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CONTENTS**INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>	<i>Bladsy No.</i>	<i>Koerant No.</i>
GOVERNMENT NOTICES			GOEWERMENSKENNISGEWINGS		
Agriculture, Forestry and Fisheries, Department of			Landbou, Bosbou en Visserye, Departement van		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 422			R. 422		
Agricultural Product Standards Act (119/1990): Regulations regarding control of the export of animal products .	6	38804	Agricultural Product Standards Act (119/1990): Regulations regarding control of the export of animal products .	6	38804
R. 423			R. 423		
do.: Regulations regarding control of the export of processed products.....	11	38804	do.: Regulations regarding control of the export of processed products.....	11	38804
South African Revenue Service			Suid-Afrikaanse Inkomstediens		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 425			R. 425		
Customs and Excise Act, 1964: Amendment of rules (DAR/145).....	17	38804	Customs and Excise Act, 1964: Amendment of rules (DAR/145).....	17	38804
R. 426			R. 426		
do.: Amendment of Schedule No. 4 (No. 4/2/370).....	20	38804	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 4 (No. 4/2/370).....	21	38804
R. 427			R. 427		
do.: Amendment of Schedule No. 6 (No. 6/33).....	22	38804	do.: Wysiging van Bylae No. 6 (No. 6/33).....	23	38804
R. 428			R. 428		
do.: Amendment of Schedule No. 6 (No. 6/1B/01).....	24	38804	do.: Wysiging van Bylae No. 6 (No. 6/1B/01).....	25	38804
R. 429			R. 429		
do.: Amendment of Schedule No. 6 (No. 6/1C/40).....	26	38804	do.: Wysiging van Bylae No. 6 (No. 6/1C/40).....	27	38804
R. 430			R. 430		
do.: Amendment of Schedule No. 6 (No. 6/1D/03).....	28	38804	do.: Wysiging van Bylae No. 6 (No. 6/1D/03).....	29	38804

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 422

22 May 2015

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS REGARDING CONTROL OF THE EXPORT OF ANIMAL PRODUCTS

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) -

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication; and
- (c) read together with section 4 of the said Act, repeal the regulations published by Government Notice Nos. R. 1984 of 23 August 1991, R. 1986 of 23 August 1991 and R. 1002 of 30 October 2009 with effect from the said date of commencement.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

"Accredited laboratories" means any laboratory that is not a National Reference Laboratory and that is accredited or nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"animal products" means dairy products, eggs and poultry meat;

"assignee" means a person, undertaking, body, institution, association or board designated as such under section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"certificate" means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

"composite dairy product" means a product consisting of a combination of a primary dairy product and another foodstuff, the solids of which are not intended to replace any part of the milk solids of that primary dairy product;

"consignment" means, where used with regard to ---

- (a) dairy products, a quantity of dairy products of the same kind which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production lots, classes or packing sizes, each quantity of each of the different production lots, classes or packing sizes;
- (b) eggs, a quantity of eggs belonging to the same owner, which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is sub-sorted into different production groups, grades or size groups, each quantity of each of the different production groups, grades or size groups; or

- (c) poultry meat, a quantity of poultry meat of the same kind belonging to the same owner, which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production lots, classes, grades, portions or cuts, each quantity of each of the different production lots, classes, grades, portions or cuts;

"**consignment note**" means a consignment note approved by the Executive Officer or the Assignee;

"**dairy product**" means a primary dairy product, a composite dairy product or a modified dairy product;

"**Department**" means the Department of Agriculture, Forestry and Fisheries;

"**eggs**" means the eggs of the specie *Gallus domesticus* (domesticated fowls), *Meleagrus gallapavo* (turkeys) and *Anas* (ducks and muscovies);

"**Executive Officer**" means the officer designated under section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

"**inspector**" means the Executive Officer or an officer under his/her control, or an Assignee or an employee of an Assignee;

