

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 54F, 54J and 120:

(a) By the amendment of subparagraph (ii) of paragraph (a) of rule 54I.03 as follows:

- (ii) if he or she is classified as a commercial manufacturer, [–
(aa) for registration as a commercial manufacturer of sugary beverages in terms of section 59A and the rules thereto; and
(bb)] for licensing of his or her manufacturing premises as a customs and excise manufacturing warehouse for the commercial manufacture of sugary beverages.

(b) By the insertion after rule 54I.04 of the following heading and rule:

Issue of invoices or dispatch delivery notes in respect of goods removed from a customs and excise warehouse

54I.04A Any licensee of any customs and excise warehouse who removes any sugary beverages from such warehouse must issue an invoice, dispatch delivery note or similar document approved by the Commissioner that contains the information required for the purposes of rule 54F.05.

(c) By the amendment of paragraph (a) of rule 54I.06 as follows:

(a) Any person who manufactures or imports any sugary beverage that is liable to health promotion levy must determine and declare the sugar content of the sugary beverage in grams per 100 millilitres based on –

(d) By the substitution for paragraph (b) of rule 54I.06 of the following paragraph:

(b) Any person who manufactures or imports any concentrate or preparation for the making of beverages that is liable to health promotion levy must determine and declare the sugar content of the concentrate or preparation in grams per 100 millilitres based on –

(i) (aa) the sugar content as certified on a test report as contemplated in paragraph (a) above of the total volume of the prepared beverage when mixed or diluted according to the manufacturer's product specifications; and

(bb) the average of all the certified sugar contents referred to in item (aa) above for all the prepared beverage options when mixed or diluted according to the manufacturer's multiple product specifications; or

(ii) the deemed sugar content of the prepared beverage that is assumed to constitute 20 grams per 100 millilitres should the concentrate or preparation be mixed or diluted at a ratio of one part to nine parts water.

(e) By the amendment of paragraph (a) of rule 54I.09 as follows:

(a) The licensee must when issuing any invoice or dispatch delivery note contemplated in rule 54F.05 or similar document contemplated in rule 54I.04A in respect of sugary beverages manufactured before the date health promotion levy on sugary beverages came into operation, endorse such invoice, **[or]** note or document to state that such sugary beverages were manufactured before the effective date.

(f) By the insertion in item 202.00 of the Schedule to the rules of the following form:

“DA 185.4A14 Client type 4A14 Non-commercial manufacturer of sugary beverages”

(g) By the substitution in item 202.00 of the Schedule to the rules for form DA 185 and DA 185.4B2 of the following forms:

“DA 185 Application form: Registration / Licensing of customs and excise clients

DA 185.4B2 Licensing client type 4B2 – manufacturing warehouse

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