

2006 Draft

PARLIAMENT
OF KENYA
LIBRARY

BILLS

Annex I



EAST AFRICAN COMMUNITY

KENYA NATIONAL ASSEMBLY
LIBRARY
MAIN BUILDING

A BILL FOR AN ACT

ENTITLED

THE EAST AFRICAN COMMUNITY OFFICIAL SECRETS ACT, 2006

EAC Secretariat
Arusha, Tanzania
July, 2006

May: 2002
21174

THE EAST AFRICAN COMMUNITY OFFICIAL SECRETS ACT

ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Interpretation
3. Offences in connection with unauthorized use of and wrongful communication of, classified material or information by officers in service of Community
4. Persons holding office in service of Community to make a declaration
5. Offences in connection with the unauthorized use of classified material entrusted to persons not in service of Community
6. Offences connected with unauthorized possession of classified material by persons not in service of Community
7. Attempts, incitements, etc
8. Offences committed outside Partner States
9. Place of offence
10. Exclusion of public from trial
11. Presumption as to purpose prejudicial to safety of Partner States or Community
12. Proof of lawful authority
13. Penalty
14. Act additional to other laws

SCHEDULE

Citation

1. This Act may be cited as the East African Community Official Secretes Act.

Interpretation

2. (1) In this Act, except where the context otherwise requires-

“article” includes the official seal of the Community and any die, seal or stamp of or belonging to, or used by, the Community or any department or authority within the Community;

“classified information” means any official information of a secret or confidential nature relating to the affairs of the Community;

“classified material” means an official code, plan, article or document, relating to the affairs of the Community-

- (a) which is classified by the appropriate department or authority within the Community as secret or confidential material;
- (b) the use or possession of which without lawful authority would or might by virtue of the contents or nature of the material, directly or indirectly prejudice the safety or interest of any Partner State or of the Community;

“Community” means the East African Community established by Article 2 of the Treaty for the Establishment of the East African Community and includes organs and institutions of the Community;

“code” means a code, code word, cipher or any group of letters or figures or both constituting part of a code;

“the Council” means the Council of Ministers of the Community established by Article 9 of the Treaty for Establishment of the East African Community;

Offences in connection with unauthorized use of and wrongful communication of classified material or information by officers in service of Community

3. Any person being the holder of an office in the service of the Community, who-

- (a) without lawful authority, obtains, collects, records, publishes or has in his or her possession any classified material or classified information; or
- (b) communicates in whatever manner any classified material or classified information to any person, other than a person to whom he or she is authorized to communicate it or a person to whom it is his duty to communicate it; or
- (c) retains any classified material when he or she has no right to retain it or when it is contrary to his or her duty to retain it; or
- (d) fails to comply with any directions issued by lawful authority with regard to the use, return or disposal of classified material; or
- (e) permits any person to have possession of any classified material issued for his use alone; or
- (f) on obtaining possession of any classified material by finding or otherwise neglects or fails to restore it forthwith to the person or authority by whom or for whom use it was issued or to the Secretary General; or
- (g) fails to take reasonable care of, or so conducts himself or herself as to endanger the safety of any classified material or classified information in his possession or control; or
- (h) uses, or permits to be used, any classified material or classified information in his possession or under his or her control in a manner which is calculated to be or might be or is intended to be directly or indirectly prejudicial to the safety or interests of any Partner Stte or of the Community,

shall be guilty of an offence.

is intended to be directly or indirectly prejudicial to the safety or interest of any Partner State or of the Community,

shall be guilty of an offence.

Offences connected with unauthorized possession of classified material by person not in service of Community

6. Any person, other than a person holding office in the service of the Community, who-

- (a) receives any classified material or classified information knowing or having reasonable grounds for believing at the time when he or she receives it that the material or information is communicated to him in contravention of this Act; or
- (b) on obtaining possession of any classified material by finding or otherwise neglects or fails to restore it forthwith to the person or authority by whom or for whose use it was issued or to the Secretary General or to a police officer,

shall be guilty of an offence:

Provided that it shall be a defence for a person charged with an offence under paragraph (a) to prove that the communication to him or her of the material or information was contrary to his or her wishes and that he or she took all reasonable steps to report the matter to the Secretary General or a police officer.

Attempts, incitements, etc.

7. Any person who attempts to commit an offence under this Act, or solicits or incites or endeavours to persuade another person to commit any such offence, or aids or abets or does any act preparatory to the commission of such an offence under this Act, shall be guilty of an offence, whether or not the solicitation, incitement or endeavour succeeds in its purpose.

any Partner State or the Community and, notwithstanding that no such act is proved against him or her, he or she may be convicted if, from the circumstances of the case, or from his or her conduct or his or her known character as proved, it appears that his or her purpose was a purpose prejudicial to the safety or interest of any Partner State or of the Community.

12. Proof of lawful authority

For the avoidance of doubt, it is hereby declared that the burden of proving lawful authority shall be upon the person alleging it, and accordingly in any proceedings for prosecution for an offence under this Act it shall not be incumbent on the prosecution to prove the lack of any such authority.

13. Penalty

Any person guilty of an offence under this Act shall be liable to a fine not exceeding..... or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

14. Act additional to other laws

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other laws of the Community for the time being in force relating to similar subject matter.



EAST AFRICAN COMMUNITY

A BILL FOR AN ACT

ENTITLED

**THE EAST AFRICAN LEGISLATIVE ASSEMBLY
ELECTIONS ACT, 2006**

**EAC Secretariat
Arusha, Tanzania
July, 2006**

ARRANGEMENT OF SECTIONS

Section

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2. Interpretation
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5. Right to vote for members of the Assembly
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Part II - NOMINATION OF CANDIDATES AND THEIR ELECTION TO THE ASSEMBLY

7. Nomination of candidates
8. Election of members of the Assembly
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PART III - QUALIFICATIONS, DISQUALIFICATIONS AND TENURE OF OFFICE

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13. Grounds for setting aside an election
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15. Trial of election petitions
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17. Petition to abate on death of petitioner

A Bill for an Act
ENTITLED
THE EAST AFRICAN LEGISLATIVE ASSEMBLY
ELECTIONS ACT, 2006

An Act to make provision for elections of members of the East African Legislative Assembly and related matters in accordance with Article 50 of the Treaty.

BE IT ENACTED by the East African Community and assented by the President of the Republic of Kenya, the President of the United Republic of Tanzania and the President of the Republic of Uganda.

PART I – PRELIMINARY

Citation

1. This Act may be cited as the East African Legislative Assembly Elections Act, 2006.

Interpretation

2. In this Act unless the context otherwise requires-

“Assembly” means the East African Legislative Assembly established by Article 9 of the Treaty;

“candidate” means a person who is nominated to stand for election to the East African Legislative Assembly;

“clerk” means the clerk of the East African Legislative Assembly appointed under Article 48 of the Treaty;

“Treaty” means the Treaty establishing the East African Community and any annexes and protocols thereto;

“voter” means a member of the National Assembly of the Partner State present and voting during an election.

Composition of the Assembly

3. The Assembly shall consist of:

- (a) twenty seven members elected by the National Assemblies of the Partner States;
- (b) five ex-officio members consisting of-
- (c) the Minister responsible for regional co-operation from each of the Partner States; and
- (d) the Secretary General and the Counsel to the Community.

Term of the Assembly

4. (1) The term of the Assembly shall be five years from the date of the first sitting after the election of members.
- (2) Where there exists a state of war or a state of emergency in any of the Partner States which would prevent a normal election from being held, the Assembly may by resolution supported by not less than two-thirds of all members of the Assembly, extend the life of the Assembly for a period not exceeding six months at a time.

Right to vote for members of the Assembly

5. (1) Every member of the National Assembly of the Partner States has a right to vote for members of the Assembly.

PART II - NOMINATION OF CANDIDATES AND THEIR ELECTION TO THE ASSEMBLY

Nomination of candidates

7. Subject to the provisions of Article 50 of the Treaty, nomination of candidates for the Legislative Assembly shall be conducted in a transparent and democratic manner as prescribed by the respective National Assemblies of the Partner States.

Election of members of the Assembly

8. (1) An election of members of the Assembly shall be held within thirty days before the expiration of the term of the Assembly.
- (2) Every person elected to the Assembly shall take the Oath or Affirmation of Allegiance to the Treaty as specified in the East African Legislative Assembly(Powers and Privileges) Act, 2003.
- (3) Except for the purpose of taking the oath or affirmation referred to in subsection (2) no person shall sit or participate in the Assembly before taking the said Oath or Affirmation to the Treaty.

By-elections

9. (1) Whenever a member of the Assembly
- (a) dies; or
 - (b) where the seat of a member of the Assembly becomes vacant under Article 51 of the Treaty;
 - (e) where the seat of a member of the Assembly becomes vacant under section 8 of this Act, the Clerk shall notify the National Assembly of the Partner State from where the member comes from in writing within twenty one days after the vacancy has occurred; and by election shall be held within sixty days after the vacancy has occurred;
- (2) A by-elections shall not be held under this section within six months before the holding of elections for all the members of the Assembly.

- (c) upon dissolution of the Assembly ;
- (d) upon his or her election or nomination as a member of the National Assembly of a Partner State;
- (e) upon his or her appointment as a Minister in the Government of Partner State;
- (f) if that person is absent from fifteen sittings of the Assembly without permission in writing of the Speaker during any period when the Assembly is continuously meeting and is unable to offer satisfactory explanation to the relevant committee of the Assembly;
- (g) if that person is appointed an officer in the service of the Community; or
- (h) upon his or her conviction of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision.

2. A member who seeks to participate in elections of a Partner State as a candidate shall, upon nomination to participate, resign his or her office in the Assembly.

- (b) that a person other than the one elected won the election; or
- (c) that the candidate was at the time of his or her election not qualified or was disqualified for election as a member of the Assembly.

(2) Where an election is set aside a fresh election shall be held as if it were a by-election in accordance with section 9 of this Act.

(3) Any ground specified in sub-section (1) of this section shall be proved on a balance of probabilities.

Service of notice of petition

14. Notice in writing of the presentation of a petition accompanied by a copy of the petition shall, within seven days after the filing of the petition, be served by the Petitioner or Petitioners on the Respondent or Respondents, as the case may be.

Trial of election petitions

15. Every election petition, filed under this Act, shall be tried in open court.

Withdrawal of election petition

16. (1) An election petition shall not be withdrawn except with leave of the court and after such notice has been given as the court may direct.

(2) On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition refers may apply to the court to be substituted as a petitioner for the petitioner who desires to withdraw.

(3) The court may substitute as a petitioner an applicant under sub-section (2) and may further, if the proposed withdrawal has been, in the opinion of the court, induced by any corrupt bargain or consideration, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may become payable by the

PART V - MISCELLANEOUS

Session of the Assembly

18. (1) Where a new Assembly is elected, the Chairperson of the Summit shall, by proclamation, appoint the place and a date not beyond ten days after the expiry of the term of the Assembly or of the extended period, as the case may, for the first sitting of the new Assembly.
- (2) A session of the Assembly shall be held at such place within East Africa and shall, commence at such time as the Speaker may, by proclamation, appoint.
- (3) The Speaker may, after consultations with the Chairperson of the Summit, prorogue the Assembly by proclamation.
- (4) A session of the Assembly shall be held at least once a year but the period between one session and the next following session shall not be more than twelve months.

Dissolution of the Assembly

19. (1) The Assembly shall stand dissolved upon the expiration of its term as prescribed by section 4 of this Act.
- (2) Dissolution of the Assembly shall be done through proclamation by the Chairperson of the Summit.

Rules

20. (1) The National Assembly of each Partner State shall, by statutory instrument, make rules prescribing any matter which is required or authorized by the Act to be prescribed or which in its opinion is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of Article 50 of the Treaty.



EAST AFRICAN COMMUNITY

PARTNER STATES' COMMENTS ON BILLS

**EAC SECRETARIAT
Arusha, Tanzania
July, 2006**

The East African Legislative Assembly Elections Bill, 2006

Clause	Uganda's comments	Kenya's comments
1	Inclusion of a definition of " <i>National Assembly</i> "	.
4	The Clause does not reflect the provisions of Article 51 which provides for renewal of the term of the members, for five years. It should tally with the provisions of the Treaty.	
5	This Clause should be redrafted in line with the Treaty provisions.	Draft Clause 5(1) and (2) may be ultra vires Article 58 of the Treaty
6	Sub-clause 6 (3) – language – needs to be singular in application	Clause 6: the sub-Clause do not seem to have internal coherency. It is not clear how the constituencies are proposed to be delineated, and sub- Clause 2 reduces the constituencies to 3 – going by Article 50 of the Treaty.
7		Article 7 of the Treaty is clear on the principles of subsidiarity and complementarity. The Treaty confers on National Assemblies the mandate to determine regulations to regulate the elections process for EALA

Clause	Uganda's comments	Kenya's comments
		Consideration should be given to option to deem such members to have resigned by the very fact of being so nominated.
12	Deletion of Sub-Clause 12 (2) to (5) as these clauses is adequately dealt with at national level as per Treaty provisions.	Whole of Part IV: is superfluous as viewed against Article 52 of the Treaty
18		Clause 18: Consideration to be given to the need for inclusion of latitude for EALA to still set its own calendar
19	Sub-Clauses 19(1) and 19(2) should stand as one clause by using word "and" between the clauses	

The East African Community Statistics Bill, 2006

Uganda submitted the following preliminary comments:

- (i) The first Schedule, which would have laid out the areas in which the Statistician may collect information/data, is not attached. There is need to agree on specific mandate of EAC and national institutions;
- (ii) Section 2 – the term "*authorized officer*" this should mean "*an officer appointed by the Council under section 3 and includes the Statistician or any other officer*";
- (iii) Section 2 – "*Statistical Division*" should be defined to mean "*the EAC statistical division*"

under Duties and Powers of the Statistician to "*collect, compile, analyze, abstract and publish statistical information relating to matters specified in Schedule 1*".



THE LAKE VICTORIA TRANSPORT BILL, 2006

**EAC SECRETARIAT
Arusha, Tanzania**

July, 2006

NINETH DRAFT

JULY 2006

LAKE VICTORIA TRANSPORT BILL, 2006

ARRANGEMENT OF CLAUSES

PART I PRELIMINARY

PART I – PRELIMINARY

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4. Application of the Act
5. Exemptions
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8. Administration of the Act
9. Lake Victoria Basin Commission
10. Functions of the Commission
11. Power to delegate to the Commission
12. Functions of the Executive Secretary
13. Appointment of officers of the Commission
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Relief and Repatriation

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**A BILL FOR ENACTMENT OF AN ACT ENTITLED
LAKE VICTORIA TRANSPORT ACT, 2006**

An Act of the Community to make provision for the Commission to regulate maritime safety and security, to make provision for the construction, survey, registration and licensing of all vessels used on the Lake, for the safety of passengers and cargo, for the competency of masters and crew and for matters incidental thereto and connected therewith.

**Short title and
commencement**

1. (1) This Act may be cited as the Lake Victoria Transport Act, 2006 and shall come into operation on such date as the Council may, by notice published in the *Gazette*, appoint.
(2) The Council may under sub-section (1) above appoint different dates for the coming into operation of different provisions of this Act.

Interpretation

2. In this Act, unless the context otherwise provides –
“**accommodation**” means any space intended for the use of persons including passengers who normal live on board a vessel, and includes the galley, storage space for provisions, toilets and washing facilities, laundry facilities, landings and gangways, but not the wheelhouse;
“**authorized officer**,” means a person designated under this Act as such, by the Executive Secretary for the purposes of this Act;
“**barge**” means a vessel that is not fitted with any means of propulsion;
“**cargo vessel**” means a vessel, which is not a passenger vessel;
“**certificate of competency**” means a certificate issued to a person under Part VII which entitles the person to be employed in the capacity stated in the certificate;
“**certificate of registration**” in relation to a vessel, means the

in connection with fishing but does not include a vessel used or intended to be used for fishing other than for profit or a vessel used or intended to be used wholly for the purpose of conveying persons wishing to fish for pleasure;

"freeboard" means the distance measured vertically downwards, amidships, from the upper edge or the deck line to the upper edge of the related load line;

"grain" includes millet, wheat, maize (corn), oats, rye, barley, rice, pulses, sesame and seeds;

"home port" means the port of registration of a vessel or the place at which a vessel is habitually kept when not on voyage;

"inspection certificate" means a certificate issued pursuant to section 87 and 88;

Comment: To be defined by experts/EAC

"Lake" means Lake Victoria;

"licence" means a license issued under Part V;

"load line certificate" means an international load line certificate or local load line certificate issued under section 112;

"Loadline Convention", where applicable, means the International Convention on Load Lines, 1966 as amended;

"master" means a person having command of a vessel;

"member of the crew" means an officer or a rating other than a master;

"navigation mark" means a lighthouse, beacon, busy traffic separation scheme mark, vessels routing mark and any marks used for navigation;

"near shore limits" means the limits of the Lake of Partner States measuring ten nautical miles from the nearest shoreline in a Partner State or as established in accordance with any bilateral or multilateral agreement;

"new vessel" means a vessel the keel or which is laid, or is at an equivalent stage or production, after the commencement of this Act;

"official logbook" means the official logbook required to be kept under section 158;

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sport or pleasure of the owner or the immediate family or friends of the owner; or

(ii) owned by a body corporate and where the persons using it are employees, officers or shareholders of the body corporate, or their immediate family or friends;

(b) a vessel on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(c) any vessel wholly owned by or on behalf of a club formed for the purpose of sport or pleasure which, at the time it is used, is used only for the sport or pleasure of members of the club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

"port" means a place or area on the Lake designated as such by the Council by notice;

"port authority" means the body or authority responsible for managing, regulating and maintaining a port;

"port of registry" in relation to a vessel, means the port at which the vessel is registered or is provisionally registered;

"proper return port", in relation to a member of the crew, means a port in the Partner State of the member of the crew; or in the case of a discharged member of the crew, the port agreed upon at the time of his discharge;

"Protocol" means the Protocol for Sustainable Development of Lake Victoria Basin;

"rating" means a member of the crew other than the master or an officer;

"receiver" means a receiver of wrecks of appointed under **section 192**;

"Registrar" means a Registrar of vessels in a Partner State;

Object of the Act 3. The object of this Act is to regulate, co-ordinate and oversee maritime safety and security, search and rescue, aids to navigation, hydrography and charting, meteorology, communications and to prevent marine pollution on the Lake for the benefit of the Partner States.

Application of the Act 4. (1) Unless otherwise expressly provided, this Act shall apply to-

- (a) all vessels in a port on or place in, or within the Lake;
- (b) any structure, in or on the Lake used for exploration or production operations under any petroleum production legislation applicable in any of the Partner States and to the person in charge of the structure; and
- (c) any vessel registered under any fisheries or other relevant legislation of a Partner State.

(2) Unless otherwise provided, nothing in this Act shall apply to -

- (a) vessels of the police of the Partner States;
- (b) vessels of the navy of the Partner States; and
- (c) aircraft of the defence forces.

Exemptions 5. (1) The Council may exempt from the application of any provision or any Part of this Act -

- (a) any vessel or classes of vessels operating on any areas of the Lake as designated by the Commission, where it considers that the sheltered nature and the conditions of that operation render the application of any specific provisions of this Act unreasonable or unnecessary; and
- (b) vessels the keels of which were laid down before the entry into force of this Act.
- (c) vessels for limited local voyages or in port areas provided that the vessels comply with such other requirements that are, in the opinion of the Council, adequate for the intended voyage.

Basin Commission

Protocol has the following objectives –

- (a) the promotion of equitable economic growth;
- (b) the promotion of measures aimed at eradicating poverty;
- (c) the promotion of sustainable utilization and management of natural resources;
- (d) the promotion of the protection of the environment within the Lake Victoria Basin; and
- (e) the promotion of compliance on safety of navigation.

Functions of the Commission

10. The Commission, besides the functions provided in the Protocol, shall –

- (a) be charged with the coordination of the implementation of this Act;
- (b) formulate policies and programmes on maritime safety and security;
- (c) facilitate exchange of information between the Commission and each Partner State maritime safety and security units;
- (d) advise the Community on legislative and other matters relating to the management of maritime safety and the implementation of relevant international conventions, treaties and agreements, having a bearing on safety on the Lake;
- (e) ensure that the maritime training standards together with the certification of members of the crew employed on board vessels plying the Lake meet the minimum national and international standards;
- (f) ensure the setting up and maintenance of aids to navigation;
- (g) coordinate the conduct of investigations relating to accidents on the Lake including shipwrecks and any other maritime

**Appointment of
officers of the
Commission**

13. (1) The Council shall appoint officers of the Commission to be responsible for coordinating, facilitating and monitoring maritime safety and security administration on the Lake.
- (2) The Council may employ such other officers, employees and agents, as may be necessary for the purpose of carrying out the provisions of this Act.
- (3) The officers under subsections (1) and (2) shall be appointed in accordance with the rules Commission's and regulations and terms and conditions of service of staff of the Community.

**Establishment of
Partner States'
maritime safety
and security units
and appointment
of officers**

14. (1) Subject to section 9, for the purpose of implementing this Act each Partner State shall in accordance with Partner States legislation, establish maritime safety and security units and appoint and maintain officers within the maritime safety and security units, responsible for the day-to-day management and administration of this Act.
- (2) Any Act done by, to or before an officer of a Partner State's unit or an officer of the Commission, in exercise or performance of any power, right or duty under this Act shall be deemed to have been done by, or before the Executive Secretary.

**Relief from
prosecution**

15. No action shall lie against any officer of the Commission or officer of a Partner State's unit or any public officer or other person appointed or authorized to perform any function under this Act, in respect of anything done or omitted to be done by that officer or person in good faith, in the exercise or performance of any power, authority or duty conferred or imposed under this Act

agent of that body corporate

**Declaration of
eligibility**

21. A person shall not be entitled to be registered as owner of a vessel or as a shareholder until that person makes and signs a declaration of eligibility, containing the following particulars-
- (a) a statement of that person's qualifications to operate a vessel on the Lake, and in the case of a body corporate, a statement of proof of ownership;
 - (b) in the case of a foreign vessel, a statement of the foreign name of the vessel;
 - (c) a statement of the number of shares in the vessel, the legal title to which is vested in that person or for a body corporate, whether alone or jointly with any other person or persons.

**Evidence of title
on first registry**

22. On the first registration of a vessel the evidence of legal title shall be produced as specified in the regulations for registration of vessels

**Obligations to
register a vessel**

23. (1) A vessel of a gross registered tonnage of one hundred and twenty five tons or over that is owned by a person qualified to be an owner of the vessel shall be registered under this Part.
- (2) A vessel registered in a Partner State shall be deemed to be registered under this Act.
- (3) A person shall not use or permit to be used on the Lake a vessel to which the provisions of this Part apply unless –
- (a) the vessel is surveyed and registered in accordance with the provisions of this Act; and
 - (b) there is in force in respect of the vessel, a valid certificate of registration.
- (4) Any person who fails to register a vessel under this section commits an offence and shall on conviction be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not

builder's certificate cannot be procured, the applicant shall attach to the declaration the instrument by which ownership of the vessel was acquired and a certificate from a surveyor at the last port of registration giving the estimated age and condition of sea worthiness of the vessel.

- Marking of vessels** 25. (1) Every vessel shall, before registration, be marked permanently and conspicuously to the satisfaction of the surveyor as follows -
- (a) the name of the vessel on each of the bows of the vessel;
 - (b) the name of the vessel and the port of registry on the stern of the vessel on dark background in white or yellow letters or on a light background in black letters of not less than ten centimeters in length and of proportionate breadth;
 - (c) the official number and the number denoting the registered net tonnage of the vessel cut in on the main beam of the vessel;
 - (d) a scale of thirty centimeters denoting the vessel's draught of water on each side of its stern and its stern post in Roman capital letters or in figures of not less than ten centimeters in length, the lower line of which letters or figures shall coincide with the draught line denoted on it and the letters or figures shall be marked by being cut in or painted white or yellow on a dark background or in such other way as the Executive Secretary may approve.
- (2) The marks required under subsection (1) shall be permanent and no alteration shall be made to them except where any of the particulars of the vessel are altered in the manner provided by this Act.
- (3) Where a surveyor certifies that a vessel is insufficiently or inaccurately marked, the vessel may be detained until the

- (c) the description, tonnage, dimensions, name and method of propulsion;
- (d) the geographical limits or areas of the Lake outside which the vessel may not be used having regard to the construction, suitability for navigation and safe operation of the vessel;
- (e) the maximum number of passengers and the maximum quantity of cargo that may be carried on the vessel;
- (f) the crew to be carried on the vessel and standards of competency to be attained by the members of the crew; and
- (g) any other matters as may be prescribed by the Executive Secretary.

Certificate of seaworthiness

27. (1) A vessel operating on the Lake shall carry a certificate of seaworthiness attesting to compliance with the requirements of this Act.
- (2) The certificate shall include a record of equipment carried onboard and shall have attached related information.
- (3) A certificate of seaworthiness shall be valid for one year from the date of issuance, and shall be renewed on expiry in accordance with the conditions and requirements for its issuance, provided that the validity of the certificate may in exceptional circumstances, be extended for a period of not more than three months, the reasons for which shall be endorsed on the certificate.

Conditions and procedures for issuing certificates of seaworthiness

28. (1) A certificate of seaworthiness shall be issued to a vessel after a survey is carried out, prior to the vessel being put into service, in order to ensure that the vessel complies with the requirements set out in this Act;
- (2) On completion of a survey, a surveyor shall if satisfied that the vessel is seaworthy and equipped in accordance with the

- (2) Where it appears to the Registrar that a vessel in respect of which an application for registration is made is not entitled to be registered, having regard to sub-section (1) (a), (b) and (c) of subsection (1), the Registrar shall inform the applicant and shall not register the vessel.

**Termination of
registration**

30. (1) The Registrar may, subject to subsection (5), terminate the registration of a vessel –
- (a) where the Registrar is satisfied that –
- (i) having regard to the provisions of section 29 (1) (a), (b) or (c) it would be detrimental to the interests of the Partner State for a registered vessel to continue to be registered; or
- (ii) any fine imposed on the owner of a registered vessel in respect of a contravention of this Act, remains unpaid for a period of more than three months and there is no pending appeal against the fine; or
- (iii) any summons for any such contravention has been duly served on the owner of a registered vessel and the owner has failed to appear at the time and place appointed for the trial of the charge or complaint in question and a period of not less than three months has elapsed since that time;
- (b) where the owner of the registered vessel fails to pay the annual tonnage fee for a period exceeding two years;
- (c) on application by the registered owner stating that the owner wishes to terminate the registration of the vessel;
- (d) upon a registered vessel becoming a total loss or being otherwise destroyed by fire or sinking or wrecked or demolished.
- (2) In the event of a registered vessel being in any condition referred to in subsection (1) (d), the registered owner of the vessel or any

- (a) in connection with the making of any representations in pursuance of subsection (6), knowingly or recklessly furnishes information which is false in a material particular, commits an offence and shall on conviction be liable to a fine of not less than ten thousand dollars or to imprisonment for a term not exceeding two years or to both;
- (b) fails, without reasonable cause to surrender a certificate of registration when required to do so under subsection (8), commits an offence and shall on conviction be liable to a fine of ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

**Restriction on
deregistration of
vessels**

31. Subject to section 60, the Registrar shall not permit the de-registration of a vessel, except after giving prior notification in writing to all registered holders of mortgages on the vessel registered under this Act

**Certificate of
deregistration of
vessels**

32. (1) Upon de-registration of a vessel, the Registrar shall issue to the owner a certificate of de-registration in the prescribed form.
- (2) An owner shall prior to the issuance of the certificate of de-registration referred to in subsection (1), surrender the registration certificate of the vessel to the Registrar for cancellation.
- (3) A person who fails, without reasonable cause to surrender a certificate of registration when required to do so, commits an offence and shall on conviction be liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**Inspection of
vessels and
certificates of
seaworthiness**

33. (1) Where a surveyor or other authorized officer determines upon inspection that –
- (a) the certificate of seaworthiness is invalid; or
 - (b) the vessel does not satisfy the requirements set out in the

referred to in subsection (1) deliver the certificate to the surveyor within seven days of its occurrence.

**Re-registration of
wrecked or
abandoned vessel**

35. Where a vessel is wrecked or abandoned, the Registrar may, on application by the owner of the vessel, re-register the vessel if satisfied that a surveyor surveyed the vessel and certified it to be seaworthy

**Registrar of
vessels**

36. (1) There shall be appointed, in accordance with the Partner States' legislation, Registrars responsible for the registration of vessels under this Act.
- (2) For the purposes of this Act, the Council shall, by notice published in the *Gazette*, designate the officers appointed under sub-section (1) as Registrars of vessels under this Act

Register of vessels

37. (1) There shall be a register of vessels for the registrations of all vessels on the Lake.
- (2) The register may, consist of separate register books for the different classes and descriptions of vessels on the Lake.
- (3) The register shall indicate –
- (a) the name of the vessel;
 - (b) the year of manufacture of the vessel;
 - (c) the official number of the vessel;
 - (d) details of ownership of the vessel;
 - (e) particulars in respect of the origin of the vessel as stated in the declaration required under section 21;
 - (f) the instruments of transfer of the vessel;
 - (g) mortgages, including where the vessel was previously registered in another country, mortgages inscribed in the register of that country;
 - (h) certificates of permanent and provisional registration; and
 - (i) where the vessel was previously registered in another country, evidence that any foreign certificate of the vessel's previous

prescribed form and shall contain all the particulars of the vessel entered in the Register.

- (3) A master or owner of a vessel who uses or attempts to use for the navigation of a vessel, a certificate of registration not legally issued in respect of the vessel, commits an offence, and shall on conviction be liable to a fine of not more than five thousand dollars, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**Custody of
certificate of
registration**

40. (1) A certificate of registration shall be used only for the lawful navigation of the vessel, and shall not be subject to detention by reason of any title, lien, charge, or interest had or claimed by any owner, mortgagee, or other person to, on, or in the vessel.
- (2) A person, who has in his or her possession or under his or her control the certificate of registration of a vessel, who refuses to deliver the certificate on demand –
- (a) to a person entitled to the custody of the certificate for the purpose of the lawful navigation of the vessel; or
- (b) to the surveyor or to an authorized officer,
- commits an offence and shall on conviction be liable to a fine not exceeding one thousand dollars or to imprisonment to a term not exceeding three months.

**Loss certificate of
registration**

41. (1) Where it is proved to the satisfaction of the Registrar that the certificate of registration is lost, stolen or destroyed or has become defaced or illegible, the Registrar may issue to the owner a duplicate of that certificate, which shall be marked as such.
- (2) Pending the issuance of a duplicate certificate of registration under subsection (1), a Registrar may on receiving a declaration of loss of certificate under subsection (4), issue a provisional

cancellation or suspension to be served on the master of the vessel.

- (3) The Registrar shall publish a notice of the suspension or cancellation of a certificate of registration of a vessel, in newspapers of national circulation in the Partner States and in the *Gazette* of the Community.

**Surrender of
certificate of
registration**

43. (1) On receipt of a notice under section 40, the owner or master of the vessel shall within seven days of receipt of the notice, surrender the certificate of registration of the vessel to the Registrar.
- (2) An owner or master of a vessel, whose certificate of registration is suspended or cancelled, shall not navigate the vessel on the Lake.
- (3) A master of a vessel who contravenes this section commits an offence and shall on conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

**Duration of
certificate of
registration**

44. A certificate of registration issued under this Act shall be valid for a period of five years

**Renewal of
certificate of
registration**

45. (1) An application for renewal of a certificate of registration shall be made by the owner or master of the vessel in the form and manner prescribed under section 24, within one month of the expiry of the certificate.
- (2) Where the owner of a vessel makes an application for renewal of a certificate of registration in accordance with the provisions of subsection (1), the certificate of registration shall remain in force and be deemed to be a valid certificate of registration until the owner is notified in writing of the results of the application.

as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

- (2) An owner or master of a vessel in respect of which a provisional certificate is granted or a certificate is endorsed under this section shall, within ten days of the arrival of the vessel at the port of registry of the vessel or within one month of the date of issue or endorsement of the certificate, whichever is earlier, deliver that certificate to the Registrar of the port of registry of the vessel.
- (3) An owner or a master of a vessel, who fails to comply with subsection (2), commits an offence and shall on conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- (4) Where any vessel in respect of which a provisional certificate is granted or a certificate is endorsed under this section arrives at the port of registry of the vessel, an application for re-registration of that vessel shall be made to the Registrar of vessels of that port of registry in the prescribed form.
- (5) An owner or master of a vessel who contravenes subsection (4), commits an offence and shall on conviction be liable to a fine not exceeding two thousand dollars or to imprisonment or a term not exceeding one year or both such fine and imprisonment.