"**milk**" means the normal secretion of the mammary glands of bovines, goats or sheep or other milking animals;

"**modified dairy product**" means a product that, in so far as it relates to general appearance, presentation and intended use, corresponds to a primary dairy product, and of which not more than 50 per cent of the fat content, protein content and carbohydrate content has respectively been obtained from a source other than a primary dairy product;

"**National Reference Laboratory**" means an official laboratory of the Department that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"**poultry meat**" means the slaughtered carcasses of the species *Gallus domesticus* (domesticated fowls), *Anas spp.* (ducks) and *Meleagrus gallopavo* (turkeys) as well as any portions or parts of such carcasses which are usually sold for human consumption;

"**primary dairy product**" means milk or a product that has been derived or manufactured solely from milk, and to which no substance other than permitted food additives, not intended to replace any part of the milk solids in that product, are added and includes a product that consists of a combination of two or more of such products; and

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

Prohibition on the export of animal products

2. (1) Subject to the provisions of subregulation (2), no person shall export animal products from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Animal products which are -

(a) exported in a consignment of less than 20 kg net mass; and

(b) taken in as provisions aboard a conveyance to another country,

shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to animal products.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of animal products, shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to those animal products.

(2) Such an application shall be made at least four working days before the intended date of export, or as otherwise arranged with the Executive Officer or designated Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address of the applicant and, where applicable, of his agent or exporter.
- (b) The type and class or grade or grade and size (in the case of eggs) of product.
- (c) The number of containers in and the mass of the consignment concerned.
- (d) The intended date of export, the method of transport and, in the case of export by sea, the name of the vessel concerned and the port or airport from which the consignment concerned shall be exported.
- (e) The particulars concerning the marking and destination of the consignment concerned.
- (f) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (g) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of animal products intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of animal products concerned shall be presented for inspection at least 12 hours prior to the intended time of export, or as otherwise arranged with the Executive Officer or designated Assignee.

(2) A consignment of animal products referred to in subregulation (1), shall be submitted for inspection in such a manner that -

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

Consignment note

5. (1) Every consignment of animal products destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may in any consignment of animal products open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of animal products -

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of animal products which has already been approved for export, and may confirm or withdraw according to subregulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the competence of testing laboratories involved in the export of animal products

7. (1) Analyses as required by regulation 6(1) shall be conducted by a National Reference Laboratory or Accredited Laboratories.

(2) The Executive Officer shall in accrediting or nominating a National Reference Laboratory or Accredited Laboratories to conduct such analyses in subregulation (1) consider inter alia their suitability with regards to the following criteria:

- (a) Knowledge and/or expertise in the analyses of animal products;
- (b) Compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 17025;
- (c) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analysis which have been validated according to the principles laid down by the *Codex Alimentarius* Commission; and
- (e) Use of internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

Fees for inspection and analysis

8. The following fees shall be payable for inspection and analysis:

- (1) The prescribed inspection fee when animal products are presented for inspection.

(2) The laboratory analysis fee when samples of animal products are analysed chemically, physically or microbiologically for export purposes.

(3) The courier (transport) fee when samples are dispatched to the laboratory.

Appeal

9. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he/she has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his/her right of appeal.

(3) An inspector may apply any mark or marks which he/she may deem necessary for identification purposes to the animal products in respect of which an appeal has been submitted, or to the containers thereof, and such animal products shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Director-General shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative a reasonable notice of the time and place determined for the hearing of the appeal and may, after the animal products concerned have been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the animal products concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

Offences and penalties

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence as set out in section 11 of the Act.

