

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE CONTROL OF GOODS ACT

CHAPTER 421 OF THE LAWS OF ZAMBIA

CHAPTER 421 THE CONTROL OF GOODS ACT

THE CONTROL OF GOODS ACT

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

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CHAPTER 421

CONTROL OF GOODS

An Act to enable the President to provide by regulation for the control of the distribution, disposal, purchase and sale, and the wholesale and retail prices of any manufactured or unmanufactured commodity or of any animal or poultry, or of any class of any such commodity, animal or poultry, for the control of imports into and exports from Zambia, and for other purposes incidental and supplementary to the foregoing.

[26th March, 1954]

Federal Act
12 of 1954
Act 41 of 1966
4 of 1977
26 of 1977
3 of 1979
20 of 1981
7 of 1982
13 of 1982
11 of 1991
10 of 1993
13 of 1994
25 of 1995
7 of 1997
Government Notices
1 of 1964
497 of 1964

1. This Act may be cited as the Control of Goods Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"animal" means any animal or poultry or any class of animals or poultry;

"commodity" means any manufactured or unmanufactured commodity or any class of such commodities;

"Controlled Services" means garage services, services relating to household installations, and any other services which the Minister may, by statutory instrument declare to be controlled services;

"goods" means anything capable of being imported or exported;

"hoarding" means the accumulation or hiding of any goods or commodities or of any animals ordinarily held for commercial purposes, so as to prevent or manipulate the distribution or sale of such goods, commodities or animals to the public.

(As amended by G.N. No. 1 of 1964 and Act No. 26 of 1977)

3. (1) Whenever it appears to the President necessary or expedient-

Regulations for the control of goods

(a) to control the import into or export from Zambia of any goods;

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- (b) to control the distribution, disposal, purchase and sale or the wholesale or retail prices of any commodity or animal and the charges which may be made-
 - (i) for the services relating to distribution, disposal, purchase and sale of the commodity or animal, as the case may be; and
 - (ii) for the delivery of any commodity or animal, the wholesale or retail prices of which are controlled under this section;
- (c) to prevent the hoarding of any goods, commodities or animals; and
- (d) to regulate the charges for any controlled services;

he may, by Statutory Instrument, make such regulations as appear to him to be necessary or expedient for such purposes.

(2) Without prejudice to the generality of the powers conferred by subsection (1), such regulations may provide-

- (a) for requiring persons carrying on or employed in connection with any trade, business, undertaking or enterprise specified in such regulations to produce to such person as may be so specified any books, accounts or other documents relating to that trade, business, undertaking or enterprise, and for requiring any persons to furnish to such person as may be so specified such estimates or returns as the President considers it desirable to obtain for the effectual exercise of any of his powers under this section;
- (b) for any incidental and supplementary matters for which the President thinks it expedient for the purposes of the regulations to provide, including in particular the entering and inspection of premises to which the regulations relate by persons authorised in that behalf by the President with a view to securing compliance with the regulations.

(3) Regulations made under this section may provide for empowering such Minister as may be specified in such regulations to make orders-

- (a) for the control to such extent as may be specified in such regulations of the import into or export from Zambia of such goods or classes of goods as may be specified in such regulations;
- (b) in respect of such commodities and animals as may be specified in such regulations for any of the purposes specified in paragraph (b) of subsection (1).

Any orders made in terms of this subsection may contain such incidental or supplementary provisions as appear to the specified Minister to be necessary or expedient for the purpose of such orders.

(4) Regulations and orders under this section may be made so as to apply generally or to any particular trade, business, undertaking or enterprise, or class thereof, and either to the whole or to any part of any trade, business, undertaking or enterprise, and so as to have effect either throughout Zambia or in any particular area therein.

(5) For the avoidance of doubt, it is hereby declared that the provisions of section four shall not apply in relation to any order under this section.

(As amended by G.N. No. 1 of 1964 Acts 4 of 1977, 26 of 1977, 3 of 1979, 20 of 1981, 7 of 1982, 13 of 1982)

3A. (1) Subject to subsections (10) and (11) there shall be charged, in respect of goods of a value in excess of five hundred United States dollars, imported into Zambia, an import declaration fee, hereinafter referred to as the fee, equal to five per centum of the value of the goods. Import declaration fee

(2) The value of the goods for import to which this section applies shall include the Free On Board value of the goods, the cost of transportation, the value of the insurance policy covering the goods, if any, and the cost of freight.

(3) The fee shall be computed and become payable upon completion and submission of the prescribed import declaration form to a commercial bank, before the importation of the goods.

(4) Any import to which this section applies shall not be released from Customs control until all requirements under the Customs and Excise Act have been complied with and a duly approved import declaration form evidencing the payment of the fee, where required, in the prescribed manner, is produced. Cap. 322

(5) If any commercial bank fails to remit, at the prescribed time and place, any monies forming part of the fee collected under the provisions of this section it shall be required to pay interest on the monies it has failed to remit equivalent to the annualised nominal interest rates of the 28 days Treasury Bills and such interest, together with any unpaid fee, shall be a debt by the commercial bank to the State.

(6) If an officer discovers goods on which the fee was not paid by virtue of under valuation in terms of the value for Customs Duty purposes as defined in the Customs and Excise Act, misdescription or for any other reason, in addition to requiring the person to make an application for an import declaration form and pay the required fee to the bank, the officer shall assess and collect from the person in possession or control of such goods, a penalty equal to the amount of the fee that was payable prior to their release from customs control. Cap. 322

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(7) (a) For the purpose of conducting an audit, an officer shall have authority to inspect all goods, premises, documents, books of account, any correspondence or other writing and records relating to the fee remitted by a bank or in relation to any person who is an importer and to remove them at a reasonable time and for a reasonable period.

(b) Where information referred to in subsection (1) is electronically stored, an officer shall be empowered to-

- (i) view the information or document and to copy or take extracts from it by electronic means; or
- (ii) require that it be reproduced in hard copy, or copied onto computer diskette or reduced to some other portable form suitable for removal and capable of reproducing the information or document for viewing.

(c) An officer may make an assessment of the fee for any of the following cases:

- (i) where a payment by a bank is not filed within the specified time;
- (ii) where an incomplete payment is filed; or
- (iii) where the officer has reason to believe that the amount of fee is understated or otherwise incorrect.

(d) An assessment of the fee shall be made within one year from the date that the goods were released from customs control or in the case of a bank from the date the bank was liable to remit the fee under subsection (3).

(e) An assessment shall be immediately due and payable in a manner prescribed in this Act.

(8) Any person who-

- (a) attempts to evade the fee;
- (b) knowingly fails to collect the fee;
- (c) knowingly fails to file an import declaration form, or to supply information;

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- (d) knowingly conceals or destroys any book, record, document, statement, or other information;
- (e) knowingly fails to obey summons;
- (f) makes or furnishes any fraudulent document, statement, or other information;
- (g) attempts to interfere with the determination or collection of the fee;
- (h) knowingly discloses any information in a manner not authorised by law or regulations; or
- (i) in any way knowingly assists in, or contributes to, any of the foregoing;

shall be guilty of an offence and liable, upon conviction to a fine of not less than twenty thousand penalty units and not exceeding one million penalty units or upon default of such payment one month imprisonment for each twenty thousand penalty units or portion thereof:

Provided that the penalties imposed in this section shall not in any way prejudice the imposition of other sanctions under Customs law or the criminal laws of the Republic of Zambia or elsewhere under this law.

(9) Where any person satisfies the commercial bank to which a fee has been paid and any office authorised by the Minister that any amount of the fee-

- (a) was paid in excess or in error;
- (b) is related to goods for which a drawback of Customs Duty has been approved or to which a claim for drawback would be fair and reasonable under the circumstances; or
- (c) for any other reason as the Minister may prescribe;

the stated amount of the fee shall be refunded provided the application for refund is submitted within two years of the event giving cause to the refund.

(10) The provisions of this section shall not apply to the importation of goods covered by the First Schedule.

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(11) Importers under the Second Schedule must complete an import declaration form, but no fee is liable for qualified goods.

(12) All the monies collected under the provisions of this section shall be paid into the general revenues of the Republic.

(13) The Minister may, by statutory instrument, make regulations-

- (a) prescribing the method of computing the value of any transaction;
- (b) prescribing the grounds necessitating an assessment and auditing of any import;
- (c) setting out the procedure for the collection of the import declaration fee and for assessment and auditing of any import;
- (d) designating officers for the purposes of this Act; and
- (e) generally, for the better carrying out of the provisions of this section.

