

The Geneva General Agreement on Tariffs and Trade Act, 1948

Date of commencement: 14th December, 1948

An Act to approve of the General Agreement on tariffs and trade concluded at Geneva on the thirtieth day of October, 1947; to make provision for the carrying out of such agreement, and for matters incidental thereto.

Short title.

1. This Act may be cited as the Geneva General Agreement on Tariffs and Trade Act, 1948.

Interpretation.

2. In this Act unless the context otherwise requires —
 - (a) “Agreement” means the General Agreement referred to in section 3; “Minister” means the Minister for Enterprise and Employment.
 - (b) Any reference to which a meaning has been assigned in the Customs and Excise Act, No. 21 of 1971, has the same meaning herein.

Approval of the general agreement on tariffs and trade.

3. The general agreement on tariffs and trade concluded at Geneva on the thirtieth day of October, 1947, by the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Zimbabwe, Syria, the United Kingdom of Great Britain and Northern Ireland, the Republic of South Africa and the United States of America, is hereby approved.

Date from which agreement shall be applied.

4. The agreement shall, in relation to the territories the Governments of which are referred to in section 3, be applied, either provisionally or definitively as the Minister may determine by notice in the Gazette, with effect from a date specified in such notice.

Withholding or withdrawal of concessions in relation to countries not accepting or withdrawing from agreement.

5. The Minister may by notice in the Gazette withhold or withdraw, as the case may be, any concessions, including concessions in customs tariff rates, which the Government of the Kingdom of Swaziland has in terms of the agreement undertaken to grant or granted to any party to the agreement if such party does not accept the agreement or, as the case may be, withdraws from the agreement after having accepted or acceded to it.

Accession of new parties to the agreement.

6. (1) The agreement shall, in relation to any territory the Government of which has, in terms of the agreement, acceded thereto, be applied with effect from a date to be fixed by the Minister by notice in the Gazette.

(2) The Minister may, by any notice referred to in subsection (1) or by a later notice, grant, in consideration of equivalent privileges in respect of goods imported from Swaziland into the territory of any acceding Government, concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that Government on their importation into Swaziland.

Withdrawal or modification of concessions in accordance with the agreement.

7. The Minister may by notice in the Gazette and subject to the terms of the agreement and with effect from a date specified in the notice withdraw, in whole or in part, any concession, including a concession in customs tariff rates, granted to any party to the agreement or, in consideration of equivalent privileges in respect of goods imported from Swaziland into the territory of any party to the agreement, grant further concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that party on their importation into Swaziland.

Application of customs tariff in relation to territories the Governments of which are parties to the agreement.

8. (1) If the rate of duty specified in the relevant Schedules to the Customs and Excise Act, No. 21 of 1971 is, in respect of any goods, in excess of the rate of duty specified in respect of those goods in Schedule XVIII to the agreement, the rate specified in such Schedule to the agreement shall, in the application of the Customs and Excise Act to goods which were produced or manufactured in any territory in relation to which the agreement is being applied and which are imported into Swaziland, but subject to the provisions of any notice issued under sections 5 or section 7, apply instead of the rate of duty specified in the relevant Schedules to the Customs and Excise Act.

(2) Any concession in customs tariff rates granted in terms of section 6(2) or section 7, shall for the purposes of subsection (1) hereof be deemed to be incorporated in Schedule XVIII to the agreement.

Application in relation to certain territories of custom tariff of rates applied in relation to territories whose Governments are parties to the agreement.

9. (1) The Minister may, notwithstanding anything contained in this Act or the Customs and Excise Act, No. 21 of 1971, by notice in the Gazette and with effect from a date specified in the notice apply, in respect of specified goods produced or manufactured in and imported from any territory between whose Government and the Government of the Republic of South Africa there is in existence an agreement concluded or deemed to have been concluded under the Customs and Excise Act, or in terms of which most-favoured nation treatment in regard to customs tariff rates is accorded in respect of goods produced or manufactured in such territory, the rates of duty applied in terms of section 8 of this Act in respect of such goods produced or manufactured in any territory in relation to which the agreement referred to in section 3 of this Act is being applied.

(2) The Minister may in like manner amend or withdraw any notice issued in terms of subsection (1).

Application in relation to certain areas of Germany of customs tariff rates applied in relation to territories whose Governments are parties to the agreement.

10. (1) If the Government of the Republic of South Africa has concluded an agreement with any Government which is a party to the agreement referred to in section 3, whereby, in consideration of equivalent privileges in respect of goods imported from the Republic of South Africa into any specified area of Germany, the Government of the Republic of South Africa has undertaken to accord in respect of goods produced or manufactured in that specified area of Germany, the treatment provided for in the most-favoured nation provisions of the agreement referred to in section 3, the Minister may, by notice in the Gazette and with effect from a date specified in the notice, apply in respect of such goods or their importation into Swaziland the rates of duty applied in terms of section 8 of this Act in respect of goods produced or manufactured in any territory in relation to which the agreement referred to in section 3 is being applied.

(2) The Minister may in like manner amend or withdraw any notice issued in terms of subsection(1).