

CONTROL OF GOODS, PRICES AND OTHER CHARGES ACT  
(Cap. 43:08)

CONTROL OF GOODS (RESTRICTION ON EXPORTATION OF FERROUS AND  
NON-FERROUS METAL SCRAP AND WASTE) REGULATIONS, 2014  
(Published on 31st December, 2014)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 3 (1) (a) of the Control of Goods, Prices and Other Charges Act, the following Regulations are hereby made —

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| Citation  | 1. These Regulations may be cited as the Control of Goods (Restriction on Exportation of Ferrous and Non-ferrous Metal Scrap and Waste) Regulations, 2014.   |
| Interpretation                                    | 2. In these Regulations, unless the context otherwise requires —<br>“authorised officer” means an officer in the Ministry of Trade and Industry who is charged with the responsibility of issuing export permits under these Regulations;<br>“BURS” means the Botswana Unified Revenue Service established under section 3 of the Botswana Unified Revenue Service Act; and<br>“Director” means the Director for the Department of Industrial Affairs. |
| Cap. 53:03  |  |
| Registration of scrap metal dealers               | 3. (1) A person shall not export scrap metal and waste unless the person is registered with the Ministry.<br>(2) An application for registration under sub-regulation (1) shall be made to the Director in such form as may be determined by the Minister and shall be accompanied by —<br>(a) a licence to collect scrap metals issued under section 16 of the Waste Management Act; and<br>(b) a BURS Tax Clearance Certificate.                     |
| Cap. 65:06  |  |
| Export permit for export of scrap metal and waste | 4. (1) A person shall not export any ferrous or non-ferrous scrap metal and waste set out in the Schedule except under an export permit issued in terms of these Regulations.  |

(2) Notwithstanding the provisions of sub-regulation (1), domestic foundries, recyclers, mills and smelters of scrap metal may purchase the quantity of scrap metal at a price predetermined by a formula agreed to between the scrap dealer and domestic scrap metal processing industry.

(3) The predetermined price in sub-regulation (2) shall be 28 per cent below the international trading price of scrap metal.

5. (1) A person registered under regulation 3 may apply for an export permit in writing to an authorised officer.

Application for export permit

(2) An application under sub-regulation (1) shall contain such information and be accompanied by such documents as may be required by an authorised officer.

6. (1) An authorised officer shall, in considering an application for an export permit, ensure that local foundries, mills and smelters of scrap metal are given preference to purchase ferrous and non-ferrous scrap metal and waste from the applicant.

Consultation with domestic scrap metal processing industry

(2) Where domestic foundries, recyclers, mills and smelters of scrap metal purchase the whole consignment of the scrap metal, both the applicant and the purchaser shall inform an authorised officer, in writing, that the export permit application be withdrawn.

(3) Where domestic foundries, recyclers, mills and smelters of scrap metal purchase part of the consignment of the scrap metals, an application for export permit shall be considered based on the remaining scrap metal.

7. A person desirous of exporting scrap metal shall not pack such scrap metal into containers prior to receipt of an export permit for ease of verification, inspection or quality assessment by an authorised officer.

Scrap metal destined for export not to be packed

8. (1) Where an authorised officer is satisfied that an applicant for an export permit has complied with all conditions as may be required under regulation 5 for the issue of an export permit, the authorised officer may issue the applicant with an export permit.

Issue of permit

(2) An export permit issued under these Regulations shall only apply to a consignment specified in the export permit.

9. Any person who is aggrieved by the refusal of the authorised officer to issue him with an export permit under these Regulations may appeal, in writing, to the Minister within 30 days of notification of authorised officer's decision.

Appeal

**SCHEDULE**  
*(reg. 4)*

<b>DESCRIPTION OF GOODS</b>	<b>TARIFF HEADING</b>
Ferrous waste and scrap; re-melting scrap ingots of iron or steel	7204
Copper and brass waste and scrap	7404
Nickel waste and scrap	7503
Aluminium waste and scrap	7602
Zinc waste and scrap	7902
Tin waste and scrap	8002
Tungsten (Wolfram) and articles thereof including waste and scrap	8101
Molybdenum and articles thereof including waste and scrap	8102
Tantalum and articles thereof including waste and scrap	8103
Magnesium waste and scrap	8104

MADE this 4th day of December, 2014.

**VINCENT T. SERETSE,**  
*Minister for Trade and Industry.*