(As amended by Act No. 7 of 1997)

3B created by Act No. 20 of 1981 repealed by Act No. 13 of 1982

4. Regulations made under section *three*, in relation to the rationing of any commodity or animal, may-

Rationing of commodities and animals

- (a) fix or provide for fixing different quantities of the commodity or animal to be obtainable in the aggregate or individually by different classes of persons;
- (b) provide for methods of distribution of the commodity or animal which differentiate as between different classes of persons so far as appears to the President to be necessary in order to secure or permit such distribution through the usual channels and agencies through which such classes of persons normally obtain the commodity or animal.

(As amended by G.N. No. 1 of 1964)

5. (1) In any proceedings under this Act against any person, any statement or entry contained in any book or document kept by him or any person in his employ, or by his agent, shall be admissible in evidence as an admission of the facts set forth in that statement or entry, unless it is proved that the statement or entry was not made by that person, by any person in his employ, or by his agent.

Evidence

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(2) Whenever the manager, agent or servant of any person does or omits to do anything which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that the person issued instructions forbidding in respect of his manager, agent or servant any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

6. Regulations made under this Act may provide in respect of any contravention thereof or of any order made thereunder that- Penalties

- (a) the offender shall be liable to a fine not exceeding one million five hundred thousand penalty units or to a term of imprisonment not exceeding five years, or to both; and
- (b) upon the conviction of such offender, the court may order that any animal, commodity or goods which are the subject-matter of such contravention shall be forfeited.

(Act No. 41 of 1966 and Act No. 13 of 1994)

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FIRST SCHEDULE

(Goods not requiring an Import Declaration Form or payment of the fee)

1. Goods of a value for customs duty purposes of the equivalent of five hundred United States dollars US\$500 or less;
2. Goods destined for approved duty free stores;
3. Goods destined for approved EPZ (export processing zone) enterprises;
4. Goods destined to approved MUB (manufacturing under bond) enterprises;
5. Accompanied or unaccompanied personal baggage if such importation is free of all customs duties by reason of a duty-free allowance;
6. Ammunition, weapons or implements of war imported by the Government;
7. Household and personal effects of new residents and returning residents if such importation is free of all customs duties by reason of duty-free allowance;
8. Gifts by foreign governments;
9. Supplies to diplomatic and accredited consular missions, diplomatic personnel, and United Nations organisations, imported for their own use;
10. Goods subject to a technical assistance agreement;
11. Goods for use in humanitarian aid when imported by an organisation recognised by the Ministry of Finance and Economic Development;
12. Books, current newspapers and periodicals;
13. Live animals;
14. Fertilizers;
15. Antiques more than 100 years old, and original works of art;
16. Unset precious stones, and precious metals in bullion form; and
17. Commercial samples of no commercial value.

(As amended by Act No. 7 of 1997)

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SECOND SCHEDULE

(Goods requiring an Import Declaration Form but no payment of the fee)

Goods enumerated under an Investment Certificate issued under authority of the Investment Act No. 39 of 1993 and which are accorded an exemption from customs duty.

(As amended by Act No. 7 of 1997)

SUBSIDIARY LEGISLATION

SECTIONS 3 AND 6-THE CONTROL OF GOODS
(IMPORT AND EXPORT) (AGRICULTURE) REGULATIONS

Statutory Instrument
73 of 1970

Regulations by the President

1. These Regulations may be cited as the Control of Goods. (Import and Export) (Agriculture) Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation
- "controlled goods" means any goods specified in the Schedule or any class of such goods, the import into or the export from the Republic of Zambia of which is prohibited, restricted or otherwise controlled by an order made under regulation 3.
3. (1) The Minister may make statutory orders prohibiting, restricting or otherwise controlling the import into or the export from the Republic of Zambia of any goods specified in the Schedule or any class of such goods. Delegation of powers and duties
- (2) Without derogation from the generality of the powers conferred by sub-regulation (1), an order made under this regulation may-
- (a) prescribe the terms and conditions subject to which controlled goods or any class of such goods may be imported into or exported from the Republic of Zambia;
- (b) provide for empowering such person as may be prescribed by the order-
- (i) to issue permits authorising, to such extent as may be prescribed by the order, the import into or the export from the Republic of Zambia of any controlled goods or any class of such goods;
- (ii) on the issue of any such permit, to impose terms and conditions subject to which the controlled goods to which the permit relates or any class of such goods may be imported into or exported from the Republic of Zambia;
- (iii) to revoke any such permit issued by him in such circumstances and in such manner as may be prescribed by the order.

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SCHEDULE

(Regulations 2 and 3)

SPECIFIED GOODS

1. Animal semen.
2. Bananas.
3. Barley malt.
4. Bees; unmanufactured beeswax; foundation comb.
5. Bones; bone meal.
6. Carcasses, portions of carcasses and offal of animals (including poultry and other birds but excluding reptiles) and the edible products manufactured therefrom, including beef, veal, mutton, lamb, pig meat, goat meat and canned products.
7. Citrus fruits.
8. Compound animal feedstuffs.
9. Dairy produce, including ice-cream and ice-cream mix.
10. Eggs of poultry and other birds, whether in shell, pulp or dried form.
11. Fish, whether fresh or dried, including fish meal.
12. Fodder, forage.
13. Game meat and game biltong.
14. Grain of any variety, including barley, beans, groundnuts and grain meals, flours and residues.
15. Hay, grass or straw of any variety.
16. Hides; skins.
17. Honey, unprocessed royal jelly, any bottle, can, jar or other receptacle whatsoever which has been used solely for storing or transporting honey or unprocessed royal jelly.
18. Live animals, including poultry and other birds but excluding reptiles.
19. Maleic hydrazide, also known as M.H.
20. Manure.
21. Meat meal; blood meal; carcass meal.
22. Oil-seeds; oil-meal; oil-cake and offals and residues of oil-seeds.
23. Onions.
24. Potatoes.
25. Seed cotton.
26. Seeds for planting.
27. Sorghum malt.
28. Tomatoes.
29. Turkish-type tobacco.
30. Unmanufactured flue-cured and fire-cured tobacco of Virginia variety.
31. Unmanufactured tobacco of Burley variety.
32. Unprocessed poultry feathers which are not part of a manufactured article.
33. Used beehives; used bee-keeping accessories and appliances.
34. Used poultry crates and incubators.
35. Vaccines, toxins, sera and analogous biological products used for the diagnosis or treatment of diseases in animals.
36. Vegetable oils.

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ORDERS MADE UNDER THE CONTROL OF GOODS
(IMPORT AND EXPORT) (AGRICULTURE) REGULATIONS

THE CONTROL OF GOODS
(IMPORT AND EXPORT) (AGRICULTURE) ORDER

Statutory Instruments

76 of 1970

8 of 1971

23 of 1972

177 of 1974

126 of 1975

96 of 1995

Order of the Minister

1. This Order may be cited as the Control of Goods (Import and Export) (Agriculture) Order. Title
2. In this Order, unless the context otherwise requires- Interpretation
- "form" means a form prescribed in the First Schedule;
- "honey" includes unprocessed royal jelly;
- "ice-cream mix" includes any mixture, whether in powder or other form, suitable for manufacture into ice-cream, with or without the addition of other ingredients;
- "issuing authority", in relation to an application for the issue of a permit under this Order, means the Permanent Secretary, Ministry of Agriculture.
3. (1) The issuing authority may issue a permit authorising, subject to the provisions of this Order and of any other written law- Issue of permits
- (a) the import into the Republic of Zambia of any goods listed in the Second Schedule;
- (b) the export from the Republic of Zambia of any goods listed in the Third Schedule;
- on such terms and conditions as may be specified in, or attached to, the permit.
- (2) A permit issued under this paragraph shall-
- (a) if it relates to the import of goods into the Republic of Zambia, be in Form No. 1;

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- (b) if it relates to the export of goods from the Republic of Zambia, be in Form No. 2.

(3) Any export permit other than an export permit relating to maize meal including hominy chop, maize cones, maize grits, maize offals processed with or without additives and maleie hydrazide also known as M.H.

(As amended by S.I. No. 96 of 1995)

4. (1) Subject to the provisions of sub-paragraph (2), no person shall import into the Republic of Zambia any goods listed in the Second Schedule except in accordance with the terms and conditions of a permit issued under paragraph 3. Exceptions in relation to the import of goods

(2) The provisions of sub-paragraph (1) shall not apply in relation to-

- (a) any goods which are in the course of transit through the Republic of Zambia to a place beyond the borders thereof;
- (b) any goods not exceeding twenty thousand kwacha in value which are imported in any one week into the Republic of Zambia by an individual residing in the Republic of Zambia for his personal domestic consumption and not for sale or disposal to any other person;
- (c) any goods not exceeding twenty thousand kwacha in value which are imported in any one week into the Republic of Zambia as a *bona fide* gift from a person residing outside the Republic of Zambia to a person residing in the Republic of Zambia.

