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## THE PRESIDENCY

No. 1426

14 December 2017

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 14, 2017: Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2017**

## DIE PRESIDENSIE

No. 1426

14 Desember 2017

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**Wet No. 14, 2017: Wet op Skale en Monetêre Bedrae en Wysiging van Inkostewette, 2017**

ISSN 1682-5843



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**Act No. 14, 2017**

Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2017

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**PART 7****HEALTH PROMOTION LEVY****NOTES:**

1. Whenever the tariff heading or subheading under which any goods are classified in Part 1 of this Schedule is expressly quoted in any health promotion levy item of this Part in which such goods are specified, the goods so specified in such health promotion levy item shall be deemed to include only goods which are classifiable under the said tariff heading or subheading.
2. Appropriation for own use for any purpose by the licensee of a customs and excise warehouse of any goods specified in this Part in such warehouse shall render such goods liable to payment of any health promotion levy in accordance with the provisions of this Act.

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## DEEL 7

### GESONDHEIDSBEVORDERINGSHEFFING

#### OPMERKINGS:

1. Wanneer die tariefpos of subpos waaronder enige goedere in Deel 1 van hierdie Bylae geklassifiseer, ook al uitdruklik gekwoteer word in enige gesondheidsbevorderingsheffingitem van hierdie Deel waarin sodanige goedere vermeld word, word die goedere aldus vermeld in sodanige gesondheidsbevorderingsheffingitem, geag slegs goedere in te sluit wat onder die genoemde tariefpos of subpos geklassifiseer kan word.
2. Aanwending vir eie gebruik vir enige doeleinde deur die gelisensieerde van 'n doeane- en aksynspakhuis van enige goedere vermeld in hierdie Deel in sodanige pakhuis sal sodanige goedere onderhewig maak aan die betaling van enige gesondheidsbevorderingsheffing kragtens die bepalings van hierdie Wet.”.

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**SCHEDULE NO. 1/ PART 7/ SECTION A****HEALTH PROMOTION LEVY ON SUGARY BEVERAGES****SECTION A****LEVY ON SUGARY BEVERAGES****NOTES:**

1. Any rate of levy on sugary beverages is payable on any goods specified in this Section either imported into or manufactured in the Republic.
2. Any levy on sugary beverages specified in this Section shall be payable in addition to any Customs and Excise duty payable in terms of any other Part of Schedule No 1.
3. Imported goods shall not be declared on separate bills of entry for the purposes of this Part of Schedule No. 1.
4. Any reference to sugar content means both the intrinsic and added sugar and other sweetening matter contained in any sugary beverage specified in this Section.
5. The sugar content of sugary beverages liable to the levy on sugary beverages must be calculated on—
  - (a) the sugar content stated on the food labelling of the sugary beverages as prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
  - (b) the sugar content as certified on a test report obtained and retained from a testing laboratory recognized by the National Regulator for Compulsory Specifications of South Africa; or
  - (c) the deemed sugar content of the sugary beverage that is assumed to constitute 20 grams per 100 millilitres.
6. In the case of powder and liquid concentrates or preparations for the making of beverages, the sugar content must be calculated based on the total volume of the prepared beverage when mixed or diluted according to the manufacturer's product specifications.

Health Promotion Levy Item	Tariff Subheading	Article Description	Rate of Health Promotion Levy
<b>191.00</b>			
		<b>LEVY ON SUGARY BEVERAGES</b>	
<b>191.01</b>	<b>18.06</b>	<b>Chocolate and other food preparations containing cocoa:</b>	
<b>191.01</b>	<b>1806.10</b>	<b>Cocoa powder, containing added sugar or other sweetening matter:</b>	
191.01.05	1806.10.05	Preparations for making beverages	2.1c/gram of the sugar content that exceeds 4g/100ml
<b>191.02</b>	<b>19.01</b>	<b>Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 per cent by mass of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 04.01 to 04.04, not containing cocoa or containing less than 5 per cent by mass of cocoa calculated on a totally defatted basis, not elsewhere specified or included:</b>	
<b>191.02</b>	<b>1901.90</b>	<b>Other:</b>	
191.02.05	1901.90.15	Preparations for making beverages (excluding those of tariff subheading 1901.90.20)	2.1c/gram of the sugar content that exceeds 4g/100ml
<b>191.05</b>	<b>21.06</b>	<b>Food preparations not elsewhere specified or included:</b>	
<b>191.05</b>	<b>2106.90</b>	<b>Other:</b>	
191.05.05	2106.90.20	Syrups and other concentrates or preparations for making beverages, not having a basis of fruit juice (excluding those of tariff subheading 2106.90.69)	2.1c/gram of the sugar content that exceeds 4g/100ml
191.05.10	2106.90.22	Syrups and other concentrates or preparations for making beverages, with a basis of fruit juice (excluding those of tariff subheading 2106.90.69)	2.1c/gram of the sugar content that exceeds 4g/100ml

**BYLAE NO. 1 / DEEL 7/AFDELING A****GESONDHEIDSBEVORDERINGSHEFFING OP SUIKERAGTIGE DRANKE****AFDELING A****HEFFING OP SUIKERAGTIGE DRANKE****OPMERKINGS:**

1. Enige skaal van heffing op suikeragtige dranke is betaalbaar op enige goedere in hierdie Afdeling vermeld, hetsy ingevoer na of vervaardig in die Republiek.
2. Enige heffing op suikeragtige dranke in hierdie Afdeling vermeld sal betaalbaar wees benewens enige Doeane- en Aksynsreg ingevolge enige ander Deel van Bylae No. 1.
3. Ingevoerde goedere sal nie op aparte klaringsbriewe geklaar word nie vir die doeleindes van hierdie Deel van Bylae No. 1.
4. Enige verwysing na suikerinhoud beteken beide die intrinsieke en bygevoegde suiker en ander versoetingsmiddels wat in enige suikeragtige dranke in hierdie Afdeling vermeld, bevat word.
5. Die suikerinhoud van suikeragtige dranke onderhewig aan die heffing op suikeragtige dranke moet bereken word op—
  - (a) die suikerinhoud op die kosetikettering van die suikeragtige dranke verklaar wat ingevolge die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), voorgeskryf is;
  - (b) die suikerinhoud soos gesertifiseer in 'n toetslaboratorium wat deur die Nasionale Reguleerdeur vir Verpligte Spesifikasies in Suid-Afrika erken word; of
  - (c) die geagte suikerinhoud van die suikeragtige drank wat aanvaar word om 20 gram per 100 milliliters uit te maak.
6. In die geval van poeier en vloeistof konsentrate of bereidinge vir die maak van dranke, moet die suikerinhoud bereken word op die totale volume van die voorbereide drank wanneer dit gemeng of verdun is volgens die vervaardiger se produkspesifikasies.

Gesondheidsbevorderingsheffing	Tariefspos	Artikelbeskrywing	Skaal van gesondheidsbevorderingsheffing
<b>HEFFING OP SUIKERAGTIGE DRANKE</b>			
<b>191.00</b>			
<b>191.01</b>	<b>18.06</b>	<b>Sjokolade en ander voedselbereidinge wat kakao bevat:</b>	
<b>191.01</b>	<b>1806.10</b>	<b>Kakaopoeier, wat bygevoegde suiker of ander versoetingsmiddels bevat:</b>	
191.01.05	1806.10.05	Bereidinge vir die vervaardiging van dranke	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
<b>191.02</b>	<b>19.01</b>	<b>Moutekstrak; voedselbereidinge van meelblom, gort, meel, stysel of moutekstrak, wat nie kakao bevat nie of wat kakao bereken op 'n geheel ontvette basis met 'n verhouding volgens massa van minder as 40 persent bevat, nie elders vermeld of ingesluit nie; voedselbereidinge van goedere van poste 04.01 tot 04.04, wat nie kakao bevat nie of wat kakao met 'n verhouding bereken volgens massa op 'n geheel ontvette basis, van minder as 5 persent bevat, nie elders vermeld of ingesluit nie:</b>	
<b>191.02</b>	<b>1901.90</b>	<b>Ander:</b>	
191.02.05	1901.90.15	Bereidinge vir die vervaardiging van dranke (uitgesonderd dié van tariefpos 1901.90.20)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
<b>191.05</b>	<b>21.06</b>	<b>Voedselbereidinge nie elders vermeld of ingesluit nie:</b>	
<b>191.05</b>	<b>2106.90</b>	<b>Ander:</b>	
191.05.05	2106.90.20	Strope en ander konsentrate of bereidinge vir die vervaardiging van dranke, wat nie 'n basis van vrugtesap het nie (uitgesonderd dié van tariefspos 2106.90.69)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
191.05.10	2106.90.22	Strope en ander konsentrate of bereidinge vir die vervaardiging van dranke, met 'n basis van vrugtesap (uitgesonderd dié van tariefspos 2106.90.69)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry

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<b>Health Promotion Levy Item</b>	<b>Tariff Subheading</b>	<b>Article Description</b>	<b>Rate of Health Promotion Levy</b>
191.05.15	2106.90.69	Drinking straws, containing flavouring preparations	2.1c/gram of the sugar content that exceeds 4g/100ml
<b>191.07</b>	<b>22.02</b>	<b>Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages (excluding fruit or vegetable juices of heading 20.09):</b>	
<b>191.07</b>	<b>2202.10</b>	<b>Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured:</b>	
191.07.05	2202.10.10	In sealed containers holding 2,5 l or less (excluding those in collapsible plastic tubes)	2.1c/gram of the sugar content that exceeds 4g/100ml
191.07.10	2202.10.90	Other	2.1c/gram of the sugar content that exceeds 4g/100ml
<b>191.07</b>	<b>2202.9</b>	<b>Other:</b>	
<b>191.07</b>	<b>2202.91</b>	<b>Non-alcoholic beer:</b>	
191.07.15	2202.91.20	In sealed containers holding 2.5 l or less (excluding those in collapsible plastic tubes and those with a basis of milk)	2.1c/gram of the sugar content that exceeds 4g/100ml
191.07.20	2202.91.90	Other	2.1c/gram of the sugar content that exceeds 4g/100ml
<b>191.07</b>	<b>2202.99</b>	<b>Other:</b>	
191.07.25	2202.99.20	In sealed containers holding 2.5 l or less (excluding those in collapsible plastic tubes and those with a basis of milk)	2.1c/gram of the sugar content that exceeds 4g/100ml
191.07.90	2202.99.90	Other	2.1c/gram of the sugar content that exceeds 4g/100ml

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Gesondheids-bevorderings-heffing	Tariefsubpos	Artikelbeskrywing	Skaal van gesondheids-bevorderings-heffing
191.05.15	2106.90.69	Suigstrooitjies, wat geurselbereidinge bevat	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
<b>191.07</b>	<b>22.02</b>	Water, met inbegrip van mineraalwater en spuitwater, wat bygevoegde suiker of ander versoetingsmiddels bevat of gegeur, en ander niealkoholieke dranke (uitgesonderd vrugte- of groentesappe van pos 20.09):	
<b>191.07</b>	<b>2202.10</b>	Water, met inbegrip van mineraalwater en spuitwater, met bygevoegde suiker of ander versoetingsmiddel of gegeur:	
191.07.05	2202.10.10	In verseë尔de houers wat hoogstens 2,5 li bevat (uitgesonderd dié in opvoubare plastiekbusies)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
191.07.10	2202.10.90	Ander	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
<b>191.07</b>	<b>2202.9</b>	<b>Ander:</b>	
<b>191.07</b>	<b>2202.91</b>	<b>Niealkoholieke bier:</b>	
191.07.15	2202.91.20	In verseë尔de houers wat hoogstens 2,5 li bevat (uitgesonderd dié in opvoubare plastiekbusies en dié met 'n basis van melk)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
191.07.20	2202.91.90	Ander	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
<b>191.07</b>	<b>2202.99</b>	<b>Ander:</b>	
191.07.25	2202.99.20	In verseë尔de houers wat hoogstens 2,5 li bevat (uitgesonderd dié in opvoubare plastiekbusies en dié met 'n basis van melk)	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry
191.07.90	2202.99.90	Ander	2.1c/gram van die suikerinhoud wat 4g/100ml oorskry

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**PART IV****AMENDMENT OF SCHEDULES NO. 4, 5, 6 AND 8 TO THE CUSTOMS  
AND EXCISE ACT, 1964**

- 1.** Schedule No. 4 of the Customs and Excise Act, 1964, is hereby amended by the substitution for the title of the following title:

**"REBATES AND REFUNDS OF EXCISE DUTIES, FUEL LEVY,  
ROAD ACCIDENT FUND LEVY, ENVIRONMENTAL LEVY AND  
HEALTH PROMOTION LEVY".**

- 2.** Schedule No. 4 of the Customs and Excise Act, 1964, is hereby amended by the substitution for Note 3 of the following Note:

"3. (a) Note 3 to Schedule No. 3 shall apply *mutatis mutandis* in respect of any expression relating to the extent of any rebate in this Schedule and in addition the extent of any rebate in this Schedule and in addition the extent of the rebate shall, subject to the Notes to Part 5 of this Schedule, be deemed to include a rebate of any environmental levy payable in terms of Part 3 of Schedule No. 1 and health promotion levy payable in terms of Part 7 of Schedule No. 1.

(b) Note 5 to Schedule No. 3 shall apply *mutatis mutandis* to any reference to a tariff heading or subheading in this Schedule.”.

- 3.** Schedule No. 4 of the Customs and Excise Act, 1964, is hereby amended by the addition of the following Part:

**"PART 7****REBATES OF HEALTH PROMOTION LEVY****NOTES:**

- For the purposes of Chapter VB of the Act and this Schedule—
  - any imported goods referred to in any item of this Schedule shall, subject to compliance with any relevant Note or rule, be admitted under rebate of health promotion levy as contemplated in Note 3 of the General Notes to this Schedule to the extent that such rebate can be applied; and
  - the provisions for a rebate of duty on any goods specified in any item of this Schedule shall, subject to these Notes, determine entitlement to any rebate of health promotion levy, notwithstanding that no customs duty is leviable on the goods concerned.
- 'Full duty' when referring to the extent of rebate in any item in this Part means the health promotion levy payable in terms of the relevant item of Part 7 of Schedule No. 1 less any rebate, refund or drawback of such levy granted previously in respect of the goods.”.

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
<b>REBATES OF HEALTH PROMOTION LEVY</b>					
499.01	00.00	01.00		Goods in respect of which health promotion levy together with the customs duty amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of VIS MAJOR or in such other circumstances as the Commissioner deems exceptional while such goods are— (a) in any customs and excise warehouse or in any appointed transit shed or under control of the Commissioner; (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or	Full duty

**DEEL IV****WYSIGING VAN BYLAES NO'S. 4, 5, 6 EN 8 VAN DIE DOEANE-EN AKSYNSWET, 1964**

**1.** Bylae No. 4 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die vervanging van die titel deur die volgende titel:

**“KORTINGS EN TERUGBETALINGS VAN AKSYNSREG, BRANDSTOF-HEFFING, PADONGELUKFONDSHEFFING, OMGEWINGSHEFFING EN GESONDHEIDSBEVORDERINGSHEFFING”.**

**2.** Bylae No. 4 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur Opmerking 3 deur die volgende Opmerking te vervang:

“*3. (a)* Opmerking 3 van Bylae No. 3 is *mutatis mutandis* van toepassing ten opsigte van enige uitdrukking met betrekking tot die mate van enige korting in hierdie Bylae en daarbenewens sal die mate van enige korting in hierdie Bylae en daarbenewens die mate van die korting, onderhewig aan die Opmerkings by Deel 5 van hierdie Bylae, geag word ’n korting van enige omgewingsheffing betaalbaar ingevolge Deel 3 van Bylae No. 1 en gesondheidsbevorderingsheffing betaalbaar ingevolge Deel 7 van Bylae No. 1, in te sluit.

*(b)* Opmerking 5 by Bylae No. 3 sal *mutatis mutandis* van toepassing wees, ten opsigte van enige verwysing na ’n tariefpos of subpos in hierdie Bylae.”.

