SOUTH AFRICAN REVENUE SERVICE

NO. R. 583 22 MAY 2020

GENERAL EXPLANATORY NOTE:

[1	Words that are between square brackets and in bold typeface, indicate
		deletions from the existing rules
	_	Words that are underlined with a solid line, indicate insertions in the existing rules

CUSTOMS AND EXCISE ACT, 1964 AMENDMENT OF RULES

Under sections 107, 110 and 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995, are herewith amended to the extent set out in the Schedule hereto. This amendment will take effect 30 days after publication of this Notice.

EDWARD CHRISTIAN KIESWETTER

Kolen Kaswelle

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

1. Insertion of rule 107A

The following rule is hereby inserted after the rules for section 106:

"RULES FOR SECTION 107A OF THE ACT"

Requirements in respect of tobacco growers and tobacco leaf dealers

107A.01 (a) For the purposes of this rule –

- "tobacco grower" means any person who engages in the farming of tobacco leaf product;
- "tobacco leaf dealer" means any person who engages in the storing, processing or transacting of tobacco leaf product, excluding the farming thereof;
- "tobacco leaf processing" means any preliminary, intermediate or supplementary process in connection with tobacco leaf product, including the drying and threshing thereof.
- "tobacco leaf product" means tobacco not stemmed or stripped, tobacco partly or wholly stemmed or stripped, or tobacco refuse;
- "tobacco not stemmed or stripped" means tobacco classified under tariff subheading 2401.10 of Section IV of Part 1 of Schedule No. 1;
- "tobacco partly or wholly stemmed or stripped" means tobacco classified under tariff subheading 2401.20 of Section IV of Part 1 of Schedule No. 1; and
- "tobacco refuse" means tobacco classified under tariff subheading 2401.30 of Section IV of Part 1 of Schedule No. 1.
- (b) Every tobacco leaf dealer shall register for that purpose with the Commissioner on form DA 185 and the appropriate annexure in terms of section 59A and the rules thereto.
- (c) Every tobacco grower and tobacco leaf dealer shall
 - (i) keep records in respect of -
 - (aa) each receipt of tobacco leaf product, including the name, address and customs and excise client number of the supplier;
 - (bb) the date, volume, value and detailed description of each such receipt of tobacco leaf product;
 - (cc) the tobacco leaf processing carried out in respect of each such receipt of tobacco leaf product;
 - (dd) the person on whose behalf such tobacco leaf processing was carried out, including the name, address and customs and excise client number of such person;
 - (ee) each supply of tobacco leaf product, including the name, address and customs and excise client number of the recipient; and

- (ff) the date, volume, value and detailed description of each such supply of tobacco leaf product; and
- (ii) retain such records and the documents in support thereof available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which any such record was created."

2. Insertion of rule 110

The following rule is hereby inserted after the rules for section 107A:

RULES FOR SECTION 110 OF THE ACT

Product counters on cigarette production lines

- 110.01 For the purposes of these rules -
 - (a) "cigarette packaging machine" means any machine used in the packing of any cigarettes.
 - (b) "cigarette production line" means any sequence or combination of machines used in the manufacture of cigarettes.
- The licensee of a customs and excise manufacturing warehouse for the manufacture of cigarettes shall calculate the quantities of all cigarettes manufactured in the warehouse by means of a functional product counter on each cigarette packaging machine.
- 110.03 For the purposes of rule 110.02, the licensee shall -
 - (a) ensure that a product counter is installed and maintained on each cigarette packaging machine according to the specifications of the manufacturer of such cigarette packaging machine and the manufacturer of such product counter respectively;
 - (b) ensure that a device is installed and maintained for the recording of data for each product counter on the quantities of all cigarettes manufactured;

- (c) seal any inoperative cigarette packaging machine or cigarette production line with a tamper-proof security seal under the supervision of an officer;
- (d) conserve any security seal and only allow the seal to be removed and replaced under the supervision of an officer;
- (e) bear the cost of installing and maintaining any product counter and data recording device; and
- (f) bear the cost of installing and conserving any security seal.