(3) Any person importing maize meal, including hominy chop, maize cones, maize grits, maize offals, processed maize with or without additives and maleie hydrazide, also known as M.H., shall require an import permit in relation to goods-

- (a) which are in the course of transit through the Republic of Zambia to a place beyond the borders; or
- (b) which are exported under an export permit issued under the principal Order if the exporter satisfies the Ministry responsible for agriculture, food and fisheries, that such exporter has, on the basis and by reason of his having been earlier issued with such export permit, incurred a contractual and legally enforceable obligation prior to the publication of this Order.

(As amended by S.I. No. 96 of 1995)

5. (1) Subject to the provisions of sub-paragraph (2), no person shall export from the Republic of Zambia any goods listed in the Third Schedule except in accordance with the terms and conditions of a permit issued under paragraph 3. Exceptions in relation to the export of goods

(2) The provisions of sub-paragraph (1) shall not apply in relation to-

- (a) any goods which are in the course of transit through the Republic of Zambia to a place beyond the borders thereof;
- (b) any goods not exceeding four kwacha in value which are exported in any one week from the Republic of Zambia by an individual for personal domestic consumption and not for sale or disposal by any other person;
- (c) any goods not exceeding four kwacha in value which are exported in any one week from the Republic of Zambia as a *bona fide* gift from a person residing in the Republic of Zambia to a person residing outside the Republic of Zambia.

6. An application for the issue of a permit under this Order shall be made in writing and, subject to the provisions of paragraph 7, shall be addressed to the Permit Officer, Ministry of Agriculture.

Application for the issue of permits

7. Where a permit is required in accordance with the provisions of this Order and also in accordance with the Stock Diseases Act, to authorise the import into the Republic of Zambia of the same goods-

Special provisions regarding the issue of permits in terms of the Stock Diseases Act.
Cap. 252
Cap. 252

- (a) an application for the issue of a permit in terms of this Order shall be deemed to be an application for the issue of a permit in terms of the Stock Diseases Act;
- (b) if the issuing authority issues a permit, he shall thereupon forward the permit and the application to the appropriate person authorised to issue a permit in terms of the Stock Diseases Act to be dealt with by such person in accordance with the provisions of such Act unless-
 - (i) he is satisfied that the person authorised to issue a permit in terms of the Stock Diseases Act has already issued a permit which is in force; or
 - (ii) the applicant specifically requests otherwise;
- (c) the issuing authority shall not issue a permit under this Order if he is satisfied that the person authorised to issue a permit in terms of the Stock Diseases Act has already refused to issue a permit;
- (d) if the issuing authority issues a permit under this Order after being furnished with a permit issued by the person authorised to issue a permit in terms of the Stock Diseases Act which is in force, he shall thereupon forward both permits to the applicant.

8. Nothing contained in this Order or in any permit issued thereunder shall exempt the holder of such permit from complying with the provisions of any other written law controlling the import into or the export from the Republic of Zambia of the goods to which such permit relates.

Order or permit not to limit compliance with any other written law

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FIRST SCHEDULE

(Paragraphs 2 and 3)

FORMS OF PERMITS

THE CONTROL OF GOODS ACT

IMPORT PERMIT

*Issued in terms of the Control of Goods (Import and Export)
(Agriculture) Order*

No.....

IN THE EXERCISE of the powers conferred upon the issuing authority by the Control of Goods (Import and Export) (Agriculture) Order:

.....

is hereby authorised, subject to the provisions of that Order and of any other written law,

to import into the Republic of Zambia.....

from.....

on the following terms and conditions:

1.....

2.....

This permit is valid until.....

Date.....

Issuing Authority

THE CONTROL OF GOODS ACT

EXPORT PERMIT

Issued in terms of the Control of Goods (Import and Export) (Agriculture) Order.

No.....

IN THE EXERCISE of the powers conferred upon the issuing authority by the Control of Goods (Import and Export) (Agriculture) Order:

.....

is hereby authorised, subject to the provisions of that Order and of any other written law, to export from the Republic of Zambia.....

.....

on the following terms and conditions:

1.....

2.....

This permit is valid until.....

Date.....

Issuing Authority

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SECOND SCHEDULE

(Paragraphs 3 and 4)

GOODS FOR THE IMPORT OF WHICH A PERMIT ISSUED UNDER PARAGRAPH 3 IS REQUIRED

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1. Bananas.
2. Beans, excluding-
 - (a) beans which are tinned, bottled or otherwise preserved;
 - (b) seed beans in quantities of less than 200 lb.
3. Bean meal.
4. Bones; bone meal.
5. Butter; cheese, excluding tinned or bottled cheeses weighing one pound or less.
6. Cattle; beef, veal and edible products manufactured from the carcasses of cattle, but excluding sausage casings, meat extract, meat paste, meat powder, potted meat and tinned meat.
7. Citrus fruits.
8. Compound products containing flour, meal, residues and other preparations of a kind suitable only for use as animal feedstuffs, but excluding-
 - (a) anti-biotic growth stimulants;
 - (b) bird seed;
 - (c) cat and dog foods;
 - (d) chemical additions to animal feedstuffs;
 - (e) inert fillers;
 - (f) salt lick for cattle;
 - (g) synthetic animal feedstuffs;
 - (h) trace elements.
9. Eggs of poultry, whether in shell, pulp or dried form; eggs of wild birds.
10. Game meat and game biltong.
11. Goats; carcasses of goats.
12. Groundnuts, excluding salted or roasted peanuts.
13. Honey.
14. Ice-cream; ice-cream mix, but excluding ice-cream mix contained in sealed tins of one pound or less in weight.
15. Maize, including-
 - (a) crushed maize;
 - (b) dried maize, on or off the cob;
 - (c) samp;but excluding green maize on the cob.
16. Deleted.
17. Deleted.
18. Meat meal, blood meal; carcass meal.
19. Oil-seeds; oil-meal; oil-cake; offals and residues from oil-seeds.
20. Onions.
21. Pigs, edible products manufactured from the carcasses of pigs, including canned products, but excluding hog casings, meat pastes and potted meats with a pig meat content.
22. Potatoes.
23. Live poultry, including day-old chicks.
24. Rice, excluding canned products, and puffed, parched and beaten rice.
25. Sheep; mutton, lamb and edible products manufactured from the carcasses of sheep, excluding sausage casings.
26. Tomatoes, excluding canned tomatoes.
27. Vegetable oils, but excluding almond oil, castor oil, coconut oil, linseed oil, olive oil and sesame oil.
28. Wheaten bran, wheaten pollard.
29. Seeds.

(As amended by No. 8 of 1971 and No. 23 of 1972 and No. 96 of 1995)

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THIRD SCHEDULE

(Paragraphs 3 and 5)

GOODS FOR THE EXPORT OF WHICH A PERMIT ISSUED UNDER PARAGRAPH 3 IS REQUIRED

1. Bones; bone meal.
2. Butter; cheese.
3. Cattle; beef and edible products manufactured from the carcasses of cattle, but excluding meat extract, meat paste, meat powder, potted meat and tinned meat.
4. Compound products containing flour, meal, residues and other preparations of a kind suitable only for use as animal feedstuffs, but excluding-
 - (a) anti-biotic growth stimulants;
 - (b) bird seed;
 - (c) cat and dog foods;
 - (d) chemical additions to animal feedstuffs;
 - (e) inert fillers;
 - (f) synthetic animal feedstuffs;
 - (g) trace elements.
5. Groundnuts.
6. Honey.
7. Maize, including-
 - (a) crushed maize;
 - (b) dried maize, on or off the cob;
 - (c) samp;but excluding green maize on the cob.
8. Maize meal, including-
 - (a) hominy chop;
 - (b) maize cones;
 - (c) maize grits;
 - (d) maize offals.
9. Meat meal, blood meal, carcass meal.
10. Oil-seeds; oil-meal; oil-cake.
11. Pigs, edible products manufactured from carcasses of pigs, including canned products.
12. Potatoes.
13. Seed cotton.
14. Wheat, including-
 - (a) wheat flour;
 - (b) wheaten bran;
 - (c) wheaten pollard.
15. Seeds.
16. Fish, including fish meal.