**3.** Bylae No. 4 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die invoeging van die volgende Deel:

**“DEEL 7**

**KORTINGS VAN GESONDHEIDSBEVORDERINGSHEFFING**

**OPMERKINGS:**

1. Vir die doeleindes van Hoofstuk VB van die Wet en hierdie Bylae—
  - (a) sal enige ingevoerde goedere waarna in enige item van hierdie Bylae verwys word, behoudens nakoming van enige toepaslike Opmerking of reël, toegelaat word onder korting van gesondheidsbevorderingsheffing soos bedoel in Opmerking 3 van die Algemene Opmerkings van hierdie Bylae tot die mate wat sodanige korting toegepas kan word; en
  - (b) die bepalings vir ’n korting op reg op enige goedere in enige item van hierdie Bylae vermeld sal, onderhewig aan hierdie Opmerkings, geregtigheid op enige korting op gesondheidsbevorderingsheffing bepaal, ongeag dat geen doeane-reg op die betrokke goedere hefbaar is nie.
2. ‘Volle reg’ wanneer daar na die mate van korting in enige item in hierdie Deel verwys word, beteken die gesondheidsbevorderingsheffing betaalbaar ingevolge die betrokke item van Deel 7 van Bylae No. 1 minus enige korting, terugbetaling of teruggawe van sodanige heffing voorheen toegestaan ten opsigte van die goedere.”.

Kortingsitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
<b>KORTINGS OP GESONDHEIDSBEVORDERINGSHEFFING</b>					
499.01	00.00	01.00		Goedere ten opsigte waarvan die gesondheidsbevorderingsheffing tesame met die doeane-reg minstens R2 500 beloop, wat bewys is om verlore, vernietig of beskadig te wees, by enige enkele geleentheid in omstandighede van VIS MAJOR of in sodanige ander omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere— <ol style="list-style-type: none"> <li>(a) in enige doeane- en aksynspakhuis of in enige aangewese deurvoerloods of onder beheer van die Kommissaris is;</li> <li>(b) verwyder word met uitstel van betaling van reg of met korting van reg van ’n plek in die Republiek na enige ander plek ingevolge die bepalings van hierdie Wet; of</li> </ol>	Volle reg

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Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
				(c) being stored in any rebate storeroom, provided— (i) no compensation in respect of the customs duty, fuel levy, environmental levy, or health promotion levy on such goods has been paid or is due to the owner by any other person; (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (iii) such goods did not enter into consumption.	
499.02	00.00	02.00		Goods in respect of which health promotion levy has been paid and entered and used for the manufacture by reprocessing of health promotion levy goods or the manufacture of other goods.	Full duty

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**4.** Schedule No. 5 of the Customs and Excise Act, 1964, is hereby amended by the substitution for the title of the following title:

**“SPECIFIC DRAWBACKS AND REFUNDS OF CUSTOMS DUTIES,  
FUEL LEVY, ENVIRONMENTAL LEVY AND HEALTH  
PROMOTION LEVY”.**

**5.** Schedule No. 5 of the Customs and Excise Act, 1964, is hereby amended by the addition of the following Part:

**“PART 6**

**DRAWBACKS AND REFUNDS OF HEALTH PROMOTION LEVY ON  
IMPORTED GOODS**

**NOTES:**

1. For the purposes of Chapter VB of the Act and the provisions of Schedule No. 5—
  - (a) drawback or refund of health promotion levy on imported goods shall, subject to compliance with any relevant Note or rule be granted as specified in this Part;
  - (b) any provision—
    - (i) in the Notes to Schedule No. 5;
    - (ii) for a drawback of customs duty in respect of goods specified in item 521.00/00.00/01.00, 522.02, 522.03, 522.04 or 522.05;
    - (iii) in the Notes to items 521.00/00.00/01.00 and 522.00;
    - (iv) for a refund of customs duty in respect of goods specified in item 532.00; shall, to the extent that it can be applied and except if otherwise specified in this Part, apply *mutatis mutandis*, for the purpose of a drawback or refund of health promotion levy on such goods.
  - (c) the provisions contemplated in paragraph (b) shall determine entitlement to the drawback or refund of health promotion levy specified in this Part notwithstanding that no customs duty has been paid on the goods concerned.
2. (a) ‘Full duty’ specified in this Part means the health promotion levy paid in terms of the relevant item of Part 7 of Schedule No. 1 less any rebate, refund or drawback of such levy previously granted in respect of the goods.
- (b) The reference 00.00 in the tariff heading/ health promotion levy columns of this Part in respect of any item thereof, shall, as may be applicable in each case, be deemed to refer to—

Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				(c) in enige kortingspakhus opgeslaan word, mits— (i) geen vergoeding ten opsigte van die doeane-reg, brandstofheffing, omgewingsheffing of gesondheidsbevorderingsheffing op sodanige goedere deur enige ander persoon aan die eienaar betaal of verskuldig is nie; (ii) sodanige verlies, vernietiging of beskadiging nie te wyte was aan enige natalityheid of bedrog aan die kant van die persoon wat aanspreeklik vir die reg is nie; en (iii) sodanige goedere nie in verbruik gegaan het nie.	
499.02	00.00	02.00		Goedere ten opsigte waarvan die gesondheidsbevorderingsheffing betaal en geklaar word en gebruik word, by die herverwerking van gesondheidsbevorderingsheffing goedere of die vervaardiging van ander goedere.	Volle reg

4. Bylae No. 5 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die vervanging van die titel deur die volgende titel:

**“SPESIEIE TERUGGAWES EN TERUGBETALINGS VAN  
DOEANEREGTE, BRANDSTOFHEFFING, OMGEWINGSHEFFING EN  
GESONDHEIDSBEVORDERINGSHEFFING”.**

5. Bylae No. 5 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die byvoeging van die volgende Deel:

**“DEEL 6**

**TERUGGAWES EN TERUGBETALINGS VAN GESONDHEIDS-  
BEVORDERINGSHEFFING OP INGEVOERDE GOEDERE**

**OPMERKINGS:**

1. Vir die doeleindes van Hoofstuk VB van die Wet en die bepalings van Bylae No. 5—
  - (a) sal 'n teruggawe of terugbetaling van gesondheidsbevorderingsheffing op ingevoerde goedere toegestaan word, behoudens nakoming van enige Opmerking of reël soos in hierdie Deel vermeld;
  - (b) enige bepalings—
    - (i) in die Opmerkings by Bylae No. 5;
    - (ii) vir 'n teruggawe van doeane-reg ten opsigte van goedere in item 521.00/00.00/01.00, 522.02, 522.03, 522.04 of 522.05 vermeld;
    - (iii) in die Opmerkings by items 521.00/00.00/01.00 en 522.00;
    - (iv) vir 'n terugbetaling van doeane-reg ten opsigte van goedere in item 532.00 vermeld;

sal, in die mate wat dit toegepas kan word en behalwe as andersins in hierdie Deel vermeld word, *mutatis mutandis* van toepassing wees vir die doeleindes van 'n teruggawe of terugbetaling van gesondheidsbevorderingsheffing op sodanige goedere,

  - (c) die bepalings bedoel in paragraaf (b) sal geregtigheid op die teruggawe of terugbetaling van gesondheidsbevorderingsheffing in hierdie Deel vermeld, bepaal, ongeag dat geen doeane-reg op die betrokke goedere betaal is nie.
2. (a) 'Volle reg' in hierdie Deel vermeld, beteken die gesondheidsbevorderingsheffing betaalbaar ingevolge die betrokke item van Deel 7 van Bylae No. 1 minus enige korting, terugbetaling of teruggawe van sodanige heffing voorheen toegestaan ten opsigte van die goedere.
- (b) Die verwysing 00.00 in die tariefpos/gesondheidsbevorderingsheffing-kolomme van hierdie Deel ten opsigte van enige item daarvan, word, soos toepaslik in elke geval, geag om te verwys na—

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- (i) any tariff heading or subheading or all the tariff headings or subheadings of Part 1 of Schedule No. 1 specified in such column in respect of any relevant drawback or refund item of any Part of Schedule No. 5; or
  - (ii) any health promotion levy item or all the health promotion levy items specified in Part 7 of the said Schedule No. 1.
3. Whenever any drawback or refund of health promotion levy is claimed as provided in this Part, any prescribed document for such claim must, in addition to the item applicable as contemplated in Note 1(b), reflect the item that provides for such drawback or refund.
4. The provisions of the notes specified in items 521.00/00.00/01.00, 522.00, 522.03, 522.04 or 522.05 shall *mutatis mutandis* apply, to goods exported in terms of rebate item 561.02.”