Procedure for re-registration

50. (1) Where a vessel is to be re-registered, the Registrar shall use the procedure for registration, and on the surrender to the Registrar of the existing certificate of registration, or in the case of a change of ownership, compliance with any requirements for registration as the Registrar may think fit, the Registrar shall re-register the vessel, and grant a new certificate.
- (2) When a vessel is re-registered, the registration in respect of the

- (4) Where an owner fails to comply with the provisions of subsection (1), the certificate of registration shall, unless the Registrar directs, be invalid.
- (5) Subject to the provisions of this section, the registration of a vessel may be transferred to another port of registry upon written application by the owner to the Registrar of that other port.
- (6) The certificate of registration to be amended shall accompany the application in sub-section (5).
- (7) Upon receiving an application under subsection (5) the Registrar concerned shall transmit notice of the application to the Registrar of the proposed port of registry together with the certificate of registration and a copy of all particulars relating to the vessel as noted in the register under the control of that Registrar.
- (8) On receipt of the documents required under sub-section (7) the Registrar at the proposed port of registry shall, subject to provisions of subsection (6), enter in the register of the proposed port of registry, all the particulars relevant to the vessel in question and issue a new certificate of registration and the vessel shall then be considered for the purposes of this Act as registered at the new port of registry.
- (9) Where the registration of a vessel is transferred to a new port of registry under subsection (5), the new certificate of registration issued under subsection (8) shall, unless otherwise provided under the Act, remain in force and be deemed to be a valid certificate of registration until the date of expiry of the certificate which it replaces, so however, that if it has been issued after a survey required under subsection (3), its period of validity shall commence on the date on which it is issued.

- Transfer of vessels** 55. - (1) A transfer of a vessel including a transfer on sale, shall be made in writing accompanied by a declaration by the transferee of the vessel, stating -
- (a) that the new owner of the vessel is -
 - (i) a citizen of any of the Partner States; or
 - (ii) a body corporate incorporated in any of the Partner States;
 - (b) that the vessel is in a seaworthy condition;
 - (c) the names of the new master and crew of the vessel and the full particulars of their certificates of competency;
 - (d) that any foreign marine document relating to the vessel has been surrendered to the government which issued it or has been cancelled by that Government; and
 - (e) that satisfactory proof of the surrender or cancellation has been attached to the declaration.
- (2) An application for transfer of a vessel under this section shall be made to the Executive Secretary or an officer authorized by the Executive Secretary.
- (3) Subject to sub-section (4), the transferee shall attach to the declaration required under subsection (1) -
- (a) a builder's certificate signed by the builder of the vessel or a bill of sale;
 - (b) a true account of the proper denomination of the tonnage of the vessel as estimated by the builder;
 - (c) the time and place where the vessel was built;
 - (d) the name of the person on whose account the vessel was built;
 - (e) the instrument under which the vessel vested in the transferee.
- (4) Where the transferee declares that the time and place of the building of the vessel are unknown to the transferee or that the builder's certificate cannot be procured, the transferee shall attach to the declaration the instrument by which ownership of the vessel was acquired and a certificate from a surveyor at the

shall be entered in the register in the order of their receipt by the Registrar.

(3) Upon the transfer being registered in the manner provided for in sub-section (1), the Registrar shall issue a new certificate of registration.

**Transmission of
ownership in
vessel on death,
bankruptcy,
marriage etc**

59. (1) Where the ownership in a registered vessel or share is transmitted to any person by any lawful means other than a transfer under section 58 and a majority interest remains in the original owner –
- (a) that owner shall authenticate the transmission by making and signing a declaration of transmission identifying the vessel and containing statements stated in section 57 and a statement of the manner in which the property was transmitted;
 - (b) where the transmission is consequent upon bankruptcy, the declaration of transmission shall be accompanied by evidence of proof of the title of the person claiming under a bankruptcy;
 - (c) where the transmission is consequent upon death, the declaration of transmission issued under the legislation relating to succession and public trustee in the Partner State;
 - (d) where the transmission was consequent upon an order of a Court, a copy of the order or judgement of that Court; and
 - (e) where the transmission took place by virtue of marriage the declaration shall be accompanied by a copy of the certificate of marriage or other evidence of the marriage.
- (2) The owner or transferee of a vessel shall make a declaration in accordance with subsection (2), before the Executive Secretary in the presence of, and attested by, two witnesses.
- (3) The Registrar shall, on receipt of the declaration of transmission under subsection (1), enter in the register the name of the transferee to be registered as owner of the vessel or share under the transmission, the ownership which is transmitted, and where

- (e) the type of cargo to be carried by the vessel;
- (f) the places between which the vessel is intended to navigate including places, if any, between Partner States and the services to be provided;
- (g) any other particulars as the Registrar may require in relation to the application.

Discretion of the Registrar to grant or refuse licence

63. (1) A Registrar may issue or refuse to issue a license and where the Registrar issues a licence, the licence shall be subject to such conditions as the Registrar may consider necessary.
- (2) In exercising the powers under subsection (1), the Registrar shall have regard to the following matters –
- (a) the desirability of encouraging the provision of adequate and efficient services; and
 - (b) the co-ordination of transport on the Lake.

Duration of licence

64. (1) A license shall, unless revoked, be valid for a period of one year from the date of issuance.
- (2) A short-term license may be granted for a period of not more than three months to enable a vessel to be used temporarily for –
- (a) seasonal business;
 - (b) the execution of a particular piece of work; or
 - (c) any other purpose of limited duration.

Licence not transferable

65. A license shall be transferable except with the written consent of the Registrar

Form of licence

66. A license shall be in such form as may be prescribed and a separate license shall be issued in respect of each vessel

Marking of vessels

67. Every vessel shall, before licensing, be marked permanently and conspicuously to the satisfaction of the surveyor as follows –

purpose for which it is licensed.

- (5) A person who fails to comply with any condition of a licence commits an offence and on conviction shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

**Power to revoke
or suspend
licences**

69. (1) A Registrar may revoke or suspend a licence where any of the conditions of the licence have not been complied with.
- (2) Where a license is revoked or suspended under sub-section (1), the Registrar shall notify the licence holder in writing and state the reasons for the revocation or suspension

**Appeals in
connection with
licences**

70. A person may appeal to the Council, who –
- (a) being an applicant for a license, is aggrieved by the decision of a Registrar with regard to the application; or
- (b) being the holder of a license, is aggrieved by the revocation or suspension of the licence, or by the variation of any of the conditions of the licence.

**Register of
licences**

71. (1) The Registrar shall keep a register of the vessels to be licensed under this Part in which shall be entered –
- (a) the name of the vessel;
- (b) the year of manufacture of the vessel;
- (c) the official number of the vessel;
- (d) details of ownership of the vessel;
- (e) particulars respecting the origin of the vessel as stated in the declaration required under section 24;
- (f) the instruments of transfer of the vessel
- (g) where the vessel was previously licensed in another Partner State, evidence that the previous licence has been

- (d) the navigation and communication equipment;
- (e) the storage and manner of loading of cargoes and storage of dangerous goods;
- (f) the accommodation and facilities of the master, crew and passenger; and
- (g) any other related matters.

- (3) A surveyor or an authorized officer shall survey and inspect vessels for the enforcement of this Part, subject to such conditions as the Registrar may impose.

**Surveyor's powers
on inspection**

- 73. (1) A surveyor or an authorized officer may at any reasonable time inspect a vessel for the purpose of ensuring that it complies with the Safety Inspection Convention, the Load Line Convention and any regulations made under this Act.
- (2) Where the surveyor or an authorized officer finds that any Convention or regulations have not been complied with, the surveyor shall give written notice to the owner or master of the vessel stating the deficiency and the action which, is required to rectify the deficiency.
- (3) A notice given under subsection (2) shall be communicated in a manner directed by the Registrar to a Customs Officer of any port at which the vessel may seek clearance and clearance to the vessel shall not be granted and the vessel may be detained if the deficiency stated under subsection (1) is not rectified.
- (4) Where the surveyor or an authorized officer considers a vessel to be unsafe, or, where a passenger ship is unfit to carry passengers, or the machinery or equipment of the vessel is defective in a way which may expose persons on board to serious danger, the surveyor shall detain that vessel.
- (5) A surveyor or an authorized officer may detain a vessel in respect of which any of the provisions of this Act have not been

- (9) A person who contravenes the provisions of subsection (8), commits an offence and shall on conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

**Surveyor to report
to Registrar**

74. A surveyor shall, if satisfied on inspection of a vessel forward a report of the inspection to the Registrar which shall contain a statement showing that -

- (a) the hull and machinery are sufficient for the service intended and in good condition;
- (b) the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;
- (c) the safety equipment and radio installations required under this Part are on board and in good condition;
- (d) the persons who are required to be certificated are duly certificated as required under this Act and that the crew is sufficient and efficient.

**Record of
inspection and
certificates**

75. A surveyor shall make and keep a record of the inspections made and of the inspections certificates issued by the surveyor, such form and with such particulars as the Registrar may direct, and shall furnish copies of the record and any other information pertaining to the duties of the office of the surveyor, which the Registrar may require.

Survey reports

76. After every survey, the surveyor or an authorized officer shall send, or cause to be sent, a report of the survey to the Executive Secretary

**Responsibilities of
owner and master
in compliance with
ISM Code**

77. (1) An owner and a master of a vessel shall ensure that -
(a) the condition of the vessel, including its structure, machinery and equipment, is maintained in accordance with the provisions

is not fit to navigate on the Lake, without danger to the vessel or persons on board, the surveyor shall advise the owner or master of the corrective action required, and shall notify the Registrar.

- (2) Where the corrective action is not taken within a reasonable period as a surveyor may specify, the surveyor, shall, at the expiration of that period, notify the Registrar who may, on receipt of such notification, suspend the validity of the particular certificate issued to the vessel and give notice of the suspension to the owner, and to the surveyor, who in turn shall notify the owner or master.

**Appointment of
surveyors**

79. The Executive Secretary may appoint any individual or organization, to be a surveyor

Survey of vessels

80. (1) A vessel shall be surveyed –
- (a) before the vessel is put into service;
 - (b) at intervals of not more than one calendar year; and
 - (c) at such other times as may be required by the Executive Secretary.
- (2) Notwithstanding sub-section (1), the hull, machinery and equipment of a cargo vessel and a fishing vessel shall be surveyed before it is put into service and at intervals of not more than four years or, where the surveyor so directs, at lesser intervals.

Initial survey

81. (1) An initial survey of the vessel shall be carried out before a vessel is put into service and shall include a complete inspection of the hull, machinery and equipment of the vessel.
- (2) The survey under subsection (1) shall ensure that the arrangement, materials and scantling of the –
- (a) hull;
 - (b) boiler and other pressure systems;

which a Partner State is a party does not make express safety provisions in respect of a vessel or class of vessels to which the convention applies.

**Posting of
certificates**

87. On receipt of an inspection certificate or a certificate of seaworthiness, the owner or master of the vessel in respect of which the certificate is issued shall cause the certificate to be posted in a conspicuous place on board the vessel for the information of all persons on board

**Alteration to
vessel**

88. Any owner or master of a vessel in respect of which an inspection certificate or a seaworthiness certificate is issued, who without reasonable cause, does or causes to be done to the vessel, anything which makes the certificates inapplicable to the vessel or to any other matters to which the certificate relates, commit an offence and on conviction is liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

PART VII

CERTIFICATES OF COMPETENCY AND MANNING

**Application of the
Part**

89. This Part applies to vessels of a gross tonnage of twenty five tons and above.

**Manning to ensure
safety**

90. Every vessel on the Lake shall be manned by a sufficient and efficient crew, to ensure safety of life.

**Sailing
undermanned**

91. (1) Where a vessel sails without carrying the officers required to be carried in accordance with section 90 and regulations made under section 92, the owner or master of the vessel commit an offence and shall on conviction be liable to a fine not exceeding three thousand dollars or to a term of imprisonment for a term

(b) issue operational certificates for the certificates officers who hold foreign certificates of competency.

(3) Where a person who holds a foreign certificate of competency applies to serve on a vessel registered under this Act, the assessment and verification panel may direct that-

(a) where the person is a citizen of Partner States, that person is granted a certificate of equivalent grade under this Act or regulations made under this Act;

(b) where the person is not a citizen of Partner States, that person is issued with a license authorizing him or her to serve on a vessel registered under this Act.

(4) A license issued under subsection (3) (b) shall be subject to such conditions as the assessment and verification panel may impose.

Certification for rating crew

94. The Executive Secretary may, with the approval of the Council, regulate the issue of the mandatory certificates for rating crew

Records of certificates and licences

95. (1) The Registrar shall maintain a register of all certificates and licences issued under this Part.

(2) The register shall contain all matters relating to certificates of competency and licences, including their issuance, cancellation, suspension and amendment.

Production of certificates

96. (1) A person serving or engaged to serve on a vessel registered under this Act, who holds a certificate of competency or a licence, shall on demand produce the certificate or license to the surveyor or an authorized officer.

(2) Any person who fails, without reasonable cause, to comply with subsection (1) commit an offence and shall on conviction be liable to a fine of not exceeding two thousand dollars or to imprisonment for a

the satisfaction of the Registrar; and

(d) means for taking bearings as nearly as practicable over an arc of the horizon of 360° .

(3) Magnetic compasses required by subsection (2) shall be properly adjusted to the requirements prescribed by the Council by regulations and their table or curve of residual deviations shall be available on board at all times.

(4) A vessel of twenty five metres and above in length shall carry a spare magnetic compass, interchangeable with the standard compass, unless the steering compass required by subsection 2(a) or a gyrocompass is fitted.

(5) Where the Registrar considers it unreasonable or unnecessary to require a standard magnetic compass to be fitted, the Registrar may exempt individual vessels or classes of vessels from this requirements if the nature of the voyage, the proximity of the route to land or the type of vessel does not warrant carriage of a standard compass.

(6) Where a vessel is exempted under sub-section (5), a suitable steering compass shall be carried with means for taking bearings.

(7) A vessel of ten metres and above in length shall be fitted with a Global Positioning System receiver, where required to do so by the Registrar.

(8) A vessel of fifteen metres and above in length shall be fitted with a radar installation capable of operating in the 9 GHz frequency band but may be exempted from compliance with this requirement at the discretion of the Registrar, provided that the equipment fitted is fully compatible with the radar transponder for search and rescue where required.

(9) A vessel of fifteen metres and above in length shall be fitted with an echo sounder, unless exempted by the Registrar for reasons that shall be recorded.

commission of the offence.

(6) For the purposes of this section "tropical storm" means a hurricane, typhoon, cyclone or other storm of a similar nature, and a master of a ship shall be deemed to have encountered a tropical storm where the master has reason to believe that there is such a storm in the vicinity.

**Distress signals
and equipment**

102. (1) A vessel shall not proceed on a voyage without being equipped with means of making distress signals which shall be efficient and kept in working order at all times.
- (2) The minimum equipment to be carried on a vessel is an electric torch or a lantern and a hand flag.
- (3) The signals that shall be used or displayed when a vessel is in distress and requires assistance as specified in section 98.
- (4) A person shall not use any of the signals referred to in section 98, or any signals that may be confused with such signals, except for the purpose of indicating that a vessel is in distress.

**Assistance in
distress**

103. (1) A master of a vessel, an aircraft or survival craft or any person in distress shall send a distress signal to any vessel in the vicinity and to the nearest appropriate station requesting for assistance.
- (2) A master of a vessel, aircraft or survival craft or any person in distress shall request the master of a vessel which answers the distress signal to render assistance.
- (3) The master of a vessel which receives a signal from any source that a vessel, aircraft, survival craft or any person is in distress, shall proceed to the assistance of the vessel, aircraft, survival craft of the person in distress and inform the person in charge of the vessel, aircraft, survival craft or the person in distress, if possible, that he or she is doing so.
- (4) Where the master is unable, or considers it unreasonable or

them, may have been at anchor, or was otherwise made fast, at the time of the casualty.

(5) Where the collision is caused by the fault of one of the vessels, liability to make good the damages shall be attached to the vessel which causes the collision.

(6) Where a collision causes death or a personal injury, the vessels which cause the collision shall be jointly and severally liable to third parties.

(7) Notwithstanding sub-section (6), the vessel which pays a larger part than that which in accordance with the provisions of subsections (2) and (3) the vessel ought to bear, shall obtain a contribution from the other vessel or vessels which caused the collision.

**Duty to render
assistance
following collision**

109. (1) Where there is a collision between vessels, the master of each vessel shall, where that master can do so without damage to his or her own vessel, crew and passengers, if any-

(a) render to the other vessel, the master, crew and passengers of that other vessel, such assistance as may be practicable and necessary and remain by the other vessel until the master ascertains that that vessel has no need for further assistance;

(b) give the master of that other vessel the name and port of registry of the master's vessel, and the names of the ports from which the vessel sailed and to which it is bound.

(2) The failure of the master of a vessel to comply with this section shall not raise any presumption of law that the collision was caused by the wrongful act, neglect, or default of that master.

(3) A master who fails, without reasonable cause, to comply with this section commits an offence and shall on conviction be liable to a fine not exceeding five thousand dollar or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) For purposes of this Part, a vessel shall be deemed to be loaded beyond the limits specified in the load line certificate of the vessel where the vessel is so loaded as to submerge the appropriate load line on each side in water where the vessel has no list.

**Load line
certificate**

112. (1) The Registrar shall issue a load line certificate to a vessel that complies with the provisions of this Sub-Part in such form and manner, as may be prescribed by the load line regulations.

(2) Where a vessel this Sub-Part applies has been surveyed and marked in accordance with the load line regulations, the appropriate certificate shall on application be issued to the owner of the vessel.

**Vessel without
load line
certificate**

113. (1) A load line vessel shall not set sail without a valid load line certificate.

(2) A master of the load line vessel shall produce to the Registrar, when requested, a valid load line certificate.

(3) Where a master of a load line vessel does not produce a valid load line certificate, the Registrar may detain the vessel until the load line certificate of the vessel is produced as required under subsection (2).

**Display of load
line certificate**

114. (1) An the owner or master of a load line vessel shall -
(a) cause the load line certificate to be posted in a conspicuous place on board the vessel for the period of its validity; and
(b) immediately enter in the official logbook the particulars as to the position of the deck line and load line which are

to believe that-

- (a) the survey on the basis of which the certificate was issued was fraudulent or made in error;
 - (b) the certificate was issued on false or erroneous information;
 - (c) since the survey, material alterations have taken place in the hull or superstructure of the vessel in contravention of this Act; and
 - (d) the fittings and appliances for the protection of openings, the guard-rails, the freeing ports or the means of access to the quarters of the crew have not been maintained on the vessel in as effective a condition as they were when the certificate was issued.
- (2) Where the load line certificate is cancelled or suspended, the Registrar may require the owner or master of the vessel to have the vessel surveyed again before the re-issuance of the certificate or the issuance of a new certificate.

**Load line
regulations**

118. The Council may, make regulations to provide for-
- (a) the survey and determination of load lines, including conditions of assignment of freeboards;
 - (b) the stability, loading and ballast of vessels;
 - (c) the issuance of certificates and the forms of the certificates; and
 - (d) any other matter relating to load lines.

**PART IX
THE CREW ENGAGEMENT**

- (k) the capacity in which the member of the crew is to serve;
 - (l) the amount of wages that the member of the crew is to receive, including any payment in advance or any allotment during his absence as provided under sections 129 and 130;
 - (m) the scale of the provisions that are to be supplied to member of the crew;
 - (n) the leave to which the member of the crew is entitled;
 - (o) the rights and obligations of the owner and the member of the crew;
 - (p) any regulations as to the conduct of the member of the crew on board the vessel including fines, and other lawful punishment for misconduct which the parties agree to adopt; and
 - (q) any contributions to be made by the owner and any member of the crew towards a pension fund.
- (3) A crew agreement may contain any other stipulations as are agreed upon by the owner of the vessel and the member of the crew.
 - (4) Any crew agreement shall-
 - (a) be read over and explained to a member of the crew to ascertain that the member of the crew understands the agreement before signing it;
 - (b) be signed in duplicate, and one copy retained by owner and the other by the member of the crew;
 - (5) Where a substitute is engaged in the place of a member of a crew who duly signed a crew agreement and whose services are,

representative of the apprentice –

- (a) understands the contents and provisions of the contract;
- (b) freely consents to be bound by the contract;
- (c) has attained the age of 18; and
- (d) is in possession of a certificate of a medical practitioner, approved under regulations made under this Act, confirming to the physical fitness of the apprentice, for purposes of the apprenticeship.

**Payment of wages
of member of crew**

124. (1) An owner or master of a vessel shall pay to a member of the crew engaged on the vessel, wages within two working days after the arrival of the vessel at the port where the crew is to be discharged or on the discharge of the member of the crew whichever is the earlier.
- (2) The final wages of a member of the crew, may, with his consent, be paid over to the Executive Secretary and the receipt of final wages by the Executive Secretary shall constitute an absolute discharge to the member of the crew.

Account of wages

125. (1) An owner of a vessel shall, before discharging a member of the crew, deliver to the member of the crew a full and true account of the wages of the member of the crew.
- (2) The account of the wages in sub-section (1) shall be delivered to the member of the crew within twenty-four hours of the discharge of that member of the crew.

Deductions

126. (1) The master of a vessel shall, before discharging a member of the crew, deliver to him a full and true account of the wages of the member of the crew which shall indicate the various matters in respect of which



EAST AFRICAN COMMUNITY

A BILL FOR AN ACT

ENTITLED

**THE INTER-UNIVERSITY COUNCIL FOR
EAST AFRICA ACT, 2006**

**EAC Secretariat
Arusha, Tanzania
July, 2006**

A BILL

for an Act

Entitled

THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA ACT, 2006

An Act of the Community to make provision for the establishment of the Inter-University Council for East Africa and for other related matters.

ENACTED by East African Community and assented to by the President of the United Republic of Tanzania, the President of the Republic of Kenya and the President of the Republic of Uganda.

**PART I
PRELIMINARY**

- | | |
|---|---------------------|
| 1. This Act may be cited as the Inter-University Council for East Africa Act, 2006. | Short title |
| 2. In this Act, unless the context otherwise requires- | |
| “Audit Commission” means the Audit Commission established by Article 134 of the Treaty; | Interpre-
tation |
| “Chairperson” means the Chairperson of the Governing Board provided under section 10; | for |

Inter-University Council for East Africa

“Community” means the East African Community established by article 2 of the Treaty;

“Council” means the Inter-University Council for East Africa established by section 3;

“Council of Ministers” means the Council of Ministers of the East African Community established by article 9 of the Treaty;

“East Africa” means the United Republic of Tanzania, the Republic of Kenya, and the Republic of Uganda;

“Executive Secretary” means the Executive Secretary provided for under section 13;

“Financial Year” means a period of twelve consecutive months from 1st July to 30th June;

“Governing Board” means the Governing Board established under section 10 of this Act;

“Member Universities” means the member universities of the Council provided for under section 5;

“Partner States” means the United Republic of Tanzania, the Republic of Kenya and the Republic of Uganda and any other country granted membership to the community under Article 3 of the Treaty;

“Secretary General” means the Secretary General of the East African Community and any annexes and protocols to it;

“Treaty” means the Treaty establishing the East African Community and any annexes and protocols to it;

“Vice-Chairperson” means the Vice-Chairperson of the Governing Board provided for under section 10; and

“Vice-Chancellor” means the executive head of a Member University by whatever name called.

PART II INSTITUTIONAL ARRANGEMENT

Establishment
of the Inter-
University
Council for
East Africa

3.-(1) There is established the Inter-University Council for East Africa hereinafter referred to as "the Council".

(2) The Council is a body corporate with perpetual succession and a common seal and may:-

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

4. The purpose of the Council is to help its members to contributed to:-

Purpose
Of the
Council

- (a) meeting national and regional development needs;
- (b) resolve issues in every appropriate sector of Activity of higher education in East Africa; and
- (c) the development of human resource capacity in all disciplines of higher education in East Africa.

5. The Council shall consist of the following:-

Member-
ship
of the
Council

- (a) the universities and university colleges set out in the First Schedule; and
- (b) such other universities as may from time to time be established in East Africa and as may be admitted to membership by the Governing Board.

6. The objectives of the Council shall be to:-

Objecti-
ves
of the
Council

- (a) strengthen regional communications through network which link regional Member Universities to relevant sites in East Africa and the world;
- (b) encourage and develop mutually beneficial collaboration between member universities and between them and Government and other organizations both public and private;
- (c) initiate, assist and encourage the development of East African higher institutions of learning;

- encourage collaboration in regional research and assist universities to develop centres of advanced study and research on a nationalised basis;
- encourage universities to offer quality education for the production of graduates in all academic disciplines;
- promote curriculum reform in order to equip graduates with the skills and knowledge which meet the needs of employers and conform to the development plans of East Africa;
- develop quality assurance processes in order to ensure that teaching and research achieve and maintain international standards;
- assist Member Universities with their respective academic staff development and management development activities;
- assist Member Universities identify and implement good practices in the management of institution and the use of resources;
- keep abreast of international developments in higher education and to information Member Universities accordingly;
- assist government and other appropriate bodies and authorities with the development of strategies for adequate investment in higher education in East Africa;
- encourage the exchange of staff and students between Member Universities;
- conduct subject meetings, conferences, workshops and meetings of its specialised committees;
- solicit for funds from local and international sources for the strengthening of its activities;
- promote through relevant activities in the Member Universities the meaning and value of East African unity;
- strive for excellence in all its undertakings; and
- undertake such other activities calculated to further the Council's objectives as may from time to time be decided.

7.-(1) The members of the Council shall meet at least once in each year.

Meetings
of
members
of the
Council

(2) Each annual meeting of the Council shall be referred to as the Annual General Meeting of the Council.

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- (c) initiate, assist and encourage the development of East African higher institutions of learning;

(3) The Annual Meeting of members of the Council shall be attended by the Vice –Chancellors and Principals of all Members Universities and University Colleges and all the members of the Governing Board.

(4) The members' of the Council shall determine its own procedure including that of convening its meetings and the conduct of business.

8. The purposes of the Annual Meeting of members of the Council shall be to:-

Annual
Meetings of
Members of
the
Council

- (a) determine the general policies of the Council;
- (b) approve and amend the general framework for the work programmes of the Council;
- (c) receive and endorse budget and audited accounts of the Council;
- (d) review and determine membership subscriptions;
- (e) direct the Governing Board to undertake any tasks that are compatible with the aims and objectives of the Council;
- (f) elect the Chairperson of the Council and Members of the Governing Board;
- (f) receive annual progress reports on all activities of the Council; and
- (g) give professional guidance to the Governing Board and the Secretariat.

9. The functions of the Council shall be to:-

Func-ti-
ons of
the
Council

- (a) ensure development of a comprehensive electronic network linking Member Universities for use in supporting and promoting new methods of teaching and learning information dissemination by the Council and between Member Universities and research partners;
- (b) promote collaborative research and development programmes including the following:-
 - (i) co-operative development of postgraduate courses and research for masters and doctoral programmes;
 - (ii) facilitation of the development of centres of advanced study based on excellence in research including the most effective use of capacity utilisation on rationalised basis;
 - (iii) creation and development of collaborative relationships with development partners and existing organizations with similar research objectives; and

(iv) helping to establish a database on research capacity and current activities in East Africa.

(c) ensure the establishment of quality assurance through:-

(i) the facilitation of harmonisation of entry standards in partnership with the Partner States' Accreditation Councils, Examination Boards and relevant university bodies;

(ii) the development, in partnership with the national Higher Education Commissions and Accreditation Councils, of criteria for assessing standards and assuring the quality of teaching and research in East Africa through advising on quality assurance mechanisms, ways of self evaluation and comparability of degrees;

(iii) promotion, modernisation and harmonisation of university curricula in East Africa.

(iv) assisting governments and universities to identify the main causes of brain drain of academic and administrative staff and to find appropriate solutions;

(d) to facilitate the development of regional policies for the exchange of academic staff and students, and monitor the effectiveness of such policies; and

(e) to identify training needs in academic staff development curriculum reform, teaching methods and management development for university leadership at all levels.

10.- (1) The Governing body of the Council shall be Governing Board.

Govern-
ing
Board

(2) The Governing Board shall comprise the members provided for in the Second Schedule.

(3) The Third Schedule to this Act shall apply to meetings of the Governing Board and other matters provided for in that Schedule.

11. The Governing Board shall, subject to the provision of the Act carry out the following functions:-

Functions
of the
Governing
Board

(a) act as the supreme operational organ of the Council;

(b) be responsible for all the operations and activities of the Council including approval of service, financial and other regulations;

(c) ensure the realisation and execution of the general and specific policy guidelines set out by the Council;

- (d) direct and administrative and financial affairs of the Council;
- (e) receive and approve the budget and audited accounts of the Council;
- (f) appoint, deploy, promote and discipline the staff of the Council;
- (g) represent the Council in all legal matters affecting it;
- (h) receive gifts, donations, grants and other resources and make such disbursements as may be required on behalf of the Council; and
- (i) take all necessary decisions conducive to the fulfilment of the objectives of the Council.

- 12.-(1) The representation and participation in the activities of the Governing Board shall be on the basis of equal "number of participants from each Partner State regardless of the number of Member Universities in any given Partner State.
- (2) Subject to the provisions of Section 9-:
- (a) the Governing Board shall meet at least two times in each year and in such places at it may determine;
 - (b) every meeting of the Governing Board shall be convened by the Executive Secretary in consultation with the Chairperson;
 - (c) the Executive Secretary shall issue notice of such meeting by post or otherwise not less than twenty-eight days before the meeting and such notice shall, as far as possible, contain a statement of the business to be transacted at the meeting;
 - (d) the Chairperson shall, upon request in writing addressed to him or her by not less than five members, cause the Executive Secretary to call an extraordinary meeting of the Governing Board;
 - (e) notwithstanding the provisions of paragraph (b), an extraordinary meeting may be convened by giving not less than twenty-eight days' notice;
 - (f) at every meeting of the Governing Board one third of the members in office, for the time being, shall form a quorum, provided there is at least one University representative or Government representative from each of the Partner States;
 - (g) every meeting shall be presided over by the Chairperson, in his or her absence, by the Vice-Chairperson and in the absence of the Vice-Chairperson, the members present and constituting a quorum shall elect a temporary Chairperson from among the members present;
 - (h) every question arising at any meeting of the Governing Board shall be decided by a majority of the members present and voting; and
 - (i) the Chairperson shall have an original vote and in case of an equality of votes, he or she may exercise a casting vote as well.

- (3) The Governing Board may transact any of its business, except consideration of the budget by circulation of papers and any decision made in writing by the majority of the members to the Governing Board shall be as valid as it if had been made at a meeting of the Governing Board.

13.-(1) There is established a Secretariat for the Council.

The
Secret
ariat

- (2) The Secretariat shall be composed of the Executive Secretary and such other staff as the Governing Board may from time to time appoint on such terms and conditions of service as the Governing Board may determine.

