

Statutory Instrument No. 3 of 1971

CUSTOMS, EXCISE AND SALES DUTY ACT, 1970
(22 of 1970)

AMENDMENT OF SCHEDULES (NO. 2) NOTICE, 1971

(Published on the 22nd January, 1971)

IN EXERCISE of the powers vested in him by section 50 of the Customs, Excise and Sales Duty Act, 1970 and all other powers thereunto him enabling, the Minister of Finance and Development Planning has amended the Schedules to the Act to the extent set out in the Schedule hereto.

SCHEDULE

SCHEDULE NO. 1 TO THE ACT

PART I

I Tariff Heading	II Statistical Unit	III Rate of Duty		
		IV General	M.F.N.	V Preferential
04.04 By the substitution in subheading No. 04.04.40 for the rate of duty in Columns IV and V of the following:			"22% or 375c per 100 lb."	22% or 333½c per 100 lb. (U.K.; N.Z.)"
16.02 By the substitution in subheading No. 16.02.20 for the rate of duty in Column IV of the following:			"637c per 100 lb."	
16.04 By the substitution in subheading No. 16.04.25 for the rate of duty in Column IV of the following:			"27%"	
26.01 By the substitution in subheading No. 26.01.70 for the rate of duty in Column IV of the following:			"2%"	
32.04 By the substitution in subheading No. 32.04.10 for the rate of duty in Column IV of the following:			"2%"	
37.04 By the substitution in subheading No. 37.04.90 for the rate of duty in Column IV of the following:			"11%"	
37.08 By the substitution in subheading No. 37.08.10 for the rate of duty in Column IV of the following:			"11%"	
73.02 By the substitution in subheading No. 73.02.90 for the rate of duty in Column IV of the following:			"16%"	
84.53 By the substitution in subheadings Nos. 84.53.10.10, 84.53.10.20 and 84.53.20 for the rate of duty in Column IV of the following:			"2%"	
84.55 By the substitution in subheadings Nos. 84.55.40 and 84.55.50 for the rate of duty in Column IV of the following:			"2%"	

I Tariff Heading	II Statistical Unit	III Rate of Duty		
		IV General	V M.F.N.	VI Preferential
87.02 By the substitution for subheading No. 87.02.10 of the following:				
"87.02.10 Motor cars (including racing cars) and station wagons and similar dual purpose motor vehicles, assembled:				
.10 Racing cars with seating capacity for one person	no. and kg.	30%		
.90 Other	no. and kg	45% and in addition, in respect of each full R100 in excess of a value for duty purposes of R1000 for each motor car or vehicle, 2% and in addition thereto in respect of each full 45 kg in excess of a mass of 1135 kg for each motor car or vehicle, 1% with a maximum of the total duty of 100%"		

PART 2

I Tariff Item	II Tariff Heading and Description	III Rate of Duty		IV
		Excise	Customs	
117.05	By the substitution for tariff item 117.05 of the following: "117.05 87.02 MOTOR CARS (INCLUDING RACING CARS) AND STATION WAGONS AND SIMILAR DUAL PURPOSE MOTOR VEHICLES	42c per kg and in addition, in respect of every 25 kg or part thereof in excess of a mass of 1 580 kg of each motor car or vehicle, 5c per kg on the full mass of the motor car or vehicle: Provided that the total duty in respect of any motor car or vehicle shall not exceed R3 500		

SCHEDULE NO. 3 TO THE ACT

I Item	II Tariff Heading and Description	III Extent of Rebate
317.03	By the substitution for Note 02.07 to item 317.03 of the following: "02.07 'net local content' shall have the meaning assigned thereto in Note 1 (e) to item 609.17 of Schedule No. 6." By the substitution for subparagraph (ii) (A) of paragraph (III) (b) (1) of item 317.03 of the following: "(ii) (A) in the form prescribed in Note 06.00 to this item and being for motor cars having the following minimum percentages net local content during the calendar years stated hereunder: 52 per cent—1971 54½ per cent—1972 57 per cent—1973 59½ per cent—1974 62 per cent—1975 64 per cent—1976 66 per cent—1977 By the substitution for subparagraph (i) (A) of paragraph (III) (b) (2) of item 317.03 of the following: "(i) (A) in the form prescribed in Note 06.00 to this item and being for motor cars having the following minimum percentages of net local content during the calendar years stated hereunder: 52 per cent—1971 54½ per cent—1972 57 per cent—1973	Full duty"

I Item	II Tariff Heading and Description	III Extent of Rebate
	59½ per cent—1974 62 per cent—1975 64 per cent—1976 66 per cent—1977	

SCHEDULE NO. 4 TO THE ACT

I Item	II Tariff Heading and Description	III Extent of Rebate
410.03	By the insertion after tariff heading No. 48.01 of the following: "48.21 Egg-trays of moulded paper pulp	Full duty"

