

RGN 766 of 1974

Control of Goods (Import and Export) (Commerce) Regulations, 1974

SIs 766/1974 1099/1974, 287/1975, 176/1976, 1002/1976, 205/1979, 871/1979, 179/1990, 160/1993, 557/1982

IT is hereby notified that the President has, in terms of section 4 of the Control of Goods Act, 1954, made the following regulations:—

ARRANGEMENT OF REGULATIONS

1. Title..
2. Interpretation of terms.
3. Control of imports and exports.
4. Open general licences.
5. Licences.
6. Permits.
7. Prohibited imports.
8. Licences and permits not transferable.
9. Application of other laws.
10. Inspectors.
11. Furnishing of information.
12. Powers of Inspectors.
13. Offences. 13A. Penalties.
14. Repeals and Savings.

SCHEDULES

First Schedule: Goods in relation to which the approval of the director is required. Second Schedule: Repeals.

1. Title

These regulations may be cited as the Control of Goods (Import and Export) (Commerce) Regulations, 1974.

2. Interpretation of terms

In these regulations, and in any open general licence—

“Director” means the Director of National Parks and Wild Life Management;

“Inspector” means a person appointed as an inspector in terms of section 10;

“law” means any law or enactment in force in Zimbabwe;

“licence” means a licence for—

(a) the import of any goods issued in terms of paragraph (a) of subsection (1) of section 5; or

(b) the export of any goods issued in terms of paragraph (b) of subsection (1) of section 5; as the case may be.

“Minister” means the Minister of Commerce and Industry;

“open general licence” means an open general import licence or open general export licence, as the case may be, issued in terms of subsection (1) of section 4; “permit” means a permit for—

(a) the import into Zimbabwe of any goods specified in Part I of the First Schedule issued in terms of paragraph (a) of subsection (1) of section 4; “permit” means a permit for—

(a) the import into Rhodesia of any goods specified in Part I of the First Schedule issued in terms of paragraph (a) of subsection (1) of section 6; or

(b) the export from Zimbabwe of any goods specified in Part II of the First Schedule issued in terms of paragraph (b) of subsection (1) of section 6;

as the case may be;

“records” means any books, accounts or other documents;
“Secretary” means the Secretary for Commerce and Industry.

3. *Control of imports and exports*

(1) Notwithstanding the provision of any other law, no person shall—

- (a) import into Zimbabwe any goods otherwise than in accordance with the terms and conditions of—
(i) an open general licence; or (ii) a licence:

Provided that, where

- (i) goods are to be entered into a bonded warehouse appointed in terms of section 57 of the Customs and Excise Act [*Chapter 23:02*]; and
(ii) payment for the goods has been made with funds from outside Zimbabwe as certified by the Secretary;
a licence shall be required only when the goods are removed from the bonded warehouse; or
(b) export from Zimbabwe any goods otherwise than in accordance with the terms and conditions of— (i) an open general licence; or (ii) a licence.

[Subsection amended by s.i 160 of 1993]

(2) Notwithstanding the provisions of any other law, and in addition to the requirements of subsection (1), no person shall—

(a) import in Zimbabwe any goods specified in Part I of the First Schedule; or

(b) export from Zimbabwe any goods specified in Part II of the First Schedule; otherwise than in accordance with the terms and conditions of a permit:

Provided that the provisions of this subsection shall not apply to the import of goods specified— (a) in Part I of the first Schedule which are manufactured or originate in Botswana; or (b) in subitem (2) of item 2 of Part I of the First Schedule which originate in Malawi.

(3) No person shall import into Zimbabwe any fire-arm, ammunition or explosives in terms of an open general licence unless at the time of importation of such fire-arm, ammunition or explosives—

- (a) he holds a licence, certificate or permit in respect thereof issued in terms of the Firearms Act [*Chapter 10:09*], or the Explosives Act [*Chapter 10:08*]; or
(b) he has obtained written instructions from a customs officer calling on him to obtain a licence, certificate or permit issued in terms of the Firearms Act [*Chapter 10:09*], or the Explosives Act [*Chapter 10:08*] within such period as may be specified in such instructions.

