
REPUBLIC OF SOUTH AFRICA

**BOARD ON TARIFFS AND
TRADE AMENDMENT ACT**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Board on Tariffs and Trade Act, 1986, so as to substitute the definition of “disruptive competition”; and to extend the power of the Minister to make regulations; to amend the Customs and Excise Act, 1964, so as to make provision for the institution of provisional safeguard measures; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 107 of 1986, as amended by section 1 of Act 60 of 1992 and section 1 of Act 39 of 1995

1. Section 1 of the Board on Tariffs and Trade Act, 1986 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “disruptive competition” of the following definition: 5

“ ‘disruptive competition’ means the export of goods to the Republic or the common customs area of the Southern African Customs Union in such increased quantities, absolute or relative to domestic production in the Republic or the common customs area of the Southern African Customs Union, and under conditions as to cause or threaten to cause serious injury to the domestic industry in the Republic or the common customs area of the Southern African Customs Union which produces like or directly competitive products;” 10

Amendment of section 16A of Act 107 of 1986, as inserted by section 5 of Act 60 of 1992 15

2. Section 16A of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) procedures, guidelines and methodology in connection with any function of the Board; and” 20

Amendment of Act

3. The Act mentioned in the Schedule is hereby amended to the extent specified in the Schedule.

Short title

4. This Act shall be called the Board on Tariffs and Trade Amendment Act, 1997. 5

SCHEDULE

AMENDMENT OF CUSTOMS AND EXCISE ACT, 1964 (ACT NO. 91 OF 1964)

1. Amendment of section 55 by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) Any such anti-dumping, [duty or] countervailing or safeguard duty may be imposed in respect of the goods concerned in accordance with such request with effect from the date on which any provisional payment in relation to anti-dumping, [or] countervailing or safeguard duty is imposed in respect of those goods under section 57A.”.

2. Amendment of section 57A—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Whenever the Board on Tariffs and Trade publishes a notice in the *Gazette* to the effect that it is investigating the imposition of an anti-dumping, [duty or a] countervailing or safeguard duty on goods imported from a supplier or originating in a territory specified in that notice, the Commissioner shall, in accordance with any request by the said Board, by notice in the *Gazette* impose a provisional payment in respect of those goods for such period and for such amount as the Board may specify in such request.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Such provisional payment shall be paid on goods subject thereto, at the time of entry for home consumption thereof, as security for any anti-dumping, [or] countervailing or safeguard duty which may be retrospectively imposed on such goods under section 56, [or] 56A or 57 and may be set off against the amount of the retrospective anti-dumping, [or] countervailing or safeguard duty payable.”;

(c) by the substitution for subsection (4) of the following subsection:

“If no anti-dumping, [or] countervailing or safeguard duty is imposed before expiry of the period for which a provisional payment in relation to the goods concerned has been imposed, the amount of such payment shall be refunded.”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) If the amount of any such provisional payment on the said goods—

(a) exceeds the amount of any anti-dumping, [or] countervailing or safeguard duty retrospectively imposed on such goods under section 56, [or] 56A or 57, the amount of the difference shall be refunded; or

(b) is less than the amount of the anti-dumping, [or] countervailing or safeguard duty so imposed, the amount of the difference shall not be collected.”.