- (3) The Executive Secretary shall be the principal executive officer of the Council and is:-

- (a) the Secretary to the Governing Board;
- (b) the Accounting Officer of the Council;
- (c) responsible for management of the funds, property and business of the Council;
- (d) responsible for the day to day operations of the Secretariat;
- (e) performing such other duties as the Council and the Governing Board may require.

- (4) The Executive Secretary shall attend all meetings of the Council and the Governing Board and of its committees but shall not be entitled to vote in such meetings.

- (5) The Executive Secretary may delegate some of his or her duties to other officers of the Council as he or she may think fit.

- (6) (a) The office of the Executive Secretary shall be held on contract for a period of five years, renewable once.

(b) The post of Executive Secretary shall:-

- (j) be held on a rotational basis among Partner States;
- (ii) upon falling vacant, be advertised in all the Partner States.

- (7) (a) The office of the Deputy Executive Secretary shall be held on contract term for a period of five years which may be renewable once.

- (b) post of Deputy Executive Secretary shall be held on a rotational basis among Partner States;

- (8) The modalities for the appointment and the nature of the rotation for the Executive Secretary and Deputy Executive Secretary, shall be determined by the Governing Board.

14.- (a) There shall be an Executive Committee of the Governing Board comprising the following:-

- (i) three Permanent Secretaries of the Ministries responsible for Higher Education in the Partner States;
- (ii) three Vice-Chancellors of Public Universities in the Partner States;
- (iii) three Vice-Chancellors of Private Universities in the Partner States; and
- (iv) the Secretary General.

(b) Members of the Executive Committee shall be members of the Governing Board.

(c) The Chairperson of the Governing Board shall also be the Chairperson of the Executive Committee.

(d) The Vice-Chairperson of the Governing Board shall also be the Vice-Chairperson of the Executive Committee.

(e) The Executive Committee shall be competent to deal with any matters normally within the competence of the Governing Board but shall not be competent to approve the budget of the Council.

(f) At every meeting of the Executive Committee one-third of its

membership shall form a quorum provided that each Partner State is represented by at least one individual.

(g) Subject to this provision, the Executive Committee shall regulate its own procedure.

15.- (a) The Governing Board may from time to time establish specialised and other committees as it may determine to assist it in the carrying out of its functions and may delegate to any committee such functions as it may consider fit and subject to such conditions as it may determine.

Other
Committees

(b) The Governing Board shall prescribe the procedure of any committee appointed under this section.

PART III
MISCELLANEOUS

16.-(1) The Headquarters Seat of the Council shall be located in Kampala in the Republic of Uganda. Head-
quarters
Seat

(2) The Headquarters Seat shall be the permanent headquarters of the Council and shall not be removed from there unless the Council of Ministers should so decide.

(3) Any transfer of the permanent headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the Council of Ministers to that effect.

17.-(1) The Council shall be financed directly by Governments of the Partner States through annual grants in equal proportions in accordance with the budget prepared by the Governing Board and approved by the East African Legislative Assembly. Financial
Prov-
sions

(2) Other sources of finance shall include membership fees and grants from donor agencies.

(3) The income and property of the Council shall be used solely for the promotion of the objectives of the Council.

Accounts,
Audit and
Report

18.-(1) The Council shall keep proper accounts and records of its transaction and affairs and shall ensure that the moneys recovered are properly brought to account, all payments out of its money are correctly made and properly authorised and that adequate control is maintained over its property.

(2) The annual accounts of the Council shall be audited by the Audit Commission or an auditor appointed by the Audit Commission.

(3) The Council shall within three months after the end of each year submit:-

(a) to the Council of Ministers an annual report in respect of that year containing:-

- (i) the financial statements;
- (ii) a report on the operations of the Council;
- (iii) an audit of the procurement processes for goods and services; and
- (iv) such other information as the Governing Board may deem appropriate;

(b) to the Audit Commission:-

- (i) the accounts of the Council for the financial year just ended; and
- (ii) the annual report referred to in paragraph (a) of the sub-section.

(4) The Audit Commission shall audit the accounts of the Council submitted to them within three months and deliver to the Governing Board and the Council of Ministers the audited accounts and their report on the audit.

(5) The Council of Ministers shall cause to be laid before the East African Legislative Assembly, the annual report together with a copy of the report of the Audit Commission within six months after receiving them.

Privileges
and
Immuni-
ties

19. The Partner States shall grant the Council the status, privileges and immunities pertaining to the Community in accordance with article 138 of the Treaty.

Regula-
tions

20. The Council of Ministers may, by statutory instrument after consultation with the Governing Board make regulations for the better carrying into effect the provisions of this Act.

FIRST SCHEDULE
UNIVERSITY AND UNIVERSITY COLLEGES
(Clause 5(c))

1. PUBLIC UNIVERSITIES (full Membership)

Egerton University (Kenya)
Kenyatta University (Kenya)
Jomo Kenyatta University of Agriculture (Kenya)
Moi University (Kenya)
University of Nairobi (Kenya)

Sokoine University of Agriculture (Tanzania)
The Open University of Tanzania (Tanzania)
University of Dar es Salaam (Tanzania)

Makerere University (Uganda)
Mbarara University of Science & Technology (Uganda)
Kyambogo University (Uganda)

2. CHARTERED PRIVATE UNIVERSITIES (Full Membership)

The Catholic University of Eastern Africa (Kenya)
Daystar University (Kenya)
University of Eastern Africa, Baraton (Kenya)

3. LICENCED / REGISTERED PRIVATE UNIVERSITIES (Associate Membership)

United States International University (Kenya)
Maseno University (Kenya)

Hubert Kairuki Memorial University (Tanzania)
International Medical and Technological University (Tanzania)
St Augustine University of Tanzania (Tanzania)
Tumaini University (Tanzania)
Zanzibar University (Tanzania)

Bugema University (Uganda)
Nkumba University (Uganda)
Busoga University (Uganda)
Islamic University in Uganda (Uganda)
Kampala University (Uganda)
Namasagali University (Uganda)
Ndejje University (Uganda)
Uganda Christian University (Uganda)
Uganda Martyrs University (Uganda)
Makerere University Business School (Uganda)

4. **UNIVERSITY COLLEGES (Associate Membership)**

Scott Theological College (Kenya)

Muhimbili University College of Health Sciences (Tanzania)

University College of Lands and Architectural Studies (Tanzania)

SECOND SCHEDULE
COMPOSITION OF THE GOVERNING BOARD
(Clause 10(2))

Representing Member Universities:

Vice-Chancellor, Hubert Kairuki Memorial University (Tanzania)
Vice-Chancellor, Jomo Kenyatta University of Agriculture and Technology (Kenya)
Vice-Chancellor, Makerere University (Uganda)
Vice-Chancellor, Mbarara University of Science and Technology (Uganda)
Vice-Chancellor, Moi University (Kenya)
Vice-Chancellor, Nkumba University (Uganda)
Vice-Chancellor, The Open University of Tanzania (Tanzania)
Vice-Chancellor, University of Dar es Salaam (Tanzania)
Vice-Chancellor, University of Eastern Africa, Baraton (Kenya)

Representing Member States

Permanent Secretary, responsible for Higher Education, Republic of Kenya
Permanent Secretary, responsible for Higher Education, United Republic of Tanzania.
Permanent Secretary, responsible for Higher Education, Republic of Uganda

Representing Commissioners for Higher Education

Secretary, Commission for Higher Education, Kenya
Executive Secretary, Higher Education Accreditation Council, Tanzania
Executive Secretary, National Council for Higher Education, Uganda.

Representing Senate

Bugema University (Uganda).
University of Nairobi (Kenya).
Sokoine University of Agriculture (Tanzania).

Representing Commerce and Industry

Executive Director, Federation of Kenya Employers.
President, Tanzania Chamber of Commerce.
President, Uganda National Chamber of Commerce and Industry.

Representing Science & Technology

Executive Secretary, National Council for Science and Technology (Kenya)
Director General , Tanzania Commission for Science & Technology
(Tanzania)
Executive Secretary, Uganda National Council for Science & Technology
(Uganda)

Representing the East African Community

The Secretary General, East African Community.

International Persons

International representation.

THIRD SCHEDULE
PROCEDURE FOR THE GOVERNING BOARD
(Clause 10(3))

Regulation 1
MEMBERSHIP

- (1) Membership of the Council shall be open to such universities as fulfil the requirements hereunder.
- (2) Any University in Eastern Africa desirous of becoming a member of the Inter-University Council for East Africa shall apply to the Executive Secretary with such evidence as may be required to satisfy the Governing Board that such university is properly incorporated in the State in which it is situated and is pursuing objectives proper to Universities and subscribes to the objectives and functions set out in Article 3 of this Protocol, except that Member Universities/University Colleges appearing in First Schedule shall not be required to apply but shall be regarded as the founder Member Universities.
- (3) The Governing Board may make such regulations governing applications and admission to membership as may be necessary from time to time.
- (4) Any University that joins the Council subsequently shall have the same status and privileges as the Member Universities.
- (5) Any Member University which ceases to be a University or to be incorporated shall forthwith cease to be a Member.

Regulation 2
ANNUAL MEETING OF THE COUNCIL

- (1) There shall be an annual meeting of the Council consisting of a Chairperson, Vice-Chancellors and Principals of all Member Universities/University Colleges and representatives of Member States and private sector as may from time to time be prescribed by these Regulations;
- (2) There shall be held at least one meeting of the Council in each year and such other meetings at such times as may be necessary, in every case in accordance with these Regulations;

- (3) Functions of the Annual Meeting of the Council shall be:
- (i) determine the general policy of the Council;
 - (ii) approve or amend the general framework for the working programmes of the Council;
 - (iii) lay down the principles on which subscriptions shall be fixed and periodically revising them;
 - (iv) undertake, or direct the governing Board to undertake, any other tasks as are compatible with the aims and objectives of the Council;
 - (v) elect the Chairperson of the Council; the Chairperson and members of the Governing Board;
 - (vi) receive annual progress reports of Council activities;
 - (vii) give professional guidance to the Governing Board.
- (4) The Chairmanship of the Annual Meeting of the Council shall be held on a rotational basis by the executive head of the host institution;
- (5) At every meeting of the Annual Meeting of the Council, one third of the representatives shall form a quorum provided that there shall be at least two representatives from each Member State;
- (6) Every question arising at any of the Annual Meetings of the Council shall be decided by a majority of the representatives present and voting. The Chairman shall have an original vote and in the event of an equality of votes, he may exercise a casting vote as well.

Regulation 3 GOVERNING BOARD

- (1) There shall be a Governing Board consisting of the following:
- (i) Three Vice-Chancellors from each Member State, elected by the Vice-Chancellors of that Member State, one of whom shall come from a private University;
 - (ii) One Senate Representative from each Member State;
 - (iii) The Chief Executive of the Commission for Higher Education (or equivalent body) from each Member State;
 - (iv) The Secretary General, of the East African Community;
 - (v) The Permanent Secretary of the Ministry responsible for Higher Education in each Member State;
 - (vi) One representative from each country to represent the private sector representing Commerce and Industry;

- (vii) Two eminent international persons one of whom shall have extensive experience in the management of research and higher education and the other extensive experience in mobilising funds for the development of higher education, research and technology; and
 - (viii) The Director (or equivalent) of the National Science and Technology Organisation in each Member State.
- (2) There shall be a Chairperson of the Governing Board who shall have the powers herein provided and such other powers as may from time to time be conferred upon him by the Council and the Governing Board.
- (3) The office of the Chairperson of the Governing Board shall rotate appointment every two years among the Member States, while within each individual Member State the Chairmanship shall rotate among the Vice-Chancellors of the Member Universities according to the alphabetical order of the names of the Universities provided that in all cases, the Chairperson will be elected from members of the Governing Board in consideration of the Gender equity.
- (4) There shall be two Vice-Chairpersons of the Governing Board.
- (5)(a) The office of the Vice-Chairpersons, shall be held for two years by Vice-Chancellors of Member Universities located in States other than that of the Chairperson and shall rotate among the three Member States, while within each individual Member State the Vice-Chairperson shall rotate among the Vice-Chancellors of the Member Universities according to the alphabetical order of the names of the Universities provided that in all cases, the Vice-Chairperson will be elected from members of the Governing Board in consideration of the gender balance.
- (b) A member of the Governing Board, other than the Chairperson and Vice-Chairperson shall, be eligible for re-appointment only once.
- (6) Except for ex-officio representatives, every representative shall hold office for period of three years from the date of his/her appointment unless he/she sooner dies or his/her appointment is revoked or he/she resigns his/her appointment by giving three months' notice in writing to the Chairperson.
- (7) In the event of a vacancy arising among the non ex-officio representatives, appointing authority shall appoint another person who shall hold office for the remainder of the term of the original representative.
- (8) Any representative other than an ex-officio representative shall be eligible for re-appointment.

Regulation 4
MEETINGS OF THE GOVERNING BOARD

- (1) The representation and participation in the activities of the Governing Board shall be on the basis of equal participants from each Member State regardless of the number of Member Universities in any given Member State.
- (2) The Governing Board shall meet at least two times in each year and in such places as it may determine. Every meeting shall be presided over by the Chairperson or, in his absence, a Vice-Chairperson and in the absence of the Chairperson and the two Vice Chairpersons, the members present and constituting a quorum shall elect a temporary Chairperson from among the Vice-Chancellors present.
- (3) The Chairperson shall, upon request in writing addressed to him by not less than five representatives, cause the Executive Secretary to call a Special Meeting of the Governing Board.
- (4) Every Meeting of the Governing Board shall be called by the Executive Secretary in consultation with the Chairperson. The Executive Secretary shall issue notice of such Meeting by post or otherwise not less than twenty-eight days before the Meeting and such notice shall, as far as possible, contain a statement of the business to be transacted at that Meeting. Notwithstanding the foregoing, a Meeting may, in any special case, be convened by giving less than twenty-eight days, notice.
- (5) At every Meeting of the Governing Board one-third of the representatives in office, for the time being, shall form a quorum, provided there is at least one University representative and/or one Government representative from each of the three States.
- (6) Every question arising at any Meeting of the Governing Board shall be decided by a majority of the representatives present and voting. The Chairperson shall have an original vote and in the event of an equality of votes, he may exercise a casting vote as well.
- (7) The Governing Board may transact any of its business, except consideration of the budget, by circulation of papers and any decision made in writing by the majority of the representatives to Council shall be as valid as if it had been made at a meeting of the Council.

Regulation 5
THE SECRETARIAT

- (1) There shall be established a Secretariat consisting of the Executive Secretary and such other staff as the Governing Board may appoint from time to time on such terms and conditions of service as the Governing Board may determine.
- (2) The Executive Secretary shall be the Secretary to the Governing Board, the principal executive officer and the accounting officer in the service of the Council and shall keep the records, implement decisions and perform such other duties as the Council and the Governing Board may direct.
- (3) The Executive Secretary shall be entitled to attend all meetings of the Council and the Governing Board and of its committees but shall not be entitled to vote.
- (4) The Executive Secretary may delegate some of his/her duties to other officers of the Council as he may think fit.
- (5) The office of the Executive Secretary shall be held on contract terms for a period of five years which may be renewed once subject to satisfactory service. The post shall be advertised in the Member States. The post of Executive Secretary will be held on a rotational basis.
- (6) The modalities for the appointment and the nature of the rotation for the Executive Secretary and Deputy Secretary, shall from time to time be guided by the Governing Board.

Regulation 6
EXECUTIVE COMMITTEE OF THE GOVERNING BOARD

- (1)(a) There shall be an Executive Committee of the Governing Board comprising the following:
 - (i) three Permanent Secretaries of the Ministry responsible for Higher Education in the Member States;
 - (ii) three Vice-Chancellors of Public Universities in the Member States;
 - (iii) three Vice-Chancellors of Private Universities in the Member States.
- (b) Members of the Executive Committee shall be members of the Governing Board;
- (c) The Chairperson of the Governing Board shall also be the Chairperson of the Executive Committee.

- (d) The Vice-Chairpersons of the Governing Board shall also be the Vice-Chairpersons of the Executive Committee .
- (e) The Executive Committee shall be competent to deal with any matters normally within the competence of the Governing Board but it shall not be competent for the Executive Committee to approve the budget of the Council.
- (f) At every meeting of the Executive Committee one-third of the membership shall form a quorum provided that each Member State is represented by at least one individual.
- (g) Subject to these Regulations, the Executive Committee shall have powers to regulate its own procedure.
- (h) Except for the Permanent Secretaries, the term of office of the members of the Executive Committee should be two years.
- (2)(a) The Governing Board may establish Specialised and other Committees, the members of each Committee shall hold office at the pleasure of the Governing Board and shall exercise such powers and functions as the Governing Board may determine from time to time..
- (b) Subject to these Regulations, every Committee shall determine its own quorum and procedure for the conduct of its meetings.

Regulation 7 AMENDMENT

These regulations may be amended by a majority decision of the Governing Board.

MEMORANDUM OF POLICY, OBJECTS AND REASONS FOR THE BILL

1.0 STATEMENT OF POLICY

The East African Community is an inter-governmental organisation comprising the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda. The objective of the Community to strengthen these states' economic, social, cultural, political, technological and other ties for their fast, balanced and sustainable development.

Among the particularised objectives of the Community is the rationalisation and harmonisation of Partner States' policies in the development of human resources, science and technology through, *inter alia* the co-ordination of human resources development policies and programmes; strengthening of existing and where necessary establish new common research and training institutions; development of such common programmes in basic, intermediary and tertiary education and general programme for adult and continuing education in the Partner States as would promote the emergence of well trained personnel in all sectors relevant to the aims and objective of the Community; revival and enhancement of the activities of the Inter-University Council for East Africa; identification and development of centres of excellence; the joint establishment and support of scientific and technological research and development and of institutions in the various discipline of science and technology. **(Articles 102 – 103 of the Treaty for the Establishment of the East African Community).**

The Community, in its Development Strategy 2001 – 2005, has perceived the development of human resources by Partner States to be one of the fundamental bases for sustainable development of co-operation. Currently Partner States have varying education syllabi, certification and standardisation. As background preparation for the attainment of a common market where the labour force will be moving freely in the region, the education syllabi and training standards shall be harmonised. Under this strategy the Partner States undertook to co-ordinate all human resource training programmes focussing on their development e.g. basic intermediary, tertiary and special education, adult and continuing education, full professional oriented training programmes at higher levels and vocational training.

In addition, the Partner States undertook to focus on the operationalisation of an East African Advisory Committee on Education, Research and Training; the harmonisation of curricula, examination and certification and accreditation of education and training institutions; extension of support to the Inter-University Council for East Africa; and the promotion; and development of Centres of Excellence at the Institutions of higher learning, were highlighted as priority aspirations.

The Treaty establishes the Inter-University Council for East Africa as an institution of the Community with a mission to encourage and develop mutually beneficial collaboration between universities in East Africa, and between them and governments and other organisations both public and private (**Articles 9(2) and 9(3) of the Treaty**).

This policy forms the basis for this Bill.

2.0 PRINCIPAL OBJECT

The Bill is purposed to make provision for the establishment of the Inter-University Council for East Africa and related matters.

3.0 CONTENTS OF THE BILL

3.1. Preliminary matters

Clauses 1 and 2 provide for the citation and interpretation respectively.

3.2. Part II (Clauses 3 – 15)

Part II provides for the Inter-University Council's institutional arrangement. It states the purpose of the Council (Clauses 3 and 4) and its objectives (Clause 6). It provides for the membership, functions and *modus operandi* of the Council, its Governing Board and Secretariat (Clauses 5, 7 – 14). It also provides for the establishment of such committees as may be deemed necessary to assist the Council discharge its functions (Clause 15).

3.3. Part III (Clauses 16 – 20)

Part III provides for the seat of the Council (Clause 16), financial arrangements (Clause 12), the keeping of accounts and the carrying out of audits (Clause 18), immunities and privileges of the Council (Clause 19). It also contains an enabling Clause (20) by which the EAC Council of Ministers can make regulations for the better carrying into effect of the provisions of this legislation.

SIGNED this day of August 2006.

John Arap Koech, EGH, MP
Chairperson of the Council of Ministers



EAST AFRICAN COMMUNITY

**The Draft East African Community Customs
Management Regulations, 2006**

**EAC SECRETARIAT
Arusha, Tanzania**

June, 2006

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT REGULATIONS, 2006

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THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT REGULATIONS, 2006

IN EXERCISE of powers conferred by Section 251 of the East African Community Customs Management Act, 2004, the Council of Ministers makes these Regulations this day of 2006 -

PART I PRELIMINARY PROVISIONS

Citation
and
commencement

1. (1) These Regulations may be cited as the East African Community Customs Management Regulations, 2006.

(2) These Regulations shall commence on a date to be appointed by the Council and different dates may be appointed for different parts of the Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires -

“duty drawback co-efficient” means the amount of duty refundable per unit of goods exported;

“internal container depot” means any place appointed and licensed by the Commissioner for the deposit of goods subject to customs control.

PART II - ADMINISTRATION

Delegation of
powers of
Commissioner

3. (1) The Commissioner may authorize a proper officer to exercise any of the powers conferred by the Act upon the Commissioner.

(2) A function performed by a proper officer under these Regulations shall be deemed to have been performed by the Commissioner.

Working days
and hours

4. (1) A proper officer may on application permit the attendance of officers on Sundays and public holidays or before or after the hours of general attendance on any working day.

(2) The Commissioner may, by notice posted in a conspicuous place at any port or place, vary the hours of general attendance of officers at such port or place in order to meet the convenience of the public or the exigencies of the Customs.

Applications
for services
outside hours
of general
attendance

5. (1) Except in the case of a person arriving in, or departing from a Partner State overland or by inland waters, applications for services of an officer outside the hours of general attendance shall be made in writing to a proper officer in Form No. C.1, which shall be submitted to him or her at least twenty-four hours before the services are required, unless the proper officer, in any special circumstances, otherwise allows.

(2) Every application shall set out the nature and probable duration of the services required, and shall contain an undertaking to pay all overtime fees which may be incurred, unless a proper officer requires the applicant to deposit with him or her sum sufficient to cover the fees.

Overtime fees

6. (1) The fee payable at a Customs land frontier station by the person applying for the services of an officer outside the hours of general attendance, for the purpose of dealing with any private vehicle carrying passengers and their personal baggage only, shall not exceed twenty dollars per vehicle.

(2) The fees payable for the services of an officer outside the hours of general attendance or at any port, place or premises at which Customs business is not normally carried on for any purpose other than that described in sub-regulation (1) shall not exceed twenty dollars per hour.

(3) The following conditions shall apply to the fees payable under sub regulation (2) -

(a) the time calculated for the fees to be charged, shall be calculated to the last completed half hour;

(b) for attendance on Sundays or public holidays there shall be a minimum charge for the services of any officer equal to three hours' attendance; and

(c) where an officer is required to attend at any premises or place at which Customs business is not normally carried on, the applicant for his or her services may, at the discretion of a proper officer, be required to provide the necessary transportation, or to pay in addition to the fees for attendance such amount for traveling expenses as the proper officer may consider reasonable.

Division of charge

7. Where the services of an officer are required on account of more than one applicant during the same period of time, the charge for the fees due shall be divided *pro rata* between the applicants concerned.

Fees for
cautionary visits

8. An applicant for the services of an officer at times outside the hours of general attendance shall, in addition to the fees for the services of such officer, pay fees at the rate specified in regulation 6, for such cautionary visits as the proper officer may deem necessary.

Fees to be
Customs revenue

9. All fees payable under these Regulations shall be Customs revenue.

Customs Union
seal and flag

10. (1) The Customs Union Seal shall be round in shape with the words "East African Community" in the upper semi-circle and "Customs Union" in the lower semi-circle and the map of the countries of the Partner States of East African Community in the inner circle.

(2) The Customs flag shall be the blue ensign with the East African Community Customs Union emblem in the fly, as prescribed in the Second Schedule to these Regulations.

PART III
IMPORTATION

Arrival and Report of Aircraft and Vessel.

Report of vessel

11. (1) The inward report by the master of a vessel arriving from a foreign port shall be in Form C. 2 and shall be made to a proper officer at the port or place of arrival.

(2) All packages for which a bill of lading has not been issued shall be declared on the parcels list in Form C. 3.

Report of aircraft
and cargo

12. (1) The inward report by the master of an aircraft arriving from a foreign port shall be in Form C. 4 and shall be made to the proper officer at the port or place of arrival.

(2) A report of the cargo shall be in Form C. 5, which shall be attached to the general declaration in Form C. 4.

Form of reports.

13. (1) The reports referred to under regulations 11 and 12 shall be in the prescribed form and may be in an electronic manner.

(2) Where a report is made in an electronic manner in accordance with sub-regulation (1), a proper officer may require the master to submit the transcript within such time as the proper officer may determine.

(3) A transcript submitted under sub-regulation (2), shall be initialed in the manner specified in regulation 14.

Initialing of pages

14. Every page of the report submitted under regulation 13, other than that on which the declaration is signed, shall be initialed by the master or his or her agent, and the master or agent shall number and seal together the pages and shall, where required, sign the report in the presence of the proper officer.

List of
passengers,
report of stores
and crews'
declaration

15. (1) A master of a vessel arriving from a foreign port shall immediately on demand, present to the proper officer-

(a) a list of passengers disembarking and those remaining on board in Form C. 6;

(b) a statement of the stores of the vessel in Form C. 7; and

(c) a declaration by each member of the crew of all dutiable goods in his or her possession in Form C. 9.

(2) The master of an aircraft arriving from a foreign port shall immediately on demand, present to the proper officer-

(a) a list of passengers disembarking and those remaining on board in Form C. 6;

(b) a stores list in Form C. 8; and

(c) a declaration by each member of the crew of all dutiable goods in his or her possession in Form C. 9.

Arrival at two or
more ports

16. Where an aircraft or vessel calls at more than one port or place in the Community, a separate report shall be made at each port or place of call.

Vessels, etc.,
'in ballast'

17. An aircraft or a vessel, which does not have on board goods other than stores or passengers' baggage, shall be reported "in ballast".

Description of
cargo in reports

18. The contents of every package and of all cargo in bulk intended for discharge at a port or place in the Community shall be reported in accordance with the description in the relevant bill of lading or airway bill.

Weight
or measurement
of cargo to be
reported

19. A report of a vessel shall show the weight or cubical measurement of the cargo reported according to which freight has been charged, or, where freight has not been charged, the report shall show the weight or measurement normally chargeable for goods of like kind and quantity.

Reporting cargo
for other ports
in the Community.

20. (1) Cargo intended for discharge at other ports or places in the Community, other than the first port or place of landing, shall be shown separately in Form C. 2 for vessels and Form C. 5 for aircraft.

(2) Where a proper officer so requires, cargo intended for discharge at other ports or places in the Community shall be reported in the same manner as cargo to which regulation 18 applies.

Cargo remaining
on board

21. Cargo remaining on board a vessel or an aircraft for exportation shall be reported in Form C. 2 and Form C. 5 respectively unless a proper officer otherwise directs.

Bulk not to be broken
before report.

22. Application to break bulk prior to making report and to unload goods prior to entry shall be made to a proper officer in Form C. 10.

Stores to be produced.

23. All stores which are required for the use of the crew and passengers of an aircraft or vessel during its stay in a port shall, on request, be produced separately to a proper officer, who may either approve the quantity produced or require a portion or the whole of the stores to be placed under seal.

Duty free allowance
of stores to crew.

24. (1) A master, officer or member of the crew of any vessel in a port, or on coastwise passage to another port in the Community, may be permitted by a proper officer to retain in his or her possession, or to be issued with, for his or her personal use, an allowance of duty free stores in accordance with the following scale -

Cigarettes and tobacco
in any form

Potable spirits Wine or beer
the importation
of which is not
prohibited

200 cigarettes
or 200 grams
of
tobacco in any
form

750ml.

3 litres of
either wine or
beer.

(2) The allowances provided for in sub-regulation (1) may be issued in respect of every eight days or part of the days during the vessel's stay in port for cigarettes and tobacco goods and in respect of every four days or part of the days for alcohol and liquor.

(3) Upon the arrival of a vessel in port, all stores of the nature, and in excess of the quantities, of the stores set out in the scale in sub-regulation (1) shall be secured by a proper officer and the master of the vessel shall provide a secure place for the retention of the stores and all the facilities for their safe custody as required by the proper officer.

(4) A proper officer may, on a request of the master of a vessel during its stay in port and upon the payment of the duties due, permit the withdrawal from the place of retention provided for in sub-regulation (3), of quantities of tobacco, potable spirits, wine or beer as may be required for the provision of reasonable amenities on board the vessel during the stay.

(5) A master, officer or member of the crew of a vessel shall not land any stores issued to him or her under the provisions of this regulation without the payment of duty and the master, officer or member of the crew shall, upon request by a proper officer, produce any stores of the categories provided for in the scales set out in sub-regulation (1) of which he or she is in possession at the time of that request.

(6) A person who contravenes the provisions of this regulation commits an offence.

Rummaging of
vessels and
aircraft

25. The crew of an aircraft or vessel shall give all possible assistance to the officers engaged in rummaging the aircraft or vessel.

Amending
inward reports

26. Where cargo reported for discharge at a port or place in the Community is found to be in excess or short of the

report, or where the master or his or her agent wishes to amend the destination, ownership or status of goods, he or she may apply to the proper officer for permission to amend the report stating reasons for the change using Form C. 11.

Conditions precedent to amendment of report.

27. Before the proper officer permits the amendment of a report, the master or his or her agent shall satisfy the proper officer, in the case of goods found to be short, of the report that such goods –

(a) were not shipped;

(b) were discharged and landed at a previous port;

(c) were over carried and landed at a subsequent port;

(d) having been over carried, have been returned to and landed at a port in the Community on the return voyage, or by some other aircraft or vessel which loaded them at the port to which they were over carried;

(e) were lost at sea; or

(f) were stolen or destroyed before the aircraft or vessel arrived in the Community:

Provided that the proper officer may, subject to the production of documentary evidence the Commission may direct, permit the amendment of a report where the master or his or her agent is unable to comply with the requirements of this regulation.

Aircraft or vessels landing or bringing to owing to accident, etc.

28. Where the master of an aircraft or vessel which has been lost or wrecked or compelled to land or to bring to, within the Community owing to accident, stress or unfavorable weather or other unavoidable cause, reports to the nearest officer or administrative officer, he or she shall, on demand, produce the journey log book or other documents relating to the aircraft or

vessel, cargo, crew and passengers, and shall not allow any goods to be unloaded or any passenger to leave the vicinity of the aircraft or vessel without the consent of the officer.

Arrival Overland

Importation
by overland routes

29. (1) Vehicles and goods, other than vehicles and goods to which the provisions of regulations 132 to 135 inclusive apply, imported overland shall be entered in Form C. 17.

(2) A person in charge of a vehicle which arrives overland at any place in the Community shall report at the nearest Customs office particulars of the vehicle and goods, if any, in Form C. 12:

Provided that the proper officer may, in lieu of the report, accept a signed copy of the manifest outwards issued by the customs authorities at the foreign port or place from where the vehicle has arrived.

(3) Where the Commissioner permits any goods to be entered at a port other than the first port of entry at which the goods arrive in the Community, the Commissioner may require an officer to accompany the goods to the port at which they are to be entered.

(4) The carrier of goods under this regulation shall pay for the cost of accompanying the goods or provide transport to the proper officer who accompanies the goods.

Unloading and Removal of Cargo

Sufferance
wharves
and
unapproved places.

30. Where the master of an aircraft or vessel intends to proceed to a sufferance wharf, or to any other place which is not a place approved for unloading, to unload cargo, he or she shall apply to the proper officer for permission in Form C. 13.

Accommodation
and transport
to be provided.

31. (1) The proper officer may grant permission under regulation 30 subject to such conditions and directions as he or she may impose, to the master or his or her agent who pays the cost of accommodation or provides accommodation in accordance with Section 13 of the Act, and transport overland or by sea, as the proper officer may decide, to and from the port of the officer, for each officer whose services the proper officer may deem necessary at the sufferance wharf or other place.

