LEGAL NOTICE NO. 63

THE CUSTOMS AND EXCISE ACT
(Cap. 472)

IN EXERCISE of the powers conferred by section 234 of the Customs and Excise Act, the Minister for Finance makes the following Regulations -

THE CUSTOMS AND EXCISE (AMENDMENT)
(No. 2) REGULATIONS, 2003

1. These Regulations may be cited as the Customs and Excise (Amendment) (No. 2) Regulations, 2003.

2. The Customs and Excise Regulations, in these Regulations referred to as “the principal Regulations”, are amended in regulation 40 by deleting the expression “or in the case of goods imported into an inland transit shed, of their arrival at the transit shed” appearing in paragraph (1).

3. Regulation 38A of the principal Regulations is amended by deleting the proviso to paragraph (5) and substituting therefor the following new proviso -

Provided that goods intended for the manufacture of goods for export under the Tax Remission for Export Office (TREO) shall only be subject to a minimum fee of five thousand shillings.

4. Regulation 61 of the principal Regulations is amended in paragraph (3) by deleting the words “provided that no such goods shall be warehoused unless 75% thereof has been exported” appearing in subparagraph (i).

5. Regulation 65 of the principal Regulations is amended-

(a) by inserting the words “other than petroleum products” immediately after the words “warehoused goods” appearing in paragraph (1);
(b) by inserting the following new paragraph (1A) immediately after paragraph (1) –

“(1A) In the case of petroleum products entered for removal to another bonded warehouse or for export by road, bonds shall be furnished in cash.

6. Regulation 79F of the principal Regulations is amended by deleting the expression “96(6)” and substituting therefor the expression “96(8)”

7. Regulation 96 of the principal Regulations is amended -

(a) by deleting paragraph (7);

(b) by deleting the proviso to paragraph (16) and substituting therefor the following new proviso -

Provided that-

(i) a request under this paragraph shall not be granted unless it is made within the period allowed under paragraph (3) (a);

(ii) the goods are physically deposited in a customs area.

8. The principal Regulations are amended by inserting the following new regulation immediately after regulation 130A-

130B(1) An excise factory shall be distinguished by an identification number allocated by the Commissioner.

(2) The words “CUSTOMS EXCISE FACTORY” and the number allocated to the factory shall be clearly marked on the principal entrance to the factory or such other prominent place as the proper officer may approve and shall be removed when the factory ceases to manufacture excisable goods.
(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

9. Regulation 258 of the principal Regulations is amended by deleting the expression “paragraph (4)” appearing in paragraph (2) and substituting therefor the expression “the Eighth Schedule to these Regulations and to paragraph (4) of this regulation”.

10. The Eighth Schedule to the principal Regulations is amended in paragraph (b) by inserting the words “or manufacturing” immediately after the word “forwarding”.

Made on the 12th June, 2003.

D. MWIRARIA,
Minister for Finance.