Refund or Drawback Item	Tariff Heading	Code	CD	Description	Extent of Refund or Drawback
<b>560.00</b>	<b>DRAWBACKS OF HEALTH PROMOTION LEVY ON IMPORTED GOODS EXPORTED</b>				
560.01	00.00	01.00		Goods exported in accordance with the provisions of item 521.00/00.00/01.00, 522.00, 522.03, 522.04 or 522.05 on which the health promotion levy has been paid	Full duty
<b>561.00</b>	<b>REFUNDS OF HEALTH PROMOTION LEVY ON IMPORTED GOODS</b>				
<b>561.01</b>	<b>GOODS ABANDONED OR DESTROYED OF ITEM 532.00</b>				
561.01	00.00	01.00		Goods abandoned or destroyed as contemplated in item 532.00 on which health promotion levy has been paid	Full duty
<b>561.02</b>	<b>OTHER HEALTH PROMOTION LEVY GOODS EXPORTED TO A BLNS COUNTRY</b>				
561.02	00.00	01.00		Goods (excluding those covered by item 551.02) in respect of which the health promotion levy has been paid and that are exported to a BLNS country as defined in rule 54F.01.	Full duty

6. Schedule No. 6 of the Customs and Excise Act, 1964, is hereby amended by the substitution for the title of the following title:

**“REBATES AND REFUNDS OF EXCISE DUTIES, FUEL LEVY, ROAD ACCIDENT FUND LEVY, ENVIRONMENTAL LEVY AND HEALTH PROMOTION LEVY”.**

7. Schedule No. 6 of the Customs and Excise Act, 1964, is hereby amended by the addition of the following Part:

**“PART 5**

**REBATES AND REFUND ON HEALTH PROMOTION LEVY**

**NOTES:**

1. For the purposes of Chapter VB of the Act and the provisions of this Schedule—
  - (a) subject to compliance with any relevant Note or rule, any health promotion levy goods manufactured in the Republic shall be admitted under rebate of the health promotion levy or a refund of the health promotion levy shall be paid or set off in respect of such goods as specified in this Part;

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- (i) enige tariefpos of subpos of al die tariefposte of subposte van Deel 1 van Bylae No. 1 in sodanige kolom vermeld, ten opsigte van enige betrokke teruggawe of terugbetalingsitem van enige Deel van Bylae No. 5; of
- (ii) enige gesondheidsbevorderingsheffingitem of al die gesondheidsbevorderingsheffingitems in Deel 7 van Bylae No. 1 vermeld.
3. Wanneer ook al enige teruggawe of terugbetaling van gesondheidsbevorderingsheffing geëis word soos in hierdie Deel bepaal, moet enige voorgeskrewe dokument vir sodanige eis benewens die toepaslike item soos bedoel in Opmerking 1(b), die item weergee wat vir sodanige teruggawe of terugbetaling voorsiening maak.
  4. Die bepalings vir die opmerkings in items 521.00/00.00/01.00, 522.00, 522.03, 522.04 of 522.05 vermeld, sal *mutatis mutandis* van toepassing wees op goedere uitgevoer ingevolge kortingitem 561.02.

Teruggawe of terugbetaling Item	Tariefpos	Tarief-kode	TS	Beskrywing	Mate van teruggawe of terugbetaling
<b>560.00</b>	<b>TERUGGAWES VAN GESONDHEIDSBEVORDERINGSHEFFING OP INGEVOERDE GOEDERE UITGEVOER</b>				
560.01	00.00	01.00		Goedere uitgevoer in ooreenstemming met die bepalings van item 521.00/00.00/01.00, 522.00, 522.03, 522.04 of 522.05 waarop die gesondheidsbevorderingsheffingitem betaal is	Volle reg
<b>561.00</b>	<b>TERUGBETALING VAN GESONDHEIDSBEVORDERINGSHEFFING OP INGEVOERDE GOEDERE</b>				
<b>561.01</b>	<b>GOEDERE GEABANDONEER OF VERNIETIG VAN ITEM 532.00</b>				
561.01	00.00	01.00		Goedere wat geabandoneer of vernietig is soos bedoel in item 532.00 waarop die gesondheidsbevorderingsheffingitem betaal is	Volle reg
<b>561.02</b>	<b>ANDER GESONDHEIDSBEVORDERINGSHEFFINGSGOEDERE UITGEVOER NA 'n BLNS-LAND</b>				
561.02	00.00	01.00		Goedere (uitgesonderd dié deur item 551.02 voorsien) ten opsigte waarvan die gesondheidsbevorderingsheffingitem betaal is en wat uitgevoer is na 'n BLNS-land soos omskryf in reël 54F.01.	Volle reg

6. Bylae No. 6 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die vervanging van die titel deur die volgende titel:

**“KORTINGS EN TERUGBETALINGS VAN AKSYNSREG, BRANDSTOFHEFFING, PADONGELUKFONDSHEFFING, OMGEWINGSHEFFING EN GESONDHEIDSBEVORDERINGSHEFFING”.**

7. Bylae No. 6 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die byvoeging van die volgende Deel:

**“DEEL 5**

**KORTINGS EN TERUGBETALINGS OP GESONDHEIDSBEVORDERINGSHEFFING**

**OPMERKINGS:**

1. Vir die doeleindes van Hoofstuk VB van die Wet en die bepalings van hierdie Bylae—
  - (a) onderhewig aan nakoming van enige toepaslike Opmerking of reël, sal enige gesondheidsbevorderingsheffinggoedere wat in die Republiek vervaardig word, toegelaat word onder korting van die gesondheidsbevorderingsheffing of 'n terugbetaling van die gesondheidsbevorderingsheffing sal betaal word of verreken word ten opsigte van sodanige goedere soos in hierdie Deel vermeld;

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- (b) any provision for a rebate or refund of excise duty in respect of goods for the purposes or use specified in any such item, shall to the extent that it can be applied and except if otherwise specified in this Part, apply *mutatis mutandis* for the purpose of a rebate or refund of health promotion levy on such goods;
- (c) the provisions contemplated in paragraph (b) shall determine entitlement to a rebate or refund of health promotion levy specified in this Part notwithstanding that no excise duty is leviable on the goods concerned; and
- (d) notwithstanding paragraphs (a), (b) and (c), a rebate or refund of health promotion levy is not allowed where any Note in the Section specifying the item of Part 7 of Schedule No. 1 imposing the health promotion levy otherwise provides.
2. (a) 'Full duty' in this Part means the health promotion levy payable in terms of the relevant item in Part 7 of Schedule No. 1 less any rebate, refund or drawback of such levy granted previously in respect of the goods.
- (b) The reference 00.00 in the tariff item/health promotion levy column of this Part in respect of any item thereof, shall, as may be applicable in each case, be deemed to refer to any health promotion levy item or all such items specified in Part 7 of Schedule No. 1.
3. The relevant rebate or refund item must be reflected on each document issued or processed, including the monthly account referred to in the rules, where any health promotion levy goods are removed or otherwise dealt with for the purposes or use or in the circumstances specified in such item.