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE**

No. R. 423

22 May 2015

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS REGARDING CONTROL OF THE EXPORT OF PROCESSED PRODUCTS

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) -

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication; and
- (c) read together with section 4 of the said Act, repeal the regulations published by Government Notice Nos. R. 1990 of 23 August 1991, R. 1991 of 23 August 1991, R. 1992 of 23 August 1991, R. 1993 of 23 August 1991, R. 1994 of 23 August 1994, R. 1995 of 23 August 1991, R. 1997 of 23 August 1991, R. 1047 of 21 August 1998, R. 904 of 15 September 2000 and R. 1177 of 24 November 2000 with effect from the said date of commencement.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

“Accredited laboratories” means any laboratory that is not a National Reference Laboratory and that is accredited or nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

“apricot and peach kernels” means the seeds and part of seeds of apricots and peaches which are obtained by shelling;

“assignee” means a person, undertaking, body, institution, association or board designated as such under section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

“canned fruit” means commercially sterile fruit in hermetically sealed containers;

“canned mushrooms” means commercially sterile mushrooms in hermetically sealed containers;

“canned pasta” means commercially sterile spaghetti, macaroni, vermicelli or any other suitable pasta in hermetically sealed containers;

“canned vegetables” means commercially sterile vegetables in hermetically sealed containers;

“certificate” means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

“commercially sterile” means the conditions achieved by application of heat, sufficient, alone or in combination with other appropriate treatments, to render the canned fruit, mushrooms, pasta or vegetables free from micro-organisms capable of growing in food at normal non-refrigerated conditions at which the canned fruit, mushrooms, pasta or vegetables are likely to be held during distribution, storage and display;

"**consignment**" means, where used with regard to ---

- (a) apricot and peach kernels, a quantity of apricot or peach kernels which is delivered at any one time under cover of the same consignment note, delivery note or receipt note or is delivered by the same vehicle or, if such quantity is subdivided into different classes each quantity of each of the different classes;
- (b) canned fruit, canned mushrooms, canned pasta, canned vegetables, frozen fruit, frozen vegetables, jam, jelly or marmalade, a quantity of canned fruit, canned mushrooms, canned pasta, canned vegetables, frozen fruit, frozen vegetables, jam, jelly or marmalade of the same kind which is delivered at any one time under cover of the same delivery note or receipt note, or which is delivered by the same vehicle, or if such a quantity is subdivided into different production groups, types, grades or packing sizes, each quantity of each of the different production groups, types, grades or packing sizes;
- (c) dried fruit, a quantity of dried fruit of the same kind, belonging to the same owner, which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or which is delivered by the same vehicle, or if any such quantity is subdivided into different classes, grades or size groups, each quantity of each of the different classes, grades or size groups; or
- (d) honeybush, green honeybush, rooibos or rooibos mixtures, a quantity of honeybush, green honeybush, rooibos or rooibos mixtures which is delivered at any one time under cover of the same delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is subdivided into different production groups or classes, each quantity of each of the different production groups or classes;

"**consignment note**" means a consignment note approved by the Executive Officer or the Assignee;

"**Department**" means the Department of Agriculture, Forestry and Fisheries;

"**dried fruit**" means fruit in its original or processed form which has been subjected to a recognized drying process whereby the greater part of its moisture had been extracted and to which a suitable preservative may have been added;

"**Executive Officer**" means the officer designated under section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**frozen fruit and frozen vegetables**" means --

- (a) fruit and vegetables which are frozen; or
- (b) fruit and vegetables, presented as frozen products;

"**green honeybush**" means the product obtained from the leaves, flowers and stems of the *Cyclopia* genus whether it has been cut, bruised, and dried or not, but which has not been fermented;

"**hermetically sealed containers**" means containers which are sealed to protect the contents against the entry of micro-organisms during and after heat processing;

"**honeybush**" means the product obtained from the leaves, flowers and stems of the *Cyclopia* genus whether it has been cut, bruised, sweated and dried or not;

"**inspector**" means the Executive Officer or an officer under his/her control, or an Assignee or an employee of an Assignee;

"**jam**" means the product --

- (a) which shall consist of whole fruit, pieces of fruit, fruit pulp or fruit purée of one or more types of fruit;

- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) with or without fruit juice or concentrated fruit juice as optional ingredient; and
- (e) processed to a suitable consistency;

"jelly" means the product --

- (a) which shall consist of either the juice or aqueous extracts of one or more types of fruit or of the juice and aqueous extracts of one or more types of fruit;
- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) which is practically free from suspended fruit particles; and
- (e) processed to a semi-solid consistency;

"marmalade" means the product --

- (a) which shall consist of whole fruit, fruit pulp or fruit purée of one or more types of citrus fruit with some or all of the peel removed;
- (b) to which sweeteners permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, shall be added;
- (c) to which food additives permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), with or without the addition of water, may be added;
- (d) with or without citrus juice and the extraction of peel; and
- (e) processed to a suitable consistency;

"National Reference Laboratory" means an official laboratory of the Department that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulations 6(1) and 7(1);

"processed products" means --

- (a) apricot and peach kernels;
- (b) canned fruit;
- (c) canned mushrooms;
- (d) canned pasta products;
- (e) canned vegetables;
- (f) dried fruit;
- (g) frozen fruit and frozen vegetables;
- (h) honeybush and green honeybush;
- (i) jam, jelly and marmalade; and
- (j) rooibos and rooibos mixtures;

"**rooibos**" means the product obtained from the needle-like leaves and fine stems of the plant *Aspalathus linearis* (also known as *A. contaminatus* or *Borbonia pinifolia*) whether it has been cut, bruised, fermented and dried or not;

"**rooibos mixtures**" means rooibos blended with herbs or other tea and rooibos with permitted additives; and

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

Prohibition on the export of processed products

2. (1) Subject to the provisions of subregulation (2), no person shall export processed products from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Processed products which are -

- (a) exported in a consignment of less than 20 kg net mass; and
- (b) taken in as provisions aboard a conveyance to another country,

shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to processed products.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of processed products, shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to those processed products.

(2) Such an application shall be made at least four working days before the intended date of export, or as otherwise arranged with the Executive Officer or designated Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address of the applicant and, where applicable, of his agent or exporter.
- (b) The type and class, kind and class, type and grade or kind and grade, as the case may be, of product.
- (c) The number of containers in and the mass of the consignment concerned.
- (d) The intended date of export, the method of transport and, in the case of export by sea, the name of the vessel concerned and the port or airport from which the consignment concerned shall be exported.
- (e) The particulars concerning the marking and destination of the consignment concerned.
- (f) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (g) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of processed products intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of processed products concerned shall be presented for inspection at least 12 hours prior to the intended time of export, or as otherwise arranged with the Executive Officer or designated Assignee.

(2) A consignment of processed products referred to in subregulation (1), shall be submitted for inspection in such a manner that -

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

Consignment note

5. (1) Every consignment of processed products destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may in any consignment of processed products open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of processed products -

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of processed products which has already been approved for export, and may confirm or withdraw according to subregulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the competence of testing laboratories involved in the export of processed products

7. (1) Analyses as required by regulation 6(1) shall be conducted by a National Reference Laboratory or Accredited Laboratories.

(2) The Executive Officer shall in accrediting or nominating a National Reference Laboratory or Accredited Laboratories to conduct such analyses in subregulation (1) consider inter alia their suitability with regards to the following criteria:

- (a) Knowledge and/or expertise in the analyses of processed products;
- (b) Compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 17025;
- (c) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and
- (e) Use of internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

Fees for inspection and analysis

8. The following fees shall be payable for inspection and analysis:

- (1) The prescribed inspection fee when processed products are presented for inspection.
- (2) The laboratory analysis fee when samples of processed products are analysed chemically, physically or microbiologically for export purposes.
- (3) The courier (transport) fee when samples are dispatched to the laboratory.

Appeal

9. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he/she has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his/her right of appeal.