[Subsection amended by s.i 1099 of 1974]

(4) No person shall import into Zimbabwe any radio transmitting station, as defined in the Radiocommunication Services Act [*Chapter 12:04*], in terms of an open general licence unless, at the time of importation of any such radio transmitting station—

- (a) he is a registered dealer and holds a certificate to import such equipment issued by the Posts and Telecommunications Corporation in terms of the Radiocommunication Services Act [*Chapter 12:04*]; or
(b) he has obtained written instructions from a customs officer calling on him to obtain a licence issued in terms of the Radiocommunication Services Act [*Chapter 12:04*], within such period as may be specified in such instructions:

Provided that the provisions of this sub-section shall not apply to any radio transmitting station which is imported by any military, air or police force of a country other than Rhodesia, where such force is to be stationed temporarily in Zimbabwe.

[Subsection amended by s.i 1002 of 1974]

4. *Open general licences*

(1) Subject to the provisions of section 7, the Minister may, by notice in the *Gazette*, issue—

- (a) an open general import licence authorising, subject to the provisions of any other law, the import into Zimbabwe of any goods or class of goods specified in that notice;
(b) an open general export licence authorising, subject to the provisions of any other law, the export from Zimbabwe of any goods or class of goods specified in that notice:

Provided that an open general import licence shall not authorise the import into Zimbabwe of—

(a) clothing and uniforms designed for military, naval, air force or police use unless such clothing or uniforms are imported by the State; or (b) gold, including—

- (i) unmanufactured gold in any form whatsoever;

- (ii) any article or substance containing such unmanufactured gold;
- (iii) any article consisting of or containing gold which, although manufactured, is, as such, not a gold coin, an article of commerce, a work of art or of archaeological interest;
- (iv) gold derived from the smelting or treatment of any manufactured article containing gold.

[Subsection amended by s.i 287 of 1975 and 179 of 1990]

(2) An open general licence may be issued in the same *Gazette* as these regulations.

5. Licences

(1) Subject to the provisions of subsection (2) and of section 7, the Secretary may issue a licence authorising, subject to the provisions of any other law—

- (a) the import into Zimbabwe of any goods specified in that licence on such terms and conditions as may be specified in or attached to that licence;
- (b) the export from Zimbabwe of any goods specified in that licence on such terms and conditions as may be specified in or attached to that licence.

(2) The Secretary shall not issue a licence authorising the import into Zimbabwe of—

- (a) any explosives; or
- (b) any fire-arm or ammunition; unless the person to whom the licence is issued is the holder of a permit, licence or certificate authorising him to possess, acquire or deal with such explosives, fire-arm or ammunition issued under the Explosives Act [*Chapter 10:08*] or the Firearms Act [*Chapter 10:09*].

(2a) The Secretary shall not issue a licence authorising the import into Zimbabwe of any radio transmitting station, as defined in the Radiocommunication Services Act [*Chapter 12:04*], unless the person to whom the licence is issued is the holder of a certificate issued in terms of the said Act authorising him to import and deal in any such radio station.

[Subsection inserted by s.i 1002 of 1976]

(3) The Secretary may revoke or amend a licence at any time, if— (a) the holder of the licence—

- (i) has failed to comply with the terms and conditions subject to which that licence was issued; or
- (ii) fails or refuses to furnish any information or explanation or to produce any records relating to any goods to which that licence relates when so required in terms of section 11;

or

(b) he considers that such revocation or amendment is necessary in the national interest.

(4) Where the Secretary has, in terms of paragraph (b) of subsection (3), revoked or amended a licence, the holder of that licence may appeal in accordance with the provisions of subsection (5) to the Minister, whose decision shall be final.

(5) An appeal in terms of subsection (4) shall—

- (a) set out clearly and specifically in number sequence the grounds of such appeal; and
- (b) be lodged with the Secretary within twenty-one days of the notification to the holder of that licence of the revocation or amendment of that licence.

6. Permits

(1) The Director may issue a permit authorising, subject to the provisions of subsection (2) and of any other law—

- (a) the import into Zimbabwe of any goods specified in Part I of the First Schedule on such terms and conditions as may be specified in or attached to that permit;
- (b) the export from Zimbabwe of any goods specified in Part II of the First Schedule on such terms and conditions as may be specified in or attached to that permit.

(2) No goods may be imported or exported under the authority of a permit issued in terms of subsection (1) unless—

- (a) the holder of the permit has, in addition to the permit, obtained a licence authorising the import or export of such goods; or
- (b) the import or export of such goods is authorised by an open general licence.