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
<b>690.00</b>	<b>REBATES OF HEALTH PROMOTION LEVY</b>				
690.01	00.00	01.00		Health promotion levy goods in respect of which the health promotion levy payable (if applicable) thereon amount to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of VIS MAJOR or in such other circumstances as the Commissioner deems exceptional, while such goods are— (a) in any customs and excise warehouse; (b) are being removed in bond; or (c) are under the control of the Commissioner, provided no compensation in respect of health promotion levy on such goods has been paid or is due to the owner by any other person and such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty and that such goods did not enter into consumption	Full duty
690.02	00.00	02.00		Manufactured health promotion levy goods in a customs and excise warehouse used for the manufacture by reprocessing of health promotion levy goods or the manufacture of other goods	Full duty
<b>691.00</b>	<b>REFUNDS OF HEALTH PROMOTION LEVY</b>				
691.01	00.00	01.00		Goods liable to the health promotion levy specified in any item of Part 7 of Schedule No. 1 which, after entry or deemed entry for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VB of the Act and its rules, are removed by such licensee to a consignee in a BLNS country, subject to compliance with the Notes hereto	As provided hereto

- (b) enige voorsiening vir 'n korting of terugbetaling van aksynsreg ten opsigte van goedere vir die doeleindeste van gebruik in enige sodanige item vermeld, sal tot die mate wat dit toegepas kan word en behalwe indien anders in hierdie Deel vermeld, *mutatis mutandis* van toepassing wees vir die doeleindeste van 'n korting of terugbetaling van gesondheidsbevorderingsheffing op sodanige goedere;
- (c) die bepalings beoog in paragraaf (b) sal geregtigheid op 'n korting of terugbetaling van gesondheidsbevorderingsheffing in hierdie Deel vermeld bepaal ongeag dat geen doeanereg op die betrokke goedere hefbaar is nie; en
- (d) ongeag parrawe (a), (b) en (c), is 'n korting of terugbetaling van gesondheidsbevorderingsheffing nie toelaatbaar nie waar enige Opmerking in die Afdeling wat die item van Deel 7 van Bylae No. 1 vermeld wat die gesondheidsbevorderingsheffing oplê, andersins bepaal.
2. (a) 'Volle reg' in hierdie Deel, beteken die gesondheidsbevorderingsheffing betaalbaar ingevolge die betrokke item van Deel 7 van Bylae No. 1 minus enige korting, terugbetaling of teruggawe van sodanige heffing voorheen toegestaan ten opsigte van die goedere.
- (b) Die verwysing 00.00 in die tariefitem/gesondheidsbevorderingsheffingkolom van hierdie Deel ten opsigte van enige item daarvan, sal, soos toepaslik mag wees in elke geval, geag word na enige gesondheidsbevorderingsheffingitem of alle sodanige items vermeld in Deel 7 van Bylae No. 1, te verwys.
3. Die betrokke korting- of terugbetalingsitem moet weergegee word op elke dokument uitgereik of verwerk, met inbegrip van die maandelikse rekening waarna in die reëls verwys word, waar enige gesondheidsbevorderingsheffinggoedere verwyder word of andersins mee gehandel word vir die doeleindeste of gebruik of in die omstandighede in sodanige item vermeld.

Kortingsitem	Tariefpos	Korting-kode	TS	Beskrywing	Mate van korting
<b>690.00 KORTINGS OP GESONDHEIDSBEVORDERINGSHEFFING</b>					
690.01	00.00	01.00		Gesondheidsbevorderingsheffinggoedere ten opsigte waarvan die gesondheidsbevorderingsheffing (indien van toepassing) betaalbaar daarop minstens R2 500 beloop, wat bewys is om verlore, vernietig of beskadig te wees, by enige enkele geleentheid in omstandighede van VIS MAJOR of in sodanige ander omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere— (a) in enige doeane- en aksynspakhuis is; (b) verwyder word met uitstel van betaling van reg; of (c) onder die beheer van die Kommissaris is, op voorwaarde dat geen vergoeding ten opsigte van die gesondheidsbevorderingsheffing op sodanige goedere betaal of verskuldig is aan die eienaar deur enige ander persoon nie, en sodanige verlies, vernietiging of skade was nie as gevolg van enige nalatigheid of bedrog deur die persoon wat aanspreeklik is vir die skaal van reg en dat sodanige goedere nie in verbruik geneem is nie	Volle reg
<b>691.00 TERUGBETALINGS VAN GESONDHEIDSBEVORDERINGSHEFFING</b>					
691.01	00.00	01.00		Goedere onderhewig aan die gesondheidsbevorderingsheffing in enige item van Deel 7 van Bylae No. 1 vermeld, wat na klaring of geagtig klaring vir binnelandse verbruik en betaling van reg deur die gelisensierte van 'n doeane- en aksynspakhuis, gebruik vir vervaardiging deur herverwerking van gesondheidsbevorderingsheffinggoedere of die vervaardiging van ander goedere	Soos voorsien hierby

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p><b>NOTES:</b></p> <p>1. Definitions and application of provisions:</p> <p>(a) The refund provided for in this item is subject to the provisions of section 75(11A).</p> <p>(b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates—“BLNS country” or “any other country in the common customs area” means the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia or the Kingdom of Swaziland;</p> <p>“refund” as provided in this item means the amount of health promotion levy that may be set-off against the amount of health promotion levy payable on the monthly health promotion levy account of a licensee of a customs and excise manufacturing warehouse on complying with the Notes, the rules for Chapter VB and any rule regulating the movement of goods to which this item relates;</p> <p>“set-off” means a set-off of duty contemplated in section 77 that is refundable in terms of this item.</p> <p>(c) Any such set-off may, subject to Note 2(c) be shown on the account if so provided thereon as a deduction from the dutiable quantity.</p> <p>2. Set-off against accounts in respect of health promotion levy goods removed as contemplated in the item:</p> <p>(a) The removal of such goods shall be subject to such conditions and procedures as the Commissioner may prescribe by rule.</p> <p>(b) Where such health promotion levy goods have been duly removed to the consignee in a BLNS country, the licensee may, where proof of such removal has been obtained and, any other requirement has been complied with as prescribed in the rules, set-off the health promotion levy paid or payable on the goods so removed against the health promotion levy payable in respect of any such goods as declared in the health promotion levy account for any accounting period during a period of two years after the date any prescribed document was processed in respect of such removal.</p> <p>(c) (i) For the purposes of section 75 (11A), the licensee of the customs and excise manufacturing warehouse must produce proof of the health promotion levy paid or payable on the goods so removed to a BLNS country and if the licensee is unable to produce such proof the environmental levy on any quantity of the goods so removed must be calculated at the lowest rate of</p>	

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Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				<p><b>OPMERKINGS:</b></p> <p>1. Woordomskrywing en toepassing van bepalings:</p> <ul style="list-style-type: none"> <li>(a) Die terugbetaling waarvoor in hierdie item voorsiening gemaak word, is onderhewig aan die bepalings van artikel 75(11A).</li> <li>(b) By die toepassing van hierdie item, hierdie Opmerkings en artikel 75(11A), tensy uit die samehang anders blyk, beteken— “BLNS-land” of “enige ander land in die gemeenskaplike doeanegebied” die Republiek van Botswana, die Koninkryk van Lesotho, die Republiek van Namibië of die Koninkryk van Swaziland; “terugbetaling” soos in hierdie item bepaal die bedrag van gesondheidsbevorderingsheffing wat verreken mag word teen die bedrag van die gesondheidsbevorderingsheffing betaalbaar op die maandelikse gesondheidsbevorderingsheffingrekening van ‘n gelisensieerde van ‘n doeane- en aksyns-vervaardigingspakhuis by nakoming van die Opmerkings, die reëls vir Hoofstuk VB en enige reël wat die beweging van goedere waarna hierdie item verwys, te reguleer; “verrekening” ‘n verrekening teen die betaalbare reg bedoel in artikel 77 wat terugbetaalbaar is ingevolge hierdie item.</li> <li>(c) Enige sodanige verrekening mag, onderhewig aan Opmerking 2(c), op die rekening vertoon word indien aldus voorsiening daarop gemaak as ‘n aftrekking van die belasbare hoeveelheid.</li> </ul> <p>2. Verrekening teen rekeninge ten opsigte van gesondheidsbevorderingsheffinggoedere verwyder soos bedoel in die item:</p> <ul style="list-style-type: none"> <li>(a) Die verwydering van sodanige goedere sal onderhewig wees aan die voorwaardes en prosedures soos die Kommissaris deur reëls mag voorskryf.</li> <li>(b) Waar sodanige gesondheidsbevorderingsheffinggoedere behoorlik verwyder is na die ontvanger in ‘n BLNS-land, mag die gelisensieerde, waar bewys van sodanige verwydering verkry is, en enige ander vereiste aan voldoen is soos in die reëls voorgeskryf, die verrekening van die gesondheidsbevorderingsheffing betaal of betaalbaar op die goedere aldus verwyder teen die gesondheidsbevorderingsheffingrekening betaalbaar ten opsigte van enige sodanige goedere soos verklaar in die gesondheidsbevorderingsheffingrekening gedurende enige rekeningkundige tydperk van twee jaar na die datum wat enige voorgeskrewe dokument ten opsigte van sodanige verwydering verwerk is.</li> <li>(c) (i) Vir die doeleindes van artikel 75(11A), moet die gelisensieerde van ‘n doeane- en aksyns-vervaardigingspakhuis bewys lewer van die gesondheidsbevorderingsheffing betaal of betaalbaar op die goedere aldus verwyder na ‘n BLNS-land en indien die gelisensieerde nie in</li> </ul>	

