No. 93 of 1996: All Cross Border Road Transport Act No.4 of 1998: All
International Instruments	Kyoto Convention: Specific Annex E, Chapter 1 – Customs Transit Standard: 1-4; 8, 10, 12, 13, 15, 16, 23, and 24 Recommended Practice: 9, 11, 17, 18, 21, 22 and 25 WCO Framework of Standards: Annex1: Standard 1.2.1 – 1.2.3; 2.4 and 10

3.2 Cross References

DOCUMENT #	DOCUMENT TITLE	APPLICABILITY
SC-CC-24	Internal Administrative Appeal - External Policy	All
SC-CC-26	Alternative Dispute Resolution - External Policy	All
SC-CF-19	Licensing, Registration and Designation – External Policy	All
SC-SE-05	Bonds - External Policy	All
SC-TR-01-02	Acquittal Of Bills Of Entry - External Policy	All
SC-TR-01-02-S1	Acquittal Of Bills Of Entry - External Standard Operating Procedure	All
SC-TR-01-05-S1	Removal Of Goods - External Standard Operating Procedure	All

4 DEFINITIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
BLNS	a) The Republic of Botswana; b) The Kingdom of Lesotho; c) The Republic of Namibia; and d) The Kingdom of Swaziland.
CBRTA	Cross border Road Transport Agency
CCA	Customs Controlled Area
IDZ	Industrial Development Zone
ITAC	International Trade Administration Commission of South Africa
SACU	Southern African Customs Union, consisting of: a) The Republic of South Africa; b) The Republic of Botswana; c) The Kingdom of Lesotho; d) The Republic of Namibia; and e) The Kingdom of Swaziland.
VAT	Value-Added Tax

5 DOCUMENT MANAGEMENT

Business Owner	Group Executive: Customs Operations
Document Owner	Executive: Process Solutions Customs and Support Services
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Detail of change from previous revision	Inserting exclusions and appeals against decisions Deleting all references made to Licensing, Registration and Accreditation as well as Bonds. Updating cross references and definitions and acronyms Changing Securities to Bonds Deleting Excise related matters
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