(As amended by S.I. No. 177 of 1974 and 126 of 1975)

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THE CONTROL OF GOODS (IMPORT AND EXPORT) (AGRICULTURE) (PROHIBITION OF IMPORTATION) ORDER

Order by the Minister

Statutory Instruments
24 of 1972
72 of 1972
208 of 1973

1. This Order may be cited as the Control of Goods (Import and Export) (Agriculture) (Prohibition of Importation) Order. Title
2. In this Order, unless the context otherwise requires- Interpretation
- "permit" means a permit in respect of any of the scheduled goods issued under the provisions of the Control of Goods (Import and Export) (Agriculture) Order;
- "scheduled goods" means any goods specified in the Schedule or any class of such goods.
3. Subject to the provisions of paragraph 4, no person shall import into the Republic of Zambia any scheduled goods. Prohibition of importation
4. The provisions of paragraph 3 shall not apply in relation to any scheduled goods or any class of such goods- Saving
- (a) which are in the course of transit through the Republic of Zambia to a place beyond the borders thereof; or
- (b) not exceeding four kwacha in value which are imported in any one week into the Republic of Zambia by an incoming individual residing in the Republic of Zambia for his personal domestic consumption and not for sale or disposal to any other person; or
- (c) which are imported under any permit if the importer satisfies the Permanent Secretary, Ministry of Rural Development, that such importer has, on the basis and by reason of his having been earlier issued with such permit, incurred a contractual and legally enforceable obligation prior to the publication of this Order.
5. A permit other than the permit to which the provisions of paragraph 4 apply is hereby revoked. Revocation of permits

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SCHEDULE

(Paragraph 2)

SCHEDULED GOODS

1. Birds (dead).
2. Nuts (tinned).
3. Peanuts, salted or roasted.
4. Tomatoes (tinned).

(No. 72 of 1972)

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THE CONTROL OF GOODS (IMPORTATION OF EGGS) ORDER

Statutory Instrument
312 of 1968

Order by the Minister

1. This Order may be cited as the Control of Goods (Importation of Eggs) Order. Title

2. In this Order, unless the context otherwise requires- Interpretation

"hatching egg" means an egg obtained from a poultry breeder for the purpose of hatching.

3. (1) Subject to the provisions of sub-paragraph (2), no person shall import into the Republic of Zambia poultry eggs in shell form. Control of import of eggs

(2) The provision of sub-paragraph (1) shall not apply in relation to-

(a) hatching eggs;

(b) eggs to a value not exceeding two kwacha which are imported during any one week for personal consumption.

SECTIONS 3, 4 AND 6-THE CONTROL OF GOODS (IMPORT AND EXPORT) (COMMERCE)
REGULATIONS

Statutory Instruments
383 of 1965
389 of 1967
Act No.
13 of 1994

Regulations by the President

1. These Regulations may be cited as the Control of Goods (Import and Export) (Commerce) Regulations. Title

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

"controlled goods" means any goods the import into or the export from Zambia of which is prohibited, restricted or otherwise controlled by an order made under regulation 3.

3. (1) The Minister may make statutory orders prohibiting, restricting or otherwise controlling- Orders by the Minister

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- (a) the import into Zambia of any goods which are not the product or manufacture of Zambia;
- (b) the export from Zambia of any goods.

(2) Without derogation from the generality of the powers conferred by sub-regulation (1), an order made under this regulation may-

- (a) prescribe the terms and conditions subject to which controlled goods or any class of such goods may be imported into or exported from Zambia;
- (b) provide for empowering such person as may be prescribed by or under the order-
 - (i) to issue licences authorising, to such extent as may be prescribed by or under the order, the import into or the export from Zambia of any controlled goods or any class of such goods;
 - (ii) to revoke any such licence issued by him in such circumstances and in such manner as may be prescribed by or under the order.

4. (1) The Minister may revoke or amend a licence issued under an order made in terms of these Regulations if he considers that such revocation or amendment is necessary in the national interest.

Revocation or amendment of licences

(2) If the Minister revokes or amends a licence, other than an open general import licence, in terms of sub-regulation (1), an appeal against such revocation or amendment shall lie to the President, whose decision shall be final. An appeal in terms of this sub-regulation shall be lodged with the Permanent Secretary, Ministry of Trade, within twenty-one days of the revocation or amendment being notified and the ground of the appeal shall be set out clearly, specifically and in numbered sequence.

5. Any person who acts in contravention of or fails to comply with any order made under these Regulations, or acts in contravention of or fails to comply with the conditions of any licence issued or authority granted under or in pursuance of any order made under these Regulations, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding four months, or to both sixty thousand penalty units for a first offence; and on conviction for a second or subsequent offence, to a fine not exceeding sixty thousand penalty units or to imprisonment for a period not exceeding six months, or to both

Offences and Penalties

(No. 389 of 1967 and Act No. 13 of 1994)

THE CONTROL OF GOODS (IMPORTATION OF SOAP) ORDER

Order by the Minister

Government Notices
5 of 1964
169 of 1964
497 of 1964
Statutory Instrument
5 of 1977

The Laws of Zambia

1. This Order may be cited as the Control of Goods (Importation of Soap) Order. Title

2. In this Order, unless the context otherwise requires- Interpretation
 - "abrasive soap" means soap, whether in powder, paste, tablet, cake or block form, which is a mixture of soap with silica, sand, pumice-stone or other inert abrasive matter and which contains not less than twenty-five per centum of such silica, sand, pumice-stone or other inert abrasive matter, as the case may be;

 - "import" means to bring goods or cause goods to be brought into Zambia;

 - "soap" means the product which results from the process of saponification of fats and oils-
 - (a) with sodium hydroxide or potassium hydroxide; or
 - (b) by the neutralisation of fatty acids with sodium hydroxide or potassium hydroxide or their carbonates or bicarbonates; or
 - (c) by the neutralisation of fatty acids with ammonia or triethanolamine.

(As amended by No. 169 of 1964)

3. (1) Soap in the form of bars, tablets, flakes or chips for household, laundry or toilet purposes shall contain not less than forty-five per centum of fatty acids, of which not more than one-third may be replaced by resin acids; shall not contain more than one-quarter of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide); and shall be free from any harmful ingredients. Minimum standards of quality

- (2) Liquid soap shall contain not less than fifteen per centum of fatty acids, of which not more than one-quarter may be replaced by resin acids; shall contain not more than one-twentieth of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide); and shall be free from any harmful ingredients.

- (3) Soft soap shall contain not less than thirty-five per centum of fatty acids, of which not more than one-third may be replaced by resin acids; and shall contain not more than three-quarters of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide).

- (4) The words "pure", "purest", "best", "superior", "finest", "first grade", "first quality", "No. 1 quality", "A.1 quality", "highest grade", "highest quality", or any other words indicating or suggesting special grade or quality, shall not be printed or marked on, or on the container or wrapper of, any soap which contains less than sixty-two per centum of fatty acids, of which not more than one-quarter may be replaced by resin acids, or more than one-tenth of one per centum of free caustic alkali (calculated for this purpose as sodium hydroxide):

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Provided that where soap contains naphtha or carbolic acid or both these substances, the limit of sixty-two per centum for fatty acids specified in this sub-paragraph may be reduced to sixty per centum.

(5) The container or wrapper of abrasive soap which is imported for sale shall at the time of importation have prominently displayed thereon words indicating, as may be appropriate, that it is "abrasive soap", "abrasive soap powder" or "pumice soap", or that it contains abrasive matter or is intended to be used for scouring or polishing, and if no such container or wrapper is used then such words shall be clearly and legibly stamped or embossed on each tablet, cake or block, in which such soap is imported.

4. (1) Except in accordance with a permit issued by the Permanent Secretary, no person shall import for sale any soap the composition of which, or the wrapping or marking of which, does not at the time when it is imported comply with the provisions of paragraph 3.

Prohibition of import, except under permit, of soap which does not comply with minimum standards of quality

(2) For the purposes of determining whether the composition of a bar of soap for household or laundry purposes complies with the provisions of sub-paragraph (1) of paragraph 3 at the time when it is imported, a bar of soap for household or laundry purposes shall be deemed to weigh 2 lb. at the time when it is imported.

PARAGRAPH 3 OF THE CONTROL OF GOODS
(IMPORT AND EXPORT) (COMMERCE) ORDER-

Statutory Instrument
29 of 1973

THE CONTROL OF GOODS (IMPORT)
(EXEMPTIONS FROM LICENCES) ORDER

Order by the Minister

1. This Order may be cited as the Control of Goods (Import) (Exemptions from Licences) Order.

Title

2. Subject to the provisions of any other written law, there is hereby authorised the import into Zambia by any person of-

Authorised imports

(a) the goods listed in the Schedule; and

(b) any goods for personal use and consumption and not for resale, the value of which does not exceed K50:

Provided that a person shall not be authorised to import any further goods within a period of ninety days.

3. Except as provided for in paragraph 2, no person shall import goods into Zambia without obtaining a licence for their import from the Ministry of Trade and Industry.