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p>health promotion levy levied in terms of this Act on such goods during the month prior to the date on which any prescribed document was processed in respect of the removal of the goods concerned.</p> <p>(ii) Where the rate of duty payable on any goods accounted for on the health promotion levy account differs from the rate paid or payable contemplated in subparagraph (i) on the goods so removed, an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b).</p>	
691.02	00.00	02.00		<p>Goods liable to the health promotion levy specified in any item of Part 7 of Schedule No. 1 which, after entry or deemed entry for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VB of the Act and its rules, are found to be off-specification or otherwise defective and are returned to such warehouse for reprocessing, subject to compliance with the Notes hereto</p> <p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. Definitions and application of provisions:           <ol style="list-style-type: none"> <li>(a) The refund provided for in this item is subject to the provisions of section 75(11A).</li> <li>(b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates—“refund” as provided in this item means the amount of health promotion levy that may be set off against the amount of health promotion levy payable on the monthly health promotion levy account of a licensee of a customs and excise manufacturing warehouse on complying with the Notes and the rules for Chapter VB; “set-off” means a set-off of duty contemplated in section 77 that is refundable in terms of this item.</li> </ol> </li> <li>2. Limitation: For the purposes of any refund in terms of this item, goods may only be returned to a customs and excise manufacturing warehouse for reprocessing where the health promotion levy amounts to not less than R100 on any quantity found to be so off-specification or otherwise defective on a single occasion within a period of six months after removal from such warehouse and such goods are returned within one month after expiry of such period.</li> </ol>	As provided hereto

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Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				<p>staat is om sodanige bewys te lever nie, moet die gesondheidsbevorderingsheffing op enige hoeveelheid van die goedere aldus verwyder, bereken word op die laagste skaal van gesondheidsbevorderingsheffing gehef ingevolge hierdie Wet op sodanige goedere gedurende die maand voor die datum waarop enige voorgeskrewe dokument ten opsigte van die verwydering van die betrokke goedere verwerk is.</p> <p>(ii) Waar die skaal van reg betaalbaar op enige goedere wat verreken word op die gesondheidsbevorderingsheffing-rekening verskil van die skaal betaal of betaalbaar soos in subparagraph (i) op die goedere sodanig verwyder, moet 'n toepaslike regstelling aan die totale bedrag betaalbaar op sodanige rekening ten opsigte van die verrekening bedoel in paragraaf (b) gemaak word.</p>	
691.02	00.00	02.00		<p>Goedere onderhewig aan die gesondheidsbevorderingsheffing in enige item van Deel 7 van Bylae No. 1 vermeld, wat na klaring of geagte klaring vir binnelandse verbruik en betaling van reg deur die gelisensieerde van 'n doeane- en aksynsvervaardigings-pakhuis soos bedoel in Hoofstuk VB van die Wet en die reëls daarby, gevind word om buite-spesifikasie of andersins foutief te wees en teruggestuur word na sodanige pakhuis vir herverwerking, onderhewig aan nakoming van die Opmerkings hierby.</p> <p><b>OPMERKINGS:</b></p> <ol style="list-style-type: none"> <li>1. Woordomskrywing en toepassing van bepalings:             <ol style="list-style-type: none"> <li>(a) Die terugbetaling waarvoor in hierdie item voorsiening gemaak is, is onderhewig aan die bepalings van artikel 75(11A).</li> <li>(b) By die toepassing van hierdie item, hierdie Opmerkings en artikel 75(11A), tensy uit die samehang anders blyk, beteken:                 <p>"terugbetaling" soos in hierdie item bepaal, die bedrag van gesondheidsbevorderingsheffing wat verreken mag word teen die bedrag van die gesondheidsbevorderingsheffing betaalbaar op die maandelike gesondheidsbevorderingsheffing-rekening deur 'n gelisensieerde van 'n doeane- en aksyns-vervaardigingspakhuis by nakoming van die Opmerkings en die reëls van Hoofstuk VB;</p> <p>"verrekening" 'n verrekening van die reg soos bedoel in artikel 77 wat terugbetaalbaar is ingevolge hierdie item.</p></li> </ol> </li> <li>2. Beperking: Vir die doeleindes van enige terugbetaling ingevolge hierdie item, mag goedere slegs teruggestuur word na 'n doeane- en aksynsvervaardigingspakhuis vir herverwerking waar die gesondheidsbevorderingsheffing minstens R100 beloop op enige hoeveelheid wat gevind word om buite-spesifikasie of andersins foutief te wees op 'n enkele geleentheid binne 'n tydperk van ses maande na verwydering uit sodanige pakhuis en sodanige goedere teruggestuur is binne een maand na die verstryking van sodanige tydperk.</li> </ol>	Soos voorsien hierby

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p>3. Procedures and set-off against accounts: The licensee of the customs and excise manufacturing warehouse to which such goods are returned must keep a record which includes at least the following:</p> <ul style="list-style-type: none"> <li>(a) a detailed description of the goods received including the applicable tariff item;</li> <li>(b) the quantity received;</li> <li>(c) the date of receipt;</li> <li>(d) the name or registered business name (if any) and the physical address of the person who returned the goods concerned;</li> <li>(e) a copy of the credit note issued to, and the delivery or stock return note issued by the person who returned the goods;</li> <li>(f) reasons for the return of the goods; and</li> <li>(g) the invoice or dispatch delivery note number issued and the date of issue in respect of the removal of the goods to the person concerned.</li> </ul> <p>4. (a) For the purposes of section 75(11A) the licensee of the customs and excise manufacturing warehouse must produce proof of the health promotion levy paid or payable on the goods returned for reprocessing in accordance with the provisions of this item and, if the licensee is unable to produce such proof, the levy on any quantity so returned, shall be calculated at the lowest rate levied in terms of this Act on such goods during the month prior to the date of the return of the goods.</p> <p>(b) The licensee of the customs and excise manufacturing warehouse may, after accounting for the goods in the monthly health promotion levy account, set off the amount of duty duly refundable in terms of this item against the amount of duty payable in respect of any such goods as declared on any such account during a period of two years after receipt of the goods.</p> <p>(c) Where the rate of duty payable on any goods accounted for on the health promotion levy account differs from the rate as contemplated in paragraph (a) on the goods so returned an appropriate adjustment must be made to the total amount payable on such account in respect of set-off contemplated in paragraph (b).</p>	
691.03	00.00	03.00		Goods liable to the health promotion levy specified in any item of Part 3 of Schedule No. 1 which, after entry or deemed entry for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VB of the Act and its rules are returned to such warehouse for any purpose other than reprocessing as contemplated in item 691.02, subject to compliance with the Notes hereto	As provided hereto