110.04 The licensee shall comply with the provisions of rule 110.03 -

- (a) within 30 days after the commencement of these rules;
- (b) within 30 days after the acquisition of any operative cigarette packaging machine after the commencement of these rules; or
- (c) within an alternative period the Commissioner may allow upon a request in writing from such licensee.

110.05 The licensee shall record and report to the Commissioner –

- (a) annually the layout in the warehouse of each product counter and its data recording device per cigarette packaging machine per cigarette production line;
- (b) daily the readings of each product counter and its data recording device per cigarette packaging machine per cigarette production line and per cigarette production run;
- (c) immediately upon occurrence the
 - (i) resetting, deactivation or malfunction of any product counter or data recording device:
 - (ii) deactivation or malfunction of any operative cigarette packaging machine or cigarette production line;
 - (iii) breach or malfunction of any security seal
 - (iv) activation of any inoperative cigarette packaging machine or cigarette production line;
 - (v) alteration of any cigarette packaging machine or cigarette production line that impacts on any product counter or data recording device; or
 - (vi) acquisition, installation, sale or removal of any cigarette packaging machine or cigarette production line; and

- (d) retain the records available for inspection by the Commissioner for a period of five years calculated from the end of the calendar year in which any such record was created.
- 110.06 If for any reason the quantities of all cigarettes manufactured cannot be determined as prescribed in rule 110.02, the licensee may request approval in writing from the Commissioner for an alternative methodology to be used.

3. Substitution of form

Item 202.00 of the Schedule to the rules is hereby amended by the substitution for form DA 185 of the following form:

"DA 185 Application form: Registration/Licensing of Customs and Excise Clients"

4. Insertion of form

Item 202.00 of the Schedule to the rules is hereby amended by the insertion for form DA 185.4A17 of the following form:

"DA 185.4A17 Registration client type 4A17 – Registered tobacco leaf dealer"



