

# **The Import Control Order, 1976**

***Date of commencement: 2nd April, 1976***

***Date of Assent: 27th March, 1975***

*A King's Order-in-Council to provide for import control.*

*Short title.*

1. This King's Order-in-Council may be cited as The Import Control Order, 1976.

*Interpretation.*

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

“Common Customs Area” means Botswana, Lesotho or the Republic of South Africa;

“importation” means the importation of goods into Swaziland from countries outside the Common Customs Area;

“Minister” means the Minister for Finance;

“Principal Secretary” means the Principal Secretary for Finance.

*Powers of Minister in relation to import or export of goods.*

3. (1) The Minister may, whenever he deems necessary or expedient in the public interest, by notice in the Gazette, prescribe that no goods of a specified class or kind or no goods other than goods of a specified class or kind shall be —

(a) imported into Swaziland;

(b) imported into Swaziland, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorised by him.

(2) For the purposes of subsection (1), goods may be classified also according to the source or origin or the intermediate or final destination of goods or according to the channels along which or manner in which goods are imported according to the purposes for which goods are intended to be used.

(3) A permit issued under subsection (1)(b) may prescribe the quantity or value of goods which may be imported thereunder, the price at which, the period within which, the port through or from which, the country from or to which and the manner in which the goods concerned may be imported and such other conditions of whatever nature as the Minister may direct.

(4) The Minister or any person authorised by him may cancel, amend or suspend any permit issued under subsection

(1)(b), if he is satisfied that any condition of the permit has not been complied with, or if the holder of the permit has been convicted of an offence under this Order, or if he deems fit it is necessary or expedient in the public interest.

(5) The Minister may by notice in the Gazette withdraw or amend any notice issued under subsection (1).

#### *Furnishing of information to Minister.*

4. The Minister or any person authorised by him, may in writing direct any person who manufactures any goods or trades in any goods or in the course of his business or trade handles or has under his control any goods, to furnish the Minister within a specified time with any information at his disposal in relation to importation, manufacture, supply or storage of the goods concerned.

#### *Offences and penalties.*

5. (1) Any person who imports any goods in contravention of any notice issued under section 3, or who fails to comply with a direction made under section 4, or who furnishes any false information in complying with such direction, shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or imprisonment for two years, or both.

(2) The court convicting any person of importing or attempting to import any goods in contravention of any notice issued under section 3 may declare such goods or the convicted person's rights thereto, to be forfeited to the Government: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the goods in question, if it is proved that he did not know that the goods were being dealt with in contravention of such notice:

Provided further that the convicted person, as well as the person claiming any right to such goods, may appeal against any such determination as if it were a conviction by the court making the determination, and such appeal may be heard either separately or jointly with an appeal against such conviction.

*Application for import permit.*

6. (1) An application for an import permit shall be made in writing to the Principal Secretary, and each application shall be accompanied by a fee of fifty cents for every amount of one thousand emalangeneni applied for payable by means of uncanceled revenue stamps of the Kingdom of Swaziland. (Amended K.O-I-C. 4/1993.)

(2) No fees in respect of an unsuccessful application for a permit shall be refunded to an applicant.

(3) Any statutory body in which Government has a financial interest is hereby exempted from payment of the fee mentioned in subsection (1).

*Jurisdiction of courts.*

7. Notwithstanding anything in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Order.

*Regulations.*

8. The Minister may make such regulations for the better carrying out of this Order as he may deem fit.

*Repeal and amendment.*

9. (1) The Exportation and Importation Restriction Act No. 46 of 1939 is amended by the deletion of—

(a) "and importation" in the title of the said Act;

(b) any reference in the said Act to the importation or importing of any articles wherever such reference appears in the Act.

(2) The Import Control Regulations, No. 46 of 1939(3) are hereby repealed.

(3) The Cash Registers etc. Import Regulations, No. 46 of 1939(5) are hereby repealed.

(4) The Textile Piece Goods Import Regulations, No. 46 of 1939(4) are hereby repealed.

(5) (Repealed K.O-I-C. 28/1977.)