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Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				<p>3. Prosedures en verrekening teen rekening: Die gelisensieerde van 'n doeane- en aksynsvervaardigings-pakhuis waarheen sodanige goedere teruggestuur word, moet 'n rekord hou wat ten minste die volgende insluit:</p> <ul style="list-style-type: none"> <li>(a) 'n breedvoerige beskrywing van die goedere ontvang met inbegrip van die toepaslike tariefitem;</li> <li>(b) die hoeveelheid ontvang;</li> <li>(c) die datum van ontyvangs;</li> <li>(d) die naam of geregistreerde besigheidsnaam (indien enige) en die fisiese adres van die persoon wat die betrokke goedere teruggestuur het;</li> <li>(e) 'n afskrif van die kredietnota uitgereik aan en die aflevering- of voorraadterugsturnota uitgereik deur die persoon wat die goedere teruggestuur het;</li> <li>(f) redes vir die terugstuur van die goedere; en</li> <li>(g) die nommer van die faktuur of versendingsnota uitgereik en die datum van uitreiking ten opsigte van die verwydering van die goedere na die betrokke persoon.</li> </ul> <p>4. (a) By die toepassing van artikel 75(11A), moet die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhuis bewys lever van die gesondheidsbevorderingsheffing betaal of betaalbaar op die teruggestuurde goedere vir herbewerking in ooreenstemming met hierdie item, en as die gelisensieerde nie in staat is om sodanige bewys te lever nie, sal die heffing op enige hoeveelheid aldus teruggestuur bereken word op die laagste skaal ingevolge hierdie Wet op sodanige goedere gehef gedurende die maand voor die datum waarop die goedere teruggestuur is.</p> <p>(b) Die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhuis mag, na rekenkapskap gegee is van die goedere in die maandelikse gesondheidsbevorderingsheffing-rekening verreken, die bedrag van reg wat terugbetaalbaar is ingevolge hierdie item teenoor die bedrag van reg betaalbaar op enige sodanige goedere soos verklaar op enige sodanige rekening binne 'n tydperk van twee jaar na ontyvang van die goedere.</p> <p>(c) Waar die skaal van reg betaalbaar op enige goedere waarvoor rekenkapskap gegee is op die gesondheidsbevorderingsheffing van die skaal soos bedoel in paragraaf (a) op die goedere so teruggestuur, verskil, moet 'n toepaslike regstelling op die totale bedrag betaalbaar op sodanige rekening ten opsigte van die verrekening soos beoog in paragraaf (b) gedoen word.</p>	
691.03	00.00	03.00		Goedere onderhewig aan die gesondheidsbevorderingsheffing in enige item van Deel 7 van Bylae No. 1 vermeld, wat na klaring of geagte klaring te wees vir binnelandse verbruik en betaling van reg deur die gelisensieerde van 'n doeane- en aksynsvervaardigings-pakhuis soos bedoel in Hoofstuk VB van die Wet en die reëls daarby, teruggestuur word na sodanige pakhuis vir enige doel anders as herverwerking soos bedoel in item 691.02, onderhewig aan nakoming van die Opmerkings hierby.	Soos voorsien hierby

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p><b>NOTES:</b></p> <p>1. Definitions and application of provisions:</p> <p>(a) The refund provided for in this item is subject to the provisions of section 75(11A).</p> <p>(b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates—“refund” as provided in this item means the amount of health promotion levy that may be set off against the amount of health promotion levy payable on the monthly health promotion levy account of a licensee of a customs and excise manufacturing warehouse on complying with these Notes and the rules for Chapter VB; “set-off” means a set-off of duty contemplated in section 77 that is refundable in terms of this item.</p> <p>2. Limitation: For the purposes of any refund in terms of this item, goods may only be returned to a customs and excise manufacturing warehouse where the health promotion levy amounts to not less than R100 on any quantity returned on a single occasion within a period of six months after removal from such warehouse and such goods are returned within one month after expiry of such period.</p> <p>3. Procedures and set-off against accounts: The licensee of the customs and excise manufacturing warehouse to which such goods are returned must keep a record which includes at least the following:</p> <p>(a) A detailed description of the goods received including the applicable tariff item;</p> <p>(b) the quantity received;</p> <p>(c) the date of receipt;</p> <p>(d) the name or registered business name (if any) and the physical address of the person who returned the goods concerned;</p> <p>(e) a copy of the credit note issued to, and the delivery or stock return note issued by the person who returned the goods;</p> <p>(f) reasons for the return of the goods;</p> <p>(g) the invoice or dispatch delivery note number issued and the date of issue in respect of the removal of the goods to the person concerned.</p> <p>4. (a) For the purposes of section 75(11A) the licensee of the customs and excise manufacturing warehouse must produce proof of the health promotion levy paid or payable on the goods returned in accordance with the provisions of this item and, if the licensee is unable to produce such proof, the levy on any quantity so returned, shall be calculated at the lowest rate levied in terms of this Act on such goods during the month prior to the date of the return of the goods.</p>	

Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				<p><b>OPMERKINGS:</b></p> <p>1. Woordomskrywing en toepassing van bepalings:</p> <ul style="list-style-type: none"> <li>(a) Die terugbetaling waarvoor in hierdie item voorsiening gemaak is, is onderhewig aan die bepalings van artikel 75(11A).</li> <li>(b) By die toepassing van hierdie item, hierdie Opmerkings en artikel 75(11A), tensy uit die samehang anders blyk, beteken— “terugbetaling” soos in hierdie item bepaal die bedrag van gesondheidsbevorderingsheffing wat verreken mag word teenoor die bedrag van gesondheidsbevorderingsheffing betaalbaar op die maandelikse rekening vir gesondheidsbevorderingsheffings deur 'n gelisensieerde van 'n doeane- en aksynsvervaardigingspakhuis by nakoming van hierdie Opmerkings en die reëls van Hoofstuk VB; “verrekening” 'n verrekening van reg soos bedoel in artikel 77 wat terugbetaalbaar is ingevolge hierdie item.</li> </ul> <p>2. Beperking: Vir die doeleindes van enige terugbetaling ingevolge hierdie item, mag goedere slegs teruggestuur word na 'n doeane- en aksynsvervaardigingspakhuis waar die gesondheidsbevorderingsheffing minstens R100 beloop op enige hoeveelheid wat teruggestuur word binne 'n tydperk van ses maande na verwydering uit sodanige pakhuis en sodanige goedere teruggestuur is binne een maand na die verstryking van sodanige tydperk.</p> <p>3. Procedures en verrekening teenoor rekenings: Die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhuis waaraan sodanige goedere teruggestuur word moet 'n rekord hou wat ten minste die volgende insluit:</p> <ul style="list-style-type: none"> <li>(a) 'n Breedvoerige beskrywing van die goedere ontvang met inbegrip van die toepaslike tariefitem;</li> <li>(b) die hoeveelheid ontvang;</li> <li>(c) die datum van ontvangs;</li> <li>(d) die naam of geregistreerde besigheidsnaam (indien enige) en die fisiese adres van die persoon wat die betrokke goedere teruggestuur het;</li> <li>(e) 'n afskrif van die kredietnota uitgereik aan en die aflevering- of voorraad-teruggestuurde nota uitgereik deur die persoon wat die goedere teruggestuur het;</li> <li>(f) redes vir die teruggstuur van die goedere; en</li> <li>(g) die faktuur of versendingsnotenummer uitgereik en die datum van uitreiking ten opsigte van die verwydering van die goedere aan die betrokke persoon.</li> </ul> <p>4. (a) Vir die doeleindes van artikel 75(11A), moet die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhuis bewys lewer van die gesondheidsbevorderingsheffing betaalbaar op die goedere teruggestuur volgens die bepalings van hierdie item en indien die lisensiehouer nie in staat is om sodanige bewys te lewer nie, moet die heffing op enige hoeveelheid van die goedere so teruggestuur bereken word op die laagste skaal van reg ingevolge hierdie Wet op sodanige goedere gedurende die maand voor die datum waarop enige goedere teruggestuur is.</p>	

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## Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2017

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p>(b) The licensee of the customs and excise manufacturing warehouse may, after accounting for the goods in the health promotion levy account, set-off the amount of duty duly refundable in terms of this item against the amount of duty payable in respect of any such goods as declared on such account during a period of two years after receipt of the goods.</p> <p>(c) Where the rate of duty payable on any goods accounted for on the health promotion levy account differs from the rate as contemplated in paragraph (a) on the goods so returned an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b).</p>	
691.04	00.00	04.00		Health promotion levy goods exported	Full duty
691.05	00.00	05.00		<p>Goods liable to the health promotion levy specified in any item of Part 7 of Schedule No. 1 which, after entry or deemed entry for home consumption and payment of duty by the licensee of a customs and excise manufacturing warehouse as contemplated in Chapter VB of the Act and its rules, are removed by such licensee to a consignee outside the common customs union, subject to compliance with the Notes hereto</p> <p><b>NOTES:</b></p> <p>1. Definitions and application of provisions:</p> <p>(a) The refund provided for in this item is subject to the provisions of section 75(11A).</p> <p>(b) For the purposes of this item, these Notes and section 75(11A), unless the context otherwise indicates—“BLNS country” or “any other country in the common customs area” means the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia or the Kingdom of Swaziland; “Common Customs Union” means the combined areas of the Member States of SACU; “SACU” means Southern African Customs Union; “refund” as provided in this item means the amount of health promotion levy that may be set-off against the amount of health promotion levy payable on the monthly health promotion levy account of a licensee of a customs and excise manufacturing warehouse on complying with the Notes, the rules for Chapter VB and any rule regulating the movement of goods to which this item relates; “set-off” means a set-off of duty contemplated in section 77 that is refundable in terms of this item.</p>	As provided hereto