SCHEDULE NO. 5 TO THE ACT

I Item	II Tariff Heading and Description	III Extent of Drawback
516.03	By the substitution for tariff heading No. 84.22 of the following: "84.22 Luffing gear and hydraulic component parts, used in the manufacture of cranes and loading bridges 84.59 Cable reels, used in the manufacture of cranes and loading bridges	Full duty Full duty"

SCHEDULE NO. 6 TO THE ACT

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
609.17	By the substitution for the item of the following: "609.17 Motor vehicles: Notes: 1. In this item— (a) "part" shall have the meaning assigned thereto in Note 02.02 to item 317.03 of Schedule No. 3, (b) "material" means material incorporated directly in a motor vehicle or in any component of such vehicle, but shall not include any wastage, (c) "motor cars" includes racing cars and also station wagons and similar dual purpose vehicles, (d) "model" means any motor car model and includes such motor cars approved by the Minister of Commerce, Industry and Water Affairs as being a variant of such model,		

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
	<p>(e) subject to the provisions of Notes 2 (a), (b) and (c), "net local content" means the aggregate mass per motor car of—</p> <p>(i) parts and materials wholly manufactured in Botswana from materials wholly produced in Botswana and</p> <p>(ii) parts and materials imported in such condition and in such circumstances or manufactured in Botswana from imported material in such circumstances or to such extent as may be approved for the purposes of this paragraph by the Director or by any person or committee authorised by him for that purpose, subject to such conditions and for such time as may in each case be prescribed by the said Director or person or committee,</p> <p>(f) "semi-manufactured model" means any model (other than a manufactured model) certified by the Director to have had a net local content of more than 52 per cent of its excise mass on the 1st January, 1971, and maintains a percentage of its excise mass of such net content of more than 52 per cent during the period 1st January 1971, to 31st December 1976. Provided that if any such model is a model certified by the Director to be a new model replacing, with the approval of the Minister of Commerce, Industry and Water Affairs an existing semi-manufactured model and such replacing model has a net local content of its excise mass of more than 42 per cent, the said Director may, for a period not exceeding 12 months, allow the excise rebate as specified in paragraph (a) of item 609.17.40 (but not including the rebate referred to in Note 3),</p> <p>(g) subject to the provisions of Note 4, "manufactured model" means any model in respect of which the Director certifies that a manufacturing programme has been approved by the Minister of Commerce, Industry and Water Affairs providing for the incorporation of more than the following minimum percentages of its excise mass of net local content on dates not later than the dates stated hereunder and maintains such percentages until the next date stated:</p>		

I	II	III	IV
Item	Tariff Item and Description	Extent of Rebate	Extent of Refund
	52 per cent—30/6/1971		
	54½ per cent—30/6/1972		
	57 per cent—30/6/1973		
	59½ per cent—30/6/1974		
	62 per cent—30/6/1975		
	64 per cent—30/6/1976		
	66 per cent—30/6/1977, and		
	(h) "new model" means any model in respect of which the Director certifies that such model is a new model, replacing, with the approval of the Minister of Commerce, Industry and Water Affairs an existing manufactured model provided such model contains more than the following minimum percentages net local content of its excise mass during the calendar years stated hereunder:		
	42 per cent—1971		
	44½ per cent—1972		
	47 per cent—1973		
	49½ per cent—1974		
	52 per cent—1975		
	54½ per cent—1976		
	57 per cent—1977		
	The said Director may, in respect of a new model as described above, for a period determined by him (but not exceeding 12 months), allow the applicable rebate of excise duty specified in item 609.17.40: Provided that as soon as the period expires such model conforms to the percentages net local content specified in Note 1 (g).		
2.	(a) The percentage net local content of any motor car certified by the Director to be a variant of any particular model shall, in the discretion of the Director and in accordance with the method and subject to the conditions specified by him, be calculated on the basis of the weighted average percentage net local content of all the variants of such model so certified and entered for consumption during any period specified by the Director: Provided that for any period during which the percentage net local content of any such variant is more than 10 percentage points lower than that of the basic model, such variant shall be deemed not to be a variant of any such model: Provided further that a motor car manufacturer may, in respect of any period of three		

