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# Export and Import Control Act 1984

Act No. 16 of 1984

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## Export And Import Control Act, 1984

ACT NO. 16 OF 1984

[Date of Assent: 15.6.84]

[Date of Commencement: See Section 1]

## ACT

To control export and import of goods in Lesotho.  
Enacted by the Assembly.

1. This Act may be cited as the Export and Import Control Act 1984 and shall come into operation on a date to be fixed by the Minister by notice in the Gazette.

Short Title  
and  
commence-  
ment

2. In this Act, unless the context otherwise requires —  
"bona fide gift" means an unsolicited gift for which no charge has been made or is to be made, sent to the addressee for his personal use or for the use of his family, and certified by the addressee, to be a "bona fide gift;"

Interpre-  
tation

"Common Customs Area" means the combined areas of Botswana, Lesotho, Republic of South Africa and Swaziland;

"Customs Union Agreement" means the agreement as defined in the Customs and Excise Act, 1982;

Act No. 10  
of 1982

"Director" means the Director as defined in the Customs and Excise Act, 1982;

Act No. 10  
of 1982

"Free on Board Price" means the price charged in respect of any imported goods by the exporter plus all the costs and charges incidental to the sale in question and to placing such goods on board ship, aircraft or any vehicle ready for exportation and any agent's commission, calculated on such price, costs and charges, in respect of such goods;

"goods" include all wares, articles, merchandise, animals, currency, matter or things;

"Minister" means Minister responsible for Finance;

"Officer" means the customs official or any member of the Lesotho Mounted Police or of the Lesotho Paramilitary Force.

3. (1) The Minister may, whenever he deems it necessary or expedient in the public interest, by notice in the Gazette prescribe that no goods of a specified class or kind or no goods other than goods of a specified class or kind shall be:—

Powers of  
the Minister

- (a) imported into Lesotho;
- (b) imported into Lesotho, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him;



- (c) exported from Lesotho, or  
 (d) exported from Lesotho, except under the authority of and in accordance with the conditions stated in such a permit.

(2) For the purposes of subsection (1) goods may be classified according to the source or origin, or the intermediate or final destination of goods or according to the channels along which or manner in which goods are imported or exported or according to the purposes for which goods are intended to be used.

(3) A permit issued under subsection (1) may prescribe the quantity or value of goods which may be imported or exported thereunder, the price at which, the period within which, the port through or from which, the country or territory from or to which and manner in which the goods concerned may be imported or exported, and such other conditions of whatever nature as the Minister may direct.

(4) The Minister or any person authorized by him, may subject to an appeal to the High Court:—

- (a) amend or suspend any permit issued under subsection (1); or  
 (b) cancel any permit if the holder of such permit has persistently contravened or failed to comply with the requirements of this Act or has committed any offence referred to under section 6.

(5) The Minister may by like notice withdraw or amend any notice issued under subsection (1).

(6) Where the holder of any post in the Public Service is, in terms of this section, authorized to issue a permit thereunder, any such permit may be issued by any person who at any time performs the functions attached to such post.

Furnishing  
of  
information  
to  
Minister

4. The Minister or any person authorized by him may in writing direct any person who imports, exports or manufactures any goods or trades in any goods or in the course of his business of trade handles or has under his control any goods, to furnish the Minister within a specified time with any information at his disposal in relation to the importation, export, manufacture, supply or storage of the goods concerned.

Designation  
of inspectors  
and  
powers of  
director and  
inspectors

5. (1) The Director shall, subject to the control of the Minister, be charged with the administration of the provisions of this Act and shall perform the duties and may exercise the powers imposed or conferred upon him by or under this Act.

(2) The Director may designate officers or employees in the Public Service as inspectors, who shall, subject to his control, perform the duties and exercise the powers imposed or conferred upon them by or under this Act.