Kortingitem	Tariefpos	Korting-kode	TS	Beskrywing	Mate van korting
				<p>(b) Die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhus mag, nadat rekenskap gegee is vir die goedere in die gesondheidsbevorderingsheffingrekening die bedrag van reg wat terugbetaalbaar is ingevolge hierdie item verreken teenoor die bedrag van reg betaalbaar ingevolge enige sodanige goedere soos verklaar, op enige sodanige rekening binne 'n tydperk van twee jaar na ontvangs van die goedere.</p> <p>(c) Waar die skaal van reg betaalbaar op enige goedere bereken op die gesondheidsbevorderingsheffingrekening verskil van die skaal soos bedoel in paragraaf (a) op die goedere aldus teruggestuur, moet 'n toepaslike regstelling op die totale bedrag betaalbaar op sodanige rekening ten opsigte van die verrekening soos beoog in paragraaf (b) gedoen word.</p>	
691.04	00.00	04.00		Gesondheidsbevorderingsheffingsgoedere uitgevoer	Volle reg
691.05	00.00	05.00		Goedere onderhewig aan die gesondheidsbevorderingsheffing in enige item van Deel 7 van Bylae No. 1 vermeld, wat na klaring of geagte klaring vir binnelandse verbruik en betaling van reg deur die gelisensieerde van 'n doeane- en aksynsvervaardigingspakhus soos bedoel in Hoofstuk VB van die Wet en die reëls daarby, verwyder word deur sodanige gelisensieerde na 'n ontvanger buite die gemeenskaplike doeaneunie, onderhewig aan die nakoming van die Opmerkings hierby.	Soos voorsien hierby

**OPMERKINGS:**

1. Woordomskrywing en toepassing van bepalings:
  - (a) Die terugbetaling in hierdie item bepaal is onderhewig aan die bepalings van artikel 75(11A);
  - (b) Vir die doeleindes van hierdie item, sal hierdie Opmerkings en artikel 75(11A), tensy uit die samehang anders blyk —
    - “BLNS-land” of “enige ander land in die gemeenskaplike doeanegebied” beteken die Republiek van Botswana, die Koninkryk van Lesotho, die Republiek van Namibië of die Koninkryk van Swaziland;
    - “gemeenskaplike Doeane-unie” beteken die gekombineerde areas van die lidstate van die SADU;
    - “SADU” beteken Suider Afrikaanse Doeane-unie;
    - “terugbetaling” soos in hierdie item bepaal beteken die bedrag van die gesondheidsbevorderingsheffing wat teenoor die bedrag van gesondheidsbevorderingsheffing in berekening gebring kan word wat betaalbaar is op die maandelikse gesondheidsbevorderingsheffingrekening deur 'n gelisensieerde van 'n doeane- en aksynsvervaardigingspakhus by nakoming van die Opmerkings, die reëls vir Hoofstuk VB en enige reël wat die beweging van goedere waarna hierdie item verwys, reguleer;
    - “verrekening” beteken 'n verrekening van reg soos bedoel in artikel 77 wat terugbetaalbaar is ingevolge die item;

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Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate
				<p>(c) Any such set-off may, subject to Note 2(c) be shown on the account if so provided thereon as a deduction from the dutiable quantity.</p> <p>2. Set-off against accounts in respect of health promotion levy goods removed as contemplated in the item:</p> <p>(a) The removal of such goods shall be subject to such conditions and procedures as the Commissioner may prescribe by rule.</p> <p>(b) Where such health promotion levy goods have been duly removed to the consignee outside the common customs union, the licensee may, where proof of such removal has been obtained and, any other requirement has been complied with as prescribed in the rules, set-off the health promotion levy paid or payable on the goods so removed against the environmental levy payable in respect of any such goods as declared in the health promotion levy account for any accounting period during a period of two years after the date any prescribed document was processed in respect of such removal.</p> <p>(c) (i) For the purposes of section 75(11A), the licensee of the customs and excise manufacturing warehouse must produce proof of the health promotion levy paid or payable on the goods so removed outside the common customs area and if the licensee is unable to produce such proof the health promotion levy on any quantity of the goods so removed must be calculated at the lowest rate of environmental levy levied in terms of this Act on such goods during the month prior to the date on which any prescribed document was processed in respect of the removal of the goods concerned.</p> <p>(ii) Where the rate of duty payable on any goods accounted for on the health promotion levy account differs from the rate paid or payable contemplated in subparagraph (i) on the goods so removed, an appropriate adjustment must be made to the total amount payable on such account in respect of the set-off contemplated in paragraph (b).</p>	„

**8.** Schedule No. 8 of the Customs and Excise Act, 1964, is hereby amended by the insertion of the following item:

Item	Licence	Licence Fee	Period of validity
“805.30	For the manufacture of goods specified in Section A to Part 7 of Schedule No. 1	free	From the effective date until 31 December of the year in which it was issued.”

## Wet op Skale en Monetêre Bedrae en Wysiging van Inkomstewette, 2017

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Kortingitem	Tariefpos	Kortingskode	TS	Beskrywing	Mate van korting
				<p>(c) Enige sodanige verrekening mag, onderhewig aan Opmerking 2(c), op die rekening vertoon word indien as 'n aftrekking van die belasbare hoeveelheid so daarop voorsien is.</p> <p>2. Verrekening teenoor rekeninge ten opsigte van gesondheidsbevorderingsheffingsgoedere verwijder soos bedoel in hierdie item:</p> <p>(a) Die verwijdering van sodanige goedere sal onderhewig wees aan sodanige voorwaardes en procedures soos die Kommissaris deur reël mag voorskryf.</p> <p>(b) Waar sodanige gesondheidsbevorderingsheffingsgoedere behoorlik verwijder is na die ontvanger buite die gemeenskaplike doeaneunie, mag die gelisensierte, waar bewys van sodanige verwijdering verkry is en enige ander vereiste waaraan nagekom is soos in die reëls voorgeskryf, die gesondheidsbevorderingsheffing verreken wat betaal of betaalbaar is ten opsigte van die goedere aldus verwijder teenoor die gesondheidsbevorderingsheffingrekening soos verklar in die gesondheidsbevorderingsheffingrekening gedurende enige rekeningkundige tydperk van twee jaar na die datum waarop enige voorgeskrewe dokument ten opsigte van sodanige verwijdering verwerk is.</p> <p>(c) (i) Vir die doeleindes van artikel 75(11A), moet die gelisensierte van 'n doeane- en aksynsvervaardigingspakhuis bewys lewer van die gesondheidsbevorderingsheffing betaal of betaalbaar op die goedere aldus verwijder buite die gemeenskaplike doeanegebied en indien die gelisensierte nie in staat is om sodanige bewys te lewer nie moet die gesondheidsbevorderingsheffing op enige hoeveelheid van die goedere aldus verwijder bereken word teenoor die laagste skaal van die gesondheidsbevorderingsheffing gehef ingevolge hierdie Wet op sodanige goedere gedurende die maand voor die datum waarop enige voorgeskrewe dokument ten opsigte van die verwijdering van die betrokke goedere verwerk is.</p> <p>(ii) Waar die skaal van reg betaalbaar op enige goedere waarvoor rekeneskap gegee word op die gesondheidsbevorderingsheffingrekening verskil van die skaal betaal of betaalbaar soos in subparagraaf (i) bedoel op die goedere aldus verwijder is, moet 'n toepaslike regstelling aan die totale bedrag betaalbaar gemaak word op sodanige rekening ten opsigte van die verrekening bedoel in paragraaf (b).</p>	

**8.** Bylae No. 8 van die Doeane- en Aksynswet, 1964, word hiermee gewysig deur die invoeging van die volgende item:

Item	Licensie	Licensie-fooi	Tydperk van geldigheid
"805.30	Vir die vervaardiging van goedere in Artikel A by Deel 7 van Bylae No. 1 vermeld	vry	Vanaf die effektiewe datum tot 31 Desember van die jaar waarin dit uitgereik is."