

# EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS

*(under section 38(1)(c)) (19th March, 2004)*

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Schedule

S.I. 24 of 2004.

### PART I

#### *Preliminary (regs 1-2)*

1. Citation

These Regulations may be cited as the Export and Import of Rough Diamonds Regulations.

## 2. Interpretation

In these Regulations, unless the context otherwise requires-

"exporter" means a dealer or agent authorised to export rough diamonds;

"importer" means a dealer or agent authorised to import rough diamonds;

"Kimberley Process" means an international certification scheme for rough diamonds as recognised in Resolutions 55/56 and 56/263 passed by the United Nations General Assembly on 1st December 2000 and 13th March 2002, respectively;

and

"Kimberley Process Certificate" means a certificate issued in terms of regulation 4(2);

"Kimberley Process Certification Scheme" means the international certification scheme negotiated by the Kimberley Process.

## PART II

### *Exportation of Rough Diamonds (regs 3-5)*

#### 3. Prohibition against unauthorized export of rough diamonds

No person shall export rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate.

#### 4. Application for certificate to export rough diamonds

(1) A person wishing to export rough diamonds shall submit an application in Form 1 set out in the Schedule, to the Minister, and the application shall be accompanied by a fee of P500 and such other information as the Minister may require in writing.

(2) Where the Minister is satisfied that the provisions of these Regulations are met, he shall issue a Kimberley Process Certificate in Form 2 set out in the Schedule, which shall identify the rough diamonds as having been handled in accordance with the provisions of the Kimberley Process Certification Scheme.

#### 5. Grounds for refusal to issue Kimberley Process Certificate

(1) The Minister may refuse to issue a Kimberley Process certificate if he is satisfied

that-

(a) the rough diamonds in question were not handled in accordance with the provisions of the Kimberley Process Certification Scheme; or

(b) the applicant has not satisfied any provision of these Regulations.

(2) Where the Minister is not satisfied that the provisions of these Regulations are met, and therefore refuses to issue a Kimberley Process Certificate, he shall notify the applicant in writing of that decision and stating his reasons for the refusal, and he may advise the applicant to submit such further information as may be necessary to ensure that his application fulfils the requirements of these Regulations and re-submit the application.

## PART III

### *Importation of Rough Diamonds (regs 6-8)*

6. Prohibition against importation of rough diamonds

No person shall import any rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate issued in the State of export.

7. Validity and transfer of certificates

A Kimberley Process Certificate issued in terms of regulation 4(2) shall be valid for one month and shall not be renewable or transferable.

8. Appeal to President

A person aggrieved by any decision of the Minister under these Regulations may appeal to the President against that decision.

**PART IV**

**Offences and Penalties (regs 9-10)**

9. Offences and penalties

Any person who exports or imports or causes to be exported or imported any rough diamonds contrary to these Regulations shall be guilty of an offence and liable to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

**SCHEDULE**

FORM 1

APPLICATION FORM FOR KIMBERLEY PROCESS CERTIFICATE

*(regulation 4)*

REPUBLIC OF BOTSWANA

FORM 1

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS (S.I. No. 24 of 2004)

APPLICATION FORM FOR KIMBERLEY PROCESS CERTIFICATE

EXPORT OF ROUGH DIAMONDS

Country of origin..... Number of parcels.....

Name and address of exporter.....

Name and address of importer.....

*HS CLASSIFICATION      CARATS      VALUE (US DOLLAR)*

7102.10

7102.21

7102.31

Signed:..... Capacity:.....

Date:..... Place:.....

FORM 2

KIMBERLEY PROCESS CERTIFICATE

(reg 4(2))

REPUBLIC OF BOTSWANA

IMPORT AND EXPORT OF ROUGH DIAMONDS REGULATIONS

(S.I. No. 24 of 2004)

KIMBERLEY PROCESS CERTIFICATE

CERTIFICATE NO:.....

FORM 2

THE ROUGH DIAMONDS IN THIS SHIPMENT HAVE BEEN HANDLED IN ACCORDANCE WITH THE PROVISIONS OF THE KIMBERLEY PROCESS INTERNATIONAL CERTIFICATION SCHEME FOR ROUGH DIAMONDS

Country of origin..... Number of parcels.....

Name and address of exporter.....

Name and address of importer.....

*HS CLASSIFICATION*    *CARATS*    *VALUE (US DOLLAR)*

7102.10

7102.21

7102.31

THIS CERTIFICATE

ISSUED [DD/MM /YY]    EXPIRES [DD/MM /YY]

Signed.....    Official stamp.....