(3) An inspector may apply any mark or marks which he/she may deem necessary for identification purposes to the processed products in respect of which an appeal has been submitted, or to the containers thereof, and such processed products shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Director-General shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative a reasonable notice of the time and place determined for the hearing of the appeal and may, after the processed products concerned have been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the processed products concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

Offences and penalties

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence as set out in section 11 of the Act.

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 425

22 May 2015

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (DAR/145)**

Under sections 75 and 120 of the Customs and Excise Act, 1964, the rules published in Government Notice R.1874 of 8 December 1995 are amended to the extent set out in the Schedule hereto.



**THOMAS SWABIHI MOYANE
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE

By the substitution of rule 75(24) of the following heading and rule:

“Keeping of a register by rebate users of excisable goods used in the manufacture of non-alcoholic beverages, other non-liquor products or excisable goods for industrial use in terms of any item referred to in paragraph (a)

- 75(24)(a) This rule applies to rebate items 619.07, 620.11, 620.13 (01.01 and 02.01), 620.15, 620.19, 620.21 and 621.08 of Schedule No. 6.
- (b) For the purpose of this rule -
- (i) “rebate user” means a person who is registered and whose premises are registered for using excisable goods for the manufacture of non-alcoholic beverages, other non-liquor products or excisable goods for industrial use.

- (ii) such excisable goods must be supplied and delivered on the following forms:
- Spirits – Form DA 33A as contemplated in the rule 19A3
 - Wine – Form DA 32
 - Other fermented beverages – Form DA 32
 - Malt beer – Form DA 33A
 - Form DA 62 must be used for the transfer of excisable goods to another similarly registered rebate user.
- (iii) a rebate user shall give the Controller notice of its intentions to use goods received under rebate of duty for any purpose specified in the rebate item.
- (iv) except with the permission of the Controller such goods shall be so used under the supervision of an officer.
- (c) A rebate user must keep a register in which is recorded at least the following:

RECEIPTS OF EXCISABLE GOODS

- The name, warehouse number and client code of the licensee of the customs and excise warehouse from whom the excisable goods was received
- The form number and date and invoice number and date
- Quantity received, and type of product received
- Tariff item and rebate item (as reflected on the form)

USE OF EXCISABLE GOODS

- Description of product manufactured
- Quantity of excisable product used
- Quantity of goods manufactured
- For spirits, the manufacturing formula, including the ratio of spirits in relation to the end product and a cross-reference to the record on form DA133 of each manufacturing or other operations.

STOCK FIGURES FOR EXCISABLE GOODS

- Monthly stock figures, total quantities of excisable goods received, used and in stock

SALES OR REMOVALS

- Sales invoice or delivery note numbers and dates of manufactured goods sold or otherwise disposed of
- Numbers and dates of forms DA 62 in respect of excisable goods removed to other similarly registered rebate users

(d) Such register and other documents to which it relates (including copies of forms) must be kept together with other books, accounts and documents contemplated in rule 59A.09(2) at the premises of the rebate user or any other place approved by the Controller.

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/2/370)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 2 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.