No import of goods without licence

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SCHEDULE

(Paragraph 2)

1. (a) Used personal and household effects imported by a returning resident.
(b) Used personal and household effects, including motor vehicles, imported by a person who enters Zambia to take up residence or employment for the first time.
2. Goods, including motor vehicles, temporarily imported into Zambia by a tourist or other *bona fide* visitor for his own use.
3. Goods in transit through Zambia.
4. Samples and advertising material intended solely for use in the taking of orders and not for sale.
5. Any goods exported from Zambia for repair and return and in respect of which a certificate to that effect has been issued by a customs officer.
6. Goods imported by any person to whom privileges are extended by virtue of any enactment in force in Zambia relating to diplomatic, consular or other privileges if such goods are imported for his own use and consumption, or that of his household or for the purpose of his office.
7. All vehicles, aircraft and rail trucks used or to be used for the transport of goods or persons to destinations within Zambia entering Zambia temporarily for such purposes.
8. All vehicles, aircraft and rail trucks registered in Zambia and owned by persons ordinarily resident in Zambia if such vehicles, aircraft or rail trucks are temporarily taken out of Zambia and brought into Zambia within six months of their so being taken out.

PARAGRAPH 4 OF THE CONTROL OF GOODS
(IMPORT AND EXPORT) (COMMERCE) ORDER-

Statutory Instrument
183 of 1966

THE CONTROL OF GOODS (EXPORT) OPEN GENERAL LICENCE

Order by the Minister

1. This Licence may be cited as the Control of Goods (Export) Open General Licence. Title

2. Subject to the provisions of any other written law, the export from Zambia by any person is hereby authorised of- Authorised exports
 - (a) the goods listed in the First Schedule; and
 - (b) any goods (not being goods listed in the Second Schedule) which do not exceed K10,000 in value.

(As amended by S.I. No. 34 of 1990)

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FIRST SCHEDULE

(Paragraph 2)

1. Exposed cinematograph film.
2. Used personal and household effects, including motor vehicles, exported by a resident departing for a temporary period or by a person departing from Zambia to take up residence or employment elsewhere.
3. Goods, including motor vehicles, temporarily imported into Zambia by a *bona fide* tourist for his own use.
4. Goods in transit through Zambia.
5. Samples and advertising material intended solely for use in the taking of orders and not for sale.
6. Any goods exported from Zambia for repair and return and in respect of which a certificate to that effect has been issued by a customs officer.

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SECOND SCHEDULE

(Paragraph 2)

1. Implements of war (other than arms and ammunition), atomic energy materials of strategic value, and items of primary strategic significance used in the production of arms and ammunition and other implements of war, including the following metals:

- (a) beryllium;
- (b) columbite;
- (c) germanium;
- (d) lithium;
- (e) niobium (columbium);
- (f) tantalum;
- (g) thorium;
- (h) titanium;
- (i) uranium;

and any materials containing such metals.

2. Lead in any form.

3. Minerals, raw and treated (including residues and tailing) which contain by weight at least 0.05 per centum of uranium or thorium or a combination thereof, and, without derogation from the generality of the foregoing, including-

- (a) monazite sand and other ores containing thorium;
- (b) carnotite, pitchblende and other ores containing uranium.

4. Petroleum products.

5. The following rough and uncut precious stones:

- (a) beryls;
- (b) chrysoberyl of gem quality;
- (c) diamonds;
- (d) emeralds;
- (e) rubies;
- (f) sapphires;

but not including diamonds suitable only for use for industrial purposes.

6. Scrap and old metals of all kinds.

7. Bags made of jute fibre but excluding hessian bags.

9. The following items:

- (a) maize;
- (b) soyabeans/beans;
- (c) beverages;
- (d) blankets;
- (e) matches;
- (f) salt;
- (g) fertiliser;
- (h) torch cells;
- (i) wheat and wheat products;
- (j) baby food;
- (k) toothpaste;
- (l) insecticide;
- (m) cigarettes.

(As amended by S.I. No. 21 of 1984)

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THE CONTROL OF GOODS (PETROL PRICES) ORDER

Statutory Instruments
232 of 1967
22 of 1968

Order by the Minister

1. This Order may be cited as the Control of Goods (Petrol Prices) Order.

Title

2. In this Order, unless the context otherwise requires-

Interpretation

"petrol" means refined petroleum capable of being used as a motor spirit, but does not include aviation fuel supplied for use in aircraft, paraffin, distillate fuel, furnace oil or diesel fuel;

"wholesale dealer" means-

- (a) Agip (Zambia) Limited;
- (b) Shell and B.P. Zambia Limited;
- (c) Caltex Oil Zambia Limited;
- (d) Mobil Oil Zambia Limited;
- (e) Total Oil Products (Zambia) Limited.

3. The maximum price at which petrol may be sold by a person other than a wholesale dealer shall be the wholesale dealer's selling price plus-

Maximum selling price

- (a) the cost of transport, if any, ordinarily incurred by such person; and
- (b) the amount of customs duty, if any, actually paid by such person:

Provided that the maximum price for quantities of less than one litre shall be proportional to that allowed for one litre.

(As amended by No. 22 of 1968)

4. When the price per litre is calculated under this Order, any fraction of an ngwee which is less than half an ngwee shall be disregarded and any fraction of an ngwee which is equal to or more than half an ngwee shall be taken as an ngwee.

Calculation of prices

SECTIONS 3 AND 6-THE CONTROL OF GOODS (AGRICULTURAL PRODUCTS PRICES) REGULATIONS

Regulations by the President

Federal Government
Notices
52 of 1958
160 of 1960
Government Notice
1 of 1964
Statutory Instrument
390 of 1967
Act No.
13 of 1994

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1. These Regulations may be cited as the Control of Goods (Agricultural Products Prices) Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation
- "controlled goods" means any commodity or animal specified in the Schedule;
- "dealer" means any person who carries on the business of buying and selling controlled goods;
- "inspector" means a person appointed as an inspector under these Regulations;
- "order" means an order made by the Minister in terms of these Regulations;
- "price" includes any form of consideration;
- "sell" includes-
- (a) to sell by auction;
 - (b) to offer or attempt to sell;
 - (c) to expose, display or advertise for sale; or
 - (d) to exchange or dispose of controlled goods for any valuable consideration;
- and the expressions "sale", "seller", "to purchase", "purchase" and "purchaser" shall be construed accordingly.
3. (1) The Minister may appoint inspectors and graders for the purposes of these Regulations. Appointment of inspectors
- (2) Every inspector shall be furnished with a certificate signed by the Minister which shall state that the inspector has been appointed as an inspector under these Regulations.
- (3) An inspector exercising any power or performing any duty conferred or imposed upon him by these Regulations or about to exercise or perform any such power or duty shall, on demand by any person concerned, produce the certificate referred to in sub-regulation (2).

4. (1) The Minister may, by notice in writing, require any person who produces or has produced, deals in or has dealt in, or handles or has handled any controlled goods to furnish to the Minister or his authorised representative from time to time any information whatsoever available to such person relating to any such controlled goods which he or his servant or agent has or has had in his possession or custody or over which he has or has had any control or which he is capable of producing.

Furnishing of information

(2) Any such person as aforesaid shall, at the request of an inspector, produce to the inspector any book, record, list or document at his disposal which relates to any such controlled goods, and shall furnish the inspector with such other information or explanation, either in writing or verbally, relating to such controlled goods as the inspector may demand from him.

5. (1) An inspector may examine and make extracts from and copies of books, records, lists or documents relating to controlled goods, and may demand from any dealer or other person an explanation of any entries therein and may seize and remove any such books, records, lists or documents as, in his opinion, may afford evidence of an offence under these Regulations.

Powers of inspectors

(2) An inspector may, for the purposes of examination or production as evidence, seize and remove without payment any sample or specimen of any controlled goods in the possession of any person referred to in sub-regulation (1).

(3) An inspector shall issue a receipt in respect of anything seized in terms of this regulation.

(4) Anything seized in terms of this regulation shall, if circumstances permit, be returned to its owner at the conclusion of any proceedings taken or inquiries made in relation thereto.

6. The Minister may by order-

Fixing of prices by order

- (a) fix the maximum, minimum or specified prices to be paid to producers of any controlled goods by persons generally, by any specified person or by any persons of a specified class or group;
- (b) determine the method by which such prices shall be fixed, computed or calculated;
- (c) prescribe standards of quality, composition and condition, and minimum standards, for any controlled goods and prohibit, regulate or restrict the sale of any controlled goods which do not conform with such prescribed standards;
- (d) prescribe the specific designation under which any particular controlled goods may be sold and prohibit, regulate or restrict the sale of such controlled goods under designations other than the prescribed designations;
- (e) provide for the prevention of the evasion of any order.