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
	<p>months or such period as the Director may determine, for the purposes of calculating weighted averages, exclude any variant of a manufactured model or of a new model replacing, with the approval of the Minister Commerce, Industry and Water Affairs an existing manufactured model, from such a weighted average for purposes of excise rebates, on condition that permission will have to be obtained from the Director for such exclusion of a variant for a period in excess of three months in any one calendar year.</p> <p>(b) In respect of any optional component fitted to any motor car by the manufacturer in substitution for any standard component of such motor car, the difference in mass between any such optional and standard component considered by the Director to be a nonfunctional component shall, in the discretion of the Director, not be taken into account in determining the excise mass and the net local content of such motor car: Provided that such adjustment, as the Director may determine in each case, shall be made to such excise mass and net local content if any optional component wholly or partly manufactured outside Botswana is substituted for any standard component wholly or partly manufactured in Botswana.</p> <p>(c) In respect of any optional component fitted to any motor car by the manufacturer in addition to the standard components of such motor car, the mass of such additional component, shall, in the discretion of the Director, not be taken into account in determining the excise mass and the net local content of such motor car.</p> <p>3. (a) Subject to the provisions of Notes 1 (h) and 2(a), any manufactured model which achieves the following minimum percentages of its excise mass of net local content not later than the dates specified hereunder or on the date on which it is certified by the Director as a manufactured model, shall be entitled to the rebate of excise duty of 11c per kg specified in the item:</p> <p>52 per cent—1/1/1971 54½ per cent—1/1/1972 57 per cent—1/1/1973</p>		

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
	59½ per cent—1/1/1974		
	62 per cent—1/1/1975		
	64 per cent—1/1/1976		
	66 per cent—1/1/1977.		
	(b) The Director may, in respect of any manufactured model which, for a temporary period, fails to achieve or maintain the minimum percentage net local content specified in Note 3 (a), allow, for a period not exceeding 12 months, the excise rebate specified in that Note to be continued or disallow the relative rebate and resumption thereof shall be at the discretion of the said Director but shall not be earlier than the date on which the required minimum percentage is again attained: Provided that the said Director may, in respect of any such model which does not comply with the percentages specified in Note 3 (a) for reasons other than those approved by him, except in the case of a model being withdrawn altogether from the market, demand repayment to him of the duty of 11c per kg already rebated in respect of any such model and impose such further penalties as he deems fit.		
	4. Any manufactured model which for a temporary period, fails to achieve or maintain the percentage net local content specified in Note 1 (g), shall, from the date on which it so fails, be granted a rebate of excise duty applicable to such model having a net local content of more than 52 per cent but not more than 53 per cent, and resumption of the applicable rebates of excise duty on incorporation of the net local content as specified in Note 1 (g) shall be at the discretion of the Director: Provided that the said Director may, at his discretion, in respect of a motor car which, as a result of circumstances beyond the control of a manufacturer, for a temporary period, fails to achieve or maintain the minimum percentage net local content specified in Note 1 (g), allow a rebate of excise duty, from a date determined by him, according to the applicable scale but which shall not be more than 5 percentage points lower than the required minimum percentage of net local content.		
.10 117.05	Motor cars manufactured by the conversion of motor vehicles of a type other than the vehicles specified in his item, provided such vehicles	Full duty	

I Item	II Tariff Item and Description	III Extent of Rebate	IV Extent of Refund
	were used for more than 12 months prior to conversion		
.20	117.05 Semi-manufactured models having a net local content of more than 52 per cent	13.63c per kg	
.30	117.05 Manufactured models having a net local content of:		
	(a) More than 47 per cent but not more than 52 per cent	9.48c per kg and in addition in respect of each full one per cent of such content in excess of 47 per cent, 0.24c per kg	
	(b) More than 52 per cent but not more than 53 per cent	13.63c per kg	
	(c) More than 53 per cent but not more than 54 per cent	13.87c per kg	
	(d) More than 54 per cent but not more than 62 per cent	14.11c per kg and in addition in respect of each full one per cent of such content in excess of 54 per cent, 0.53c per kg	
	(e) More than 62 per cent	18.59c per kg and in addition in respect of each full one per cent of such content in excess of 62 per cent, 0.84c per kg but not more than 26.15c per kg of the full mass of each motor car and in addition	
	in respect of any such model having a net local content of more than 47 per cent and complying with the provisions of Note 3 read in conjunction with Note 4	11c per kg	
.40	117.05 New models having a net local content of:		
	(a) More than 42 per cent but not more than 52 per cent	8.27c per kg and in addition in respect	

I	II	III	IV
Item	Tariff Item and Description	Extent of Rebate	Extent of Refund
		of each full one per cent of such content in excess of 42 per cent, 0.24c per kg	
	(b) More than 52 per cent but not more than 53 per cent	13.63 per kg	
	(c) More than 53 per cent but not more than 54 per cent	13.87c per kg	
	(d) More than 54 per cent but not more than 62 per cent	14.11c per kg and in addition in respect of each full one per cent of such content in excess of 54 per cent, 0.53c per kg	
	(e) More than 62 per cent	18.59c per kg and in addition in respect of each full one per cent of such content in excess of 62 per cent, 0.84c per kg but not more than 26.15c per kg of the full mass of each motor car and in addition	
	in respect of any such model having a net local content of more than 42 per cent and complying with the provisions of Note 1 (h)	11c per kg"	

Made the 15th day of January, 1971

L2/7/172.

J. T. LISLE,
Acting Permanent Secretary,
Ministry of Finance
and Development Planning.