M JONAS
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.01	03.04	01.04	41	Mackerel, horse-mackerel, snoek, kingklip, sole, angel fish (<i>Brama raii</i>), black marlin (<i>Makaira indica</i>), bigscale mackerel (<i>gastoro</i>) (<i>Gasterochisma melampis</i>), dorado (<i>mai-mai</i>) (<i>Coryphaena hippurus</i>), moon fish (<i>opa</i>) (<i>Lampris regius</i>), oil fish, smooth (<i>escolar</i>) (<i>Lepidocybium flavobrunneum</i>), oil fish, rough (<i>Ruvettus pretiosus</i>), sawara (<i>Acanthocybium solandri</i>), sail fish (<i>Istiophorus platypterus</i>), striped marlin (<i>Tetrapturus audax</i>), shortbill spear fish (<i>sikiyami</i>) (<i>Tetrapturus angustirostris</i>), sword fish (<i>Xiphias gladius</i>), ribbon fish (<i>Lepidopus caudatus</i>), monk (<i>Lophius piscatorius</i>), cavebass (<i>Dinoperca petersi</i>), lyretail hogfish (<i>Bodianus anthioides</i>), turncoat hogfish (<i>Bodianus axillaris</i>), saddleback hogfish (<i>Bodianus bilunulatus</i>), diana's hogfish (<i>Bodianus diana</i>), lined hogfish (<i>Bodianus leucostictus</i>), goldsaddle hogfish (<i>Bodianus perditio</i>), yellowfin emperor (<i>Lethrinus crocineus</i>), river snapper (<i>Lutjanus argentimaculatus</i>), rosy jobfish (<i>Pristipomoides filamentosus</i>), king mackerel (<i>Scomberomorus commerson</i>), tomato rockcod (<i>Cephalopholis sonnerati</i>), white-edged rockcod (<i>Epinephelus albomarginatus</i>), brown-spotted rockcod (<i>Epinephelus chlorostigma</i>), malabar rockcod (<i>Epinephelus malabaricus</i>), rockcod (<i>Epinephelus rivulatus</i>), englishman (<i>Chrysoblephus anglicus</i>), slinger (<i>Chrysoblephus puniceus</i>) and blueskin (<i>Polysteganus coeruleopunctatus</i>), in such quantities and at such times as the Director-General: Agriculture, Forestry and Fisheries may allow by specific permit	Full duty
460.04	16.04	01.04	40	Preparations based on minced, flavoured and cooked fish, frozen, formed into products of an individual mass not exceeding 200 g, in such quantities and at such times as the Director-General: Agriculture, Forestry and Fisheries may allow by specific permit	Full duty

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/2/370)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


M JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.01	03.04	01.04	41	Makriële, marsbanker, snoek, koningklip, tongvis, engelvis (<i>Brama rai</i>), swart marlyn (<i>Makaira indica</i>), grootkubmakriel (gastoro) (<i>Gasterochisma melampis</i>), dorade (mai-mai) (<i>Coryphaena hippurus</i>), maan-vis (opa) (<i>Lampris regius</i>), olievis, glad (escolar) (<i>Lepidocybium flavobrunneum</i>), olievis, rof (<i>Ruvettus pretiosus</i>), sawara (<i>Acanthocybium solandri</i>), seilvis (<i>Istiophorus platypterus</i>), gestrepte marlyn (<i>Tetrapturus audax</i>), kortbek-pylvis (sikiyami) (<i>Tetrapturus angustirostris</i>), swaardvis (<i>Xiphias gladius</i>), kalkvis (<i>Lepidopus caudatus</i>), monnik (<i>Lophius piscatorius</i>), spelonkbaars (<i>Dinoperca petersi</i>), lierstert-varkviss (<i>Bodianus anthioides</i>), weerhaan-varkviss (<i>Bodianus axillaris</i>), saalrus-varkviss (<i>Bodianus bilunulatus</i>), diana se varkviss (<i>Bodianus diana</i>), gestrepte varkviss (<i>Bodianus leucostictus</i>), goudsaal-varkviss (<i>Bodianus perditio</i>), geelvin-keiser (<i>Lethrinus crocineus</i>), rivier-snapper (<i>Lutianus argentimaculatus</i>), dagbreek-jobvis (<i>Pristipomoides filamentosus</i>), katonkel (<i>Scomberomorus commerson</i>), tamatie-klipkabeljou (<i>Cephalopholis sonnerati</i>), witrans-klipkabeljou (<i>Epinephelus albomarginatus</i>), bruinspikkel-klipkabeljou (<i>Epinephelus chlorostigma</i>), malabar-klipkabeljou (<i>Epinephelus malabaricus</i>), halfmaan-klipkabeljou (<i>Epinephelus rivulatus</i>), engelsman (<i>Chrysoblephus anglicus</i>), slinger (<i>Chrysoblephus puniceus</i>), en blouvel (<i>Polysteganus coeruleopunctatus</i>), in dié hoeveelhede en op dié tye wat die Direkteur-Generaal: Landbou, Bosbou en Visserye by bepaalde permit mag toelaat	Volle reg
460.04	16.04	01.04	40	Preparate op gemaalde, gegeurde en gekookte vis gebaseer, bevrore, in produkte gevorm met 'n individuele massa van hoogstens 200 g, in dié hoeveelhede en op dié tye wat die Direkteur-Generaal: Landbou, Bosbou en Visserye by bepaalde permit mag toelaat	Volle reg