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7. Any person who-
- Offences and penalties
- (a) contravenes or fails to comply with any order, request or demand lawfully made under these Regulations;
 - (b) wilfully furnishes the Minister or an inspector with any incorrect or incomplete information or explanation;
 - (c) hinders, obstructs or delays an inspector in the performance of his duties or the exercise of his powers under these Regulations;
 - (d) refuses or fails to answer to the best of his knowledge any questions lawfully put to him under these Regulations;
 - (e) contravenes or fails to comply with any provision of these Regulations or of any order;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

(As amended by S.I. No. 390 of 1967 and Act No. 13 of 1994)

SECTIONS 3 AND 6-THE CONTROL OF GOODS (IMPORT OF MEDICINAL SUBSTANCES AND POISONS) REGULATIONS

Regulations by the President

Federal Government Notices
271 of 1955
225 of 1957
Government Notices
1 of 1964
497 of 1964
Statutory Instrument
384 of 1967
Act No.
13 of 1994

1. These Regulations may be cited as the Control of Goods (Import of Medicinal Substances and Poisons) Regulations. Title

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

"advertisement" includes any notice, circular, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light or sound;

"appropriate designation", in relation to a substance, constituent or ingredient, means the accepted scientific name or other name descriptive of the true nature of that substance, constituent or ingredient;

"appropriate quantitative particulars" means-

- (a) the approximate percentage of each of the active constituents or ingredients contained in any substance or the approximate quantity of each of the active constituents or ingredients contained in any article; or

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- (b) if an article consists of or comprises a number of separate portions of a substance, either the approximate percentage or quantity mentioned in paragraph (a) or the approximate quantity of each of the constituents or ingredients contained in each portion;

"container" includes a wrapper;

"proprietary designation", in relation to articles consisting of or comprising a substance recommended as a medicine, means a word or words used or proposed to be used in connection with the sale of those articles for the purpose of indicating that they are the goods of a particular person by reason of manufacture, selection or certification or by reason of his offering them for sale or his dealing in or with them;

"proprietor", in relation to a proprietary designation, means the person whose goods are indicated or intended to be indicated by that proprietary designation;

"substance" includes a preparation;

"substance recommended as a medicine", in relation to an article consisting of or comprising a substance so recommended, means a substance which is referred to-

- (a) on the article, or on any wrapper or container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a wrapper or container; or
- (b) in any placard or other document exhibited at any place in Zambia where the article is sold; or
- (c) in any advertisement, letter, or other document published by or on behalf of the manufacturer of the article, or any person carrying on business in the course of which the article is sold, or, if the article is sold under a proprietary designation, the proprietor of the designation;

in terms which are calculated to lead to the use of the substance for the exertion of some pharmacological effect on the human body, not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicine.

(As amended by G.N. No. 1 of 1964)

3. (1) No person shall import into Zambia any article consisting of or comprising a substance recommended as, or intended to be used as, a medicine unless there is written so as to be clearly legible on the article or a label affixed thereto, or, if the article is imported in a container, on the container or a label affixed thereto, or, if the article is imported in more than one container, on the inner container or a label affixed thereto-

Particulars to be recorded on containers or labels

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- (a) the appropriate designation of the substance so recommended, or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded; and
- (b) if the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients.

(2) Notwithstanding the provisions of sub-regulation (1), any article referred to in that sub-regulation may be imported into Zambia by-

- (a) a medical practitioner registered or exempted from registration under any written law relating to the registration of medical practitioners;
- (b) a traveller for his personal use.

(As amended by F.G.N. No. 225 of 1957 and G.N. No. 1 of 1964)

4. No person shall import into Zambia any poisons specified in the First Schedule or any preparation containing any such poison, whether or not that preparation is a substance recommended as a medicine, unless-

Prohibition on import of specified poisons except by authorised persons

- (a) he is a person who is a member of a class of persons specified in paragraph 1, 2 or 3 of the Second Schedule; or
- (b) he is authorised to do so in terms of an open general licence issued by the Minister by Gazette notice; or
- (c) he has obtained a special licence to do so from the Permanent Secretary, Ministry of Health.

(As amended by G.N. No. 1 of 1964)

5. Any person who acts in contravention of or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and shall be liable on conviction to a fine of one thousand five hundred penalty units or to imprisonment for three months, or to both and, in addition to such aforesaid penalty, the court before which a person is so convicted may order any articles in respect of which such offence has been committed to be forfeited.

Offences and penalties

(S.I. No. 384 of 1967 and Act No. 13 of 1994)

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FIRST SCHEDULE

(Regulation 4)

SPECIFIED POISONS

1. Barbituric acid or its salts.
2. Derivatives of barbituric acid or their salts.
3. Compounds with any other substance of barbituric acid or compounds with any other substance of its salts or of its derivatives and their salts.
4. Paraldehyde.

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SECOND SCHEDULE

(Regulation 4)

AUTHORISED PERSONS

1. Persons authorised to sell poisons in terms of any written law.
2. Pharmacists registered under any written law.
3. Medical practitioners, dental surgeons and veterinary surgeons registered under any written law.

*Act No
of 1994*

(G.N. No. 1 of 1964)

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SECTIONS 3 AND 6-THE CONTROL OF GOODS (IMPORT OF RADIOACTIVE SUBSTANCES)
REGULATIONS

Regulations by the President

*Federal Government
Notice
406 of 1960
Government Notices
1 of 1964
166 of 1964
497 of 1964
Statutory Instrument
387 of 1967*

1. These Regulations may be cited as the Control of Goods (Import of Radioactive Substances) Regulations.

Title

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

Interpretation

"appropriate designation", in relation to a substance, constituent or ingredient, means the accepted scientific name or other name descriptive of the nature of the substance, constituent or ingredient;

"radioactive substance" means any substance which consists of or contains any radioactive chemical element, whether natural or artificial, and whose specific activity exceeds 0.002 of a microcurie per gramme of parent radioactive chemical element of substance and which has a total activity of more than 0.1 microcurie.

3. The Minister may, by Gazette notice, issue open import licences authorising, subject to the provisions of any other written law, the import into Zambia of any radioactive substances.

Open import licences

(G.N. No. 1 of 1964 as amended by G.N. No. 166 of 1964)

4. No person shall import into Zambia any radioactive substance unless-

Prohibition on import of radioactive substances except under licence

- (a) he is authorised to do so in terms of an open import licence issued in terms of regulation 3; or
- (b) he has obtained a licence to do so from the Permanent Secretary, Ministry of Power, Transport and Works; and
- (c) there is clearly and legibly written on the container in which the substance is placed or on a label affixed thereto-
 - (i) the appropriate designation of the substance or of each of the active constituents thereof or of each of the ingredients of which it has been compounded; and
 - (ii) if the appropriate designation of each of the active constituents or the ingredients is written on the container or label, the appropriate quantitative particulars of such constituents or ingredients.

(As amended by G.N. Nos. 1 and 166 of 1964)

5. Applications for the issue of a licence in terms of paragraph (b) of regulation 4 shall contain the following information:

Information to be contained in applications for licences

- (a) name and address of importers;
- (b) purpose for which radioactive substance is to be used (medical, research, industrial or educational);
- (c) description of use to be made of radioactive substance;
- (d) name and address of person or persons responsible for using radioactive substance;
- (e) qualifications of person or persons responsible for using radioactive substance;
- (f) appropriate designation of radioactive substance;
- (g) physical state of radioactive substance (liquid, gas or solid);
- (h) activity in millicuries on arrival in Zambia;
- (i) radiation at surface of the container;
- (j) whether source of radiation is sealed or unsealed;
- (k) type of radiation;
- (l) half-life;
- (m) place of origin, e.g., Harwell, etc.;
- (n) port and date of arrival in Zambia;
- (o) mode of transport; number of vehicle if by road;
- (p) address of place where radioactive substance is to be used;
- (q) proposed means of final disposal.