DA 185

APPLICATION FORM: REGISTRATION / LICENSING OF CUSTOMS AND EXCISE CLIENTS

				For offici	ial use										
1. NOTES FOR COMPLETION OF THE DA 185 AND ITS ANNEXURES															
1. Where the asterisk (*) a	ppears, delete whichever is i	not applicable.													
2. Indicate with an" X" in	he appropriate block(s) which	chever is applic	cable.												
3. Complete the appropria	te annexure.														
	n form DA185 and applicable 185 and the annexures.	annexure(s) is	insuffic	cient, the info	rmation	must be	furnis	hed o	n a se	parate	pag	e, wł	hich	must	t be
 Reflect the relevant customs and excise client number, customs and excise warehouse number or rebate user number when applying for the amendment of existing information or for a total cancellation per client type. 															
6. Where security must be furnished, complete and submit annexure DA 185.C.															
7. A foreign principal must complete and submit annexure DA 185.D.															
8. Complete and submit (if applicable) the appropriate prescribed agreement.															
9. All references to sectio	ns and rules pertain to the C	ustoms and Ex	cise Act	t, 1964 (the A	ct).										
10. All Customs and Excise	forms are available on the S	SARS website (www.sa	rs.gov.za) or	at any S	ARS bra	anch of	fice.							
2. EXISTING REGISTRAI	NT/LICENSEE PARTICUL	.ARS													
If currently registered/license	ed with SARS, please state allo	ocated customs	client nu	mber.											
3. NATIONALITY															
Natural person, who is:				Juristic pers	on, that i	s:									
Located in the RSA:	Υ	Yes □ No □		Located in t	he RSA:					Yes [No				
4 PURPOSE OF APPLIC	ATION														
New Registration/Licensee or	4. PURPOSE OF APPLICATION New Registration/Licensee or renewal: Amendment of existing information: Cancellation:														
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5. ANNEXURES			Tiek											1 -	Tiok.
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Annexure DA 185 4A1 DA 185 4A2	Exporter (Local or Foreign) Exporter (Local or Foreign) Exporter for SADC, SACU/EFTA and SACU/MI (rule 59A.01, rules 49A, 49A, 49A, 49A, 49A, 49A, 49A, 49A,	SADC-EPA, ERCOSUR – 9B, 49D and	box	DA 185 4B1	2	Manuf 27, 54 Storag	d the ru	g War , 54A	rehous A and	rarehouse (See –	ections the	ons ereto	19A,	b	DOX
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DA 185 4A6		Electronic Communica (Section 101A and the r			DA 185 4B10	(rehouse (Customs rise) – (Sections 19A, 0)		
DA 185 4A7 & Form DA 46A.02		Producer for SAE SACU/EFTA, SACU/N GSP – (rule 59A.01, rul 49E and 46A2.18)	MERCOSUR and		DA 185 4B11		Distillation	of spirits by	an agricultural distiller		
DA 185 4A8		Commercial manufactu (Section 37B and rule 3			DA 185 4B12	1	To own, po	ssess or kee	p stills		
DA 185 4A9		Non-commercial m biodiesel – (Section 37B.02(a))	anufacturer of 37B and rule		DA 185 4B13		To manufacture or import stills for sale or to repair stills for reward				
DA 185 4A10		Manufacturer in terms 501.00 to 521.00 (Note Schedule No. 5)									
DA185 4A11		Special Economic Zon designation of a Custor (CCA) – (Sections 21A	ns Controlled Area		DA 185 C	\$	Security Pa	rticulars			
DA 185 4A12		Electricity Producer – Rule 54FA.04)	(Section 59A and		DA 185 D		Nomination principal	of register	red agent by foreign		
DA 185 4A13		Registered Agent									
DA 185 4A14		Registered Still									
DA 185 4A15		Manufacture of excisab own use by the manufa									
DA 185 4A16		Non-commercial manu beverages (Section 59A									
DA 185.4A17		Tobacco leaf dealer									
6. BUSINESS / F	PERSON	PARTICULARS		<u> </u>							
Registered name	of busines	ss or name of applicant:									
Business ac	ddress: St	reet name and number:									
	Building r	name and floor number:									
Suburb:									Γ		
City/Town:							S	treet code:			
Postal address:											
Suburb: City/Town:								Postal code			
Business Telepho	ne (Includ	ling code): Code: () Tel. ()	Fax number	(Including		Code: () Fax. ()	
:Cellular phone num		5 5500. (Business	e-mail address:	•					
7. SOUTH AFRIC	CAN BA	NK ACCOUNT DETAI	ILS								
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Bank Na						Cheque	 	Savings:	☐ Transmission	:	
Account Holder Na	me:				L		1		1	1	
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8. SARS REVENUE IDENTIFICATION NUMBERS (if applicable)