(3) The Director may revoke or amend a permit at any time if the holder of the permit— (a) has failed to comply with the terms and conditions subject to which that permit was issued; or

(b) fails or refuses to furnish any information or explanation or to produce any records relating to any goods to which that permit relates when so required in terms of section 11.

7. Prohibited imports

Notwithstanding anything to the contrary contained in these regulations, no person shall import into Rhodesia any knife having a blade which—

- (a) opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, sometimes known as a “*flick-knife*” or “*flick-gun*”; or

Provided that this section shall not apply to a trimming-knife the blade of which does not exceed thirty millimetres in length;

- (b) is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, and which, when released, is locked in place by means of a button, spring, lever or other device, sometimes known as a “*gravity knife*”; or (c) is—

- (i) released from the handle or sheath thereof manually; and
- (ii) locked in the open position by means of a button, spring, lever or other device; and
- (iii) released from the locked open position otherwise than solely by manual pressure on the blade:

Provided that this section shall not apply to a trimming-knife the blade of which does not exceed thirty millimetres in length.

[Proviso inserted by s.i 871 of 1979]

8. Licences and permits not transferable

A licence or permit shall not be transferable, and any purported transfer of a licence or permit shall be invalid.

9. Application of other laws

Nothing contained in these regulations or in any licence, permit or open general licence shall exempt any person to whom that licence, permit or open general licence applies from complying with the provisions of any other law controlling the import into or export from Zimbabwe of goods to which that licence, permit or open general licence relates.

10. Inspectors

- (1) The Minister may appoint any person to be an inspector for the purposes of these regulations.
- (2) An inspector shall be furnished with a certificate, signed by or on behalf of the Minister, which shall state that the inspector has been appointed as an inspector for the purposes of these regulations.
- (3) An inspector exercising any power or performing any duty conferred or imposed upon him by these regulations, or about to exercise any such power or perform any such duty, shall, on demand by any person concerned, produce the certificate issued to him in terms of subsection (2).

11. Furnishing of information

- (1) The Minister may, by notice in writing, require any person who has applied for or been issued with a licence to furnish to the Minister or his authorised representative or an inspector from time to time any information whatsoever available to him relating to any goods to which the application or licence relates.
- (2) The Minister of Lands, Natural Resources and Rural Development may, by notice in writing, require any person who has applied for or been issued with a permit to furnish to that Minister or his authorised representative or an inspector from time to time any information whatsoever available to him relating to any goods to which the application for a permit relates.
- (3) A person whom the Minister or the Minister of Lands, Natural Resources and Rural Development has required to give any information in terms of this section shall — (a) comply with such requirement; and (b) if required to do so by the authorised representative of such Minister or by an inspector, give any further information or explanation, whether orally or in writing, which the authorised representative or the inspector may require him to give.

[Section amended by s.i 871 of 1979]

12. Powers of Inspectors

- (1) An inspector or the authorised representative of a Minister specified in section 11 may—
 - (a) examine and make extracts from and copies of records relating to any goods referred to in subsection (1) or (2) of section 11;
 - (b) demand from any person an explanation of any entries in any records referred to in paragraph (a);
 - (c) seize and remove any records which, in his opinion, may afford evidence of a contravention of these regulations.
- (2) An inspector may, for the purpose of examination or production as evidence, seize and remove, without payment, any sample or specimen of any goods referred to in subsection (1) or (2) of section 11.
- (3) An inspector or the authorised representative of a Minister specified in section 11 shall issue a receipt in respect of any thing seized by him in terms of this section.

(4) Any thing seized in terms of this section shall, if circumstances permit, be returned to its owner at the conclusion of any proceedings taken or inquiry made in relation thereto.

13. Offences

No person shall—

- (a) contravene or fail to comply with any request, requirement or demand lawfully made under these regulations;
- (b) furnish any information required under or for the purpose of these regulations which he knows to be false or does not know or believe to be true;
- (c) hinder, obstruct or delay an inspector or the authorised representative of a Minister specified in section 11 in the exercise of his powers or the performance of his duties under these regulations.
- (d) refuse or fail to answer, to the best of his knowledge, any question lawfully put to him under these regulations;
- (e) fail to comply with any term or condition imposed by the Minister in an open general licence or by the Secretary in issuing a licence or by the Director in issuing a permit;
- (f) except to the Minister, to the Minister of Lands, Natural Resources and Rural Development or to any person whose duty it is to deal with the subject-matter of the disclosure, or when require to do so by a court of law or for the purposes of these regulations, disclose any information relating to any person or business which has been acquired in the exercise of his powers or the performance of his duties under these regulations.

