

GUIDELINES FOR IMPORTERS REGARDING IMPORT PERMITS

1. The Import Control Order (1976) as amended regulates the import of goods into Swaziland from outside the Common Customs Area. Only goods permitted for import under this order can be imported into Swaziland under the authority of and in accordance with the conditions stated in an import permit issued by an officer authorised for the purpose. Import Permits issued by the Government of Swaziland are for direct importation of goods into Swaziland

2. Applications for import permits should be made in writing to the Principal Secretary, Ministry of Finance in the prescribed forms for import of goods for private use, charity or church use, commercial/industrial use. These applications shall be accompanied by a fee of fifty cents (50c) for every amount of one thousand Emalangeni applied for or part thereof payable by means of uncanceled revenue stamps of the Kingdom of Swaziland. No fees in respect of an unsuccessful application for a permit shall be refunded to applicant.

3. It is in the applicant's interest to fill in the prescribed application form correctly and completely. Incomplete applications will not be considered but will be returned to applicants. Incorrect information may attract penalties under the above order.

4. Applicants may be required to furnish within a specified time in writing any information at their disposal in relation to importation, manufacture, supply or storage of goods which they manufacture and/or trade in, or trade, handle or have under their control. Failure to do so, may attract penalties under the above order.

5. An import permit cannot be applied for as a matter of right and may be refused by the authorised officer, in his discretion. He may also cancel, amend or suspend any import permit issued if he is satisfied that any condition of permit has not been complied with, or if the holder has been convicted of an offence under the above order, or if he deems fit it is necessary or expedient in the public interest.

6. The Import Control Regulations, 1980, issued under Section 3 of the Import Control Order, 1976 further prescribed that-

6.1. Every application for a permit shall be made in the form prescribed and shall reflect the normal price of the goods intended to be imported and other information required.

6.2. Every applicant for a permit to import any goods into Swaziland for commercial/industrial purposes shall prove to the satisfaction of the authorities that he is bonafide permanent operational dealer in such goods in Swaziland.

6.3. A permit will be issued in the prescribed form and shall specify the terms and conditions subject to which it has been issued. The applicant/importer shall be liable to comply with these terms and conditions. Failure to do so, may lead to cancellation/suspension of permit and prosecution under the law.

6.4. No permit shall be transferred, negotiated, sold or used to the benefit of any person not named in the permit without the prior approval of the authorised officer.

6.5. No import permit is required for the importation into Swaziland of the following:-

6.5.1. Goods imported by the Government of the Kingdom of Swaziland under item 196.10 of the said Schedule.

6.5.2. Goods imported by diplomatic and other foreign representatives in Swaziland under item 406 of the said Schedule.

6.5.3. Goods imported under 412.11 and 412.12 of the said Schedule.

6.5.4. Goods being household or personal effects not excluding motor vehicles, imported by any person who arrives or has arrived in Swaziland for a temporary visit or to settle therein, provided the goods will be used by the said person in Swaziland and are not intended for sale or disposal to any other person.

6.5.5. Goods being a bonafide gift, not exceeding E400 in value.

6.5.6. Goods from the Republic of Namibia, the Republic of Botswana, the Kingdom of Lesotho, the Republic of South Africa, if such goods were grown, produced or manufactured in the countries mentioned.

6.5.7. Goods re-imported into Swaziland after repair or processing outside Swaziland provided ownership of such goods remains vested in the original in Swaziland.

6.5.8. Empty containers which have been used for the exportation of goods from Swaziland and are returned free of charge to the original exporter in Swaziland.

6.5.9. Goods being the bonafide property of, and imported as accompanied baggage by a resident of Swaziland returning to Swaziland after a temporary absence outside the Common Customs Area.

6.5.10. Printed advertising material supplied free of charge.

6.5.11. Goods in transit through Swaziland if accompanied by an import permit from the country of destination.

7.1 Import permits are granted valid for use for a calendar year and imports have to be completed within this period with a grace period of 3 months. If imports are not completed within this period an application has to be made for a new import permit.

7.2. Unutilised or partially utilised import permits shall be returned to the Principal Secretary Ministry of Finance. At the end of the period the balances of such permits are forfeited.

7.3. Fully utilised import permits shall be returned to the Principal Secretary Ministry of Finance within two weeks of last importation.

7.4. Partially or fully utilised import permits on return shall be accompanied by documentary proof of import of the goods in question and their entry in Swaziland (i.e. Customs bills of entry and Swaziland Customs CCA1 Form). Failure to do so, may result in refusal of further import permits and/or other penalties under the law.

8. The goods for which an import permit has been applied for, shall not be ordered in advance of the issue of the import permit. The fact that goods have already been ordered, shall not establish any claim or priority for grant of an import permit. Any damages arising out of ordering of goods for which an import permit has not been obtained in advance, shall not be the responsibility of the Government of Swaziland.

8.1. The provisions of paragraph 7 will not apply in cases of border trade between small traders.

9. Applications for imports for the following items can only be submitted to the Principal Secretary, Ministry of Finance after having obtained written permission from authorities mentioned hereafter.

- (i) Arms and Ammunition - Police Headquarters.
- (ii) Medical Supplies - Ministry of Health.
- (iii) Agricultural products and veterinary supplies - Ministry of Agriculture.
- (iv) Broadcasting equipment - Ministry of Interior.

9.1. The import of Krugerrands from countries outside of the Common Monetary Area is not allowed. Applications to import other gold coins, postage stamps for philatelic purposes and currency coins for numismatic purposes must be directed through banks for consideration by the Central Bank of Swaziland. For other restricted or banned items, enquiries should be made to the Principal Secretary, Ministry of Finance.

10. The payment in foreign currencies for the importation of goods into Swaziland is governed by the Exchange Control Regulations, 1975 and rules of the Central Bank of Swaziland which are communicated from time to time to all banks operating in the Kingdom. Importers are therefore advised to consult their bankers who will advise them accordingly. Except where otherwise agreed, no payment may be made before the date of shipment; and advance payments for imports may not be made without permission. Further, an importer who has paid for or made a payment on account of goods that have not been consigned to Swaziland within four months from the date on which payment made, must report to an authorised dealer in foreign exchange (bank) that the goods have not been consigned to Swaziland.

11. The laws and regulations governing importation of goods into Swaziland are subject to change from time to time. It is the responsibility of the businessmen to keep abreast of these changes. These guidelines are for assisting the businessmen but cannot be constructed to confer any rights to the businessmen merely because changes from time to time are not reflected in these guidelines.

Applications must be accompanied by:

- (a) Valid Trading licences (retailers)
- (b) Certificate of Incorporation and Memorandum and Articles of Association (manufacturer)

(c) Tax clearance certificates

(d) Original supplier's proforma invoices clearly indicating f.o.b. prices.

(c) Names and physical addresses of directors of the company.