i. VAT Registration Number: 4 ii. Income Tax Reference Number:																											
iii. PAYE Reference Number: 7 iv. SDL Reference Number: L																											
v. UIF Reference Number:													•	•													
				•																							
9. NATURE	OF B	USINE	ss																								
Company	Company Close Corporation Trust Sole Proprietor / Individual Partnership																										
Co-op Public Authority Foreign Individual Foreign / External Compan											pany				Sole	Prop	prietor										
Company /	Close (Corpora	tion /	Trust*	Regis	stratio	on Num	ber:																			
																	<u>'</u>										
10. PARTIC	ULAR	S OF S	OLE	PRO	PRII	ЕТО	R/IND	DIVID	UAL	. / D	IRE	СТОР	RS AI	ND /	OR	PAR	TNEF	RS									
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Surname:									1																		
Capacity:																											
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ii. Initials:						F	irst Nar	me/s:																			_
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iii. Initials:						F	irst Nar	me/s:																			
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Accounting officer / Traceurer Other pla											T)CI.					='										
Public Officer:										400																	
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12. INFORM	IAIIO	N REG	iARL	DING	CON	IIRA	VENI	IONS	SAN	D O	THE	:R M	AIIE	RS													
Please indicat	e whetl	ner durir	ng the	prece	ding	five y	ears, a	ny pe	rson	conte	empla	ated in	the r	ules 1	for se	ction	59A o	r 60:-				_		_		_	
(a) Has contravened or failed to comply with the provisions of the Act.											Yes:			-	No:	_											
(b) Has failed to comply with any condition, obligation or other requirement imposed by the Commissioner.										L.	Yes:	\perp		_	No:	1											
(c) Has been convicted of any offence under the Act.									L.	Yes:	\perp		\perp	No:	\perp												
(d) Has been convicted of any offence involving dishonesty.										<u> </u>	Yes:	\perp			No:												
(e) Has made any false or misleading statement in any material respect or omitted to state any material fact which was required to be stated in any application for registration or for any other purpose under the Act.										was	L,	Yes:			┸	No:	\perp										
(f) Has ever b	een ins	solvent o	or in lie	quidati	ion.																Yes:				No:		
Note: If the answer	r is "vo	s" to an	v of th	ne aho	ve au	estin	ns full	detail	s mus	et he	furni	shed ,	nn a e	enar	ate na	ine ai	nd atte	iched to	the a	nnlic	ation						
 Any applica negligence, 	nt may	, where	it is c	onten	ded ir	n res	pect of	parag	graphs	s (a)	and	(b) th	at the	cont	raven	tion o	or failu	re was					fraud	ulent	intent	or g	ross

13. DOCUMENTS IN SUPPORT OF APPLICATION

The following information / documents not older than 3 months must be submitted with this application form.

Natural person or juristic person located in the RSA

- One of the following documents to prove bank details i.e. the account holder's name, bank account number and bank branch code:
 - An original bank statement or a legible certified copy of an original bank statement;
 - An original letter from the bank; or
 - An original auto bank statement
- Original or certified copies of the following documents (whichever is relevant):
 - Registration certificate of business (as issued by the Companies and Intellectual Property Commission or Master of the Supreme Court in the case of a Trust):
 - Resolution/consent or other authority to apply, as applicable;
 - Municipal account to confirm the address details;
 - Detailed site plan in the case of a warehouse or a rebate store;
 - Agency Contract between agent and foreign principal;
 - DA 185.D to prove nomination by a foreign principal in the case of an application for a registered agent;
 - VAT, IT, PAYE, SDL, UIF letters from SARS to confirm revenue registration details;
 - A fixed telephone line operator's and/or cell phone account to confirm contact details;

In the case of Annexures DA 185.4B9 and DA 185.4B10, a letter to the applicant signed by the SEZ Operator on his or her own letter-headed paper approving the allocation of land in the CCA;

- Identity/passport documents of -
 - Individual
 - Partnership, Close Corporation and Trust (All Members / Partners / Trustees)
 - Company (All Directors, including Managing Director and Financial Director)
 - Court order in the case of an emancipated minor
- Any other information as the Commissioner for SARS may require.

Natural person or juristic person not located in the RSA

- Original or certified copies of the following documents (whichever is relevant):
 - Agency Contract between applicant and agent (with an established place of business in the RSA) other than clearing agent;
 - VAT letters from SARS to confirm revenue registration details (if applicable);
 - Proof of company registration from the relevant competent authority in the foreign country;

14. DECLARATION:

- Identity document or passport; and Court order in the case of an emancipated minor
- Any other information as the Commissioner for SARS may require