(As amended by G.N. No. 1 of 1964)

6. Any person who acts in contravention of or fails to comply with these Regulations or any notice made thereunder, or acts in contravention of or fails to comply with the conditions of any licence issued or authority granted under or in pursuance of these Regulations or notice made thereunder, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

Offences and Penalties

(S.I. No. 387 of 1967 and Act No. 13 of 1994)

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SECTIONS 3 AND 6-THE CONTROL OF GOODS (IMPORTATION OF EMBLEMS PROHIBITION) REGULATIONS

Regulations by the President

Federal Government Notice
218 of 1956
Government Notices
1 of 1964
497 of 1964
Statutory Instrument
386 of 1967

1. These Regulations may be cited as the Control of Goods (Importation of Emblems Prohibition) Regulations. Title

2. No person shall import into Zambia-

- (a) any drawing or design portraying any badge, token, emblem, insignia, symbol, name, slogan or motto of any society, organisation, association or other body of persons declared or deemed to be an unlawful society, organisation, association or body in terms of any written law;
- (b) any goods in which such a drawing or design has been incorporated, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining or any other means whatever, whether manual, mechanical or chemical, separate or combined and whether applied to or incorporated in any goods for the pattern, shape, configuration or ornamentation thereof or for any two or more such purposes.

Prohibition on importation of certain emblems or goods incorporating such emblems

(As amended by G.N. No. 1 of 1964)

3. Any person who acts in contravention of these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both and, in addition to such aforesaid penalty, the court before which a person is so convicted may order any articles in respect of which such offence has been committed to be forfeited.

Offences and penalties

(S.I. No. 386 of 1967 as amended by Act No. 13 of 1994)

SECTION 3-THE CONTROL OF GOODS (IMPORTATION OF PROHIBITED PUBLICATIONS) REGULATIONS

Regulations by the President

Federal Government Notices
368 of 1961
334 of 1962
Government Notices
1 of 1964
497 of 1964
Statutory Instrument
262 of 1965

1. These Regulations may be cited as the Control of Goods (Importation of Prohibited Publications) Regulations. Title

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

Interpretation

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"officer" means an officer as defined in section *two* of the Postal Services Act or section *two* of the Customs and Excise Act.

Cap. 470
Cap. 322

(As amended by S.I. No. 262 of 1965)

3. No person shall import into Zambia any document or other article which-

Prohibition on
importation of
subversive or seditious
documents

- (a) is, in the opinion of the President, subversive or seditious;
- (b) is published or produced by an organisation or emanates from a source which, in the opinion of the President, is subversive or seditious;
- (c) is, if imported into Zambia, likely, in the opinion of the President, to be used in connection with subversive or seditious activities.

(F.G.N. No. 334 of 1962 as amended by G.N. No. 1 of 1964)

4. An officer may seize and forward to the President any document or other article for the purposes of obtaining the President's opinion whether or not the importation of the document or other article into Zambia would constitute a contravention of the provisions of regulation 3.

Powers of officers

(As amended by G.N. No. 1 of 1964)

5. (1) If the President is of the opinion that the importation of a document or other article forwarded to him by an officer in terms of regulation 4 would constitute a contravention of regulation 3, the document or other article shall be disposed of in accordance with the directions of the President.

Disposal or return of
documents

(2) If the President is not of the opinion that the importation of a document or other article forwarded to him by an officer in terms of regulation 4 would constitute a contravention of regulation 3, the President shall cause the document or other article to be returned forthwith to the person from whom the document or other article was taken or to whom the document or other article is addressed, as the case may be.

SECTION 3-THE CONTROL OF GOODS (SUPPLY OF INFORMATION) REGULATIONS

Statutory Instrument
85 of 1971
Act No.
13 of 1994

Regulations by the President

1. These Regulations may be cited as the Control of Goods (Supply of Information) Regulations.

Title

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

Interpretation

"Price Controller" means the person appointed as such under the Control of Goods (Price Control) Regulations.

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3. Any person who produces or has produced, manufactures or has manufactured, deals in or has dealt in, handles or has handled, sells wholesale or retail, any commodity shall supply such information and make available for inspection such books of account within such reasonable period as the Price Controller may require. Supply of information

4. Any person who fails to comply with any requirement made pursuant to regulation 3 shall be guilty of an offence and shall be liable on conviction- Penalty

- (a) in the case of a first offence, to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding six months, or to both and
- (b) in the case of a second or subsequent offence, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)

SECTION 3-THE CONTROL OF GOODS
(IMPORT DECLARATION FEE) REGULATIONS

Statutory Instrument
20 of 1997

1. These Regulations may be cited as the Control of Goods (Import Declaration Fee) Regulations.*(1) Title and commencement

* These Regulations are deemed to have come into effect on the 1st February, 1997

2. In these regulations, unless the context otherwise requires- Interpretation

"goods" means goods of a value in excess of five hundred United States dollars, imported for commercial purposes, to which these Regulations apply;

"import" means the releasing of goods from customs control;

"importer" means an importer of goods.

3. (1) These Regulations shall apply to all goods ordered on or after the 2nd of October, 1995. Application

(2) All goods imported on or after the 1st November, 1995, shall be deemed to have been ordered after these regulations came into effect and shall be subject to the provisions of these Regulations.

4. (1) An importer shall, before importing the goods, be required to complete and submit an import declaration form to a commercial bank, which shall determine whether a fee is payable by the importer in respect of the goods. Value of goods to be calculated in dollars

(2) A commercial bank, to which an import declaration form is submitted shall, so as to determine whether a fee is payable by the importer in respect of the goods, convert the value of the goods to be imported into United States dollars at the rate prevailing at the commercial bank.

5. (1) An importer shall submit, to a commercial bank, a completed import declaration form as set out in the First Schedule, in four copies. Procedure for payment of fee

(2) A commercial bank shall, upon receipt of an import declaration form, allocate to it a separate reference number.

(3) A copy of the pro-forma invoice or some other document from the supplier of the goods to be imported, describing the goods and their value, shall be attached to one of the copies of the import declaration form submitted to the commercial bank.

(4) A commercial bank shall within, two days of computing the fee, notify the Permanent Secretary of the Ministry responsible for commerce, trade and industry or its designate of the details of the import declaration form submitted to it.

*These Regulations are deemed to have come into effect on the 1st February, 1997

(5) When a commercial bank has determined the amount of a fee, it shall retain one copy of the import declaration form and the other three copies shall be collected from the bank as follows:

- (a) the original and one copy by the importer, and
- (b) one copy, with the pro-forma invoice attached to it, by any person designated by the Minister.

6. (1) A commercial bank shall compute the value of the transaction in respect of any goods by adding the- Computing the value of the transaction

- (a) free on board value;
- (b) cost of transportation;
- (c) cost of the insurance policy; and
- (d) cost of freight.

(2) The Free on Board value of the goods shall include the value of-

- (a) export packing and handling; and
- (b) export documentation.

(3) If an import declaration form does not provide for the values of freight and insurance of the goods, such values shall be calculated as follows:

- (a) freight shall be equal to twenty per centum of the Free on Board value of the goods; and
- (b) insurance shall be equal to two per centum of the Free on Board value of the goods.

(4) The fee payable by an importer shall be five per centum of the value of the transaction computed under sub-regulation (1).

7. A commercial bank shall, upon the receipt of the fee computed, remit the fee to the Bank of Zambia on the first working day of the following week after the commercial bank's receipt of the fee.

Bank to remit fee within seven days

8. (1) Customs officials shall release goods to which these Regulations apply when all applicable customs requirements have been complied with and the importer has submitted-

Requirements for the release of imports by customs official

- (a) the import declaration form bearing a reference number from the commercial bank that computed the fee in respect of the goods and received by the bank as evidence of payment of the fee applicable; and
- (b) such other applicable documentation as may be required by the customs officials.

(2) The import declaration form shall be submitted to the customs officials under sub-regulation (1) in its original form.

(3) Where there is need to submit a fascimile or photocopy of the original import declaration form, the copy shall be authenticated as a copy of the original by the Manager of the commercial bank that computed the fee.

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(4) Where an importer of goods fails to provide the required documentation evidencing payment of a fee, customs officials shall compute the fee payable from the available data and provisionally release the goods upon the payment, by the importer, of a cash surety of not less than twice the amount of the fee owing.

9. (1) A commercial bank to which a fee has been paid by an importer may, within a period of twelve months of the date of the computation of the fee, be audited in respect of the fee paid, by an officer authorised by the Minister.

Auditing and
assessment of
importer

(2) The auditing of a commercial bank referred to under sub-regulation (1) shall be to determine whether-

- (a) a fee was remitted to the Bank of Zambia within the time specified under regulation 6; or
- (b) the amount of the fee remitted is not understated or otherwise incorrect.

(3) Upon the completion of the audit of a commercial bank under sub-regulation (1), an assessment of the amount of the fee that may be owing shall be made and shall become immediately payable by the commercial bank at the Bank of Zambia.

10. (1) An importer of any type of goods may, within a period of two years from the date of the importation, be audited in respect of the good imported and may have the goods, premises, documents, books and records, relating to the goods, inspected.