(3) Subject to subsection (6), the Director or an inspector may conduct investigations to determine whether this Act or any



notice issued thereunder or the conditions stated in a permit issued under section 3 are being or have been complied with or to gather such information as he may desire in connection with the performance of his duties or the exercise of his powers, and may at all reasonable times —

(a) enter upon and inspect any place, premises or vehicle in or on which there is or is suspected to be manufactured, supplied, stored, handled, sold, removed, transported or otherwise dealt with, any goods to which this Act applies;

(b) direct any person who manufactures, supplies, stores, handles, sells, removes, transports or otherwise deals with, or has manufactured, supplied, stored, handled, sold, removed, transported or otherwise dealt with, such goods, or any servant or agent of such a person —

(i) to produce to the Director or inspector any such goods or book or other document in connection with such goods in his custody or under his control;

(ii) to furnish the Director or inspector at such place and in such manner as he may specify, with such information in relation to such goods, book or document as he may specify;

(c) inspect any such goods or any book or document or make extracts from or copies of any such book or document;

(d) seize any goods or any book or document which may afford evidence of any offence in terms of this Act, and remove from, or leave on, the place, premises or vehicle concerned any such goods, book or document or any quantity thereof and, if he considers it necessary, leave on such goods, book or document or the container thereof, any identification mark or seal which he considers necessary.

(4) Any person having in his custody or under his control goods or any book or document referred to in subsection (3), or any servant or agent of any such person shall at the request of the Director render such assistance as may be necessary to examine such goods, book or document.

(5) The Director or inspector shall furnish to the owner or person in control of, or who has in his custody, anything seized and removed under subsection (3) with a receipt.

(6) The Director or an inspector shall not exercise any powers under this section unless he is at the time of exercising such power in possession of a certificate issued —

(a) in the case of the Director, by the Minister or a person authorized by him; or

(b) in the case of an inspector, by the Director, in which it is stated that he is authorized to exercise such powers, which certificate shall be produced on demand.

Offences and penalties

6. (1) Any person who —

- (a) imports or exports any goods in contravention of any notice issued under Section 3;
- (b) fails to comply with any condition stated in a permit issued under Section 3;
- (c) fails to comply with a direction made under Section 4;
- (d) furnishes any false information in complying with such direction;
- (e) fails to comply with a direction referred to in Section 5(3) (b);
- (f) contravenes or fails to comply with the provisions of Section 5(4);
- (g) hinders or obstructs the Director or any inspector in the performance of his duties or in the exercise of his powers under this Act; or

(h) represents himself to be the Director or an inspector, is guilty of an offence and liable on conviction to a fine not exceeding M2,000 or imprisonment for a period not exceeding two years or to both.

Jurisdiction

7. Notwithstanding anything to the contrary in any other law contained, a Subordinate court of the First Class or a subordinate court of higher jurisdiction shall have jurisdiction to impose any penalty prescribed by this Act.

Repeal and savings Proclamation No. 4 of 1941

8. (1) The Exportation and Importation Restriction Proclamation, 1941 is repealed.

(2) Provided that any notice, regulation, rule, declaration, direction, approval, authority, return, licence, permit, certificate, bond, or document issued, renewed, promulgated, made, given or granted, or anything done or suffered or deemed to have been done, under any provision of the Proclamation repealed by this section, shall be deemed to have been issued, renewed, promulgated, made, given, granted or done under the corresponding provision of this Act.



- ※ Notice R.1163
- ※ Notice R.779
- ※ Notice R.4

I, Alec Erwin, in my capacity as Minister of Trade and Industry, acting under the powers vested in me by s Trade Administration Act, (Act 71 of 2002) -

**(I) Hereby prescribe that-**

(a) goods described in Schedules 1, 2 and 3 shall not be imported into the Republic of South Africa except issued in terms of section 6 of the said International Trade Administration Act, 2002, and in which such goods

(b) all second-hand or used goods, including waste and scrap of whatever nature, shall not be imported in South Africa except by virtue of an import permit issued in terms of section 6 of the said International Trade Administration Act, 2002, in which such goods are specifically described.