(Signature) (Signature) (Signature) (Signature) (Signature) (Date & Place) 15. FOR OFFICIAL USE ONLY I, Full name and sumame Team Member, at Branch Office name that the applicant / representative*: • Visited this office in person; • Is the person as is reflected on the letter of authority (where applicable). Team Member: Signature Team Leader, at Office name that the applicant / representative*: • Visited this office in person; • Is in fact the person as is reflected on the letter of authority (where applicable). Team Leader, at Office name that the applicant / representative*: • Visited this office in person; • Is in fact the person reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on the letter of authority (where applicable).		/- clare that the particulars in the application and all enclosedertake to- inform the SARS immediately of any changes in the p comply with the customs and excise laws and procedt	particulars furnished in the appl		
I, Team Member, at Branch Office name that the applicant / representative*: • Visited this office in person; • Is in fact the person reflected on his/her identification document/passport*; and • Is the person as is reflected on the letter of authority (where applicable). Team Member: SID Team Member: Signature Date I, Team Leader, at Office name that the applicant / representative*: • Visited this office in person; It is the person as is reflected on the letter of authority (where applicable).	(11)	comply with the customs and exose laws and proceed	ures.		
I. Team Member, at Office hereby certify / confirm Full name and sumame Branch Office name that the applicant / representative*: • Visited this office in person; • Is in fact the person as is reflected on his/her identification document/passport*; and • Is the person as is reflected on the letter of authority (where applicable). Team Member: SID Team Member: Signature Date I. Team Leader, at Office name that the applicant / representative*: • Visited this office in person; • Is in fact the person reflected on his/her identification document/passport*; and • Is the person as is reflected on the letter of authority (where applicable).		(Initials and Surname)		(Status / Capacity, e.g. D	irector)
In that the applicant / representative*: Visited this office in person; Is in fact the person as is reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable). Team Member: SID Team Member: Signature Date I, Team Leader, at Office name That the applicant / representative*: Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable).		(Signature)	_	(Date & Place)	
that the applicant / representative*: Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable). Team Member: SID Team Member: Signature Date I, Team Leader, at Office hereby certify / confirm Full name and sumame that the applicant / representative*: Visited this office in person; Is in fact the person as is reflected on the letter of authority (where applicable).	15. FC	DR OFFICIAL USE ONLY			
Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable). Team Member: SID Team Member: Signature Date I, Team Leader, at Office hereby certify / confirm That the applicant / representative*: Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable).	l,	Full name and surname	Team Member, at	Branch Office name	Office hereby certify / confirm
I, Team Leader, at Office hereby certify / confirm Full name and surname that the applicant / representative*: Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable).	ViIs	sited this office in person; in fact the person reflected on his/her identification doc			
Full name and surname that the applicant / representative*: Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable).		Team Member: SID	Team Member: Signature		Date
 Visited this office in person; Is in fact the person reflected on his/her identification document/passport*; and Is the person as is reflected on the letter of authority (where applicable). 	I,	Full name and surname	Team Leader, at	Office name	Office hereby certify / confirm
Team Leader: SID Team Leader: Signature Date	ViIs	sited this office in person; in fact the person reflected on his/her identification doc			
		Team Leader: SID	Team Leader: Signature		Date



ANNEXURE DA 185.4A17

REGISTRATION CLIENT TYPE 4A17 – TOBACCO LEAF DEALER

Notes:

- 1. A separate application form must be submitted in respect of each tobacco leaf dealer.
- 2. Properly representative photographs that indicate the size, layout and other general identifying features of the facility for dealing with tobacco leaf products should accompany each application.

Details of applicant:	
Full name/Company name:	Postal Address:
Identity Number / Company Registration Number:	Income tax reference number:
Physical address:	Cellular phone number:
Email address:	
Details of tobacco leaf dealer:	
Describe the nature of tobacco processing or transactions carried out:	Volume of tobacco processed or transacted per year in tons:
	Size of facility for dealing with tobacco leaf products in square metres:
	Number of employees:
If you have failed to comply with the Customs and Excise Act, 1964 or any law relating to the illicit manufacture, conveyance, supply or possession of excisable tobacco products during the past two years, state the nature of the offence and penalty imposed:	

Declaration:

I hereby -

- (a) declare that the particulars in the application and all enclosures are true and correct; and
- (b) undertake to -
 - (i) inform the South African Revenue Service immediately of any changes in the particulars furnished in the application;
 - (ii) comply with the customs and excise laws and procedures.

(Initials and	Surname)	(Status / Capacity, e.g. Director)						
(Signa		(Date & Place)						
Approved:	Licence No.		Office Stamp					
Controller								
	· · · · ·							
Date								