(2) The proper officer may require the master of an aircraft or vessel proceeding to a sufferance wharf or other place to deposit with him or her sum of money sufficient to cover the expenses referred to under sub-regulation (1).

Goods not
to be unloaded
at a sufferance
wharf until entered.

32. Goods shall not be unloaded at a sufferance wharf or at any place which is not approved for unloading until they have been entered:

Provided that the Commissioner may, in regard to any particular sufferance wharf or place or in any particular case, waive or modify this requirement.

Account of
goods discharged

33. (1) Where goods are discharged from an importing aircraft or vessel into another vessel to be landed, the master, or his or her agent shall sign and transmit with each shipment an account of the goods.

(2) Before any goods are discharged from a vessel or aircraft under sub-regulation (1), the account shall be delivered to the proper officer at the place at which the goods are to be landed:

Provided that the Commissioner may dispense with the furnishing of the account either generally or in any particular case.

Permission to
leave place
of unloading.

34. (1) A vessel or aircraft to which regulation 32 applies and which has arrived at any place of unloading shall not depart except with the permission of the proper officer.

(2) Where goods remain on board a vessel or aircraft which is

permitted to depart under sub-regulation (1), the person in charge shall observe such directions as the proper officer may give.

Transit sheds.

35. A building used as a transit shed shall be constructed and secured to the satisfaction of the Commissioner.

Access to
transit sheds.

36. (1) An officer acting in execution of his or her duty, shall on demand be granted immediate access to any transit shed.

(2) Where a transit shed owner or his or her representative fails or refuses to grant the access referred to in sub-regulation (1), a proper officer may cause the transit shed to be opened by any reasonable means within his or her power and any expenses incurred; including the cost of repairs shall be paid by the transit shed owner.

Permission to
re-land goods.

37. Before any goods put into any aircraft or vessel are re-landed, the owner shall apply in writing to the proper officer for permission to unload the goods, and shall on approval land the goods and dispose of them as the proper officer may direct.

Certificate
of landing.

38. Where the authorities of any country require a certificate of landing, a proper officer may issue the certificate in Form C.14 or in any other form, to a person who satisfies the proper officer that he or she is entitled to the certificate.

Entry, Examination and Delivery

Form of entry

39. Imported goods other than goods to which the provisions of regulations 132 to 135 apply, shall be entered in Form C 17.

Reference to be
made on all entries.

40. Where separate entries are made for goods contained in the same consignment, each entry shall contain a reference to the other.

Landing of
surplus stores.

41. (1) Where the master of an aircraft or vessel desires to land any surplus stores, he or she shall apply in writing to the proper officer stating the number of packages and quantity and description of the stores.

(2) Where an application is made under sub regulation (1), a proper officer may permit the surplus stores to be landed and entered for warehousing or for home consumption.

Access to baggage
room.

42. (1) A person shall not enter the baggage room or any other place set aside for the examination of baggage, except a person permitted by the Customs.

(2) A person who contravenes this regulation commits an offence and shall be liable to a fine not exceeding one thousand dollars.

Dual channel system

43. A dual-channel system established under section 45 of the Act, shall be identified by an inscription of the word "CUSTOMS" and shall consist of-

- (a) a green channel, with a distinctive marking in the shape of a regular octagon and the words "NOTHING TO DECLARE," for passengers without any baggage or with baggage consisting only of goods which are not dutiable, prohibited or restricted; and
- (b) a red channel, with a distinctive marking in the shape of a square and the words "GOODS TO DECLARE", for passengers with dutiable, prohibited or restricted goods.

Baggage to be taken
to examination place.

44. (1) The baggage and any uncustomed goods in the possession, of any person to whom section 44 of the Act applies, whether upon his or her person or in his or her baggage, shall be taken

without delay to the nearest place appointed for the examination of baggage, or any other place the proper officer may direct, and shall not be removed from there until the baggage or goods have been examined and any duty due is paid.

(2) A person shall not remove any baggage or goods out of the baggage room or other place until the proper officer authorizes the removal.

(3) A person who contravenes the provisions of this regulation commits an offence.

Baggage
declaration.

45. (1) A person, other than a member of the crew of an aircraft or vessel, shall on entering the Community, make a declaration to the proper officer of his or her baggage and of the articles contained in the baggage or carried with him or her.

(2) The declaration referred to in sub-regulation (1) shall, at the discretion of the proper officer, be made orally or in writing, as the Commissioner may prescribe.

Baggage
examination.

46. An officer may refuse to attend to any person until the whole of the person's baggage is presented to him or her in one place, or where the baggage belongs to more than one person, until all the owners of the baggage attend him or her together.

Unclaimed
baggage.

47. (1) Baggage which is unclaimed or un-cleared after one day of arrival shall be removed by the master or agent of the aircraft or vessel and deposited in a Customs warehouse.

(2) Where the goods deposited under subsection (1) remain unclaimed for seven working days, the goods shall be dealt with in accordance with section 42 of the Act.

Unaccompanied
baggage declaration.

48. An owner of unaccompanied baggage shall make a declaration of the baggage and the articles contained in the baggage using Form C. 17.

Goods delivered
in
special
circumstances.

49. (1) Where in any special circumstances, an owner of bullion, currency notes, coins, perishable goods or any other goods, intends to take delivery of the goods prior to passing entry, the owner shall apply to the proper officer on Form C. 15 and furnish a bond using Form CB. 1 or any other security as may be required by the proper officer.

(2) The owner of goods referred to in sub-regulation (1) shall enter the goods within forty-eight hours of taking delivery of the goods.

Importer to
provide
special implements
for examinations.

50. Where the quantity of any cinematograph films or other goods of which an officer desires to take an account of cannot conveniently be ascertained by the usual implements employed in the examination of goods, an importer shall provide implements for use by the officer, to enable the officer to take an account of the films or any other goods.

Packages found
partly empty.

51. Where an importer of goods contained in packages found slack or partly empty when landed, desires to fill the slack or partly empty packages from other packages declared on the same entry, the importer shall apply to the proper officer for permission to do so and carry out the instructions of the proper officer in regard to filling the packages and to the disposal of any resultant residue or empty packages.

Packing of
goods
imported in bulk.

52. Where a proper officer so requires, an importer of goods imported in bulk shall pack the goods into bags or other packages of even net weights, before the goods are delivered.

Goods may
be examined
at private premises.

53. Where any goods which have been entered cannot, on account of their value, size, packing or for any other reason, be easily examined by the proper officer, in a transit shed or a Customs area, and the importer desires that the goods be examined at his or her private premises, he or she shall apply in writing to a proper officer, who may in his or her discretion grant the application under such conditions as he or she may impose.

Entry not required
for goods,
etc. imported
for temporary use.

Removal coastwise
of imported goods.

Commissioner
may control or
restrict entry of
goods in a
Partner State

54. Entries may not be required for vehicles or goods imported in accordance with regulations 132 to 135 apply, unless the vehicles or goods are not to be re-exported.

55. (1) Goods discharged from an importing aircraft or vessel for removal coastwise shall be constructively warehoused at the port of importation and shall be dealt with in accordance with section 48 of the Act.

(2) Subject to sub regulation (1), a proper officer may allow the master of the aircraft or vessel to remove the goods coastwise as if they were goods reported for transshipment, in which case, the master shall enter the goods in Form C. 17 and execute a bond using Form CB. 9 or any other security.

56. The Commissioner may, subject to section 86 of the Act and any other laws applicable in a Partner State, and to any other conditions imposed by the Commissioner, prohibit, restrict or control entry into or out of a Partner State of any goods or means of transport.

PART IV
INTERNAL CONTAINER DEPOT

Licensing of
internal
container depot.

57. (1) An application for the licensing of premises as an internal container depot shall be made to the Commissioner in Form C. 22

(2) The application referred to in sub-regulation (1) shall be accompanied by a plan of the premises and its situation in relation to other premises and thoroughfares.

(3) The Commissioner may license any premises as an internal container depot for the deposit of goods subject to Customs control, subject to the fulfillment of any conditions the Commissioner may prescribe, and upon payment of a licence fee of one thousand five hundred dollars.

(4) Internal container depots owned by the Government of a Partner State shall not be liable to any licence fee.

(5) The licence issued under sub-regulation (3) shall be in Form C 23.

(6) An operator of an internal container depot shall execute a bond in Form CB. 13.

(7) A person who contravenes any conditions prescribed by the Commissioner under sub regulation (3) commits an offence.

Cargo not to
be interfered with.

58. (1) All cargo destined to any internal container depot shall not be dealt with in any manner without the authority of the proper officer.

(2) A person who contravenes this regulation commits an offence

Access to
internal
container depot

59. A proper officer shall at all times have the right of access to any part of an internal container depot and may examine any goods in the depot; and for the purpose of obtaining access, the proper officer may break open the depot or any part of the depot.

Owner to keep
internal
container depot
in proper
state of repair.

60. An owner of an internal container depot shall keep the depot in a proper state of repair.

Alteration to
internal
container depot

61. (1) A person shall not make any alteration or additions to any container depot without obtaining the permission of the Commissioner.

(2) A person who contravenes this regulation commits an offence.

Death to be
reported

62. (1) The death of a licensee of an internal container depot, commencement of any bankruptcy proceedings against a licensee or any other change in the circumstances which renders the licensee unable to honor the bond shall be reported to the Commissioner by the surety of the licensee.

(2) The death of a surety of an internal container depot, the commencement of bankruptcy proceedings against a surety or any other change in the circumstances which renders the licensee unable to honor the bond, shall be reported immediately to the Commissioner by the licensee.

Goods to be removed
when internal
container depot is
closed.

63. (1) Where notice is given by a proper officer to an owner of any goods in an internal container depot that it is proposed to be closed, the owner shall, within the period specified in the notice, enter the goods for home consumption, exportation, export processing zones or warehousing.

(2) Goods, which are not entered, as required under sub-regulation (1) shall, on the expiry of the specified period, be taken to a customs warehouse and be dealt with in accordance with section 42 of the Act.

(3) Goods which are entered for exportation, export processing zones or warehousing but which are not removed from an internal container depot, shall, on the expiry of the notice, be taken to a customs warehouse and be dealt with in accordance with section 42 of the Act:

Provided that customs warehouse rent due shall be paid for goods entered for home consumption before removal or delivery.

PART V WAREHOUSING OF GOODS

Goods not
to be warehoused.

64. The following goods shall not be warehoused-

- (a) acids for trade and business;
- (b) ammunition for trade and business;
- (c) arms for trade and business;
- (d) chalk;
- (e) explosives;
- (f) fireworks;
- (g) dried fish;
- (h) perishable goods;
- (i) combustible or inflammable goods except petroleum products for storage in approved places;
- (j) matches other than safety matches;
- (k) any other goods which the Commissioner may gazette.

Owner to maintain packages in state of repair. 65. An owner of any warehoused goods shall maintain the packages in which they are contained in a proper state of repair.

Goods refused for warehousing. 66. (1) Goods to be warehoused shall be securely packed and where any goods entered to be warehoused are found by a proper officer examining them to be insecurely packed, the proper officer may refuse the goods from being put in a warehouse.

(2) Where a proper officer refuses to permit any goods to be put in a warehouse, the warehousing entry shall be deemed to be void, and the goods shall be deemed not to be entered.

(3) Where the goods to which sub-regulation (2) applies have been removed from a transit shed or a Customs area, they shall be returned without delay by the owner or at the expense of the owner, unless the proper officer allows them to be entered for home consumption.

(4) An owner shall be responsible for any loss or damage that may occur between the time the goods are removed from, to the time they are returned to a Customs area and examined by a proper officer.

Entry of warehoused goods. 67. Goods which have been warehoused may be entered in Form C. 17 in accordance with section 50 of the Act; failure of which they shall be dealt with in accordance with section 66 of the Act.

Owner to furnish bond 68. (1) In the case of warehoused goods entered for removal, exportation, or for use as stores for aircraft or vessels, an owner shall furnish a bond in Form CB. 3, CB. 4 or CB. 5, as the case may be.

(2) This regulation shall not apply in respect of goods sold from a duty free shop to a departing passenger.

Acceptance by warehouse keeper. 69. Entry of goods for warehousing, for removal or for re-warehousing, other than entries in respect of goods to be

warehoused or re-warehoused in a bonded warehouse licensed for use by the owner of the goods, shall not be accepted by a proper officer unless the warehouse keeper signifies in writing that he or she agrees to accept the goods into the warehouse for which they are entered.

Conditions
of repacking
in the warehouse.

70. (1) An owner of warehoused goods may make an application to the Commissioner, to repack the goods using Form C. 20.

(2) The Commissioner may on application made by the owner of warehoused goods, grant permission to pack, repack, skip, bulk, sort, or lot the goods using Form C. 20.

(3) The owner of the goods shall observe all the requirements as may be determined by the Commissioner in regard to opening, removing, marking, stacking, sorting, weighing, measuring, packing, repacking, skipping, bulking, lotting and sealing the packages in which the goods to be repacked are, or are to be contained, and as to the payment of duty on the goods or any part of the goods.

(4) Where any goods are warehoused, the Commissioner may using Form C. 20 and subject to such conditions he or she may impose -

(a) permit the goods to be repacked, skipped, bulked, sorted, lotted or packed;

(b) permit the assembly or manufacture in the warehouse of any article consisting wholly or partly of the goods; and for that purpose the Commissioner may permit the receipt in a warehouse of duty free or locally produced articles required as components of the article to be assembled or manufactured in the warehouse.

Transfer of ownership
of goods.

71. Subject to the provisions of section 51 of the Act, where the owner of any goods deposited in a warehouse desires to transfer them to another person, he or she and the person to whom it is desired to transfer the goods, shall each complete and sign in the appropriate places a form of transfer in Form C. 21.

Time during
which goods
may be warehoused.

72. Unless the proper officer in any special circumstances otherwise allows, goods shall not be removed from a transit shed or a Customs area to a Government warehouse or a bonded warehouse, or from any one warehouse to another, unless the warehousing of the goods can be completed during the warehousing hours prescribed by the Commissioner.

Goods to be
consigned
to proper officer.

73. (1) Goods entered for warehousing at a port other than the port at which they are imported and goods entered for removal from a warehouse for re-warehousing at another port, shall be consigned to the care of the proper officer at the port at which they are to be warehoused or re-warehoused, as the case may be, and the cargo receipt or other document shall be conspicuously marked "under bond".

(2) Goods to which sub-regulation (1) applies shall not be delivered to the consignee or to any other person without the authority of the proper officer.

Bonded Warehouses

Licence for
bonded
warehouse.

74. (1) An application for the licensing of any premises as a bonded warehouse shall be made in Form C.22.

(2) The application referred to in sub-regulation (1) shall be accompanied by a plan of the premises and its situation in relation to other premises and thoroughfares.

(3) The Commissioner may, issue a licence under sub-regulation (1) upon payment of a licence fee and where he or she is satisfied that the situation, construction of and accommodation in the premises proposed are suitable for use as a bonded warehouse.

(4) The licence referred to in sub-regulation (3) shall be in Form C. 23.

Bonded warehouse fee.	75. (1) The annual licence fee for a bonded warehouse shall be one thousand five hundred dollars. (2) Where a licence is issued in the course of a calendar year, the licence fee shall be computed on a <i>pro rata</i> basis.
Execution of a bond.	76. A licensee of a bonded warehouse shall execute a bond in Form CB. 6.
Alterations to a bonded warehouse.	77. (1) A person shall not make any alteration to a bonded warehouse without obtaining the permission of the Commissioner. (2) A person who contravenes this regulation commits an offence and shall be liable to a fine not exceeding one thousand dollars.
Death to be reported.	78. (1) The death of a licensee of a bonded warehouse, the commencement of bankruptcy proceedings against a licensee or any other change in circumstances which renders a licensee unable to honor a bond shall be reported immediately to the Commissioner by the surety. (2) The death of a surety of a bonded warehouse, the commencement of bankruptcy proceedings against a surety or any other change in circumstances which renders a surety unable to honor a bond, shall be reported immediately to the Commissioner by a licensee.
Bonded warehouses to be numbered	79. (1) Bonded warehouses shall be distinguished by numbers. (2) The words "Customs Bonded Warehouse" and the number allocated to a customs bonded warehouse shall be clearly marked on the principal entrance to the customs bonded warehouse or in any other place the proper officer may approve and shall be removed when the customs bonded warehouse ceases to be licensed as such. (3) The words "Duty Free Shop" and the number allocated to a duty free shop shall be clearly marked on the principal entrance to the duty free shop or in any other place the proper officer may approve and shall be removed when the duty free shop ceases to be licensed as such.

(4) A person who contravenes the provisions of this regulation commits an offence and is liable to a fine of five hundred dollars.

Licensee to
submit returns.

80. (1) A licensee of a bonded warehouse shall submit a return of goods remaining in the bonded warehouse to the Commissioner for the period up to the 30th day of June of each year.

(2) The return of goods referred to in sub regulation (1) shall be submitted to the Commissioner by the 31st of July, of the same year.

(3) Any person who contravenes this regulation commits an offence.

Goods to be
removed when
bonded warehouse
is closed.

81. (1) Where notice is given by a proper officer to an owner of any goods warehoused in a bonded warehouse that it is proposed to close the warehouse, the owner shall, within the period specified in the notice, enter the goods for home consumption, exportation, or for removal to another bonded warehouse.

(2) Goods which are not entered as required under sub-regulation (1) and are removed from the warehouse, shall, on the expiry of the specified period, be taken to a customs warehouse and be dealt with in accordance with section 42 of the Act.

Government Warehouses

Rent charges
in
Government
warehouses.

82. (1). Rent shall be charged on goods warehoused in a Government warehouse at such rate as the Commissioner may determine.

Goods to be
removed
when
Government
warehouse
is closed.

83. (1) Where notice is given by a proper officer to an owner of any goods warehoused in a Government warehouse that it is proposed to close the warehouse, the owner shall, within the period specified in the notice, enter the goods for home consumption, exportation, or removal to another bonded warehouse.

(2) Goods which are not entered as required under sub-regulation

(1) and are removed from the warehouse, shall, on the expiry of the said period, be dealt with in accordance with section 69 of the Act.

Customs Warehouse

Customs
warehouse rent.

84. (1) Rent shall be charged on goods deposited, or deemed to be deposited, in a Customs warehouse at the rates determined by the Commissioner.

(2) Subject to sub regulation (1) rent shall not be charged on passenger baggage where the baggage is removed within seven working days from the date of deposit in a Customs warehouse.

Commissioner
may waive rent.

85. The Commissioner may waive the whole or any part of the rent charges.

Rent to be paid
before delivery.

86. All rents and charges on goods deposited, or deemed to be deposited in a Customs warehouse shall be paid before the delivery of the goods.

Customs premises
deemed to be Customs
warehouses.

87. Where at any port or place in the Community where a proper officer is stationed, a building has not been specifically approved by the Commissioner for use as a Customs warehouse, any Customs premises or any premises occupied and administered by the Customs shall be deemed to be a Customs warehouse.

PART VI EXPORTATION

Entry Outward and Loading of Aircraft and Vessels

Entry
outward
of vessels

88. Entry outwards of a vessel shall be made by a master or his or her agent in Form C. 2.

Entries for exportation	89. Goods for exportation, other than goods to which the provisions of regulations 132 to 135 apply shall be entered using Form C. 17.
Permission to proceed to sufferance wharves	90. Where a master of an aircraft or vessel wishes to proceed to a sufferance wharf, he or she shall apply to the proper officer for permission using Form C.13.
Accommodation and transport to be provided	91. (1) A proper officer may grant the permission requested under regulation 90, subject to such conditions and directions as he or she may determine. (2) The proper officer may require the master or his or her agent to defray the cost of accommodation or to provide accommodation in accordance with section 13 of the Act and transport overland or by sea, as the proper officer may decide, to and from his or her proper port, for each officer whose services the proper officer may deem necessary at the sufferance wharf or other place. (3) The proper officer may require the master of an aircraft or vessel proceeding to a sufferance wharf or other place to deposit with him or her sum of money sufficient to cover the expenses referred to under sub-regulation (2).
Goods not to be loaded at sufferance wharf until entered	92. (1) Goods shall not be loaded at a sufferance wharf or at any place other than an approved place of loading until they have been entered: (2) The Commissioner may in regard to any particular sufferance wharf or place or in any particular case waive or modify the requirement in sub regulation (1).
Master to submit passenger list	93. (1) Where a proper officer so requires, the master or his or her agent shall deliver to the proper officer before any passenger embarks on any aircraft or vessel, a correct list of the passengers embarking using Form C. 6. (2) A person shall not embark on any aircraft or vessel, except at a place appointed in accordance with section 12 of the Act, and in

the case of a passenger, until permission to embark has been granted by the proper officer.

(3) The baggage of passengers of an aircraft or vessel proceeding to a foreign port shall be loaded at a place the proper officer may direct, and unless the proper officer otherwise allows, shall not be loaded until it has been examined and cleared by him or her for shipment.

(4) A person who contravenes this regulation commits an offence.

Shipment
before entry

94. (1) Where under section 76 of the Act the proper officer permits exportation prior to entry of goods, whether liable to or free of export duty, application shall be made by the exporter using Form C. 26.

(2) Where goods are liable to export duty under sub regulation (1), the proper officer may require security to be furnished using Form CB. 7.

Cargo landed
in error

95. (1) Where any goods are unloaded in error, the master or agent of an aircraft or vessel shall apply, to the proper officer at the place of unloading, for permission to reload the goods, using Form C. 27.

(2) The master or agent of an aircraft or vessel shall obtain permission in writing from the proper officer before removing the goods from the place of unloading, and shall observe all conditions in regard to the removal and reloading of the goods as the proper officer may impose.

Shipment
of duty paid
and free stores

96. A master of an aircraft or vessel who intends to ship duty paid stores, other than stores under drawback, or stores that are not liable to duty, shall apply to the proper officer using Form C. 28.

Shipment
of drawback
and
dutyable stores

97. A master of an aircraft or vessel who intends to ship as stores any goods from a Government warehouse or a bonded warehouse or any goods under drawback shall comply with the applicable regulations.

Transfer of stores	98. (1) A master of an aircraft or vessel who intends to transfer stores from one aircraft or vessel to another shall apply to the proper officer in Form C. 29. (2) A person who contravenes this regulation commits an offence.
Transfer under bond	99. Stores subject to import duty shall not be transferred from one aircraft or vessel to another until a security bond is furnished using Form CB. 5.
Conditions for loading or transferring stores	100. The loading or transfer of stores shall be subject to the observance by an applicant, of any conditions imposed by the proper officer and shall not commence until the appropriate entry is passed or the application is granted.
Production of stores before shipment	101. (1) All stores shall be produced to the proper officer before being put on board an aircraft or vessel, and upon being put on board, except for military use, shall not be taken into use without the permission of the proper officer while the aircraft or vessel is within the Community. (2) Notwithstanding sub regulation (1) duty paid stores on which duty drawback, remission or refund is not claimed, or stores which are not liable to duty, may be taken into immediate use. (3) A person who contravenes this regulation commits an offence.
Conditions under which goods deemed to be put on board	102. Goods entered under bond for exportation or use as stores or for transshipment shall not, unless the Commissioner otherwise directs, be deemed to have been put on board such aircraft or vessel unless they are- (a) entered in Form C. 17; (b) produced to a proper officer for examination immediately prior to loading; (c) loaded on the exporting aircraft or vessel immediately after examination; (d) produced to a proper officer, if he or she requires, after loading; (e) certified on the appropriate form by the master or other

principal officer of the aircraft or vessel as having been received on board; and

(f) except in the case of aircrafts or ships' stores, included in the outward manifest of the aircraft or vessel.

Departure Overland

Exportation
by overland routes

103. (1) Vehicles and goods, other than vehicles and goods to which the provisions of regulations 132 to 135 apply, which are exported overland shall be entered in Form C. 17.

(2) A person in charge of a vehicle, whether or not the vehicle is conveying goods, shall report to a proper officer full particulars of the vehicle and the goods, if any, in Form C. 12.

(3) A person who contravenes the provisions of this regulation commits an offence.

Goods in transit or for transhipment

Goods in Transit

Goods in transit.

104. (1) Goods in transit to a foreign port shall be entered at the port of importation using Form C. 17.

(2) An owner of the goods in transit shall at the time of entering the goods produce documents relating to the goods to a proper officer.

(3) An owner of goods to be entered for transit shall furnish a bond using Form CB. 8 or any other security in such amounts as the Commissioner may require.

(4) Goods in transit shall be conveyed by road or route approved by the Commissioner and the transit period in respect of the goods shall not exceed thirty days from the date of entry or any further period as the Commissioner may allow.

(5) Goods in transit shall only be carried through the Community in sealed vehicles except in the case of exceptional loads as defined in sub-regulation (6) or any other special circumstances authorized by the Commissioner; and in the case of goods carried by road, the carrying vehicle shall-

- (a) including any motive unit and trailer, be licenced for the intended purpose by the Commissioner, using Form C. 32:

Provided that this paragraph shall not apply to a vehicle that is licenced in any member of the COMESA or the SADC and in respect of which a certificate of approval in Form C. 33 has been granted;

- (b) bear the words "TRANSIT GOODS" printed boldly and clearly on both sides as specified in Form C. 32 and for the purpose of this paragraph, reference to a carrying vehicle means, in the case of an articulated vehicle, the semi-trailer and not the motive unit;

- (c) be constructed and equipped in such manner that -

- (i) a customs seal can simply and effectively be fixed to the vehicle;

- (ii) goods cannot be removed from or introduced into the sealed part of the vehicle without breaking the customs seal;

- (iii) it does not contain concealed spaces where goods may be hidden;

- (iv) all spaces in the form of compartments, receptacles or other recesses that are capable of holding goods are readily accessible for Customs inspection;

(v) should empty spaces be formed by the different layers of the sides, floor and roof of the vehicle the inside surface shall be firmly fixed, sealed, unbroken and capable of being dismantled without leaving obvious traces;

(vi) openings made in the floor for technical purposes, such as lubrication, maintenance and filling of the sand box are fitted with a cover capable of being fixed in a way that renders the loading compartment inaccessible from the outside;

(vii) doors and all other closing systems of the vehicle fitted with a device that shall permit simple and effective custom sealing and the device is either welded to the sides of doors where the doors are of metal, or secured by at least two bolts, riveted or welded to the nuts on the inside;

(viii) hinges are made and fitted such that doors and other closing systems cannot be lifted off the hinge-pins and other fasteners are welded to the outer;

(ix) parts of the hinges, except where the doors and other closing systems have a locking device inaccessible from the outside, that once it is applied prevents the doors from being lifted off the hinge pins;

(x) doors cover all interstices and ensure complete and effective closure;

(xi) it is provided with a satisfactory device for protecting the Customs seal, or so constructed that the Customs seal adequately protected.

(6) For the purpose of sub-regulation (5) "exceptional load" means one or more heavy or bulky objects which, because of weight, size, or nature cannot be carried normally in a closed or sealed vehicle or transport unit and which are readily identified to the satisfaction of the proper officer.

- (7) Goods in transit shall be produced to the proper officer at the approved port or place of exportation, together with the copy of the transit entry, where it accompanied the goods.
- (8) A proper officer at the port or place of exportation may refuse to allow the exportation of any goods in respect of which the copy of the entry is not delivered to him or her or received by him or her or where the goods do not conform to the particulars in the entry.
- (9) A carrier shall not transport goods in transit unless the carrier applies for a licence and is licensed by the Commissioner in Form. C. 32 or by a competent authority in the COMESA or SADC Member States and approved by the Commissioner in Form C.33.
- (10) An application for a licence shall be in writing to the Commissioner and on approval the carrier shall execute a bond using Form CB. 12.
- (11) Where a carrier owns more than one vehicle, only one bond will be required.
- (12) Where a carrier is a licensed customs agent the carrier shall not execute the bond.
- (13) Where the quantity of goods in transit is found at the port or place of exportation or at any place of exit into foreign territory to be less than that specified in the entry, the owner of the goods shall immediately pay to the proper officer the duty chargeable on the discrepancy, unless it is accounted for to the satisfaction of the proper officer.
- (14) Where the quantity of goods in transit is found to be less than that specified in the entry or where the period allowed expires before any part of the goods is exported, the owner of the goods shall immediately pay to the proper officer the penalty to bond, except that in the case of discrepancy, the penalty payable shall be calculated proportionately to the discrepancy unless the

discrepancy is accounted for to the satisfaction of the proper officer.

(15) Payment of the penalty to bond under sub-regulation (14) shall not absolve the owner from exporting the goods within the period allowed under sub-regulation (4) and where the owner fails to export the goods, the goods shall be liable to forfeiture unless the Commissioner otherwise directs.

(16) Where an owner submits an application for refund of deposit or cancellation of the bond using Form C. 30 and any other documents that may be required by a proper officer and upon satisfaction that the goods described in Form C.30 have been exported the amount of security furnished shall be refunded to the owner or the bond shall be cancelled.

(17) Where no application is submitted under sub regulation (16) within thirty days from the date of exportation, the goods shall be deemed to have been imported for home consumption and shall be liable to any import duty chargeable on similar goods imported for home consumption at the rate in force at the time the goods are entered for home consumption, and the duty shall be paid immediately by the owner of the goods.

(18) Payment of duty under sub-regulations (14) and (17) shall not, unless the Commissioner otherwise allows, absolve the owner from the obligations entered into by him or her under sub-regulation (3).

(19) Notwithstanding anything to the contrary contained in these Regulations, where the Commissioner is satisfied that the non-production of satisfactory proof of exportation in respect of a part of the goods is due to circumstances beyond the control of the owner, the Commissioner may in his or her discretion refund to the owner as much of the deposit as he or she deems to be appropriate to that part of the goods in respect of which the proof has been produced, or release the owner from the obligations of any bond in so far as it concerned that part.

(20) Where an owner intends to enter for home consumption any goods which are imported in transit, the owner shall apply in writing to the Commissioner to allow entry of the goods and the Commissioner may allow the entry to be made and shall refund the deposit given or cancel the bond furnished in respect of the goods.

(21) This regulation shall apply, *mutatis mutandis*, to passengers' baggage imported in transit, except that the receipt given by a proper officer for the deposit paid by the passenger or a certificate issued by the proper officer that a bond has been executed, shall be deemed to be the entry required by this regulation.

(22) A person who diverts from the transit route specified under sub regulation (4) commits an offence and shall be liable to a fine not exceeding fifty per cent of the value of the goods and the goods which are the subject of the offence shall be liable to forfeiture.

(23) Where goods in transit cannot be traced the person referred to under sub regulation (22) shall pay to the proper officer the penalty to bond in addition to the fine.

Transshipment

Entry and
bond
for transshipment.

105. (1) Goods reported for transshipment shall be entered using Form C. 17 and a transshipment bond shall be executed using Form CB. 9.

(2) Goods which are not reported for transshipment and are unloaded, may be entered for transshipment in accordance with the provisions of this regulation where –

- (a) they have not been entered under the Act; or
- (b) the master or agent applies for and obtains the permission of a proper officer to amend the inward report of the importing aircraft or vessel.

(3) Goods reported for transshipment shall be entered and reshipped within twenty-one days after the commencement of the discharge of the importing aircraft or vessel or with such further period as a proper officer may allow.

Transshipment direct.

106. Goods entered for transshipment may, with the permission of a proper officer and subject to any conditions he or she may impose, be transhipped direct from the importing aircraft, vessel or vehicle to the exporting aircraft, vessel or vehicle, if the goods are reported by the importing aircraft or vessel or vehicle for transshipment.

PART VII DEPARTURE AND CLEARANCE OF AIRCRAFT AND VESSELS

Form
of clearance
of vessel.

107. The certificate of clearance of a vessel departing to a foreign port shall be in Form C.18.

Outward manifest
of vessel.

108. (1) The outward manifest of a vessel shall be in Form C. and shall contain particulars of all cargo shipped in accordance with the description of the cargo in the relevant bill of lading, freight note, together with the weight or cubic measurement of such cargo in the manner specified in regulations 18 and 19.