Auditing and
assessment of
importer

(2) The auditing of an importer referred to under sub-regulation (1) shall be to determine whether-

- (a) a fee was required to be paid in respect of any goods imported; or
- (b) the correct amount of the fee has been paid in respect of the goods imported.

(3) Upon the completion of the audit of an importer under sub-regulation (1), an assessment of the amount of the fee that may be owing shall be made and shall become immediately payable by importer at the Bank of Zambia.

11. Where an importer of goods destined for approved-

Payment of fee by
exempt importer

- (a) duty free stores;

(b) Export Processing zone enterprises; or

(c) Manufacturing under Bond enterprises

subsequently sells the goods or a product of such goods outside the areas specified for the sale of such goods within the Republic, such importer shall be liable to pay the applicable fee.

12. (1) An application for the refund of a fee paid shall be addressed to the Permanent Secretary and be made on the form set out in the Second Schedule. Refund of fee

(2) In addition to the grounds for the refund of a fee provided under paragraph (a) and (b) of section *three* A of the Act, a fee may be refunded where- Cap. 412

(a) the goods were not imported due to cancellation of the transaction prior to any inspection of the goods or loss of the goods while in transit, before customs release;

(b) the circumstances of the transaction have changed significantly so as to require the completion and submission of another import declaration form;

(c) the goods imported are found, within thirty days of import, to be deficient and are to be returned to the supplier; or

(d) the goods are returned to the supplier from a bonded house under customs control in their original state of export.

(3) A refund of a fee paid shall be made only where the claim is substantiated by-

(a) the importer's copy of the import declaration form;

(b) the relevant customs clearance documents; and

(c) such other applicable documentation as may be required by customs officials.

(4) A refund of a fee shall be paid into the bank account of the successful claimant.

13. An importer entitled to a refund may request the Ministry, in writing, to retain the refund due and apply it to the fee of any subsequent import. Refund may be offset by subsequent import

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14. (1) An importer who wilfully splits or otherwise reduces the value of the transaction so as to avoid the payment of the fee, wholly or in part, shall have the goods audited and assessed, by an officer authorised by the Minister, to determine the fee payable. Evasion

(2) An importer of goods that have been audited and assessed under sub-regulation (1) shall be required to pay the fee owing and shall be liable to pay an additional five per centum of the value of the transaction as penalty for the evasion.

15. (1) An importer may appeal against an assessment made under these regulations to the Permanent Secretary within a period of thirty days of the assessment. Appeals

(2) An importer aggrieved by the ruling of the Permanent Secretary made under sub-regulation (1), may appeal to the High Court within a period of thirty days of the ruling.

16. (1) A commercial bank that contravenes these Regulations shall be required to comply with these Regulations and shall be liable to pay interest on any fee it may have failed to remit, equivalent to the annualized nominal interest rates applicable to treasury bills. Penalty for contravention

(2) An importer who contravenes these Regulations shall be required to comply with these Regulations, and shall be liable to pay an additional five per centum of the value of the transaction.

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FIRST SCHEDULE

(Regulation 5)

See Guidelines Overleaf

1. IDF No.

Republic of Zambia
IMPORT DECLARATION FORM

TO BE COMPLETED BY IMPORTER

2. Importer (Full Particulars)			3. TIN	
			4. VAT Registration Number	
5. Name and Particulars of Contact Person (Importer)			6. Telephone	7. Fax/Telex
8. Seller (Full Particulars)			9. Telephone	10. Fax/Telex
11. Supply Country	12. Port of Entrance	13. Port of clearance	14. Transport Mode	15. ETD
16. Transaction Terms	17. Goods Origin	18. Import Regime	19. Proforma No/Date	20. PTA <input type="checkbox"/> Yes <input type="checkbox"/> No
21. Currency	22. FOB Value	23. Freight	24. Insurance	25. Other Charges
26. Description		27. HS Code	28. Quantity	29. FOB Value
30. I/We declare that the above particulars are true and correct				
Date:		Name:	Signature:	
FOR USE BY REMITTING BANK DATE CIF VALUE IN FOREIGN CURRENCY: FOREIGN CURRENCY AND RATE CIF VALUE IN LOCAL CURRENCY IDF FEE PAID			BRANCH STAMP	

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IDF Guidelines

An IDF should be completed and registered immediately upon confirmation of the import order. Any delay in Customs clearance resulting from a delay in registering the IDF will be the responsibility of the importer.

IDF's may be presented to any participating commercial bank for registration and for payment of a fee calculated at the exchange rate prevailing on the date of presentation to the bank.

The importer shall submit 4 copies of the IDF, completed in a clear and legible manner. Incomplete or inaccurate IDF's will be rejected. Distribution: Importer-two (2) copies (original to importer, to be presented with the customs entry), commercial bank-one (1) copy, PSI company-one (1) copy. A copy of a proforma invoice is required to be attached to the original and the PSI company copies of the IDF. The commercial bank, once the IDF is registered, will forward the PSI copy and attached proforma invoice to the PSI company.

Changes in details of the IDF such as change in country of supply, sellers name, value, etc., are to be forwarded to the PSI company.

Notes on IDF completion

Box

1. This box is reserved for participating banks to enter the IDF registration number when processing this form.
2. The legally registered name of your company or other type of business entity or if you are an individual be sure to enter your surname first.
5. The name of the person to be contacted in case of a query.
8. The full name and address of the seller.
9. 10. The general telephone number for the seller's place of business and fax number (if any).
11. The country where the goods are located and available for pre-shipment inspection, where necessary.
12. The Customs port through which goods will enter Zambia.
13. The Customs point where the duties and taxes, if any, will be paid for their release.
14. Transport Mode: sea; air; road; postal; rail; courier.
15. Estimated time of departure from the country of export to Zambia.
16. Conditions of payment for the transaction.
17. The country where the goods were made or originated from.
18. Indicate in full words: consumption, bonded warehouse, etc.
20. Check the box that indicates whether the goods are entitled Preferential Trade Area treatment.
21. Transaction currency.
25. e.g., export packing and handling, export documentation, etc.
27. Harmonised System Code used by customs for goods classification.
28. As precise quantity as possible.

Please ensure the declaration is signed by an authorised person. An authorised person is a proprietor, partner, or an individual duly authorised by the organization or company.

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SECOND SCHEDULE

(Regulation 12)
IMPORT DECLARATION FEE REFUND

A-IDENTIFICATION

VAT Registration Number	Period covered by claim	From	To
Legal Name of Importer (Last Name if an individual)			
First Name and Initials (Individuals only)			
Mailing Address (P.O. Box No. or Private Bag Number)			
City		Telephone	FAX
Location of Business Address (Number, street, and Apartment number)			
City		Telephone	FAX
Contact Person			

B-REASON FOR REFUND REQUEST

Reason Code	Code	Reason	Code	Reason
<input type="text"/> (Enter appropriate Reason Code)	1	Fee paid by mistake	5	Significant change in circumstances
	2	Goods subject to drawback	6	Goods were exported as not according to order
	3	Cancellation of order	7	Exported in a new and unused condition
	4	Goods lost in transit	8	Other

C-REFUND COMPUTATION

IDF Registration No.	Seller's Name	Brief description of goods	Fee paid
Amount of fee paid subject to drawback (attach separate calculation) _____			
Total amount claimed _____			
(FOR OFFSET USE)			
Corresponding IDF Registration No. _____		Fee Amount _____	
		Amount approved for refund _____	
		Amount Refundable/Due _____	

D-CERTIFICATION

1. The information on this application, including accompanying document(s), if any, is correct and complete to the best of my knowledge. 2. The amount claimed has not previously been refunded to me. 3. This claim for refund is subject to verification and any other books, or records as may be required are available for inspection.		
Signature of Applicant	Print Name	Date

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BANK INFORMATION		
The net amount after any offset claimed on this application shall be deposited by the Ministry of Finance to the bank account of the applicant. Bank Details		
Name of Bank		
Full Mailing Address of Bank		
Telephone Number	Fax Number	Account Number for refund to be deposited to

NOTES

Where applicable attach a detailed calculation used to compute your application for refund.

An application for a refund must be filled within 2 years from the date of the event giving cause for the refund.

Not more than one application for a refund may be made by an importer in a calendar month.

Copies of all documentation relevant to the refund must be attached.

An authorised representative of the importer must sign the application for refund. Unsigned applications will be returned.

In those situations where the importer requests an offset against the fee payable on another IDF for the import of goods, the properly completed IDF and a proforma must be attached along with a brief letter requesting the offset. Every effort will be made to process the refund and offset it against the applicable fee promptly, however, importers must attach all documentation necessary to verify the amount of the fee that is refundable.

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Endnotes

1 (Popup - Popup)

These Regulations are deemed to have come into effect on the 1st February, 1997