

12 AUGUST 2022
(For external comment)

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

SOUTH AFRICAN REVENUE SERVICE

No.

R.

2022

CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES

Under sections 64F, 75 and 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto **with effect from 19 September 2022**.

EDWARD CHRISTIAN KIESWETTER

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

Amendment of rule 64F.07

1. Rule 64F.07 is hereby amended –

(a) by the substitution in paragraph (b) for the words preceding subparagraph (i) of the following words:

“(b) Any such application must be made on form DA 66 submitted electronically as required in rule 75.26.03, read with rule 75.26.04, and [must be] the following supporting documents must at the time of application be submitted: [supported by –]”; and

(b) by the addition in paragraph (b) of the word “and” at the end of subparagraph (ii).

Insertion of rules

2. (1) The following rules are hereby inserted after rule 75.25:

“75.26 The rules numbered 75.26 followed by further digits relate to the eFiling of applications for drawbacks and refunds contemplated in Schedule No. 5 and refunds contemplated in Schedule No. 6 to the Act

Definitions

75.26.01 For the purposes of these rules, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and unless otherwise specified or the context otherwise indicates –

“eFiling” means a SARS software application available on the SARS website which enables SARS and registered electronic users to generate and deliver electronic filing transactions, and any grammatical derivative has a corresponding meaning;

“electronic user for eFiling” means a person referred to in rule 59A.01A(a)(v)(bb);

“Customs and Excise Office” means a Customs and Excise Office as indicated on the SARS website, where applications contemplated in these rules may be submitted; and

“these rules” means the rules contemplated in rule 75.26.

Persons submitting applications in terms of these rules to be registered electronic users for eFiling

75.26.02 A person submitting an application in accordance with rule 75.26.02(a) must be registered as an electronic user for eFiling as contemplated in rule 59A.01A(b)(iB).

Applications for drawbacks and refunds in Schedule No. 5 and refunds in Schedule No. 6 that must be submitted electronically via eFiling

75.26.03 (a) An application for a drawback or refund relating to the items in Schedules No. 5 and 6 referred to in this rule must, subject to rule 75.26.04, be made electronically by eFiling the relevant electronic form and supporting documents as may be required.

(b) Form DA 66 together with form DA 64 must be submitted in accordance with paragraph (a) in respect of applications for drawbacks or refunds, as the case may be, relating to the items in Schedule No. 5, subject to paragraph (c).

(c) (i) Form DA 66, together with form DA 63 containing the information as certified by the Controller in paper format, must be submitted in accordance with paragraph (a) in respect of applications for drawbacks or refunds, as the case may be, relating to the following items in Schedule No. 5:

(aa) 522.03; and

(bb) 522.05 and 522.06.

(ii) Form DA 63, as certified by the Controller in paper format, must at the time of application be submitted as a

supporting document to the application referred to in subparagraph (i).

(d) Form DA 66 must be submitted in accordance with paragraph (a) in respect of applications for refunds relating to the following items in Schedule No. 6:

(i) 671.09 and 671.11;

(ii) 623.25;

(iii) 691.02 and 691.03;

(iv) 691.05 and 691.06; and

(v) 681.04, 681.05 and 681.06.

Submission of applications dealt with in these rules in the event of systems failure

75.26.04 When, in the event of a systems failure, an electronic user for eFiling cannot submit an application for a drawback or refund dealt with in these rules electronically as required in terms of rule 75.26.03, such application may be made at a Customs and Excise Office by manual submission of the paper version of the relevant prescribed form, printed from the SARS website, as well as any supporting documents as may be required for the relevant application.

Communication through eFiling for purposes of applying for drawbacks and refunds

75.26.05 (a) The rules for electronic communication published in terms of section 255 of the Tax Administration Act by Government Notice No. 644 dated 25 August 2014, apply for purposes of electronic communication contemplated in these rules, subject to paragraph (b).

(b) The rules for electronic communication referred to in paragraph (a) apply with any necessary changes as the context may require, and in such application any reference in those rules to –

- (i) a tax Act must be read as including a reference to the Customs and Excise Act or the rules thereunder;
 - (ii) an electronic filing system must be read as including a reference to eFiling for purposes of submission of applications for drawbacks and refunds and related messages in terms of these rules;
 - (iii) an electronic filing transaction must be read as including a reference to submission of an application for a drawback or refund in terms of these rules;
 - (iv) an electronic communicator or registered electronic user must be read as including a reference to an importer, exporter or any other person entitled to claim a drawback or refund, registered in terms of section 59A as an electronic user for eFiling;
 - (v) a registered tax practitioner must be read as including a reference to a person registered in terms of section 59A as an electronic user for eFiling and who is authorised to submit applications for drawbacks and refunds dealt with in these rules electronically as a clearing agent, registered agent or other representative on behalf of another; and
 - (vi) a taxpayer must be read as including a reference to a registered importer, exporter or any other person entitled to claim a drawback or refund.
- (c) In the event of any inconsistency between a provision of the rules under section 75 and the rules for electronic communication referred to in paragraph (a), the provision of the former prevails.

Transitional arrangements

75.26.05 (a) An application for a drawback or refund dealt with in these rules submitted manually in paper format prior to the effective date of these rules, must be considered in accordance with the process for manual submissions, subject to paragraph (b).

(b) Where it is determined during consideration of an application contemplated in paragraph (a) that a new application must be submitted, such application must be submitted via eFiling in accordance with rule 75.26.03.

Amendment to the Schedule to the Rules

3. (a) Item 202.00 of the Schedule to the rules is hereby amended by the substitution of the following forms:

“DA 63 Application for refund – Export for trade purposes of imported duty paid goods (Refund item 522.03)

DA 64 Application for drawback/refund

DA 66 General Application for drawback/refund”.

(b) Item 202.01 is hereby amended –

(i) by the substitution for the words in subitem 02 preceding paragraph (a) of the following words:

“02. in respect of forms **[DA 63, DA 64,]** SAD 504, SAD 506, SAD 514, SAD 551, SAD 554, SAD 601, SAD 604, SAD 611 and SAD 614, must –”; and

(ii) by the deletion of subitem 03.