

Act No. 2 of 1963**THE EAST AFRICAN CUSTOMS MANAGEMENT
(AMENDMENT) ACT, 1963**

Assented to on behalf of the East African Common Services Organization.

JULIUS K. NYERERE,

Date: 3rd June, 1963.

President of Tanganyika.

W. F. COUTTS,

Date: 31st May, 1963.

Governor-General of Uganda.

MALCOLM MACDONALD,

Date: 30th May, 1963.

Governor of Kenya.

**AN ACT TO AMEND THE EAST AFRICAN CUSTOMS
MANAGEMENT ACT, 1952**

Date of commencement: 3rd June, 1963

ENACTED by the President of Tanganyika, the Governor-General of Uganda and the Governor of Kenya on behalf of the East African Common Services Organization with the advice and consent of the East African Central Legislative Assembly.

1. This Act may be cited as the East African Customs Management (Amendment) Act, 1963, and shall be read and construed as one with the East African Customs Management Act, 1952, hereinafter referred to as the principal Act.

Short title.

2. Section 2 of the principal Act is amended:—

Amendment of section 2 of the principal Act.

(a) by inserting immediately after the definition of "Queen's Warehouse" in subsection (1) thereof the following new definitions:—

"refiner" means the holder of a licence granted in respect of a refinery;

"refinery" means a bonded warehouse licensed by the Commissioner for the treatment of oils; and

(b) by inserting immediately after the words "Deputy Commissioner" in paragraph (g) of subsection (2) thereof the comma and words ", the Assistant Deputy Commissioner".

Amendment of
section 3 of the
principal Act.

3. Section 3 of the principal Act is amended by inserting immediately after the words "Deputy Commissioner" which appear in subsection (1) thereof, the comma and words ", the Assistant Deputy Commissioner".

Amendment of
section 26 of the
principal Act.

4. Section 26 of the principal Act is amended by deleting the words "in the Territories shall, before unloading or in any way disposing of such vehicle or of any goods therein" which appear in subsection (1) thereof and substituting therefor the words "at a frontier of the Territories from a place outside the Territories shall not, except where otherwise permitted by the proper officer, cause or allow the vehicle to enter the Territories at any place other than at a port appointed under the provisions of section 8 of this Act, and shall before unloading or disposing of the vehicle or of any goods therein".

Amendment of
section 42 of the
principal Act.

5. The proviso to paragraph (d) of section 42 (1) of the principal Act is amended—

(a) by deleting the full stop which appears at the end thereof; and

(b) by adding immediately after the word "goods" which appears at the end thereof the words "except in the case of oils which are warehoused in a refinery in which case, duty shall be paid on the goods which are entered for home consumption."

Amendment of
section 55 of the
principal Act.

6. Section 55 of the principal Act is amended—

(a) by substituting for the full stop which appears at the end of paragraph (d) thereof a semi colon; and

(b) by adding immediately after paragraph (d) thereof a new paragraph as follows:—

"(e) maintain such records and accounts relating to the operations of the refinery, in such form and manner, as the proper officer shall require, and shall keep such records and accounts at all times available for examination by the proper officer."

Amendment of
section 73 of the
principal Act.

7. Section 73 of the principal Act is amended by substituting for the words "shall, before crossing the frontier" which appear in subsection (1) thereof, the words "shall not, except where otherwise permitted by the proper officer, cause or allow the vehicle to depart from the Territories at any place other than at a port appointed under the provisions of section 8 of this Act, and before so departing shall".

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8. Section 104 of the principal Act is amended by substituting for the proviso to subsection (2) thereof a new proviso as follows:—

Amendment of section 104 of the principal Act.

“Provided that where any export duty is imposed, or the rate of any existing export duty is varied, between the time goods are entered for exportation and the time of exportation of such goods, export duty shall be paid at the rate in force at the time of exportation of the goods.”.

9. Section 125 of the principal Act is amended—

Amendment of section 125 of the principal Act.

- (a) by substituting for the words “apply to the” which appear in subsection (1) thereof the words “file a suit in”;
- (b) by substituting for the words “on any application” which appear in subsection (2) thereof the words “in any suit”;
- (c) by substituting for the words “apply to the” which appear in subsection (3) thereof the words “file a suit in”; and
- (d) by substituting for the words “on any application” which appear in subsection (4) thereof the words “in any suit”.

10. Section 129 of the principal Act is amended—

Amendment of section 129 of the principal Act.

- (a) by deleting the comma and words “, or any vessel in the service of Her Majesty” which appear in subsection (1) thereof;
- (b) by deleting the words “in the service of Her Majesty” which appear in subsection (2) thereof.

11. Section 140 of the principal Act is amended by deleting the comma and the words “, in the Queen’s name” which appear therein.

Amendment of section 140 of the principal Act.

12. Section 158 of the principal Act is amended by deleting the words and comma “or any member of Her Majesty’s Forces,” which appear in subsection (1) thereof.

Amendment of section 158 of the principal Act

13. Section 163 of the principal Act is amended by substituting for the expression “High Commission” which appears therein the expression “Authority”.

Amendment of section 163 of the principal Act.

Amendment of
section 191 of
the principal Act.

14. Section 191 of the principal Act is amended—

(a) by substituting for the full stop which appears at the end of paragraph (i) of subsection (1) thereof a semi-colon;

(b) by adding immediately after paragraph (i) thereof a new paragraph as follows:—

“(j) the regulation and control of the conduct of business and operations of refineries.”.

General
amendment of
the principal Act

15. The principal Act is amended by substituting for the expression “Queen’s Warehouse” wherever it appears in the Act the expression “Customs Warehouse”.