(2) Each page of the outward manifest, other than that on which the declaration is signed, shall be initialed by the master or his or her agent, and the master or agent shall number and seal together the pages and shall, where required, sign the outward manifest in the presence of the proper officer.

(3) The outward manifest referred in sub-regulation (1) may be in an electronic form.

(4) Where an outward manifest is made in an electronic form

form in accordance with sub-regulation (3), the proper officer may require the master to submit the transcript in such time as the proper officer may determine.

(5) A transcript submitted under sub-regulation (4), shall be initialed in the manner specified in regulation 14.

Clearance
and
general declaration
for aircraft.

109. (1) Before departing to a foreign port, a master of an aircraft shall deliver to a proper officer a general declaration for the aircraft using Form C. 4.

(2) The proper officer shall return one copy of a signed Form. C. 4 to the master, which shall be the certificate of clearance of the aircraft.

(3) A report of cargo shall be made using Form. C. 5, which shall be attached to the general declaration in Form. C. 4.

(4) Each page of a cargo manifest in Form C. 5 shall be initialed by the master or his or her agent, and the master or agent shall number and seal the pages together and seal them to the general declaration in Form C. 4 and shall, where required, sign the general declaration in the Form C. 4 in the presence of a proper officer.

Amendment
of cargo
manifest

110. Where an application to amend a cargo manifest is made using Form C. 11, a proper officer may allow the master or agent of an aircraft or vessel to amend using Form C. 5 or the outward manifest using Form C. 2, as the case may be, in respect of any goods found to have been shipped short or in excess of the manifest.

Separate manifest in
each port.

111. (1) For each vessel, an outward manifest in Form C. 2 and passenger list in Form C. 6 shall be delivered, at each port or place of departure in the Community, and where no cargo is loaded or where passengers do not embark at any port or place, a nil report in Form C. 2 or Form C. 6 shall be delivered.

(2) For each aircraft a general declaration in Form C. 4 and a cargo manifest in Form C. 5 and, where the proper officer so requires, a

separate passenger manifest in Form C. 6 shall be delivered at each port or place of departure in the Community.

(3) Where cargo is not loaded or where passengers do not embark at any port or place, a nil report shall be delivered using Form C. 6 and Form C.6.

PART VIII IMPORTATION AND EXPORTATION BY POST

Commissioner may
waive
entries
for
goods
imported
by post.

112. (1) Where goods are imported in postal articles, the Commissioner, may in his or her discretion, accept a Customs declaration on the form provided by the postal administration in the country of origin, for the purpose of assessing the duty on the goods, in lieu of the entry required under the provisions of the Customs laws.

(2) In the case of goods exported by post, any form or label affixed to the parcel on which a description of the contents and their value is declared shall be deemed to be the entry required under the Act.

Customs declaration
on
postal articles.

113. (1) A Customs declaration made by a sender of goods imported by parcel post shall accompany, or be secured and attached to each parcel or to one of the parcels where the goods are packed in more than one parcel.

(2) The declaration referred to in sub-regulation (1) shall give an accurate description of the quantity or weight, the country of origin and value of the contents of the parcel or consignment.

(3) Where the parcel referred to in sub-regulation (1) contains goods of a commercial nature, an invoice or a statement showing full particulars of the goods shall be enclosed in the parcel; and where the goods are enclosed in two or more parcels, an invoice or a statement showing full particulars of the goods shall be enclosed in one of the parcels, which shall be clearly marked "invoice or statement enclosed".

(4) Where the invoice or statement cannot be conveniently enclosed inside the parcel, it shall be securely attached to it.

Production
of
postal articles.

114. (1) All postal articles shall, where the Commissioner so requires, be produced by an officer of the post office to a proper officer for examination, either at the port of arrival in, or departure from the Community, as the case may be, or at any other place in the Community as the Commissioner may direct.

(2) For the purpose of production of postal articles under sub regulation (1), the officer of the post office shall be deemed to be the agent of the importer or exporter.

Detention
of
postal articles.

115. In any case where a postal article, or any part of its contents, is found on examination to be conveyed otherwise than in conformity with the provisions of any written law on postal services in a Partner State, or not to agree with any entry, invoice or other document purporting to relate to its contents, or is found to consist of goods prohibited to be conveyed by post, or to be imported or exported, as the case may be, or goods regulated by or under the Act, contrary to any conditions regulating such importation or exportation, the postal article and all its contents shall be deemed to be goods imported or exported contrary to the Act and shall be dealt with as provided in the Act.

Uncleared
articles.

postal

116. Where an addressee of a postal article does not neglects to claim a postal article, and where the postal article is not delivered to an alternative addressee or returned to the sender within such time as may be specified in the laws relating to the postal services, or where the addressee refuses to pay the duty, if any, in respect of the goods contained in the postal article, the post office shall send the postal article to the Customs for deposit in the Customs warehouse, and the postal articles shall be dealt with in accordance with section 42 of the Act.

Duties to
be paid

117. The duty collected by the Post Office on postal articles shall be paid to the Customs at such time and in such

to the
Customs.

manner as shall be agreed by the Commissioner and the
Post Office.

PART IX IMPORTATION AND EXPORTATION BY REGISTERED COURIERS

Commissioner may
license registered
couriers.

118. The Commissioner may license any registered courier engaged in international delivery of goods as a Customs agent in accordance with Part XII of these Regulations.

Commissioner
may waive
entries for
goods imported
through courier.

119. (1) Where goods are imported through a registered courier, the Commissioner may, in his or her discretion, accept the Customs declaration on the form provided by the courier in the country of origin, for the purpose of assessing the duty on the goods, in lieu of the entry required under the provisions of the Customs laws.

(2) Where goods are exported through a registered courier a declaration from the sender regarding the description of the contents of the package and the value of the goods shall be affixed to the courier article and shall be deemed to be the entry required under the Act.

(3) Sub-regulations (1) and (2) shall not apply to goods where an individual package exceeds seventy kilograms or a value of one thousand dollars.

(4) A licensed courier shall present all the imported goods to a proper officer for examination and assessment of duty.

Customs declaration
on
courier articles.

120. (1) A Customs declaration made by a sender of the goods imported through a registered courier shall accompany, or be securely attached to, each courier article or to one of the parcels where the goods are packed in more than one parcel.

(2) The declaration referred to in sub-regulation (1) shall give a description of the quantity or weight, the country of origin and value of the contents of the parcel or consignment.

(3) Where a parcel contains goods of a commercial nature, an invoice or a statement showing full particulars of the goods shall be enclosed in the parcel; and where the goods are enclosed in two or more parcels, an invoice or a statement showing full particulars of the goods shall be enclosed in one of the parcels, which shall be clearly marked "invoice or statement enclosed".

(4) Where the invoice or statement cannot be conveniently enclosed inside the parcel, it may be securely attached to it.

(5) The courier bags under customs control shall not be dealt with in any manner by any person except as may be directed by a proper officer.

Production
of
courier consignments

121. (1) All courier articles shall be produced by an officer of the courier a proper officer for examination, either at the port of arrival in, or departure from the Community, as the case may be, or at any other place in the Community as the Commissioner may direct.

(2) For the purpose of production of courier consignments under sub regulation (1), the officer of the courier shall be deemed to be the agent of the importer or exporter.

Detention
of
courier
articles.

122. (1) A courier article and all its contents shall be deemed to be goods imported or exported contrary to the Act and shall be dealt with as provided in the Act, where the courier article, or any part of its contents, is found on examination –

(a) not to be conveyed in conformity with the provisions of any written law in a Partner State;

(b) to be inconsistent with any entry, invoice or other document purporting to relate to its contents, and which may be transmitted with the article or produced by the addressee;

(c) to consist of goods prohibited to be conveyed by courier, or to be imported or exported, as the case may be, or goods regulated by or under the Act, contrary to any conditions regulating the importation or exportation of the article.

(2) Imported goods not entered within the prescribed period, shall be detained by the Customs and shall be dealt with in accordance with section 34 of the Act.

PART X CARRIAGE COASTWISE AND TRANSFER OF GOODS

Coastwise clearance
and transire.

123. The transire for coastwise cargo carried by aircraft and vessels under section 98 of the Act, and the combined clearance and transire for coasting aircraft and vessels and their cargoes under section 100 of the Act shall be declared using Form C. 31.

Separate transires
for each port.

124. Where cargo is loaded in an aircraft or vessel for carriage coastwise to more than one port or place, separate transires shall be prepared for each port or place.

Unloading
and examination of
coastwise cargo.

125. (1) Coastwise cargo shall not be loaded on an aircraft or vessel for carriage coastwise or removed from a Customs area or a transit shed after it is unloaded or landed, without the prior permission of a proper officer.

(2) Any person who contravenes this regulation commits an offence.

Sufferance wharves
and unapproved
places.

126. Where a master of a coasting aircraft or vessel intends to proceed to a sufferance wharf to load or unload coastwise cargo he or she shall apply to a proper officer for permission using Form C. 13.

Accommodation and
transport
to be provided.

127. (1) A proper officer may grant the permission under regulation 126 subject to any conditions and directions he or she may impose, and to the master or his or her agent defraying the cost of accommodation or providing accommodation in accordance with section 152 (3) of the Act and transport overland or by sea, as the proper officer may decide, from and to his or her proper port, for each officer whose services the proper officer may

deem necessary at such sufferance wharf or other place.

(2) The proper officer may require the master of an aircraft or vessel proceeding to a sufferance wharf or other place to deposit with him or her sum sufficient to cover the expenses referred to in sub-regulation (1).

Transire to
be
delivered
before unloading.

128. Except with the written permission of a proper officer, coastwise cargo or goods for transfer shall not be loaded on or unloaded from a vessel of less than two hundred and fifty tons register, until the master delivers to a proper officer the transire relating to the cargo to be loaded or unloaded.

Amendment
of transire.

129. A proper officer may on application in writing by the master or agent of an aircraft or vessel, permit the amendment of the transire where any cargo is found to be in excess or short of that described in the transire.

General transires.

130. (1) A proper officer may upon application in writing grant general transires for periods not exceeding six months to vessels trading regularly in local produce between certain specified ports, using Form C. 31.

(2) The general transire referred to in sub-regulation (1) shall be granted under the following conditions-

(a) that the original general transire shall be carried on board the vessel and shall be available for inspection by an officer at any time;

(b) that restricted or prohibited goods or goods which have entered for home consumption in the Partner States shall not be carried except as provided for in paragraph (f);

(c) that within twenty-four hours of arrival at any port and before a master or his or her agent allows any goods to be unloaded, he or she shall deliver to the proper officer a correct account, in duplicate, of the cargo to be discharged at such port in respect of which he or she holds the general transire;

(d) that the master of a vessel shall not carry any goods on which royalties are payable unless he or she has first obtained a pas

note issued by the proper officer in respect of the goods;

(e) that restricted or prohibited goods and goods which have been entered for home consumption in the Partner States found on board a vessel having a general transire, except as provided for in sub-paragraph

(f), shall be detained and the facts reported to the Commissioner and pending his or her decision the vessel concerned shall not be cleared outwards;

(f) that where the master of a vessel intends to ship restricted or prohibited goods or goods which have been entered for home consumption in the Partner States, he or she shall submit to the proper officer, a transire, in respect of the goods, at the port at which the goods are loaded and shall comply with regulations 134 to 135.

PART XI DUTIES

Payment
of duties.

131. (1) Duties shall be paid at the Customs office or at such other place as the Commissioner may direct.

(2) Credit notes showing that the amount of duty has been paid into a bank to the credit of the Customs and cheques that have been certified by a bank or in respect of which a standing bank guarantee has been lodged with the Customs may be accepted in payment of duty.

(3) The Commissioner may authorize payment of duty through electronic transfer of funds in such manner as he or she may prescribe.

Goods imported for a temporary use or purpose

Goods
imported
for
temporary use.

132 (1) Goods imported for temporary use under section 117 of the Act shall apply to the following -

(a) commercial travelers' samples;

- (b) goods, including stage properties, imported for local exhibition or entertainment;
- (c) goods imported solely for renovation or repair;
- (d) touring promotional material which are not prohibited;
- (e) any vehicles and goods of a kind described in regulations 135 to 137;
- (f) any vehicle described in regulation 136; and
- (g) any other goods the Commissioner may allow, subject to conditions he or she may impose.

(2) For the purpose of this regulation, a "commercial traveler" means any person who satisfies a proper officer that he or she is soliciting orders for merchandise on behalf of a business entity established outside the Community.

Commercial
travelers' samples
and
goods
imported
for temporary use.

133. (1) A person who intends to import any goods of a kind described in regulation 132 (1) (a), (b), (c) and (d) shall apply to a proper officer using Form C. 17.

(2) An application in sub-regulation (1) shall state-

- (a) the full particulars of the goods imported, specifying the nature of the goods for the purpose of identification;
- (b) the approximate date on which, and the port at which, the goods will be re-exported.

(3) Where the goods are to be re-exported at a port other than the port of importation, the application shall be made in triplicate.

(4) Where the proper officer so requires, invoices or other documentary evidence of value shall be produced and attached to the application and retained by the officer.

(5) An importer shall deposit an amount sufficient to cover duty on the goods, or shall execute a security bond in Form 10, as the proper officer may determine.

(6) A proper officer shall on application by an owner state the amount of duty chargeable and the amount of deposit made or of the security bond executed.

(7) A proper officer shall return the duplicate copy referred to in sub-regulation (3) of the application and shall retain and send the triplicate copy where the goods are to be exported at a port other than the port of importation, to the proper officer at the port at which the goods will be exported.

(8) Before the deposit referred to in sub-regulation (5) is refunded or the security bond cancelled, the following conditions shall be observed -

(a) the goods shall be re-exported within a period of twelve months from the date of importation; and

(b) the owner shall give due notice to the proper officer at the port of exportation of his or her intention to re-export the goods and shall deliver to the proper officer the duplicate copy of the application issued to him or her at the port of importation.

Temporary
importation
of vehicles, etc.

134. (1) A person who is usually resident outside the Community and who intends to make a temporary stay in a Partner State shall be granted temporary free admission subject to their re-exportation, where that person imports -

(a) any road vehicle, including trailers, or cycle, and its accessories, for his or her use during the visit;

(b) any goods intended for his or her use, while in a Partner State but not for consumption in a Partner State; or

(c) any road vehicle, including trailers, designed for the transport of person for remuneration or for the industrial or commercial transport of goods, and complies with the conditions contained in sub-regulations (2) and (4).

(2) Subject to sub-regulations (3) and (4) vehicles and goods imported under sub-regulation (1) shall be re-exported within a period of twelve months from the date of importation unless the importer satisfies the proper officer that he or she is prevented from doing so by *force majeure*.

(3). Where a vehicle that has been temporarily admitted cannot be re-exported as the result of a seizure, other than an attachment made as a result of a suit by private person, the period shall be suspended for the duration of the seizure.

(4) The re-exportation of a badly damaged vehicle shall not be required, in the case of a duly authenticated accident, where the vehicle is either subjected to the import duty to which it is liable or is abandoned free of all expenses to the Customs or destroyed at the expense of the parties concerned, as the proper officer may require.

(5) A person who imports a vehicle or goods under the provisions of this regulation shall-

(a) at the time and place of importation, produce to the proper officer the temporary importation papers (*Carnet de Passage en Douane*, pass sheet or other similar importation documents) issued under guarantee of an authorized association in respect of the vehicle or goods;

(b) satisfy the proper officer that the vehicle and goods correspond in all respects with the description in the temporary importation papers; and

(c) in the case of vehicles specified in paragraph (c) of sub-regulation(1), satisfy the proper officer that -

(i) his or her principal place of business is outside the Community;

(ii) the vehicle is registered outside the Community;

(iii) the vehicle is owned and operated by a person whose principal place of business is outside the Community;

(iv) the importation is taking place in the course of a journey that has begun and will end outside the Community; and

(v) the purpose of the journey is to use the vehicle for the transport of persons for remuneration or for the industrial or commercial transport of goods from or to a place outside the Community.

(6) The guaranteeing association shall be allowed a period of one year as from the notification of non-discharge of the temporary importation papers, to furnish proof of the re-exportation of the vehicle or goods.

(7) Where proof is not furnished within the time allowed, under sub regulation (6), the guaranteeing association shall immediately pay the duty payable and the payment shall not be refundable after a period of one year from the date of the payment.

(8) A person importing a vehicle or goods under the provisions of this regulation shall-

(a) before re-exportation produce the temporary importation papers and satisfy a proper officer that the vehicle or goods correspond with the description of the vehicle or goods; and

(b) re-export the vehicle or goods during the validity of the temporary importation papers.

Procedure
where
temporary
importation
papers
not produced

135. (1) Where any person who is usually resident outside the Community intends to make a temporary stay in a Partner State imports -

- (a) any road vehicle, including trailers, or cycle, and their accessories, for his or her use during the visit; or
- (b) any goods intended for his or her use, convenience or comfort while in a Partner State but not for consumption; or
- (c) any road vehicle, including trailers, designed for the transport of persons for remuneration or for the industrial or commercial transport of goods,

and does not produce temporary importation papers (*Carnet de Passage en Douane*, pass sheet or other similar importation documents), such vehicle and goods, shall be granted temporary free admission subject to compliance with the conditions contained in sub-regulation (2).

(2) A person importing a vehicle or goods under this regulation shall -

(a) at the time and place of importation, deposit with the proper officer a sum or security equal to the duty chargeable on the vehicle and goods in a Partner State;

(b) submit to the proper officer Form C. 17;

(c) re-export the vehicle and goods within a period of fourteen days or such further period as the Commissioner may allow not exceeding three months; and

(d) in the case of vehicles specified in paragraph (c) of sub-regulation (1), the person shall satisfy the Commissioner that -

(i) his or her principal place of business is outside the Community;

(ii) the vehicle is registered outside the Community;

(iii) the vehicle is owned and operated by a person whose principal place of business is outside the

Community;

(iv) the importation is taking place in the course of a journey that has begun and will end outside the Community; and

(v) the purpose of the journey is to use the vehicle for the transport of persons for remuneration or for the industrial or commercial transport of goods from or to a place outside the Community.

(3) A proper officer shall return a copy of the form signed and stamped by him or her to the importer who shall, on exportation of the vehicle or goods, deliver it to the proper officer at the place of exportation.

(4) Where an officer is satisfied that the vehicle and goods declared for exportation correspond in all particulars with the description in the form, and that they will be exported forthwith, the amount deposited shall be repaid to the importer who shall acknowledge receipt to the proper officer.

Exemptions
to
regulation 135.

136. (1) Where a person who is a resident in the COMESA or SADC or where there exists a bilateral or other agreement between a Partner State and any neighbouring country regarding any matter or field of activity, and the implementation of which involves or includes the regular transfer to and from or between the countries of goods and person by motor vehicles or trailers for industrial, commercial or other purposes, the provisions of regulation 135 (2) shall not, subject to sub-regulation (2) of this regulation, apply to such motor vehicles or trailers.

(2) Where any person who is usually resident outside the Community intends to engage in any business involving the transfer of goods or persons into the Community by motor vehicle or trailer for industrial, commercial or other purposes, he or she shall make an application to the Commissioner for the temporary

importation of a motor vehicle or trailer using Form C. 36.

(3) The Commissioner may grant temporary importation of a motor vehicle or trailer on such conditions as he or she may impose.

Vehicles
from
one
Partner State
to another

137. Where a person who is resident in the Community intends to use his or her motor vehicle in another Partner State, he or she shall be allowed to use the motor vehicle without the production of temporary importation documents (*Carnet de Passage en Douane*, pass sheet, or other similar documents) and without the making of a deposit as required by regulation 135 for a period not exceeding three months, where the person -

(a) at the time and port or place of entry makes and delivers to the proper officer a declaration in duplicate using Form C. 36, one of which shall be duly signed and stamped and returned to the owner;

(b) at the time and port or place of exit produces the vehicle to a proper officer and delivers to the proper officer the owner's copy of the declaration in Form. C. 36;

(c) exits the vehicle within fourteen days, or such further period not exceeding three months as the proper officer may allow, from the date of entry.

Restrictions
on user of
motor
vehicles
temporarily imported

138. (1) A motor vehicle imported into the Community under regulation 132, 133 or 134 shall not be-

(a) lent, sold, pledged, hired, given away, exchanged or otherwise disposed of without the prior permission of the Commissioner or

(b) used within the Community for the transport of persons for

remuneration or of goods, other than the *bona fide* personal possessions of the owner and his or her passengers, either free or for remuneration.

(2) The conditions prescribed under sub regulation (1) (b) of this regulation shall not apply to the motor vehicles imported under regulation 132(1) (c) and 135(1) (c).

Duty drawback

Conditions
for
duty drawback

139 (1) A person who intends to claim duty drawback shall register with the Commissioner and shall provide particulars and supporting documents as the Commissioner may require.

(2) An exporter or his or her agent shall fill the rate of yield where applicable in the notification Form C. 34, which may be used to determine the duty drawback co-efficient.

(3) The claim for duty-drawback shall be in Form C. 35 and shall be accompanied by -

(a) an original copy of the Commercial Invoice;

(b) the packing list;

(c) a signed claim form bearing the printed personal names of the authorized offices of the exporter or agent; and

(d) any other documents the Commissioner may require.

(4) Duty drawback shall not be granted on tax exempt materials used in the production of exports.

Basis of payment of
duty drawback.

140. Duty drawback shall be payable according to the actual quantity of goods exported, or shipped for use as stores, or used as prescribed as the case may be.

Conditions
of granting
duty drawback.

141. Duty draw back shall be granted under the following conditions -

(a) that the goods are not prohibited by any law from being

exported or put on board any aircraft or vessel for use as stores;

(b) that the goods have been entered and the relative invoice deposited with the proper officer.

When
duty
drawback
not allowed.

142. Duty drawback shall not be allowed on any goods –

(a) unless such goods were exported unused in the original packages in which they were imported, or unless the contents were unpacked and repacked in other packages by authority and under supervision of a proper officer;

(b) unless the proper officer is satisfied that the particulars of goods are identical with the particulars contained in the entries, invoices and other documents relating to the goods;

(c) which were damaged or spoilt before exportation;

(d) unless such goods were produced to the proper officer for examination at the approved place of examination prior to exportation and also, where required, on board the aircraft or vessel on which they are to be exported, or used as stores;

(e) unless the goods are exported or shipped for use as stores, within twelve months from the date of the payment of duty;

(f) unless the proper officer certifies on the export entry that the goods

have been exported or shipped for use as stores;

(g) unless the person claiming drawback on the goods entered for exportation produces, if required, within the time allowed by the proper officer, a certificate in respect of the landing of such goods from the competent authority at the port or place of discharge.

Remission or refund

Remission
or refund
of duty
on
abandoned
goods.

143. (1) Where in accordance with section 16 of the Act, an owner of any goods subject to Customs control intends to abandon the goods to the Customs, the owner shall apply to the Commissioner in writing for abandonment of the goods.

(2) Where the Commissioner allows the abandonment, the owner may apply to the Commissioner for remission or refund of duty using Form C. 37.

Remission
of duty
on goods
lost
or destroyed
by accident.

144. Where in accordance with section 141 of the Act, any person claims a remission of duty on any goods lost or destroyed by accident, he or she shall apply in writing to the Commissioner, and submit proof of the loss or destruction.

Rebate

Rebate of
duty
on
damaged
goods.

145. Where in accordance with section 142 of the Act, any person claims a rebate of the duty payable on any imported goods, damaged before the goods are delivered out of Customs control, he or she shall submit to the proper officer an application for the rebate using Form C. 38, together with any evidence the proper officer may require.

Refund

Refund
where

146. (1) Where in accordance with section 143 of the Act, an owner of any goods wishes to return the goods to the seller or destroy them under

goods
returned
to seller.

Customs supervision, the owner shall notify the proper officer accordingly and submit such evidence as the proper officer may require.

(2) A refund shall not be allowed on any goods to which sub-regulation (1) applies -

(a) unless the person claiming the refund enters the goods for exportation using Form C. 17, at the port of exportation and submits within twelve months of the date of payment of duty, using Form C. 39;

(b) unless the goods are repacked for exportation, under the authority and supervision of the proper officer;

(c) where the goods are damaged after being delivered out of Customs control;

(d) where after importation, the goods are used, except as provided in paragraph (b) or exposed for sale, within the Community;

(e) unless the goods are produced to the proper officer for examination and where required, at the approved place of examination prior to exportation and on board the aircraft or vessel on which they are to be exported;

(f) unless the goods are exported within twelve months from the date of payment of duty;

(g) unless the proper officer certifies on the export entry that the goods have been exported;

(h) unless the person claiming refund on the goods entered for exportation, produces, where required, within the time allowed by the proper officer, a certificate in respect of the landing of the goods from the competent authority at the port or place of discharge.

Refund of

147. Where, in accordance with section 144 of the Act, any person

duty claims a refund of duty which is paid on any goods which are damaged
on damaged, or pillaged during voyage or which are damaged or destroyed while
pillaged, subject to Customs control, he or she shall submit to the proper officer an
or destroyed application for the refund using Form C. 38, and submit proof of the
goods. damage, pillage or destruction as the proper officer may require.

Refund of duty 148. (1) A person claiming a refund of any duty that is overpaid or paid
paid in error in error shall submit to the proper officer at the place where the duty was
and of deposit paid, an application using Form C. 39, together with any evidence of
or cancellation overpayment or payment in error as the proper officer may require.
of bond given
as security.

(2) Notwithstanding any provisions to the contrary in these Regulations, a
person who claims a refund of any deposit or requests cancellation of any
bond given by way of security under Part IX of the Act, shall submit to
the proper officer at the place where the deposit is made or security is
given, an application using Form C. 30, together with any evidence of
compliance with the provisions of the Act that necessitated payment of a
deposit or giving of the security as the proper officer may require.

(3) Where the Commissioner is satisfied that the non-production
satisfactory proof of compliance in respect of any part of an undertaking
given is due to circumstances beyond the control of the person entering
into an undertaking, the Commissioner may refund to that person
amount of the deposit made, appropriate to that part of the undertaking
respect of which the proof is produced or release that person from
obligations of any bond in so far as it concerns that part.

PART XII CUSTOMS AGENTS

Application 149. (1) An application for a licence as a Customs agent under section
for licence 145 of the Act, shall be made to the Commissioner using Form C. 24.

as

Customs agent.

(2) An application fee of ten dollars shall be paid for the application
referred to in sub-regulation (1).

Conditions
for

licensing
Customs

150. (1) An applicant for a licence as a Customs agent shall –

(a) have an established office, the physical location of which shall be
indicated in the licence application form for customs verification

agents

purposes and any change of location shall be notified to the Commissioner within thirty days of the change;

(b) indicate the banker in the application and any change of banker shall be notified to the Commissioner within thirty days of the change;

(c) submit the following-

(i) memorandum and articles of association of the company;

(ii) certificate of registration of the company;

(iii) Tax Identification Number of the company and the directors;

(iv) copy of identity card, passport or other form of identification of the directors and staff proposed to directly handle or sign customs documents;

(v) recent passport size photographs of directors and staff duly certified by a Notary Public or a Commissioner for Oaths.

(2) A licensee shall inform the Commissioner of any change in directors, bankers and staff within thirty days of the change.

Payment
of fees
and
execution
of
security
bond

151 (1). Where an application for a licence is approved, the applicant shall pay a licence fee of four hundred dollars and execute a security bond of five thousand dollars using Form CB. 11.

(2) Where a licence is issued in the course of a calendar year, the licence fee shall be computed on a *pro rata* basis.

(3) The licence shall be in Form C. 25.

Penalty
for operating
without
licence.

152. A person who in any way operates as, or claims to be, a Customs agent without a valid licence issued under these Regulations, commits an offence.

PART XIII MANUFACTURING UNDER BOND

Licence
for bonded
factory.

153. (1) An application to license premises as a bonded factory shall be made to the Commissioner, using Form C. 22.

(2) The application under sub-regulation (1) shall be accompanied by a plan of the premises and its situation in relation to other premises and thoroughfares.

(3) The Commissioner may issue a licence for a bonded factory where the Commissioner is satisfied that the situation and construction of the premises and the accommodation in the premises, is suitable for use as a bonded factory.

(4) A licence for a bonded factory shall be in Form C. 23.

Licence fee.

154 (1). The annual licence fee for a bonded factory shall be on thousand five hundred dollars.

(2) Where a licence is issued in the course of a calendar year, the licence fee shall be computed on a *pro rata* basis.

Security bond
for
bonded
factories.

155. A licensee of a bonded factory shall execute a bond using Form. CB. 6.

Alterations to
bonded
factories.

156. (1) A person shall not make any alterations to any bonded factory without the written permission of the Commissioner.

(2) A person who contravenes this regulation commits an offence and shall be liable to a fine not exceeding one thousand dollars.

Death etc.,
of licensee
or surety
to be
reported.

157. (1) The death of a licensee of a bonded factory, the commencement of proceedings of bankruptcy against a licensee or any other change in the circumstances, which renders a licensee unable to honor the bond, shall be reported immediately to the Commissioner, by the surety of the licensee.

(2) The death of a surety of a bonded factory or the commencement of proceedings against a surety or any other change in the circumstances which renders the surety unable to honor the bond shall be reported immediately to the Commissioner, by the licensee.

Bonded
factories
to
be numbered.

158. (1) A bonded factory shall be distinguished by a number.

(2) The words "Customs Bonded Factory" and the number allocated to a customs bonded factory shall be clearly marked on the principal entrance to the customs bonded factory or in any other place as the proper officer shall approve and shall be removed when the customs bonded factory ceases to be licensed as such.

(3) A person who contravenes this regulation commits an offence and is liable to a fine of five hundred dollars.

Record
of manufactured
goods

159. (1) All manufactured goods shall be recorded in a register.

(2) The goods to which sub-regulation (1) applies shall be stored in the "Manufactured Goods Stock Room" until they are delivered for exportation, removed to another bonded factory or dealt with as the Commissioner may allow.

Goods to
be removed
when bonded
factory is
closed.

160. Where a bonded factory is closed, any goods remaining in the bonded factory shall be entered within thirty days under another customs procedure, as the Commissioner may direct.

Entry of goods
for
manufacture
under bond

161. Imported goods for use in manufacture under bond shall be entered at the port of entry using Form C.17.

Consigning
goods used
in manufacture
under bond

162 (1) Goods entered for manufacture under bond, and goods entered for removal from a bonded factory to another, shall be consigned to the care of the proper officer at the bonded factory at which they are to be used for manufacture and the cargo receipt and other relevant documents shall be conspicuously marked, "under bond".

(2) On receipt of goods in a bonded factory, the proper officer shall take an account of the particulars of the goods, whether or not any account was previously taken and shall enter the account of the particulars in a receipts and deliveries register.

(3) On receipt of goods in a bonded factory, the licensee shall -

(a) record the imported goods in the imported machinery and materials register; and

(b) record locally obtained goods in the local machinery and materials register.

Licensee
to
submit returns.

163 (1). A licensee of a bonded factory shall submit a return of goods remaining in the bonded factory to the Commissioner, for the period up to the 30th day of June of each year.

(2) The return of goods referred to in sub regulation (1) shall be submitted to the Commissioner by the 31st of July of the same year.

(3) A person who contravenes this regulation commits an offence.

Manner
of dealing
with
waste
and rejects.

164. (1) Waste and rejects resulting from the manufacture of goods in a bonded factory shall be stored separately in the Waste and Rejects Stock Room.

(2) A manufacturer of goods in a bonded factory shall enter particulars of the waste and rejects to which sub-regulation (1) applies, in a waste and reject register.

Entry

165. Goods manufactured under bond for export or home consumption

of
manufactured
goods.

shall be entered using Form C. 17.

Treatment
of
manufactured
goods
on exportation.

166. (1) Delivery of manufactured goods from the Manufactured Goods Stock Room shall only be made in the presence of the proper officer after the goods are duly entered for exportation and the goods shall be transported directly to the port of final exportation in sealed vehicles, containers or boxes except in the case of exceptional loads as defined in regulation 104(6) or any special case otherwise authorized by the Commissioner.