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/33)**

In terms of section 75 of the Customs and Excise Act, 1964, Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.


M JONAS
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of Note 2 in Schedule No. 6 with the following:

2. Any person who receives any goods under rebate or refund of duty in terms of any item of this Schedule must register as contemplated in rule 59A, except -
- (a) licensed warehouses for manufacturing purposes;
 - (b) recipients of fully denatured spirits as defined in Note 4 of Section D in Part 1 of this Schedule;
 - (c) recipients of goods provided for in items 618.01, 619.01, 620.01, 620.02, 620.03, 621.02, 622.05, 622.07, 623.01, 623.02, 623.03, 630.10, 630.14, 630.16, 630.18, 630.20, 630.22, 631.00, 670.01, 670.04, 670.06, 670.08 and 670.10 of this Schedule.

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/33)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


M JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur Opmerking 2 in Bylae No. 6 met die volgende te vervang:

2. Enige persoon wie goedere met korting op reg of 'n terugbetaling van reg ontvang kragtens enige item by hierdie Bylae, moet soos in reël 59A in die vooruitsig gestel, geregistreer wees, behalwe-
- (a) gelisensieerde pakhuse vir vervaardigingsdoeleindes;
 - (b) ontvangers van ten volle gedenatureerde spiritus soos in Opmerking 4 van Afdeling D van Deel 1 van hierdie Bylae, omskryf;
 - (c) ontvangers van goedere soos voorsiening gemaak is in items 618.01, 619.01, 620.01, 620.02, 620.03, 621.02, 622.05, 622.07, 623.01, 623.02, 623.03, 630.10, 630.14, 630.16, 630.18, 630.20, 630.22, 631.00, 670.01, 670.04, 670.06, 670.08 en 670.10 van hierdie Bylae.

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/1B/01)

In terms of section 75 of the Customs and Excise Act, 1964, Part 1B of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.


M JONAS
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
619.07	104.10.20	01.01	75	Other beer made from malt used in the manufacture of non-alcoholic beverages	Full duty	

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/1B/01)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1B van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


M JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
619.07	104.10.20	01.01	75	Ander bier van mout gemaak vir gebruik by die vervaardiging van nie-alkoholiese drank	Volle reg	

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/1C/40)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 1C of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.


M JONAS
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of Note 4 in Section C to Part 1 of Schedule No. 6 with the following:

4.	Items 619.07, 620.11, 620.13, 620.15, 620.19 and 620.21 apply to the excisable goods specified therein, used for the manufacture of vinegar and non-alcoholic beverages and for topping up: Provided that -
(a)	A rebate user shall register with the Commissioner in terms of the relevant rebate item.
(b)	On completion of each operation or process specified in items 620.13 (01.02), (02.02) the rebate user shall render a return to the Controller in a form approved by the Commissioner.
(c)	For the purposes of items 620.11, 620.13 (01.01) and 620.15, any conversion shall take place on the premises of the registrant by the addition of acetic acid to such extent that the acidity of the mixture shall be equivalent to at least one per cent by mass of acetic acid.