**(II) Notwithstanding the provisions of paragraph (I) (a) and (b) above, no import permit shall be required for the importation into the Republic of South Africa of the following goods:**

(a) new and used or second-hand goods landed for transit through the Republic;

(b) new and used or second-hand goods (excluding firearms and ammunition, pneumatic tyres, tyre casing and motor vehicles) imported as household or personal effects for the personal use of a South African citizen or a person entering the Republic for purposes of either permanent or temporary residence.

(c) new goods (excluding firearms and ammunition and pneumatic tyres) sent as a bona fide gift for the personal use of his family by any other person, the free on board value of which does not exceed R5 000.

(d) new samples of no commercial value or samples sent free of charge to the importer (excluding firearms and pneumatic tyres) by any other person, the free on board value of which does not exceed R5 000.

(e) (i) goods imported from the Republic of Botswana, the Kingdom of Lesotho, Republic of Namibia or the Kingdom of Swaziland: Provided that the above shall not be interpreted to include new goods which are subject to import control regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside the customs area;

(e) (ii) new goods imported from Malawi that are grown, produced or manufactured in Malawi; Provided that the above shall not be interpreted to include new goods which are subject to import control regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside Malawi.

(e) (iii) new goods imported from Zimbabwe that are grown, produced or manufactured in Zimbabwe; Provided that the above shall not be interpreted to include new goods which are subject to import control regulations, used or second-hand goods and goods manufactured from used or second-hand goods imported from outside Zimbabwe.

(f) (i) new spares, subassemblies and materials imported as original equipment for the manufacturing of motor vehicles; subassemblies imported as spare parts for the maintenance of motor vehicles, but excluding tyres;

(f) (ii) all other new spares for all goods which are not subject to import control.

(g) new and used or second-hand goods imported into the Republic for repair or maintenance and, after such repair or maintenance, re-exported to the consigner concerned.

(h) new and used or second hand goods exported from the Republic for repair or maintenance and returned to the Republic.

(i) new and used or second hand empty containers originally containing goods exported from the Republic and returned to the exporter in the Republic.

(j) new and used or second hand printed bona fide advertising matter sent free of charge to the importer.

(k) new and used or second-hand goods imported in terms of rebate items 409.01 and 409.02 of Schedule 1 of the Customs and Excise Act, 1964 (Act No. 91 of 1964).

(l) new and used or second-hand goods imported by heads of State, diplomatic and other foreign representatives.



406 of Schedule 4 of the Customs and Excise Act, 1964 (Act 91 of 1964).

(m) new and used or second-hand goods warehoused in a customs and excise warehouse for delivery as goods warehoused in duty free shops.

(n) new goods imported in terms of rebate item 470.03 of Schedule 4 of the Customs and Excise Act, 1964.

**(III) Hereby determine that an import permit, except for the conditions specified in the permit following conditions:**

(a) that only goods of the class and kind specified in the permit may be imported;

(b) that the permit may not in any manner be transferred by the holder thereof to any other person or anyone not referred to in the permit.

(c) that the permit shall be valid for clearance for a period of 12 months from the date of issue or for such the permit.

**(IV) (a) Goods referred to in Schedules 1, 2, 3 and paragraph (I) (b) above shall not be shipped in possession of an appropriate valid import permit issued in terms of the section 6 of the said In Administration Act, 2002, and in which such goods are specifically described;**

(b) goods referred to in Schedules 1, 2, 3 and paragraph (1) (b) above that arrive at ports of entry in the importer cannot produce a valid import permit shall be deemed to have been imported in contravention of Administration Act, 2002.

**(V) Hereby determine that nothing in this notice shall absolve an importer from the obligation of also comply with the provisions of other legislation relating to the importation of goods into the Republic of South Africa.**

**(VI) Hereby withdraw Government Notice R .2582 of 23 December 1988, as amended.**