[Section amended by s.i 871 of 1979]

13A. Penalties

(1) Any person who contravenes the provisions of paragraph (e) of section 13 shall be liable to a penalty not exceeding:—

- (a) in the case of an offence which involves any goods or commodity, a fine of an amount equivalent to the value of such goods or commodity or a fine of five thousand dollars, whichever is the greater; or
- (b) in any other case, a fine of five thousand dollars; or imprisonment for a period of five years, or both such fine and such imprisonment.

(2) A court which finds any person guilty of contravening the provisions of paragraph (e) of section 13 may declare that any goods or commodity in respect of which such offence has been committed shall be forfeited to the State.

[Section inserted by s.i 205 of 1979]

14. Repeals and Savings

- (1) The regulations specified in the Second Schedule are repealed.
- (2) Notwithstanding the repeal of the regulations specified in the Second Schedule, any—
 - (a) application for a licence or permit made under the repealed regulations shall be deemed to be an application for a licence or permit issued under these regulations;
 - (b) licence or permit issued under the repealed regulations shall be deemed to be a licence or permit issued under these regulations, and any conditions specified thereon shall continue to have effect and shall be deemed to be conditions imposed in terms of these regulations;
 - (c) person appointed as inspector under the repealed regulations shall continue as an inspector as if he were, and shall be deemed to have been, appointed under these regulations, and any certificate issued to such inspector under the repealed regulations shall be deemed to have been issued in terms of section 120;
 - (d) notice issued under the repealed regulations requiring any person to furnish information shall be deemed to have been issued by the Minister or the Minister of Lands, Natural Resources and Rural Development in terms of section 11.

[Section amended by s.i 871 of 1979]

FIRST SCHEDULE (Section 5)

GOODS IN RELATION TO WHICH THE APPROVAL OF THE DIRECTOR IS REQUIRED

PART 1

IMPORTS

1. Game-traps of metal construction, operated by springs.

2. (1) Wild animals, wild animal trophies and wild animal products, that is to say— (a) any bird, reptile or mammal of a species normally existing in a wild state;
 - (b) the carcass or any part thereof of such bird, reptile or mammal, including—
 - (i) any tooth, tusk, ivory, bone, shell, claw, hoof, skin, hair, feather or other durable portion thereof, but not including any such part or portion which, by a process of bona fide manufacture, has lost its original identity;
 - (ii) any flesh, fat or blood, whether fresh, dried or preserved; (c) any egg produced by such bird or reptile.
- (2) Live fish, including the eggs and spawn thereof.
- (3) Cycads: all species of the family *Zamiaceae*.

EXPORTS

1. Wild animals, wild animal trophies and wild animal products, that is to say— (a) any bird, reptile or mammal of a species normally existing in a wild state;
 - (b) the carcass or any part thereof of such bird, reptile or mammal including—
 - (i) any tooth, tusk, ivory, bone, horn, shell, claw, hoof, skin, hair, feather or other durable portion thereof, but not including any such part or portion which, by a process of bona fide manufacture, has lost its original identity;
 - (ii) any flesh, fat or blood, whether fresh, dried or preserved; (c) any egg produced by such bird or reptile; (d) any butterfly or moth (of the order *Lepidoptera*).
2. Cycads: all species of the family *Zamiaceae*.
3. Aloes: all species of the family *Liliaceae*.
4. All other specially protected indigenous plants, as defined in the Parks and Wild Life Act, 1975.

[Schedule amended by s.i 176 of 1976]

SECOND SCHEDULE (Section 14)

REPEALS

| <i>Regulations</i> | <i>Rhodesia Government Notice No.</i> |
|---|---|
| Control of Goods (Import and Export) (Commerce) Regulations, 1967 | 917 of 1967 |
| Control of Goods (Import and Export) (Commerce) (Amendment) Regulations, 1968 (No. 1) | 446 of 1968 |
| Control of Goods (Import and Export) (Commerce) (Amendment) Regulations, 1970 (No. 2) | 646 of 1970 |
| Control of Goods (Import and Export) (Commerce) (Amendment) Regulations, 1971 (No. 3) | 702 of 1971 |
| Control of Goods (Import and Export) (Commerce) (Amendment) Regulations, 1973 (No. 4) | 275446 of 1973 |