By the insertion of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund	
620.21	104.17	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages entered for use in the manufacture of non-alcoholic beverages:					
620.21	104.17.15	01.01	73	Other fermented apple or pear beverages, unfortified, with an alcoholic strength of at least 2,5 per cent by volume but not exceeding 15 per cent by vol.	Full duty		
620.21	104.17.16	02.01	71	Other fermented fruit beverages and mead beverages, including mixtures of fermented beverages derived from the fermentation of fruit or honey, unfortified, with an alcoholic strength of at least 2,5 per cent by volume but not exceeding 15 per cent by vol.		Full duty	
620.21	104.17.22	03.01	75	Other mixtures of fermented fruit beverages or mead beverages and non-alcoholic beverages, unfortified, with an alcoholic strength of at least 2,5 per cent by volume but not exceeding 15 per cent by vol.	Full duty		

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/1C/40)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1C van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


M JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur Opmerking 4 in Afdeling C tot Deel 1 van Bylae No. 6 met die volgende te vervang:

4. Items 619.07, 620.11, 620.13, 620.15, 620.19 en 620.21 is van toepassing op die synsbare goedere daarin gespesifiseer vir gebruik in die vervaardiging van asyn en nie-alkoholiese drankes en vir optop: Met dien verstande dat -
- (a) Ingevolge die toepaslike kortingitem moet 'n kortinggebruiker by die Kommissaris geregistreer word.
 - (b) By voltooiing van elke operasie of proses soos in items 620.13 (01.02), (02.02) gespesifiseer moet die kortinggebruiker 'n opgawe by die Kontroleur indien in die vorm goedgekeur deur die Kommissaris.
 - (c) Vir die doeleindes van items 620.11, 620.13 (01.01) en 620.15, sal enige omsetting deur die byvoeging van asynsuur tot so 'n mate dat die suurgehalte van die mengsel gelykstaande sal wees tot ten minste een persent volgens massa van asynsuur wat op die perseel van die geregistreerde plaasvind.

Deur die invoeging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling	
620.21	104.17	Ander gegiste drankes (byvoorbeeld, appelsider, peersider, mee); mengsels van gegiste drankes en mengsels van gegiste drankes en nie-alkoholiese drankes, geklaar vir gebruik by die vervaardiging van nie-alkoholiese drankes:					
620.21	104.17.15	01.01	73	Ander gegiste appel- of peerdranke, ongefortifiseer, met 'n alkoholiese sterkte van minstens 2,5 persent volgens volume, maar hoogstens 15 persent volgens vol.	Volle reg		
620.21	104.17.16	02.01	71	Ander gegiste vrugtedranke en meedranke, insluitend mengsels van gegiste drankes afkomstig van die gisting van vrugte of heuning, ongefortifiseer, met 'n alkoholiese sterkte van minstens 2,5 persent volgens volume, maar hoogstens 15 persent volgens vol.		Volle reg	
620.21	104.17.22	03.01	75	Ander mengsels van gegiste vrugtedranke of meedranke en nie-alkoholiese drankes, ongefortifiseer, met 'n alkoholiese sterkte van minstens 2,5 persent volgens volume maar hoogstens 15 persent volgens vol.	Volle reg		

CUSTOMS AND EXCISE ACT, 1964.
 AMENDMENT OF SCHEDULE NO. 6 (NO. 6/1D/03)

In terms of section 75 of the Customs and Excise Act, 1964, Part 1D of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.

 M JONAS
 DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
621.11				Spirits entered for use in the manufacture of other fermented fruit beverages and other mixtures of fermented fruit beverages, or mead beverages, fortified and non-alcoholic beverages, (excluding wine) of items 104.17.21 and 104.17.25		

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/1D/03)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1D van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.



M JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
621.11				Spiritus geklaar vir gebruik by die vervaardiging van ander gegiste vrugtedranke en ander mengsels van gegiste vrugtedranke, meedranke, gefortifiseerd en nie-alkoholiese drank, (uitgesonderd wyn) van items 104.17.21 en 104.17.25		