(2) Goods intended for export shall be entered using Form C. 17.

(3) A bond for the removal of goods from a bonded factory for exportation shall be executed using Form CB. 17.

Certificate
of exportation
or certificate
of receipt to
be obtained.

167. (1) A licensee shall obtain a certificate of exportation from the proper officer at the port of exit on exportation or a certificate of receipt on removal to another bonded factory and the certificate shall be submitted to the proper officer at the bonded factory as proof of the exportation or removal within thirty days, from the date of entry of the goods or such further period as the proper officer may allow.

(2) A certificate of exportation or a certificate of receipt referred to in sub regulation (1) shall be in Form C. 17.

Registers

168. A manufacturer of goods in a bonded factory shall keep open for inspection by the proper officer, the registers referred to in this Part.

PART XIV EXPORT PROCESSING ZONES

Control
of
goods
entering
export
processing
zones.

169. (1) Goods imported into an export processing zone shall be entered using Form C. 17.

(2) An importer of goods to which sub-regulation (1) applies shall execute a security bond using Form CB. 14.

(3) Goods to which sub-regulation (1) applies shall be –

consigned to the proper officer in charge of the relevant export processing zone where goods are destined in sealed containers, boxes or vehicles except in the case of exceptionally bulky loads which cannot be contained in such containers or vehicles;

(b) accompanied by a copy of Form C. 17;

(c) recorded in the receipt and deliveries register.

(4) Goods imported into an export-processing zone shall be examined within the export-processing zone where the owner shall provide examination facilities.

(5) Notwithstanding sub-regulation (4), the Commissioner may on reasonable grounds direct a proper officer to carry out examination of the goods at the point of importation within the customs territory or before entry into the export processing zone.

(6) For the purposes of cancellation of a security bond, the proper officer shall return a copy of Form C. 17 duly certified by him or her, to the owner, for presentation at the port of importation.

(7) Goods imported into the export-processing zone from the customs territory shall be entered in Form C. 17.

Maintenance
of
stock records

170. (1) An operator of an enterprise within an export processing zone shall maintain stock records of the raw materials and the finished products in a monthly return register of finished and semi-finished goods and a raw materials register or in any other approved manner.

(2) An operator of an enterprise within an export processing zone shall maintain stock control records and produce the records for inspection by a proper officer.

(3) Where, on inspection of the records and physical stocktaking, goods are found missing and an operator of an enterprise cannot give satisfactory explanation to the proper officer, the operator shall be liable to a penalty equivalent to twice the amount of duty payable on the missing goods.

(4) An operator of an enterprise within an export processing zone

enterprise shall submit monthly returns on the stock held in the enterprise, to the proper officer in a prescribed manner, before the fifteenth day of the following month.

Exportation
of goods
from
export
processing
zones.

171. (1) Goods intended for export shall be entered using Form C. 17.

(2) A bond for the removal of goods from an export processing zone to the port of exportation shall be executed using Form CB. 1.

(3) Goods to which sub-regulation (1) applies shall be produced to the proper officer for the purpose of examining and sealing of the container, box or vehicle in which the goods are contained.

(4) A copy of the entry made under sub-regulation (1) shall accompany the goods to the port of exportation within the Customs territory.

(5) The proper officer may, where the seals referred to in sub-regulation (3) are tampered with, or on any reasonable grounds, examine the goods at the port of exportation.

(6) The proper officer shall return a copy of Form C. 17 duly certified by him or her, as to the exportation of the goods, to the owner for presentation to the proper officer at the export processing zone, for the purpose of cancellation of the security bond.

(7) Goods exported to the Customs territory from the export processing zone shall be treated as if the goods were imported and shall be entered using Form C. 17.

Movement
of goods
from
one
export
processing
zone
to another, etc

172. (1) Goods moved from one export processing zone to another export processing zone shall be entered using Form C. 17.

(2) A security bond for the movement of goods from one export processing zone to another export processing zone shall be executed using Form CB. 14.

(3) The proper officer shall return a copy of Form C. 17 duly certified by him or her at the receiving export-processing zone to the owner, for presentation to the proper officer at the dispatching export-processing zone for the purpose of cancellation of the

security bond.

(4) Where goods are intended to be removed from one enterprise to another enterprise, within the same export processing zone, the person in charge of the enterprise removing the goods shall inform the proper officer accordingly.

Movement
of
plant,
machinery, etc.

173. (1) Plant, machinery and equipment may be removed for repair, servicing or maintenance, from an export processing zone to a Customs territory.

(2) The plant, machinery and equipment to which sub-regulation (1) applies shall be accorded temporary importation facilities in the Customs territory and shall be entered using Form C. 17.

(3) A security bond may be executed in respect of the plant, machinery and equipment referred to in sub regulation 1, using Form CB. 10.

Acceptance
of
general
security
bond.

174. A security bond shall be furnished using Form CB. 14 to cover movement of goods from one export processing zone to another or between the enterprises within a particular export processing zone, or between the export processing zones and the ports of importation or exportation.

Disposal
and
destruction
of waste

175. (1) Disposal or destruction of wastes and residues resulting from a manufacturing process shall be carried out within an export processing zone under the supervision of the proper officer.

(2) Where proper facilities of disposal do not exist within the export-processing zone, the wastes may be destroyed in the Customs territory on application to the proper officer.

(3) Upon the destruction of the wastes, the proper officer shall issue a certificate of destruction.

(4) Where wastes and rejects are sold in the Customs territory, the movement of the wastes or rejects shall be subject to the normal importation procedures in the Customs territory.

(5) The licensee shall enter the wastes and rejects in the wastes and rejects register.

Search

176. Any person or vehicle entering or leaving an export processing zone

of persons
and
vehicles etc.,

may be searched by the proper officer.

Transportation
of
dutiable goods.

177. (1) Goods subject to customs control, entering or leaving an export processing zone shall be transported in sealed vehicles except –

(a) goods of exceptional loads of one or more heavy or bulky objects which because of weight, size or nature cannot normally be carried in a closed or sealed vehicle or transport unit and which can be so readily identified to the satisfaction of the proper officer;
or

(b) goods authorized by the Commissioner.

(2) The vehicle referred to in sub regulation (1), shall have the following specifications -

(a) the place for storage of goods shall be totally covered;

(b) where applicable, a door which shall be equipped with a facility for locking and sealing;

(c) iron grills fixed to the windows of the storage compartment of the vehicle; and

(d) the section of the driver separated from the storage area.

Transportation
of
small
packages
and samples.

178. (1) Small packages and samples may be transported in any vehicle, in locked boxes made of steel and sealed by Customs.

(2) The proper officer at an export processing zone may approve the use of lockable boxes where the proper officer is satisfied that the boxes are suitable for the transportation of dutiable goods.

(3) For the purposes of identification, lockable boxes shall be given a serial numbers by the proper officer and the number and name of the export processing zone enterprises shall be written on the lockable boxes in indelible ink.

PART XV

FREEPORTS

Control
of goods
entering
freeports.

179. (1) All goods destined to a freeport through the Customs territory, shall be entered using Form C. 17.

(2) A person conveying goods under sub-regulation (1) shall execute a security bond using Form CB. 2.

(3) A declaration shall not be required by the Customs in respect of goods destined to a freeport directly from a foreign port where the information is already available on the documents accompanying the goods which may include commercial invoices, airway bills, bills of lading, dispatch notes, or any other simplified document identifying the goods.

(4) To control the circulation of goods, a freeport operator shall maintain proper records of the goods which may include registers, relevant declarations and computer records.

(5) Where goods are destined in a sealed container, box or vehicle, except in the case of exceptionally bulky goods which may not conveniently be contained in a container, box or vehicle, goods intended to be delivered to a freeport shall be consigned to the licensee operating the freeport.

(6) The proper officer may at any time enter the premises of a licensee within a freeport to examine any goods and may take measures necessary to prevent loss of revenue, including carrying out audits and physical verification of the goods.

(7) The proper officer may require a licensee to provide any information relevant to a licensee's operations within the freeport, as the proper officer may require.

(8) A person or a vehicle entering or leaving a freeport shall use designated entry and exit points and shall comply with the laid down security requirements including specified hours of business.

(9) The proper officer may carry out spot checks and search any person or vehicle entering or leaving a freeport.

(10) The proper officer shall return a duly certified copy of Form. C: 17 to the licensee for presentation at the port of importation.

(11) The proper officer shall record goods imported from the Customs territory to be used inside a freeport for consumption by the persons working in the freeport.

Permitted
activities

180.(1) A licensee of a freeport may only carry out those activities that are required to preserve goods, or to improve their packaging, preparation for shipment or marketable quality, without changing the character of the goods.

(2) The activities referred to in sub-regulation (1) shall include warehousing and storage, labeling, packing and repacking, sorting, grading, cleaning and mixing, breaking bulk, simple assembly, and grouping of packages under Customs supervision.

(3) A licensee in a freeport shall not engage in the manufacturing or processing of goods.

Removal
of goods
from
a freeport.

181. (1) Unless approved by the proper officer, goods shall not be transferred from one premise to another, within a freeport.

(2). Notwithstanding sub regulation (1), goods may be transferred within a freeport zone for commercial reasons or as ship or aircraft stores in accordance with the Customs laws.

(3). A licensee who intends to remove goods from a freeport shall enter the goods using Form C. 17, in accordance with section 34 of the Act.

(4) Retail trade shall not be carried out in a freeport.

Hazardous,
deteriorated
goods

182. (1) Goods which constitute a hazard or which require special installations shall be admitted to specially designed installations in a freeport.

(2) The proper officer may on application and at the expense of a licensee reassess the value of goods which deteriorate or are destroyed in a freeport and the licensee shall be liable to pay duty at the rate in force at the time of importation.

(3) Where the proper officer is satisfied that a licensee is responsible for the deterioration or destruction of the goods, the application referred to in sub-regulation (2) shall not be allowed and the licensee shall be liable to

pay duty at the rates in force at the time of importation.

(4) Where a licensee intends to destroy any goods, he or she shall apply to the proper officer and the goods may be destroyed or disposed of in such manner as the Commissioner may direct.

Goods not
to be
removed.

183. (1) A licensee whose license expires or is revoked shall not remove goods from the freeport unless he or she satisfies the Commissioner that all duties payable in respect of such goods have been paid.

(2) Goods left in a freeport by a licensee whose license expires, or is revoked, shall within thirty days of the expiry or revocation of the license be re exported or be entered for home consumption.

(3) Goods which remain in a freeport after the period provided for under sub-regulation (1) shall be deemed to be abandoned and shall be disposed of in such manner as the Commissioner may direct.

Licensee
to submit
returns.

184. (1) A licensee shall submit to the proper officer a monthly return of goods remaining in the freeport, in the prescribed manner, on or before the tenth day of the following month.

(2) Where a freeport is closed, a licensee shall be given such time as the Commissioner may determine, to remove his or her goods to another freeport zone or to place them under another Customs procedure.

PART XVI INWARD AND OUTWARD PROCESSING

Inward processing

Application
for
authorization
of inward
processing.

185. (1) An application for authorization of inward processing shall be made to the Commissioner in the Partner State where the processing operation is to be carried out, using Form C. 16.

(2) Where more than one Partner States is involved, the application shall be submitted to the Commissioner in the Partner State where the applicant's main accounts are kept and where at least part of the processing is carried out.

(3) The application detailing the intended inward processing shall be made in advance, prior to importation of the goods which are subject to

the process.

Authorization
of
inward
processing.

186. (1) Authorization for inward processing shall be granted where –
- (a) the applicant offers the necessary guarantee for the proper conduct of the operation;
 - (b) the administrative arrangements and supervision of the process are not disproportionate to the economic needs of the applicant;
 - (c) the applicant is established in the Community except where imports of a non commercial nature are involved;
 - (d) the imported goods can be identified in the processed products or compliance with the conditions for the use of equivalent goods can be verified; and
 - (e) security under any customs procedure is provided.

(2) The authorization shall be granted –

- (a) on Form C.16;
- (b) by acceptance of the customs declaration where the economic conditions are deemed to be fulfilled and no use of equivalent goods or single authorization is involved; or
- (c) by letter or electronic mail or a modification of any existing authorization where the application concerns a renewal or modification.

Entry
and
examination
of goods

187. (1) Goods imported for inward processing shall be entered in Form C. 17 on production of –

- (a) original inward processing authorization;
- (b) original invoices where applicable; and
- (c) other supporting documents.

(2) The proper officer shall require an authorized person to produce the goods for examination at the port of entry or at the place of processing

before release for inward processing.

Maintenance
of records.

188. A person authorized for inward processing shall provide mechanisms needed to monitor the operation and keep the records of the inward processing activities which shall indicate -

- (a) the description and quantities of goods entered;
- (b) the date of importation;
- (c) details of the processing;
- (d) the correct calculations of any import duties and taxes which may be payable;
- (e) the quantity of waste, scrap or by-products;
- (f) the compensating products obtained; and
- (g) the rate of yield.

Duty relief
for inward
processing

189. The Commissioner may grant duty relief by -

- (a) the suspension system, under which the import duty payable is suspended at importation; or
- (b) the drawback system, where the import duty is paid on importation and reclaimed on subsequent exportation of the processed goods.

Termination of
inward
processing.

190. Inward processing procedure shall be terminated upon -

- (a) re-exportation of the compensating products in one or more consignments;
- (b) re-exportation of the products in the state of importation;
- (c) loss of goods where the compensating products are exported, provided that the loss is duly established to the satisfaction of the Commissioner;
- (d) release of compensating products for home consumption;

(e) entering the compensating products under a suspensive procedure such as; Customs warehousing, temporary importation, processing under Customs control, inward processing or transit; or

(f) the compensating products being placed in a free zone.

Import duties
upon
termination of
inward
processing

191. Where goods placed under inward processing are entered for home consumption as compensatory products or goods in an unaltered state or where for any other reasons import duty is payable, the import duty shall be computed on the basis of the nature, quantity, customs value and duty rates applicable to goods placed under inward processing at the time they were entered for inward processing.

Outward processing

Application for
authorization.

192. (1) An application for authorization for outward processing shall be made to the Commissioner using Form C. 16.

(2) The application shall give details of the intended outward processing and shall be made in advance, prior to exportation of the goods which are subject to the process.

Authorization
of outward
processing.

193. (1) The authorization for outward processing referred to in regulation 192 shall be granted where -

(a) the applicant is established in the Community;

(b) the exported goods can be identified in the processed products to be re-imported;

(c) the compensating product will be a direct result of the goods exported for outward processing.

(2) The authorization shall be granted -

(a) using Form C. 16;

(b) by acceptance of the customs declaration; or

(c) by letter or electronic mail or a modification of any existing

authorization where the application is for a renewal or modification.

Entry and examination of goods 194. (1) Goods for outward processing shall be entered using Form C. 17 on production of -

(a) an original outward processing authorization; and

(b) any other supporting documents.

(2) The proper officer shall require the authorized person to produce the goods entered for outward processing, for examination.

Maintenance of records. 195. A person authorized for outward processing shall keep all records of the outward processing and the records shall indicate -

(a) the description and quantities of goods entered;

(b) the date of exportation;

(c) details of the processing;

(d) the compensating products obtainable, and

(e) the rate of yield.

PART XVII SETTLEMENT OF CASES BY THE COMMISSIONER

Request for settlement of cases under Part XVIII of the Act 196. A request under Part XVIII of the Act shall be made using Form C. 40.

PART XVIII MISCELLANEOUS PROVISIONS

Declaration of value to be made and particulars to be supplied. 197. (1) An importer of goods liable to duty *ad valorem* or at an alternative specific rate shall, at the time of making an entry, produce in respect of the goods a declaration using Form C. 41 together with the invoices in his or her possession, relating to the goods.

(2) The declaration in Form C. 41 shall include all the particulars of the goods as detailed in the invoices produced and any other particulars of goods that are liable to duty at a specific rate or exempt or which are free of duty.

(3) The importer shall furnish, in such form as the proper officer may direct, such further particulars, as the proper officer may deem necessary for a correct valuation of the goods.

Production of books of account and other documents. 198. The proper officer may require an owner, or any person concerned with the importation, exportation, carriage coastwise, manufacture, purchase or sale of goods, to produce at the premises of the owner or the person concerned with the importation or at any other place the Commissioner may require, all or any books of account or any other documents relating to the importation, exportation, carriage coastwise, manufacture, purchase or sale of the goods.

General bonds. 199. Where, in accordance with section 107 of the Act, security may be accepted to cover any other transaction, the wordings of the forms prescribed in the First Schedule to these Regulations may be varied to cover the transaction.

Seizure notice. 200. A notice of seizure of any aircraft, vessel, vehicle, goods or things shall be in the Form C. 42.

Forms. 201. Where any reference is made in these Regulations to the number of a form, it shall be construed as a reference to the form bearing that number in the First Schedule to these Regulations.

Particulars on forms. 202. (1) Where in any Customs form or other document, a person is required to furnish certain particulars, the particulars shall be printed, typed or written indelibly and legibly.

(2) An alteration on a form or document made prior to its acceptance shall be made in such manner as to leave the error as well as the alteration legible and the alteration shall be initialed and dated by the person who makes it.

- Incorrect form may not be accepted. 203. An officer may refuse to accept or act upon any form or document submitted to him or her unless the requirements of the Act in relation to the document are duly observed.
- Persons requiring copy of entry. 204. Where the person entering any goods requires a copy of the entry, he or she shall present to the proper officer an additional copy marked "importer's copy" or "exporter's copy", as the case may be.
- Amendment of forms. 205. The Director General may, by order published in the Gazette -
(a) amend any form in the First Schedule to these Regulations;
(b) specify the form or any other document required or authorized for the purposes of the Act.
- Notice of sale. 206. Public notice shall be given of a sale by posting the notice in a conspicuous place at the Customs premises, at the port or place, where the sale is to be held, in such manner as the Commissioner may deem fit.
- Conditions of sale. 207. (1) Goods may be sold by the Customs either by public auction or by private treaty.
(2) The purchase money shall be paid on the acceptance of a bid or private treaty.
(3) Any special conditions attached to any lot of goods offered for sale shall be brought to the notice of the purchasers before the bidding commences, and any purchaser who makes a bid after the notice shall be deemed to accept the conditions as announced by the auctioneer.
(4) The purchase price for goods at a public auction shall include the duty payable in respect to the goods.
(5) The Commissioner may determine the reserve price in respect of any lot of goods that are offered for sale.

(6) Customs shall not give warrant on the quality, quantity, packaging condition or any other particulars of the goods offered for sale.

(7) A non-refundable deposit of twenty five *per cent* of the bid price shall be paid in cash at the fall of the hammer, and the balance shall be backed by a bank guarantee or paid by a banker's cheque within forty eight hours after the sale.

(8) Where the balance due under sub regulation (7) is not paid as specified, the bid shall lapse and the lot in respect of which the balance is outstanding shall be re-offered for sale at the next auction.

(9) Goods purchased at an auction shall be removed from the warehouse within three days and where the purchaser fails to remove the goods, he or she shall be liable to pay the warehouse rent and any other charges with effect from the date of sale up to the date of removal.

(10) Where the goods referred to in sub regulation (9) are not removed from the warehouse by the date of the next public auction, they may be re-offered for sale at that auction and the original purchaser may claim a refund of the purchase price less -

- (a) the non-refundable deposit paid under sub-regulation (7);
- (b) the rent and charges due, in respect of the warehouse; and
- (c) the difference between the first and second prices, where the latter is lower than the original purchase price.

(11) Customs shall not be responsible for any damage that occurs to goods during their removal from the warehouse by the purchaser, or his or her servants or agents.

(12) Any goods which remain in a warehouse after sale under this regulation shall remain in the warehouse at the purchaser's risk.

Surplus
proceeds
of sale.

208. Any person entitled to receive the balance, if any, of the proceeds of a Customs sale, shall, within twelve months from the date of the sale, apply to the proper officer using Form C. 43 and produce to the satisfaction of that officer proof of his or her title to the balance.

Allowance

209. In lieu of providing food to any officer stationed on board a vessel or

in lieu of
food
to officers
stationed
on vessels.

aircraft in accordance with section 152 of the Act, a master may pay an allowance as determined by the Commissioner.

Licensing
of
transporters,
vehicles
and
vessels
for
conveying
goods under
Customs
control.

210. (1) An application for a licence for a transporter, vessel or vehicle under section 244 of the Act shall be made using Form C. 44.

(2) A transporter shall be licenced by the Commissioner using Form C. 19.

(3) A vehicle or a vessel shall be licenced by the Commissioner using Form C.45.

(4) The Commissioner may –

(a) grant a licence upon conditions he or she may deem fit; or

(b) refuse to issue a licence or revoke an existing licence.

Licence
fee for
transporters,
vehicles and
vessels.

211. (1) Where an application as a transporter is approved, the applicant shall pay a fee of one thousand five hundred dollars.

(2) Where an application for a licence for a vehicle or vessel is approved, the applicant shall –

(a) pay a fee of three hundred dollars;

(b) execute a security bond using Form CB. 12 in such amount as the Commissioner may require.

(3) For the purposes of this regulation, a vehicle or vessel excludes any vehicle or vessel owned by a Government of a Partner State when used in

the service of the Government.

One
licence
may
be issued.

212. The Commissioner may issue one licence in Form C. 19 and may accept a single form of security in respect of all vehicles and vessels belonging to, or in the use of, the same owner.

Unlicensed
vessels
not allowed.

213. (1) An unlicensed vessel shall not go, or remain alongside, or approach, within fifty metres of, any vessel, except with the permission of the proper officer and subject to such conditions as he or she may impose.

(2) A person who contravenes this regulation commits an offence.

Sealing
of hatches
of vessels.

214. (1) Except with the written permission of the proper officer, and subject to such conditions as he or she may impose, a licensed vessel fitted with hatches shall not be used or employed for the conveyance of any warehoused goods, goods under drawback, dutiable goods intended for transshipment, restricted goods, or such other goods as the Commissioner may determine, unless the hatches can be securely locked and sealed by Customs.

(2) A person who contravenes this regulation commits an offence.

Penalty.

215. A person who commits an offence under these Regulations for which no specific penalty is provided shall be liable to a fine not exceeding five thousand dollars.

Fees
for services
to the public.

216. The services in the first column shall be performed by Customs or certificates issued or given by Customs to the public, for which fees in the second column shall be paid –

Service or certificate	Fees
(a) Certification of a copy of any document	US \$ 5.00
(b) Issuance of a landing certificate, for each original entry in which goods are entered	US \$ 10.00
(c) Transshipment	US \$ 10.00
(d) Transfer of ownership	US \$ 10.00
(e) Issuance of certificate of weight for a consignment	US \$ 5.00
(f) Approval of alterations in the marks, numbers or other particulars in any document submitted to Customs, other than an inward manifest	US \$ 5.00

(g) Cancellation of entries	US \$ 10.00
(h) Issuance or certification of any other certificate or document issued by Customs	US \$ 5.00
(i) Amendment of an inward report	US \$ 10.00

Expiry
and
renewal
of licenses

217. (1) A license issued under these Regulations shall expire on the 31st day of December of the year of issuance and may on application be renewed by the Commissioner.

(2) Subject to sub-regulation (1), where the fee for renewal is not prescribed, the fee shall be prescribed by the Commissioner.

Vessel etc.
to bear
distinguishing
number.

218. (1) Each vessel, aircraft or vehicle shall bear a distinguishing number allotted to it by the proper officer:

(2) A number or name under which a vessel, vehicle or aircraft is registered in accordance with the provisions of any other written law in a Partner State may be deemed to be the number allotted to it for the purpose of these Regulations.

Power of
the
Commissioner
to grant
or refuse
a licence

219. (1) The Commissioner may grant or refuse to grant a licence or may revoke an existing licence and shall give reasons for the refusal or revocation.

(2) The Commissioner upon granting a licence may attach to that licence such conditions as he or she may deem fit.

SCHEDULES

First Schedule

Forms

Second Schedule

Customs Union Flag

.....
For Tanzania

.....
For Kenya

.....
For Uganda

OVERTIME REQUEST

To The Proper Officer		Port / Place..... Country Date..... Serial No.....	
Permission is requested for an officer to work overtime as below, at(Place) I/We* undertake to pay overtime charges			
Date	From (Time)	To (Time)	Nature and extent of work proposed and particulars of aircraft, vessel or vehicle.
Name and signature of applicant..... Address..... Date			
*Approved/Not approved: Name Rank..... Signature Date:..... Time			
FOR OFFICIAL USE			
Name(s) of Assigned Staff		Staff Identity No.	
.....			
.....			
.....			
..... Proper Officer		 Date	

C.2

CUSTOMS

EAST AFRICAN COMMUNITY

*REPORT INWARD / OUTWARD OF VESSELS

Rotation No.....	Port of landing/departure.....	Country
Date of landing/departure	Nationality and Port of Registration.....	
Name of Vessel.....	Port of destination.....	Country
Net registered tonnage.....	Number of crew } 	officers.....
Name of master.....		Seamen.....

Agent's Name.....PIN / TIN.....

I declare that the particulars in the inwards Report of my vessel and her lading are true to the best of my knowledge and belief, that the inward manifest consists of _____ pages and that I have not broken bulk or delivered any goods out of the vessel since departure from _____

Date of Arrival Master or Agent

I declare that the outward manifest consisting of _____ pages contains a true account of all goods shipped and that the particulars of the vessel and the cargo are correct to the best of my knowledge and belief.

Date of departure Master or Agent

Signed and declared this day of 20... in my presence

Proper Officer

EAST AFRICAN COMMUNITY

CARGO MANIFEST

C.2
CUSTOMS

Bill of Lading No.	Marks and Nos.	Number and description of packages.	Description of goods.	Measurement and or weight on bill of lading.	Consignee / consignor	Destination	For Customs use

N.B:

1. Indicate Total No. of Bills of Lading
2. All pages of the cargo manifest must be numbered.

Pageof.....

Note

"The above noted cargo is hereby reported for discharge at (place).

cargo remaining *On board/in Transit/for Transshipment/for re-exportation is Tons"

**Delete whichever is inapplicable*

[illegible]

(Inward/Outward*)

Owner or Operator		Flight No. Date	
Nationality and Registration		Arrival at	
Departure from		(Place and Country)	
(Place and Country)			
FLIGHT ROUTING			
("Place" column always to list origin, every en-route stop and destination)			
Place	Total Number of Crew	Number of Passengers	Cargo
		Departure Place : Embarking Transit on same flight	
		Arrival Place: Disembarking..... Transit on same flight	

DECLARATION OF HEALTH

Persons on board known to be suffering from illness other than airsickness or the effects of accidents, as well as those cases of illness disembarked during the flight.

Any other conditions on board which may lead to the spread of disease.

Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight.
 If no disinsecting has been carried out during the flight, give details of most recent disinfecting

.....
 Sign. Crew member concerned

I declare that all statements and particulars contained in this General Declaration, and in any supplementary forms required to be presented with this General Declaration are complete, exact and true to the best of my knowledge and that all through passengers will continue/have continued on this flight.

.....
 Signature
 Authorised Agent or Pilot-in-Command

* Delete whichever is inapplicable

EAST AFRICAN COMMUNITY

C.5
CUSTOMS

CARGO MANIFEST – AIRCRAFT

Owner or Operator.....				Flight No..... Date..... Port of Unloading (Place and Country)		
Aircraft..... (Registration Marks and Nationality)						
Port of Loading (Place and Country)						
Airway Bill No	Marks and Numbers on Packages	Number and Type of Packages	Description of Goods	Gross Weight	For Use by Owner or Operator Only	For Official Use Only
Prepared by						
				Page ofpages		

NB

1. Indicate Total No of Bills of Lading
2. All pages of the cargo manifest must be numbered

Page of

Note:

"The above noted cargo is hereby reported for discharged at(Place).

Cargo remaining *On board/in transit/for transshipment/for re-exportation is tons"

*Delete whichever is inapplicable

PASSENGER LIST/MANIFEST

Owner or Operator

Aircraft
(Registration marks and nationality)

Flight No

*Arrived at/Departing from.....
(Place and country)

Date.....

[illegible]

Prepared by
(Master)

DatePage.....of.....Pages

* Delete whichever is inapplicable

DECLARATION AND ADVICE OF CONSUMABLE STORES ON BOARD VESSELS

Port of		Country		Rotation No.		Vessel	
ARTICLE	Master's Declaration on Arrival	FOR OFFICIAL USE ONLY					
		IN-PORT		ADVICE ON SAILING			
		Stores Consumed ex. F.102	Total issues to Crew	Stores under Seal	Sea Issue to Passengers	Crew Stores under Seal	
Cigarettes	No.						
Cigar	No.						
Tobacco Prod.	Kg.						
Playing Cards	Pkt.						
Ale	Lts						
Beer	Lts						
Stout	Lts						
Brandy	Lts						
Whisky	Lts						
Rum	Lts						
Gin	Lts						
Spirits, Other	Lts						
Liqueurs	Lts						
Sparkling Wines	Lts						
Champagne	Lts						
Still Wines	Lts						
Bulk Wines	Lts						
Vermouth	Lts						
Perfumed Spirit	Lts						
Cider	Lts						
Other	Lts						

I certify that the particulars in column 2 above are true and correct statement of all the above mentioned consumable stores other than articles included in the Crew declaration form on board the above vessel.

The amount of duties / taxes due on any such stores consumed on board (as stated in column 3 above) and on any deficiency which cannot be accounted for to the satisfaction of the Proper Officer of Customs will be paid by me/the Agents

.....
Master Date

Satisfied with Report of Stores: Proper Officer Date

TO: Proper Officer Port of.....

The quantities and description of stores in columns (5), (6) and (7) above are correctly enumerated and those secured under seal are sealed with No.

Next issue of stores due on
Proper officer Date

DECLARATION OF CONSUMABLE STORES ABOARD AIRCRAFT

Registration No.			Flight No.		
The following is a true account of the under mentioned stores aboard the Aircraft at the time of arrival at (Airport.) (Country)					
Article	Units of Packing	Quantity	Article		
Cigarettes			Wines:	Unit of Packing	Quantity
Cigars			Red		
Tobacco			White		
Beer			Sparkling		
Brandy			Champagne		
Whisky			Vermouth		
Gin			Others		
Rum					
Spirits					
Liquors					
Other					
Date of arrival..... Master					
Satisfied with Report of Stores					
Proper Officer					
NEW STORES SHIPPED AND GENERAL REMARKS:					
..... Proper Officer					

CREW DECLARATION FORM

Aircraft / Vessel. From. Date of Arrival.....

Notice to Master and Officers and Crew of aircraft/vessels regarding goods brought as their private property from outside the Community

This form must be completed in readiness to be handed over to the Proper Officer who first visits the aircraft/vessel. It must be signed by each member of the crew (including the Master and Officers), who must state next his signature the total quantity of dutiable articles in his possession including those which may have been handed in for sealing up on arrival. If he has nothing he must state "Nil".

All articles acquired abroad or during the voyage must be declared.

Any articles or property of any member of the Crew found in the aircraft/vessel and not declared will be liable to forfeiture and the owner will be liable to prosecution.

Members of a Crew who remain on an aircraft/vessel during his stay in port may be allowed under certain conditions to retain in their possession for their own use on board small quantities of tobacco, spirits, and other dutiable goods. Such goods **MUST NOT BE LANDED** without the authority of a Proper Officer.

I, the Proper Officer, Port of

the undersigned Master, Officers and members of the Crew of the from declare that we have in our possession, respectively, as our private property, the quantities of goods, AND NO MORE. We severally undertake that none of the goods shall be landed without authority of the Proper Officer.

Name and Signature	Tobacco Grms.	Cigars No	Cigarettes No	Spirit Litres	Quantity or Number and Description of Other Goods	For Official Use

If any member of the Crew is unable to sign his name/finger print, should be witnessed by a responsible officer of the aircraft/vessel)

..... certify that the foregoing form(s) numbered..... contain(s) the names of all the officers and Crew of this aircraft/vessel and to the best of my knowledge and belief give(s) details of all the goods other than the duly reported surplus stores, brought to this country as their private effects.

When more than one form is required they should be fastened together and numbered consecutively; and the Master's certificate need only be given on the last.

Date Master

APPLICATION TO BREAK BULK PRIOR TO MAKING REPORT AND TO UNLOAD
GOODS PRIOR TO ENTRY

To The Proper Officer, at.....	Rotation No: Date.....
Aircraft / Vessel	From

I request for permission to –

- (a) break bulk prior to making report of my aircraft or vessel;
- (b) unload the cargo of my aircraft/vessel before such cargo has been entered.

.....
Master or Agent

Authorised/Not Authorised* -

.....
Proper Officer Date

NOTE: Permission to break bulk prior to making report is not necessary in the case of a vessel of two hundred and fifty tons register or more.

* *Delete whichever is inapplicable*

EAST AFRICAN COMMUNITY

C11
CUSTOMS

APPLICATION TO AMEND *INWARD REPORT/OUTWARD MANIFEST

*Aircraft/Vessel..... (Registration and Nationality) Date of Report.....		*Bill of Lading/Air way Bill No		Rotation No. Port of..... Country Date20.....	
*Consignor/Consignee					
Permission is requested to amend the Inward *Report/Outward Manifest of the *aircraft/vessel by adding/deducting* the under-mentioned packages or change of destination or change of ownership, which *I/We declare *was/not *landed/exported *in/fromor the destination or ownership is changed for the reasons stated hereunder:					
Reasons					
Marks and Numbers	Total No. and kind of packages.....		As per B/L or AWB Weight (Kg) M ³		
	Description of Goods		*Destination/Owner		
..... Master or Agent Date.....20.....			Amendment * accepted/not accepted Proper Officer		

* Delete whichever is inapplicable

CARGO MANIFEST-VEHICLES
(*Inward/Outward)

To the Proper Officer,		Rotation No.....		
Port of..... Country.....		Date.....20.....		
Vehicle Registration Number.				
Name of Owner.				
Address.....				
.....				
*Arrived from/Destined to.....				
*Date of Arrival/Departure.....20.....				
Marks and Numbers	No. Of Packages	Description of Goods	Weight (Kg)	Consignor/Consignee

I declare that the particulars contained in this report are true to the best of my knowledge and belief.

Name and Signature of *Owner/Driver.....

Signed and declared thisday of20..... in my presence.

.....
Proper Officer

** Delete whichever is inapplicable*

EAST AFRICAN COMMUNITY

APPLICATION TO PROCEED TO A SUFFERANCE WHARF OR OTHER UNAPPROVED PLACE

To the Proper Officer

Rotation No.

Port of

Country.....

Permission is requested for the *aircraft/vessel.....

to proceed to

ata.m./p.m. on the.....day of.....20..... for
the purpose of loading/unloading cargo.

Reasons

I undertake to pay all expenses including tallying, escorting and oversee the said *aircraft/vessel, its
stores and cargo.

Date 20.....

.....
Master or AgentThe above request is granted subject to the observance of the following conditions in addition to *
those provided in the Customs laws:.....
Proper Officer

Date

Delete whichever is inapplicable

Port of arrival.....		Country.....		
This is to certify that the under-mentioned goods were landed from				
*Aircraft/Vessel/Vehicle. which arrived from.....				
on theday of20.....				
Marks and Numbers	Number and Description of Packages	Description of goods	Weight or quantity	Observations
Date.....20..... Proper Officer				

* Delete whichever is inapplicable

APPLICATION FOR RELEASE OF PERISHABLES OR OTHER GOODS PRIOR TO
PAYMENT OF DUTY

To The Proper Officer,
at.....

Port

Date.20.....

I request permission to remove, the under-mentioned goods imported in
aircraft/vessel/vehicle.....on20..... prior to payment of duties
and other taxes.

Marks and numbers.....

Number and description of packages.....

Description of goods..

Value in dollars.....

.....
Importer/Agent.

RELEASE APPROVED

*Bond given on CB1. N0. /Cash Deposited on Receipt.....

Dated.....20.....

.....
Proper officer.

Released.....

Signature

Stamp of releasing officer.

**Delete whichever is inapplicable*

APPLICATION FOR *INWARD/OUTWARD PROCESSING

Company Name	Date		
Postal Address	*TIN/PIN		
Telephone No	Country of* export/Import		
*Fax Number & Email Address	Date of *Import/Export		
Physical Location			
Goods description	H.S CODE		
	Quantity of *Import/Export		
	Value *Import/Export		
DETAILS OF PROCESSING			
Applicant	*Approved/Not Approved		
Signature.....	Commissioner.....		
	Signature..... Date		

*Delete whichever is inapplicable

2. Exporter/Consignor Name & Address		PIN/TIN	1. Declaration Type		A. Processing/Clearance Office		Registration Number & Date																															
			3. Pages		4. Manifest Number		Assessment Number & Date																															
			5. No. of Items		6. No Pckgs		Receipt Number & Date																															
8. Importer/Consignee Name & Address		PIN/TIN	7. Declarant Reference Number																																			
			9. 10. City of Last Consignment /1 st Dest.		11. Trading Country Code		12. 13.																															
			15. Country of Export		15a. C E Code		16.		17. Country of Destination Code																													
14. Declarant /Agent Name & Address		PIN/TIN	20. Delivery Terms Code Place																																			
			22. Currency Code		Total Invoice Value		23. Exchange Rate		24. Nat of Trans																													
			28.A Financial and Banking Data																																			
18. Voyage/Flight/Vehicle or/CVR Number		19. Cntr	Bank Name: Branch Code:																																			
21. Identity, Date & Nationality of Means of Transport at border		Terms of Payment: Guarantee/Bond Security No:																																				
25. Border/Frontier Mode of Transport		26.	27. Place of discharge		28.B Valuation Note																																	
29. Office of entry/exit Code		30. Location of goods		Other Charges		Currency Code		Deductions																														
31. Packages & Description of Goods		32. Item No.		33. Commodity Code		Specification Code																																
Marks & Numbers:		1																																				
Number of Packages:		Type of packaging:		34. Country of Origin Code		35. Gross Weight (Kgs)		36. Preference Code																														
Container No(s)				37. CPC		38. Net Weight (Kgs)		39.																														
Description of goods:				40. Preceding Document Reference / AWB/ BL/RCN/Shipping Order																																		
44. Add Inform / Docs / Cert & Auth.				41. Supplementary Quantity/Units		42. Item Invoice Price		43. Valuation Method																														
Control No.:				a. b.																																		
Additional Information/Attached Documents (IDF NO):				46. Customs Value				45.																														
47 Calculations of Duties/Taxes					48. Account/Prepayment Acc Number		49. Warehouse Code																															
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Duty/Tax Type</th> <th>Duty/Tax Base</th> <th>Rate</th> <th>Amount</th> <th>MOP</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td colspan="3">Total</td> <td> </td> <td> </td> </tr> </tbody> </table>					Duty/Tax Type	Duty/Tax Base	Rate	Amount	MOP																					Total					Period in Whse (Days)			
Duty/Tax Type	Duty/Tax Base	Rate	Amount	MOP																																		
Total																																						
					GRAND TOTAL PAYABLE /DEFERRED FOR ENTRY																																	
					Duties and Taxes																																	
					Other Charges																																	
					Guarantee/Deferment/Bond Amount																																	
					TOTAL PAYABLE		USD																															
50. Declaration					FOR OFFICIAL USE.																																	
I/We the undersigned, being the importer/ Exporter/Agent do hereby declare that the information declared on this entry is true and complete and accept fully the conditions and requirements attached to the use of CPC declared therein, and comply with the provisions of the Customs Management Act.																																						
Signature & Official Stamp Tel No																																						
Declared at this Day of (Month) (Year)					Proper Officer (Date Stamp/Name/Signature)																																	

Packages & Description of Goods Marks & Numbers: Number of Packages: Type of packaging: Container No(s) Description of goods: Add Inform / Docs / Cert & Auth. Control No.: Additional Information/Attached Documents:					32. Item No.	33. Commodity Code Specification Code				
					34. Country of Origin Code		35. Gross Weight (Kgs)		36. Preference Code	
					37. CPC		38. Net Weight (Kgs)		39.	
					40. Preceding Document Reference / AWB/ BL/RCN/Shipping Order					
					41. Supplementary Quantity/Units a. b.		42. Item Invoice Price		43. Valuation Method	
					46. Customs Value					45.

Packages & Description of Goods Marks & Numbers: Number of Packages: Type of packaging: Container No(s) Description of goods: Add Inform / Docs / Cert & Auth. Control No.: Additional Information/Attached Documents:					32. Item No.	33. Commodity Code Specification Code				
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					37. CPC		38. Net Weight (Kgs)		39.	
					40. Preceding Document Reference / AWB/ BL/RCN/Shipping Order					
					41. Supplementary Quantity/Units a. b.		42. Item Invoice Price		43. Valuation Method	
					46. Customs Value					45.

Packages & Description of Goods Marks & Numbers: Number of Packages: Type of packaging: Container No(s) Description of goods: Add Inform / Docs / Cert & Auth. Control No.: Additional Information/Attached Documents:					32. Item No.	33. Commodity Code Specification Code				
					34. Country of Origin Code		35. Gross Weight (Kgs)		36. Preference Code	
					37. CPC		38. Net Weight (Kgs)		39.	
					40. Preceding Document Reference / AWB/ BL/RCN/Shipping Order					
					41. Supplementary Quantity/Units a. b.		42. Item Invoice Price		43. Valuation Method	
					46. Customs Value					45.

47. Calculations of Duties/Taxes									
Duty/Tax Type	Duty/Tax Base	Rate	Amount	MOP	Duty/Tax Type	Duty/Tax Base	Rate	Amount	MOP
Total on 1st Item (This Page)					Total on 2nd Item (This Page)				
Duty/Tax Type	Duty/Tax Base	Rate	Amount	MOP	Duty/Tax Type	Amount			MOP
Total on 3rd Item (This Page)					GRAND TOTAL (ALL PAGES)				

1. Exporter / Consignor		TIN/PIN		2. Processing Office		3. Frontier office		4. Regime code		FOR OFFICIAL USE Entry Number and Date	
				5. Voyage/Flight/Vehicle No.		6. Date of arrival/departure.					
				7. Manifest Number		8. AWB/BL/RCN No.		9. Country of Consignment			
10. Importer / Consignee		TIN/PIN		11. Ctry of last Consign / 1 st Dest.		12. Country of final Destination		13. Port of Destination			
				14. Place of discharge/Loading		15. Mode of transport		16. Nationality of Transport			
				17. Vehicle owner/Driver		18. Seal Number(s)		19. Country of Transit			
				20. Total Number of Items		21. Total Packages		22. Total Gross Weight			
23. Declarant / Agent		TIN/PIN		24. Location of Goods		25. Warehouse code		26. Period in W/hse/Transit			
				27. Valuation method		28. Total F.O.B Value		29. Terms of Delivery			
				30. Terms of Payment		31. Account Number		32. Bank / Branch Reference			
				33. Bond Security Number		34. Bond/Cash Amount		35. Total Freight			
Declarant Ref. No.											
36. Total Insurance		37. Total Other Charges		38. Total Customs Value		39. Other information					
40. (a) Shipping Marks & Nos./Container Nos.		(c) Commodity code		(d) C.P.C		(e) Gross Weight		(f) Net Weight			
(b) Goods Description		(g) 1 st Supp. Qty.		(h) Units 1 st Supp Qty		(i) 2nd Supp. Qty.		(j) Units 2 nd Supp Qty			
		(k) Type of packaging		(l) No. Packages		(m) Country of Origin		(n) Preference code			
(o) License Number		(p) License Value / Qty		(q) Value/Qty Deducted		(r) FOB Value		(s) Freight		(t) Insurance	
(u) Other Charges		(v) Currency Code		(w) Exchange Rate		(x) CIF Value		(y) Customs Value			
41. REVENUE INFORMATION								43. Attached documents		44. Preceding Documents Ref.	
(aa) Tax Type		(bb) Tax Base. / Value		(cc) Rate		(dd) Tax Due		45a. Code		45b. Number	
I											
II											
III											
IV											
V											
								(ee) Total Tax due on this item			
46. SUMMARY TOTALS		i		ii		iii		iv		v	
										47. Other Charges	
										47a. Code	
										47b. Amount	
This Page											
Other Pages											
Totals											
48. Grand Totals (Duties, Taxes and Other charges)								FOR OFFICIAL USE			
49. Declaration								PROPER OFFICER		CASH /CHEQUE	
I/Wethe undersigned of (Company name)										Amount Paid	
Being the Agent/Principal of (Importer/Exporter) do hereby										Receipt Number and Date	
declare that the information and particulars declared herein are true and complete.										Cashier's Signature and Stamp	
Signature and Stamp..... Place..... Tel/Fax.....											

41. (a) Shipping Marks & Nos./Container Nos.		(c) Commodity code	(d) C.P.C	(e) Gross Weight	(f) Net Weight
(b) Goods Description		(g) 1 st Supp. Qty.	(h) Units 1 st Supp Qty	(i) 2 nd Supp. Qty.	(j) Units 2 nd Supp Qty
		(k) Type of packaging	(l) No. Packages	(m) Country of Origin	(n) Preference code
(o) License Number	(p) License Value / Qty	(q) Value/Qty Deducted	(r) FOB Value	(s) Freight	(t) Insurance
(u) Other Charges	(v) Currency Code	(w) Exchange Rate	(x) CIF Value	(y) Customs Value	
42. REVENUE INFORMATION				43. Attached documents	
(aa) Tax Type	(bb) Tax Base	(cc) Rate	(dd) Tax Due	43a. Code	43b. Number
i					
ii					
iii					
iv					
v				(ee) Tax due on this item	
44. Preceding Documents Ref					

41. (a) Shipping Marks & Nos./Container Nos.		(c) Commodity code	(d) C.P.C	(e) Gross Weight	(f) Net Weight
(b) Goods Description		(g) 1 st Supp. Qty.	(h) Units 1 st Supp Qty	(i) 2 nd Supp. Qty.	(j) Units 2 nd Supp Qty
		(k) Type of packaging	(l) No. Packages	(m) Country of Origin	(n) Preference code
(o) License Number	(p) License Value / Qty	(q) Value/Qty Deducted	(r) FOB Value	(s) Freight	(t) Insurance
(u) Other Charges	(v) Currency Code	(w) Exchange Rate	(x) CIF Value	(y) Customs Value	
42. REVENUE INFORMATION				43. Attached documents	
(aa) Tax Type	(bb) Tax Base	(cc) Rate	(dd) Tax Due	43a. Code	43b. Number
i					
ii					
iii					
iv					
v				(ee) Tax due on this item	
44. Preceding Documents Ref					

41. (a) Shipping Marks & Nos./Container Nos.		(c) Commodity code	(d) C.P.C	(e) Gross Weight	(f) Net Weight
(b) Goods Description		(g) 1 st Supp. Qty.	(h) Units 1 st Supp Qty	(i) 2 nd Supp. Qty.	(j) Units 2 nd Supp Qty
		(k) Type of packaging	(l) No. Packages	(m) Country of Origin	(n) Preference code
(o) License Number	(p) License Value / Qty	(q) Value/Qty Deducted	(r) FOB Value	(s) Freight	(t) Insurance
(u) Other Charges	(v) Currency Code	(w) Exchange Rate	(x) CIF Value	(y) Customs Value	
42. REVENUE INFORMATION				43. Attached documents	
(aa) Tax Type	(bb) Tax Base	(cc) Rate	(dd) Tax Due	43a. Code	43b. Number
i					
ii					
iii					
iv					
v				(ee) Tax due on this item	
44. Preceding Documents Ref					

41. (a) Shipping Marks & Nos./Container Nos.		(c) Commodity code	(d) C.P.C	(e) Gross Weight	(f) Net Weight
(b) Goods Description		(g) 1 st Supp. Qty.	(h) Units 1 st Supp Qty	(i) 2 nd Supp. Qty.	(j) Units 2 nd Supp Qty
		(k) Type of packaging	(l) No. Packages	(m) Country of Origin	(n) Preference code
(o) License Number	(p) License Value / Qty	(q) Value/Qty Deducted	(r) FOB Value	(s) Freight	(t) Insurance
(u) Other Charges	(v) Currency Code	(w) Exchange Rate	(x) CIF Value	(y) Customs Value	
42. REVENUE INFORMATION				43. Attached documents	
(aa) Tax Type	(bb) Tax Base	(cc) Rate	(dd) Tax Due	43a. Code	43b. Number
i					
ii					
iii					
iv					
v				(ee) Tax due on this item	
44. Preceding Documents Ref					

45. SUMMARY TOTALS		i	ii	iii	iv	v
This Page						
Other Pages						
Totals						

1. Transit Country

OFFICE OF ENTRY

OFFICE OF EXIT

the packages specified on this
declaration and found them conform to the
description given that they are undamaged

Means of Transport/Packages/Exported
with Seals intact

☐ On means of transport
☐ On package
☐ intact
☐ affixed

Signature and Stamp

Date Signature and Stamp

Last Transit country

OFFICE OF ENTRY

OFFICE OF EXIT

Means of Transport/Packages/Imported
Seals intact

Means of Transport/Packages/Exported
with Seals intact
National Transit Requirements satisfied

Documents Checked

Additional Seals Numbers

☐
☐

Signature and Stamp

Date Signature and Stamp

4. WAREHOUSE/LICENSEE ACCEPTANCE

hereby accept the goods declared on this entry into
bonded Warehouse No.....

Signed

Warehouse License

FOR OFFICIAL USE

(CUSTOMS VERIFICATION ACCOUNT)

2. Transit Country

OFFICE OF ENTRY

OFFICE OF EXIT

Means of Transport/Packages/Exported
with Seals intact

Means of Transport/Packages/Exported
with Seals intact

Documents attached

Additional Seals

Numbers

☐
☐

No

Yes

Date Signature and Stamp

Date Signature and Stamp

53. Country of Destination

OFFICE OF ENTRY

OFFICE OF EXIT

Means of Transport/Packages/Exported
with Seals intact

Means of Transport/Packages/Imported
with Seals intact

☐

Transferred to office of final
Destination

Documents checked

☐

Transit Operations Completed

Transit Operations Completed

Date, Signature and Stamp

55. EXPORT CERTIFICATE

Railway Wagon

Aircraft

Vessel

Vehicle No.....as entered

.....Packages

Satisfied Correct/Shortshipment

Date.....

Proper Officer

CERTIFICATE OF CLEARANCE

Port of	Country.....
This is to certify to all whom it may concern that the <i>Name of Vessel</i>	
of <i>Nationality</i>	Master
has been duly cleared for <i>Port of Destination</i>	
via <i>Next Port of Call</i>	
with a cargo consisting of	
Given under my hand at the aforesaid port this day of 20..... Proper Officer	

LICENCE FOR THE TRASPORTER

Subject to the observance by the Licensee of the provisions of the East African Community Customs Management Act and the conditions prescribed herein, a License is hereby granted to.....PIN/TIN.....
of.....from.....until the 31st December,
for the conveyance of goods under Customs control in the Partner States.

.....
Commissioner

Fees paid dollars.....

Receipt No.dated.....at.....

REQUEST TO REPACK WAREHOUSED GOODS

To The Commissioner					at		Country.....		Date.....		
Permission is requested to re-pack the under mentioned goods deposited in											
Warehouse situated at.....											
PARTICULARS RELATED TO WAREHOUSED GOODS											
Warehouse Register		Importing aircraft or vessel or vehicle		Rotation No	Entry No. & Date	Date of warehousing					
Number	Page										
PARTICULARS OF WAREHOUSED GOODS TO BE REPACKED											
PACKAGES			Description of Goods				Details of Final Packaging				
Marks and Numbers		Number and Description									
Owner											
Permission to repack granted subject to the following conditions:											
Date 20.						 Commissioner.					
Re-packed under supervision. Satisfied.											
Date 20						 Proper Officer					
I certify that the original transaction recorded in warehousing Register No. Page has been closed and a new account opened in Register No. Page											
..... Proper Officer											

*Delete whichever is inapplicable

REQUEST TO TRANSFER OWNERSHIP OF WAREHOUSED GOODS

To The Commissioner.	
At(Place) Date.	
Permission is requested to transfer ownership of the under-mentioned goods which are deposited in Bonded Warehouse No.to M/s of	
..... *Owner /Authorised Agent	
WAREHOUSE DETAILS	DESCRIPTION OF GOODS
Entry No.	
Date warehoused	
Owner	
Register ref.	
Marks and Numbers of packages	
Quantity to be transferred	
Permission *granted/not granted	
..... Commissioner	
CERTIFICATE OF ACCEPTANCE	
I of hereby certify that as from this date I am the owner of the above-mentioned goods and I undertake to pay all duties, rents and charges due and accruing thereon.	
Date Signed by Transferee or his Agent.	
Noted in Warehouse Register No. Page. Date	
..... Proper Officer	

*Delete whichever is inapplicable

APPLICATION FOR LICENCE OF PREMISES TO BE USED AS A *BONDED WAREHOUSE
/FACTORY/INTERNAL CONTAINER DEPOT (ICD)

PART I

1. Name of applicant..... PIN/TIN.....
2. Registered address.....
3. If Renewal state bonded warehouse/factory number (where applicable).....
4. Form of business *sole proprietorship/a partnership/limited company (attach certified copies of certificate of incorporation, memorandum and articles of association)
.....
5. Particulars of *owners/directors/partners; (Names, occupation, nationalities and percentage of shares held)
.....
.....
.....
.....
.....
6. Other business currently engaged in by your * sole proprietorship partnership/company
(Registered name physical and postal address)
.....
.....
7. Are you/your employees conversant with the Customs procedures? *YES/NO.....
- (a) If yes, give name(s) of your employee(s) who will be stationed in the premises to be licensed stating the experience in Customs procedures
.....
.....
- (b) If no, what steps do you/your employee(s) intend to take to acquire the necessary know-how in the Customs procedures?
.....
8. Name(s) of Bankers
9. Authorised share capital/business capital in dollars
10. Paid up capital.
11. Has your application for a license ever been rejected? *YES/NO.....
if "yes" state reasons
12. If warehouse state whether for general or private use.....
13. The estimated amount of Import Duty, VAT and any other tax chargeable on goods likely to be warehoused or to be in the factory at any one time (USD).....
14. Name of proposed securities

EAST AFRICAN COMMUNITY

13. PARTICULARS OF PREMISES

- (a) Whether a room or rooms or an entire building
- (b) Where situated.
- (c) How bounded
- (d) Of what material built.
- (e) Dimensions
- (f) Doors.
- (g) Windows.
- (h) How doors fastened.
- (i) How windows fastened.
- (j) Ventilation.
- (k) How secured.
- (l) If there is an upper storey, for what purpose is it used?
- (m) Are your procedures computerized?

NOTE:- Plans of the proposed building and situation of the same in relation to other buildings should accompany this application.

14. I hereby declare that the above particulars are true and correct.

Signed. Title Date.

PART II – For Official Use

*Recommended/Not recommended

.....
Proper Officer

*Approved/Not Approved.

.....
Commissioner

NOTES

1. Any late application must be submitted with a non-refundable application fee of (USD)..... which is not a guarantee for issue of a license.
2. New applicants will be required to produce evidence of citizenship of shareholders (or partners), business registration and other documents of association. Failure to do so may disqualify the applicant.
3. Giving of false or incorrect information renders the applicant liable to prosecution.

LICENCE FOR *PRIVATE/GENERAL BONDED WAREHOUSE / FACTORY / ICD

Name of (Warehouse/Factory/ICD)

Warehouse/Factory/ICD number License number

Subject to the provisions of the Act, the aforementioned Warehouse/Factory/ICD situated at

is hereby licensed as a *bonded private/general warehouse/Factory/ICD for the deposit of

.....

.....

.....

.....

NOTE:

1. This license is not transferable.
2. Change in the production and business structure of the Company including change in shareholders/partners and their share holding position ~~or the ratio in which profit is shared~~ must be notified to the Commissioner within one month of the date of change.

Dated and valid up to the 31st December, 20.....

.....

Commissioner

Licence Fee (USD) Receipt No. date.....

**Delete whichever is inapplicable*

APPLICATION FOR CUSTOMS AGENTS LICENSE FOR THE YEAR.....

1. Name of applicant..... PIN/TIN

Registered Address.....

Street/Road.....Plot No.....Tel. No.....

2. State whether your business is a *Sole proprietorship/ Partnership/ Limited Company

3. Names, Occupations, Nationalities of Directors/Partners, percentage of shares held

4. State any other businesses currently being run by your *partnership/company (State registered name, and address).....

5. State whether *New application or Renewal

6. If renewal, state when first licensed as a Customs Agent

7. Previous License Number and where issued

8. (a) Do you have experience in the clearance of goods through Customs? * YES/NO

(b) If YES, give name(s) of persons/employee(s) with experience in Customs clearance procedures, stating the period of gained experience in each case

(c) If NO, what steps do you intend to take to acquire the necessary know how in Customs clearance procedures?

9. Names of Bankers

10. Authorised Capital of the Company (USD)

11. Paid up Capital (USD).....

12. Names and the ranks of employees and their citizenship:

13. Have you ever had to appeal to be licensed? *YES / NO.

14. If YES give reasons

I hereby declare that the above particulars are true and correct.

Signed.....Title.....Date.....

NB: - If the space provided is insufficient, please attach a separate sheet

**Delete whichever is inapplicable*

CUSTOMS AGENT'S LICENCE

Licence Number.....

Pursuant to the provisions of the East African Community Customs Management Act,
M/S.....Of.....PIN/TIN
operation at (Physical Address)..... are hereby
authorised to act as General/Transit agents in East Africa subject to the following
conditions:

1. The Licensees shall faithfully and un-corruply perform their duties to the satisfaction of the Commissioner and shall operate from the premises indicated hereon.
2. This licence may be revoked, suspended or cancelled at any time in the manner provided for by the Regulations.
3. The Licensees shall comply with the Provisions and Regulations of the Act there under.
4. For the purposes of East African Community Customs Management Act, the licensees shall be personally liable for the payment of any duties to which such goods are liable and for the performance of all acts in respect of such goods which the owner thereof is required to perform under the Act.

The sum of money prescribed in the BOND FOR CUSTOMS AGENTS LICENCE shall be forfeited if any of the proceeding conditions is violated.

Dated this day of 20..... and valid up to
the 31st of December 20.....

.....
Commissioner

I/We hereby undertake to comply with the conditions stated herein accordingly.

.....
Date.....
Customs Agent's Seal and Signature

Fees USD. Paid vide Receipt No. Date

APPLICATION TO SHIP GOODS PRIOR TO ENTRY

Rotation No.

Port of

Country

*I/We, the undersigned, request permission to ship prior to entry the following goods by the

*aircraft/vessel on or about the day of 20...

PARTICULARS OF GOODS

Packages:

Marks and numbers

Number and description

Description of goods

Weight or quantity

Value in dollars

Name and address of consignee

Destination of goods

*I/We declare that the above particulars are true and *I/we undertake to furnish the necessary evidence and pay the duty due, if any, on the above-mentioned goods within ninety-six hours of the departure of the aircraft or vessel.

Date 20.....

.....
Exporter

Bond in force/Cash deposit in dollars.....

*Approved/Not approved

Date 20.....

.....
Proper Officer**Delete whichever is inapplicable*

APPLICATION TO RELOAD GOODS UNLOADED IN ERROR

To the Proper Officer,	<i>For Official Use</i> Rotation No. Date	
Permission is hereby requested to reload into *aircraft/vessel lying at the following goods unloaded there from in error.		
Marks and numbers of packages	Description of goods Master	
Permission is granted subject to the following conditions: Proper Officer	Received on board the above-mentioned goods Master Date	

*Delete whichever is Inapplicable

EAST AFRICAN COMMUNITY

C 28
CUSTOMS

APPLICATION TO SHIP STORES

To the Proper Officer,		<i>For Official Use</i>	
		Port of Country	
		Form No.	
I request permission to ship the under mentioned stores on the aircraft/vessel			
..... bound for			
Crew (Officers) (Seamen)			
Passengers			
Probable duration of voyage days.			
HS CODE	Net Quantity (State Units)	Description of Goods	Value in dollars
..... <i>Master</i>		Date, 20.....	
*APPROVED/NOT APPROVED			
..... <i>Proper Officer</i>		Date, 20.....	

EAST AFRICAN COMMUNITY

APPLICATION TO TRANSFER STORES OF AIRCRAFT OR VESSEL

C. 29
CUSTOMS

To the Proper Officer,	For Official Use Rotation No.
*I/We, having furnished a bond security dated	
In the sum ofdollars, hereby request permission to transfer the following stores from the *Aircraft/vesselto the *aircraft/vessel.....	
Marks and numbers of packages	Description of goods
..... Master Date	
*Approved/Not Approved Proper Officer Date	
I have received the above-mentioned stores and I undertake that they will not be taken into use without the express permission of the Commissioner until the *aircraft/vessel has left	
..... Master Date	
Aircraft/Vessel	
Shipped:	
Date Proper Officer	

*Delete whichever is inapplicable

EAST AFRICAN COMMUNITY

C30
CUSTOMS

APPLICATION FOR REFUND OF DEPOSIT/CANCELLATION OF BOND

Port of Country *Voucher No / Bond security No.

CLAIMANT: Name and Address

Entry No / Date	No. of packages	Description of goods	Quantity	Value (USD)	Amount deposited	Amount : (a) of bond or (b) allocated against general bond.
DETAILS OF RE-EXPORTATION OR PERFORMANCE OF UNDERTAKING						
Entry No / Date	No. of packages	Description of goods	Quantity	Value (USD)	Place and Date of re-exportation or performance of undertaking	
			Total			

I hereby certify that the above particulars are correct, that the goods have been correctly dealt with, in the period of Months
allowed by the Proper Officer.

**Delete whichever is inapplicable*

EAST AFRICAN COMMUNITY

C30
CUSTOMS

* I claim a refund of USD.paid by me *vide* Receipt No..... date

* I request cancellation of the amount of USDgiven under Bond security No.dated.....

Place Date

Owner or Agent

For Official Use Only

(a) Refund of USD Authorized.

Checked and endorsed on entry

Refund Officer

Date

Received this DayMonth..... YearThe sum of USD (in figures).....

(in words) Dollarsin payment of the claim above.

Date

Signature of Authorized receiver

(b) Check and noted on entry. Adjustment of security made on line No.....in Bond Allocation Register No.

Checking Officer

Proper Office

Date.....

**Delete whichever is inapplicable*

TRANSIRE

Port of..... Country			Serial No..... Date.....		
*Flight/Voyage/Vehicle Rotation No.	Net registered tonnage	Port and Country of registration	Name of Master	Number of Crew	Port of discharge
CARGO *Duty Paid / Free					
Marks and Numbers	Number of packages	Packages and description of goods		Method of Disposal	

A general transire, issued under regulations 127 and 134 of the East African Community Customs Management Regulations, authorizes the clearance outwards of ((Aircraft/ Vessel vehicle No) on any Flight / Voyage/Trip made directly between..... and is valid until theday of20.....

This transire does not authorize flights/voyages/trips to any foreign port or to the coastal waters of any country outside the limits of the Partner States, and does not permit the carriage of any cargo without compliance with the requirements of the East African Community Customs Management Act and the Regulations there under

I declare the above to be correct account of the coastwise cargo shipped, or intended to be shipped, at this port for (next port)

.....
Master

Date.....

.....
Proper Officer

*Delete whichever is inapplicable

EAST AFRICAN COMMUNITY

VEHICLE/VESSEL LICENCE FOR CONVEYING TRANSIT GOODS

Subject to the observance by the Licensee of the provisions of the East African Community Customs Management Act and the conditions prescribed herein, a License is hereby granted to.....PIN/TIN..... of.....from.....until the 31st December, for the Vehicle/Vessel (make/name)..... (Registration No)..... for the conveyance of goods in transit through the Partner states.

SPECIAL CONDITIONS FOR VEHICLES CARRYING TRANSIT/RE -EXPORT GOODS

1. The licence shall be permanently affixed to the licensed vehicle in a prominent position where it is visible at all times
2. The licensed vehicle shall be used exclusively for the carriage of goods in transit/re-exports and for no other purpose, unless otherwise authorized by the Commissioner
3. The licensed vehicle shall travel through the partner states only along those routes appointed in accordance with the provisions of the East African Community Customs Management Act.
4. The licensed vehicle shall be distinguished by the following inscription in yellow painted letters, not less than 31cm high, on both sides of the vehicle.

TRANSIT GOODS

5. The licensed vehicle carrying goods in transit/re- exports shall be sealed by the Proper Officer except in the case of 'exceptional loads' as defined in regulation 108(7) or in any special case otherwise authorized by the Commissioner
6. (Any other special conditions).....

Commissioner

Fees paid dollars.....

Receipt No.....dated.....at.....

CERTIFICATE OF APPROVAL FOR LICENSED MOTOR VEHICLES / VESSELS FROM
COMESA / SADC.

Subject to the observance by the Licensee of the provisions of the East African Community
Customs Management Act and the conditions prescribed herein, a certificate of approval is
hereby granted to M/S
for the conveyance of goods under Customs control.

* Make of Vehicle / Name of the Vessel.....

Registration No.....

This certificate is valid from.....until the 31st December,.....
unless earlier revoked.

.....
Commissioner

*COMESA/SADC license No.....dated.....at.....

CONDITION:

Subject to any other conditions as the Commissioner may impose (over leaf)

*Delete whichever is inapplicable

DUTY DRAWBACK RATE OF YIELD NOTIFICATION FORM

1	TIN/PIN	2	VAT NO
3	Name of Registered Business		
4	Trading Name (If different from 3)		
5	Physical Address of Business		
	Plot No	Street	Town
			Building Name

6	TYPE OF BUSINESS("X" Where Applicable)	7	MAIN BUSINESS ACTIVITY
	Limited Company		
	Partnership		
	Sole Proprietorship		
	Other Specify		

8	
	Imports from COMESA/SADC
	Imports from third Countries

9	IMPORT ITEMS			EXPORT ITEMS			
	HS CODE	Name and Specifications	Units	HS CODE	Name and Specifications	Units	Standard Input/Output Ratio

Declaration

I/We..... do hereby declare that the information provided on this document is true, accurate and complete.

Signature of Taxpayer or Authorized Officer..... Date and Stamp

DUTY DRAWBACK * DEBENTURE/CLAIM FORM

Port of.....Country.....Rotation No.....

*I/We TIN/PIN.....VAT No..... of
address having entire
goods for exportation to..... or for use as stores in the *Aircraft/Vessel
.....and having fulfilled the conditions on which drawback is allowed, hereby
apply for the drawback due thereon. DDB Registration No.....

IMPORTED RAW MATERIALS C17 No.	Kind and No of Pkgs	HSCODE	Description of goods imported	Quantity	Country of Origin

EXPORTS:		Full description and quantity of goods exported	H.S. Code	FOB Value (Dollars)	Duty Drawback Coefficient	Amount claimed (Dollars)
Export Entry No.	Date					

*I/We declare the above particulars to be true, that the goods have been actually *exported/
shipped for use as stores, and have not been released and are not intended to be re-landed in the
Partner States and that at the time of entry and *exportation/shipment of the goods, *I was/We
were, and still 'am/are', entitled to the drawback thereon which amounts to dollars.

Declared this.....day of20..... *Exporter/Agent.....

The drawback on the goods mentioned in this debenture amounts todollars.

Date..... 20..... Proper Officer

Received this..... day of 20..... the sum of dollars.

Exporter

Amount of Refund claimed..... Amount verified and recommended for
refund.....

Recommended by
Name and address Signature and date

Amount approved and authorised by Commissioner (in Dollars)

Amount paid (Dollars)

Name and Signature of paying officer

TEMPORARY IMPORTATION OF ROAD VEHICLES FROM COMESA, SADC AND
COUNTRIES WITH BILATERAL ARRANGEMENTS WITH THE PARTNER STATES

DECLARATION OF IMPORTATION

I hereby declare that I am the *owner/duly authorised agent of who is the owner, of the vehicle(s) described hereunder and that *I / he / she normally reside(s) in the (State Country) and intend(s) to make only a temporary stay in the Community, and I undertake to pay the import duty charged on the imported vehicle(s) if the ownership of the vehicle(s) be transferred to another person, or if the said vehicle(s) is/are not exported within fourteen days or within such further period not exceeding three months as the Proper Officer may allow.

It is my present intention to re-export the vehicle(s) through the Customs Frontier Port at on or about (date)

Dated this day of, 20..... Signed
Owner or Agent

Declared before me,

Date....., 20.....

Proper Officer

Import Certificate

Log book No.....

Verified Particulars found correct, as imported on
(date)

Registration No

This certificate is valid up to

Country of registration.....

Make.....

Model

Engine No.

Proper Officer

Chassis No.

Engine Capacity cc

Station Date

Colour.....

Seating Capacity

Export Certificate

Petrol/Diesel

Verified, Particulars found correct, as exported on
(date)

Port of Importation

Proper Officer

Exit Station Date

Rotation No

APPLICATION FOR A *REMISSION OR REFUND OF IMPORT DUTY ON ABANDONED GOODS

Date, 20.....

To the Commissioner,

at Country.....

In accordance with the provision of sections 16 of the East African Community Customs Management /
I/We hereby abandon the under-mentioned goods which were unloaded from the *Aircraft/Vessel/veh
..... Rotation No. and I/We apply for a *remission/refund
import duty chargeable or paid thereon.

Particulars of Goods and Reasons for Abandonment

.....
.....
.....

Entry No. and Date

.....
Importer or Agent

A *remission/refund of duty ofdollars in respect of the above mentioned goods
hereby *authorised/not authorised.

Date, 20.....

.....
Commissioner

Date, 20.....

Received the sum ofdollars in payment of the above-mentioned claim.

.....
Importer or his Agent

Disposal of Goods

The goods subject to this claim have been.....
.....
..........
Proper Officer

Date, 20.....

*Delete whichever is inapplicable

APPLICATION FOR *REBATE/REFUND ON *DAMAGED/PILLAGED/DESTROYED GOODS

Date, 20.....

To the Proper Officer,

at Country.....

In accordance with the provision of the East African Community Customs Management Act, *I/We hereby apply for a *rebate/refund of(dollars) in respect of the under-mentioned goods which were discharged from the *Aircraft/Vessel Rotation No and were *damaged/pillaged/destroyed during the voyage, or before delivery out of Customs control.

Particulars of Goods

.....

 Entry No. and date

Certificate from the Insurer or Carrier in the Case of Damaged/Pillaged/Destroyed Goods

*I/We hereby certify that :-

- (a) the above-mentioned goods are covered by insurance with the (company).
 (b) as a result of a survey a claim to the extent of has been allowed in respect of the above-mentioned goods on account of damage sustained during voyage or before delivery out of Customs control.

Date, 20
 Insurer/Carrier or his Agent

I hereby certify that I have examined the above-mentioned goods and am satisfied that the goods were damaged/pillaged/destroyed during voyage or before delivery out of Customs control and I recommend a *rebate/refund of(dollars)

Date, 20.....
 Proper Officer

A *rebate/refund of duties and taxes of(dollars) in respect of the above-mentioned goods is hereby authorized.

Date, 20.....
 Proper Officer

Received from the Commissioner the sum of(dollars) in payment of the above-mentioned claim.

.....
 Importer or Agent

*Delete whichever is inapplicable

EAST AFRICAN COMMUNITY

OTHER REFUNDS - MISCELLANEOUS

C. 39
CUSTOMS

To the Proper Officer at.....Country.....	For Official Use No..... Subhead
--	---

*I /We hereby apply for a refund amounting to (in words) (dollars)
on the following grounds.....
.....

Entry No. and Date	Port of Clearance	Description of Goods and other Particulars of claim	HS Code	Quantity	Value	Amount

Date.....

.....
Claimant

Checked and found correct

Relative documents noted

Refund Authorised

.....
Proper Officer

.....
Proper Officer

Date.....

Date.....

Received thisday of Month.....Year.....

In Payment of the above claim the sum of (in words)(dollars)

Date.....

Signature.....

*Delete whichever is inapplicable

REQUEST FOR SETTLEMENT OF CASE

To the Commissioner

At..... Country

I am concerned in contravention of the East African Community Customs Management Act,
namely (section/regulation);

.....

I admit being guilty of the offence and hereby request the Commissioner to deal with the
case under the provisions of Part XVIII of the said Act.

It has been explained to me by the proper officer and I understand that any order made by
the Commissioner is final and is not subject to appeal.

Date this..... day of 20.....

.....
Name and Signature of Offender

DECLARATION OF PARTICULARS RELATING TO CUSTOMS VALUE

1. Buyer	For Official Use	
2. Seller		
3. Number and date of invoice		
4. Number and date of contract	5. Terms of delivery (CIF, FOB, C&F, C&I)	
Number and date of previous Customs decision covering boxes 7 to 8		
7. (a) Is the buyer and seller related (as per paragraph 3 & 4 of the 4 th Schedule to the Act)? If "NO" go to box 8		*YES/NO
(b) Did the relationship influence the price of the imported goods?		*YES/NO
(c) Does the transaction value of the imported goods approximate to the customs value? If "YES?" give details:		*YES/NO
8. (a) Are there any restrictions as to the disposition or use of the goods by buyer, other than Regulations which - are imposed or required by law or by the public authorities in the Community - limit the geographical areas in which the goods may be re-sold, or - do not substantially affect the value of the goods?		*YES/NO
(b) Is the sale or price of goods subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued?		*YES/NO
Specify the nature of the restrictions, conditions of considerations as appropriate (on a separate sheet) If the value of conditions or considerations can be determined, indicate the amount in box 11(b)		
9 (a) Have any ROYALTIES and LICENCE FEES on the imported goods been paid either directly or indirectly by the buyer as a condition of the sale?		*YES/NO
(b) Is the sale subject to an arrangement under which part of the proceeds of any subsequent RESALE DISPOSAL or USE accrues directly or indirectly to the seller?		*YES/NO
If "YES" to either of these questions, specify conditions (on a separate sheet) and if possible indicate the amount in boxes 15 and 16.		
10. Ithe undersigned, declare that all particulars given in this document are true and complete.		
Place: Date:.....		
Signature:.....		
A: Basis of	11. (a) Net prices on the INVOICES (Prices actually paid or payable for settlement)	

calculation	(b) Indirect payments – see Box 8 (b)	
	12. TOTAL A (in currency of invoice)	
B: Adjustments of the Price paid or Payable (4 th Schedule to the Act)	13. Cost incurred by the buyer: (a) Commissions (Enter "X" as applicable: Selling [] and /or buying [])	
	(b) Brokerage	
	(c) Costs for containers and packing	
	14. Goods and services supplied by the buyer free of charge or at reduced costs for use in connection with the production and sale for export of the imported goods: (N.B: the values shown represent an apportionment where appropriate)	
	(a) Materials, Components, Parts and similar items incorporated in the imported goods.	
	(b) Tools, Dies, Moulds and similar items used in the production of the imported goods.	
	(c) Materials consumed in the production of the imported goods.	
	(d) Engineering, development, art work, design work, plans and sketches undertaken elsewhere other than in the country of the import and necessary for the production of imported goods	
	15. Royalties and licences fees – see Box 9(a)	
	16. Proceeds of any subsequent resale, disposal or use accruing to the seller – see box 9(b)	
	17. Costs of delivery to the Community (a) Transport/Freight	
	(b) Loading and handling charges	
	(c) Insurance	
C: Post Landing Expenses (may be included in "A")	18. TOTAL of "B" (in currency of invoice)	
	19. Cost of transport after arrival in the Community	
	20. Charges of Construction, Maintenance and other related expenses after importation – except installation costs	
	21. Other charges (specify)	
	22. Customs Duty and Taxes in the Community	
	23. TOTAL of "C" (in currency of invoice)	
CUSTOMS VALUE (A+B) or (A+B-C) If "C" is included in "A"	24. 23. Total Customs value (in currency of invoice)	

NOTICE OF SEIZURE

To
of Country.....

1. Take notice that

.....
.....
.....
has been seized and is liable to forfeiture in accordance with the provisions of the East African Community Customs Management Act, on the following grounds: -

.....
.....
.....
.....
.....
.....
.....
.....
.....
2. If you claim or intend to claim that the things seized are not liable to forfeiture you should, within one calendar month from the date of this notice, give notice in writing of your claim in accordance with the provisions of section 214 of the Act. In default of such notice the things seized will be deemed to have been lawfully condemned and will be liable to be disposed of in such manner as the Commissioner may direct.

Dated at this day of 20.....

.....
Proper Officer

APPLICATION FOR PAYMENT OF PROCEEDS OF SALE OF GOODS

Date, 20.....

The Proper Officer,

at Country

*I / We hereby apply for the balance of proceeds of the sale of the under-mentioned goods
on..... (date of sale) from aircraft/vessel/vehicle Rotation No.

.....

PARTICULARS OF GOODS

.....
.....
.....
.....
.....
.....
.....

*I/We hereby declare that the goods sold were owned by *me/us and that *I am/we are entitled
to the balance of the proceeds of the sale.

.....
Name and Signature of Owner

For Official use only

*Approved / Not approved

Amount Payable (dollars)

.....
Commissioner

**Delete whichever is inapplicable*

APPLICATION FOR LICENSING VESSELS/VEHICLE FOR CONVEYANCE OF GOODS UNDER
CUSTOMS CONTROL

To the Commissioner

1. Details of vehicle ownerNames(s) P.O.Box No. Telephone
Fax No. Country of registration mail Address**2. Details of Application**Names Postal Address
Passport Number Telephone**3. Motor Vehicle Registration Details**Engine number Chassis Number
Vehicle Registration Number Model Colour.....
Year of manufacture Mileage Weight of empty vehicle (Tare)**4. Logbook and Vehicle Insurance Details**Logbook No. Original (tick) Certified copy (tick)
3rd party policy No. Insurance Company
Valid Sticker No? Yes No Serial No Date of expiry**5. Declaration by the applicant**

I, undersigned, declare that the particulars stated above are true and correct.

Names Signature

6. RecommendationsInspection Officer In-Charge Station
Names Names
Rank & ID No. rank & ID No.

Signature, stamp and date Signature, stamp and date

An original logbook or a certified photocopy must be presented at the time of inspection

VEHICLE/VESSEL LICENCE FOR CONVEYING GOODS UNDER CUSTOMS CONTROL

1. Date of issue..... Date of expiry
2. Attesting that the means of transport specified below fulfils the conditions required for admission to inter-EAC transport of goods under Customs seals.
3. Operator's name and address TIN/PIN
4. Vehicle Registration No. Capacity
5. Make Type
6. Engine No. Chassis No.....
7. Transporter's Reg. No.
8. Other Particulars
9. Issued at (place) on (date)
10. Licence fee (Dollars) receipt No..... of

.....
COMMISSIONER

Note: This certificate must be framed and exhibited in the cab of the means of transport. If not in use or on a charge of the owner or carrier or on expiry of the period of validity of the certificate or if there is any material change in any essential particulars of the means of transport must be surrendered to the issuing authority.

Conditions

1. This certificate must be permanently affixed to the approved vehicle in a permanent position where it is visible at all times
2. It must be readily available on demand for verification by the "Proper Officer"
3. It shall not be sold or transferred in any manner without written approval of the Commissioner
4. The approved motor vehicles shall travel only upon those appointed transit routes
5. The licensed vehicle shall be used exclusively for the carriage of goods under Customs Control, other than transit, and for no other purpose, unless otherwise authorized by the Commissioner

Types of Body:

- a. Flat/Platform body
- b. Flat with side drops
- c. Box body with sailing provisions
- d. Tanker for carrying liquid products

BOND FOR DELIVERY OF PERISHABLE OR OTHER GOODS PRIOR TO PAYMENT
OF DUTIES / TAXES

I/We
of.....
and.....
of.....
hereby acknowledge that I am/we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I/We bind myself/ourselves jointly and severally for and also to my/our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this.....day of.....20.....

WHEREAS the above named has/have imported perishable or other goods by flight /voyage/vehicle registration, number..... which arrived from.....on the..... day of.....20.....and whereas the Importer wishes to take delivery of those goods before payment to Customs of the duties on such goods;

The condition of this obligation is such that if the above named..... shall deliver to the Commissioner within forty-eight hours of taking delivery of the goods imported by him/them, Customs entries of all goods so delivered and shall pay duties due on those goods, then this obligation shall be void, but otherwise shall be and remain in force.

Signed,sealed and delivered by
the above named.....
in the presence of(name)
.....(designation)
of.....(address)

Signed,sealed and delivered by
the above named.....
in the presence of(name)
.....(designation)
of.....(address)

Approved:

.....
Commissioner

BOND FOR REMOVAL OF GOODS FROM ONE PORT OR PLACE TO BE EXAMINED
AND ENTERED AT ANOTHER PORT OR PLACE

I /Weof.....
and.....of.....
hereby acknowledge that I am/we are bound to the Commissioner in the sum of.....
dollars to be paid to the Commissioner for which payment I/we bind myself/ourselves jointly and
severally and also to my/our heirs, executors, administrators and assigns and each of them.
Dated this.....day of.....20.....

I/We the above named have given notice to the Commissioner of my/our intention to remove the
following goods from.....(port/place) by.....(mode of transport)
on.....(date).

I/We understand that the conditions of this obligation are as follows: -

- (i) I/We shall remove and produce the above mentioned goods to the proper officer at ...
..... withindays from the date hereof
- (ii) There shall be no alteration or diminution in quantity or quality (except as shall be
accounted for to the satisfaction of the Commissioner) to those goods or packages in
which they have been delivered thereof to the said Under this
obligation until the production thereof to the proper officer at.....(port or place).
- (iii) I/We shall forthwith deliver to the proper officer, Customs entries of all goods so
delivered to the satisfaction of the Commissioner.
- (iii) In case of goods not warehoused in pursuance of any entry for warehousing, I/We shall
forthwith pay to the Commissioner all duties and other charges due to him on those
goods.

Signed sealed and delivered by

the above named.....

in the presence of(name)

.....(designation)

of.....(address)

Signed sealed and delivered by

the above named.....

in the presence of(name)

.....(designation)

of.....(address)

Approved:

.....
Commissioner

BOND FOR THE WAREHOUSING OF GOODS OR REMOVAL OF WAREHOUSED
GOODS.

I/We
of.....
and.....
of.....
hereby acknowledge that I am/we are bound to the Commissioner in the sum ofdollars to be paid to the Commissioner for which payment
I/We bind myself/ourselves jointly and severally for and also to my/our heirs, executors,
administrators and assigns and every of them firmly by these presents.

Dated this.....day of.....20.....

WHEREAS the above named.....
has/have entered the under-mentioned goods, that is to say,.....
.....
for warehousing/for removal from bonded warehouse No.....at.....
for re-warehousing in bonded warehouse No.....at.....

Now the condition of this obligation is such that if those goods and every part thereof shall be
delivered into the custody of the person in-charge of the bonded warehouse No.....at.....
within..... days from the date hereof, and if no alteration or diminution in quantity or quality
(except as shall be accounted for to the satisfaction of the Commissioner of Customs) shall take
place in the goods or in the packages in which they have been delivered, from the time of delivery
to.....under this obligation, until the delivery thereof into the
custody of the warehouse keeper of bonded warehouse No.....then this obligation shall be
void, but otherwise shall be and remain in force.

Signed sealed and delivered by
the above named.....
in the presence of(designation)
of.....

Signed sealed and delivered by
the above named.....
in the presence of(designation)
of.....

Approved:

.....
Commissioner of Customs

BOND FOR EXPORTATION

I/We of

and of
hereby acknowledge that I am/ we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I / we bind myself / ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this day of 20

I/We the above named have given notice of my / our intention to export to (place) in (country) the following goods-
.....

I/We understand that the conditions of this obligation are as follows-

- (i) The goods and every part thereof shall be exported to, and shall be landed at within days of the date hereof.
- (ii) No alteration or diminution in quantity or quality (except as shall be accounted for to the satisfaction of the Commissioner) shall take place in the goods or in the packages in which they have been delivered, from the time of delivery thereof by the said under this obligation, until the landing thereof at that place.
- (iii) I/We the above named shall in every case in which the Commissioner shall require and within such time, as in each case he shall allow, produce proof to the satisfaction of the Commissioner of the due landing of the goods at that place.

That I/we further understand that the fulfilment of these conditions shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of these conditions.

Signed, sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Signed, sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

BOND FOR SHIPMENT OF STORES

I / We
of
and
of
hereby acknowledge that I am/ we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I / we bind myself / ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this day of Year

I/We the above named intend to load as stores on board the (vessel/aircraft) the following goods,
.....

I/We understand that the conditions of this obligation are as follows-

- (i) The goods shall be loaded on board the (vessel/aircraft) and shall be used as stores on the same vessel/aircraft. or otherwise accounted for to the satisfaction of the Commissioner.
- (ii) The packages containing the goods shall not be opened nor any of the goods therein taken out or altered, until the has left the place of final departure on her intended foreign journey.

That I/we further understand that the fulfilment of these conditions shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of these conditions.

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

GENERAL BOND FOR SECURITY OF WAREHOUSED GOODS.

I /We
of.....
and.....
of.....
hereby acknowledge that I am/ we are bound to the Commissioner in the sum ofdollars to be paid to the Commissioner for which payment I / we bind myself / ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this..... day of.....20.....

I am/We are aware that the Commissioner by virtue of authority vested in him by the East African Customs Management Act has appointed No.....warehouse situated at(place) whereof, I am/We are the occupier(s), as a warehouse for warehousing of goods without payment of duty on the first entry thereof and has directed that I/we shall give security in the sum ofdollars and has approved the above named..... as surety of the above named.....

I/We understand that the conditions of this obligation are as follows-

- (i) The full duties on all goods shall at any time be warehoused in the above named warehouse shall from time to time be paid to the Commissioner.
- (ii) All the goods shall be exported.

That I/we further understand that the fulfilment of these conditions shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of these conditions.

Signed sealed and delivered by

the above named.....

in the presence of(name)
.....(designation)
of.....(address)

Signed sealed and delivered by

the above named.....

in the presence of(name)
.....(designation)
of.....(address)

Approved:

.....
Commissioner

BOND FOR GOODS TO BE SHIPPED PRIOR TO ENTRY

I / We
of
and
of

hereby acknowledge that I am/ we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I / we bind myself / ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this day of 20

I am/We are permitted to ship on board the aircraft / vessel for certain packages containing (hereinafter called the goods) and marked and all numbered whereupon the export duties have not been paid, and I am/we are required to enter the goods and pay the export duties thereon within ninety six hours after departure of the aircraft / vessel or within such further period as the proper officer may allow.

I/We understand that a condition of this obligation is that I/We shall enter the goods and pay to the Customs the full duties thereon within the prescribed time.

That I/we further understand that the fulfilment of this condition shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of this condition.

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

TRANSIT BOND.

I / We
of
and
of
hereby acknowledge that I am/ we are bound to the Commissioner in the sum of
dollars to be paid to the Commissioner for which payment
I / we bind myself / ourselves jointly and severally and also to my / our heirs, executors,
administrators and assigns and every of them firmly by these presents.

Dated this day of 20

I / We the above named has / have entered the following goods in transit
from to
.....
..... (description of goods)

I / We understand that a condition of this obligation is that within the period allowed by the law,
the goods and every part thereof shall be exported and proof of exportation satisfactorily given
to the Commissioner shall be produced within that period and, further, in any case in which the
Commissioner requires it, prove satisfactorily to the Commissioner as to the landing of goods
at the port of destination as may be required within the period allowed by the law.

That I / we further understand that the fulfilment of this condition shall discharge this obligation,
but that this obligation shall be and remain in force in the event of non-fulfilment of this
condition.

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

TRANSHIPMENT BOND.

I / We
of
and
of
hereby acknowledge that I am/ we are bound to the Commissioner in the sum of
dollars to be paid to the Commissioner for which payment I / we
bind myself / ourselves jointly and severally and also to my / our heirs, executors,
administrators and assigns and every of them firmly by these presents.

Dated this day of 20.....

I/We the above named have given notice of intention to tranship from the
to the for the exportation of the
following goods-.....
.....

I/We understand that the conditions of this obligation are as follows-

- (i) The goods and every part thereof shall be duly transhipped from
(vessel/aircraft/vehicle) to the
(vessel/aircraft/vehicle) and shall be exported to, and shall be landed
at within (days) from the date thereof.
- (ii) No alteration or diminution in quantity or quality (except such as may be accounted for
to the satisfactorily of the Commissioner) shall take place in the goods or in the
packages in which they have been delivered, from the time of the delivery
thereof under this obligation, until the landing thereof at that
place.
- (iii) I/We the above named shall, in case the Commissioner requires, and within such time
as he shall allow, produce proof to the satisfaction of the Commissioner to the due
landing of goods at that place.

That I/we further understand that the fulfilment of these conditions shall discharge this
obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of
these conditions.

Signed sealed and delivered by

the above named
in the presence of (name)
..... (designation)
of (address)

Signed sealed and delivered by
the above named
in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

BOND FOR THE RE-EXPORTATION OF IMPORTED GOODS DELIVERED WITHOUT
PAYMENT OF DUTY

I/we.....of.....
and.....of.....
hereby acknowledge that I am/we are bound to the Commissioner in the sum of
.....dollars to be paid to the Commissioner for which payment I/we bind myself
/ ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns
and every of them firmly by these presents.

Dated this.....day of..... 20.....

I/We the above named have imported into the Community by
(vessel/aircraft/vehicle) from the following goods-
.....

whereon duties have not been paid, that I am/we are required to re-export the said goods within
twelve months of the date hereof and to produce proof if required to the satisfaction of the
Commissioner, of the landing of the said goods at a foreign port, or otherwise to pay the
Commissioner the full duties in respect of so much of the said goods as shall not have been re-
exported and so proved as aforesaid.

I/We understand that the condition of this obligation is that I/we shall pay to the Commissioner the
full duties upon so much of the said goods as shall not have been re-exported and shall not sell or
otherwise dispose of any or all of the said goods within the Community without the written
permission of the Commissioner.

That I/we further understand that the fulfillment of this condition shall discharge this obligation, but
that this obligation shall be and remain in force in the event of non-fulfillment of this condition.

Signed sealed and delivered by

the above named.....

in the presence of..... (name)
.....(designation)
of.....(address)

Signed sealed and delivered by

the above named.....

in the presence of..... (name)
.....(designation)
of.....(address)

Approved :

.....
Commissioner

BOND FOR CUSTOMS AGENTS

I /We of
and of
hereby acknowledge that I am/ we are bound to the Commissioner in the sum of
dollars to be paid to the Commissioner for which payment I / we
bind myself / ourselves severally and jointly and also to my / our heirs, executors,
administrators and assigns and every of them firmly by these presents.

Dated this day of 20.....

I/We the above named have applied for a license under the East African Community Customs
Management Act to act as (a) Customs Agent(s).

I/We understand that the condition of this obligation is that I/we the above
named shall faithfully perform my / our duties as such Agent(s)
to the satisfaction of the Commissioner.

That I/we further understand that the fulfilment of these conditions shall discharge this
obligation, but that this obligation shall be and remain in force in the event of non-fulfilment of
this condition.

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Signed sealed and delivered by

the above named

in the presence of (name)
..... (designation)
of (address)

Approved:

.....
Commissioner

BOND FOR THE CONVEYANCE OF GOODS SUBJECT TO CUSTOMS CONTROL

I/we.....
of.....
and.....
of.....
hereby acknowledge that I am/we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I/we bind myself / ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this.....day of..... 20.....

I am/we are permitted to use within the limits of the port or place of.....
the licensed vessel/vehicle markedfor the conveyance of goods subject to customs control.

I/We understand that the conditions of this obligation are that I/we shall-

- (a) not use the goods in contravention of the East African Community Customs Management Act;
- (b) when the vessel/vehicle is used for the conveyance of goods subject to customs control ensure that the person in charge thereof shall proceed as quickly and as directly as possible to the place appointed for the unloading of goods, and shall deliver the goods intact together with any documents relating thereto;
- (c) ensure that the entrance to the hold of any vessel/vehicle used as aforesaid shall, if the proper officer so requires, be capable of being securely locked and sealed.

That I/we further understand that the fulfillment of these conditions shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfillment of these conditions.

Signed sealed and delivered by

the above named.....
in the presence of..... (name)
..... (designation)
of..... (address)

Signed sealed and delivered by

the above named.....
in the presence of..... (name)
..... (designation)
of..... (address)

Approved :

.....
Commissioner

GENERAL BOND FOR ENSURING COMPLIANCE WITH CUSTOMS LAWS AND SECURITIES
DUTIES ON GOODS DEPOSITED INTO AN INLAND CONTAINER DEPOT (ICD)

I/we.....
of
and
of
hereby acknowledge that I am/we are bound to the Commissioner in the sum of
to be paid to the Commissioner for which payment I/we bind myself / ourselves jointly and severally and
to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this.....day of 20.....

I/We are aware that the Commissioner by virtue of the authority vested in him by the East African Community
Customs Management Act has appointed ICD named situated on
No..... at (place)..... in the port of whereas the
Principal is the occupier or manager of the (ICD) for the storage of the goods on which duty and taxes
not been paid on the first entry thereof pending further clearance or payment of duties.

I /we the said Principal has/have agreed and directed that the said surety being guarantor shall forthwith
security in the said sum stated above.

I/We understand that the conditions of this obligation are as follows-

- (i) The full duties on all the goods as shall from time to time be stored in the above mentioned
shall be duly paid to the Commissioner.
- (ii) All such goods shall be duly warehoused, exported, cleared for home consumption or any
lawful purpose under the Customs laws.

That I/we further understand that the fulfillment of these conditions shall discharge this obligation, but
this obligation shall be and remain in force in the event of non-fulfillment of these conditions.

Signed sealed and delivered by
the above named.....

in the presence of.....(name)
.....(designation)
of.....(address)

Signed sealed and delivered by
the above named.....

in the presence of.....(name)
.....(designation)
of.....(address)

Approved :

.....
Commissioner

BOND FOR REMOVAL OF GOODS TO/FROM EXPORT PROCESSING ZONE

I/we
of
and
of
hereby acknowledge that I am/we are bound to the Commissioner in the sum of dollars to be paid to the Commissioner for which payment I/we bind myself ourselves jointly and severally and also to my / our heirs, executors, administrators and assigns and every of them firmly by these presents.

Dated this day of 20.....

I/We have given notice to the Commissioner of my/our intention to remove by
(vessel/aircraft/vehicle) the following goods -
for removal from Port / Export Processing Zone at
to Export Processing Zone / Port at

I/We understand that the conditions of this obligation are as follows-

- (i) The goods and every part thereof shall be delivered into the custody the person in charge of the Export Processing Zone or enterprise at within days of the date, hereof.
- (ii) No alteration or diminution in quantity or quality (except such as may be accounted for to the satisfaction of the Commissioner) shall take place in the goods or in the packages in which they have been delivered; from the time of delivery thereof by the said under this obligation, until the delivery thereof into the custody of the owner of the Export Processing Zone or Enterprise or fully exported.

That I/we further understand that the fulfillment of these conditions shall discharge this obligation, but that this obligation shall be and remain in force in the event of non-fulfillment of these conditions.

Signed, sealed and delivered by

the above named
in the presence of (name)
..... (designation)
of (address)

Signed, sealed and delivered by

the above named
in the presence of (name)
..... (designation)
of (address)

Approved :

.....
Commissioner

