



5 May 2017

(17-2445)

Page: 1/182

Committee on Customs Valuation

Original: English

**NOTIFICATION UNDER ARTICLE 22 OF THE AGREEMENT ON
IMPLEMENTATION OF ARTICLE VII OF THE GENERAL
AGREEMENT ON TARIFFS AND TRADE 1994**

MALAWI

The following communication, dated 4 May 2017, is being circulated at the request of the delegation of the Malawi.

CHAPTER 42:01

**CUSTOMS AND EXCISE
ARRANGEMENT OF SECTIONS**

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13 of 1969	An Act providing for the administration, management and control of customs and excise, the imposition and collection of customs, excise and other duties and for matters connected therewith	
30 of 1969		
40 of 1970		
5 of 1972		
13 of 1973		
10 of 1975		
20 of 1975		[1st June, 1969]
1 of 1979		
9 of 1979		
5 of 1985		
6 of 1987		
25 of 1988		
6 of 1990		
3 of 1993		
3 of 1994		
37 of 1998		
14 of 2001		
11 of 2003		
8 of 2005		
12 of 2008		
28 of 2010		
25 of 2011		
18 of 2013		
10 of 2014		
G.N. 26/1989		

PART I Preliminary

Short title	1. This Act may be cited as the Customs and Excise Act.
Interpretation	2. —(1) In this Act, unless the context otherwise requires—
25 of 1988	
14 of 2001	
11 of 2003	
28 of 2010	
18 of 2013	
28 of 2010	"Advisory Committee" means the Committee appointed by the Commissioner General under section 128A (1);
	"aircraft" includes balloons, kites, gliders, and every description of airship and flying machine, whether designed to be lighter or heavier than air and the equipment and furnishings thereof;
	"air freight licensee" means any person licensed as such under section 10;

"allowable deficiency" means any deficiency of which the Controller is satisfied in accordance with section 103;

"Appeals Committee" means the Committee appointed by the Minister under section 128A (2); 28 of 2010

"approved wharf" means any place appointed as such under section 9;

"associated", in relation to a manufacturer, means—

- (a) being owned, wholly or partially, by the manufacturer; or
- (b) having common directors or shareholding with the manufacturer; or
- (c) purchasing more than 30 per cent of the manufacturer's total output in any three consecutive months;

25 of 1988

"authorized agent" means any agent authorized as such in accordance with section 127;

"boarding station" means any place appointed as such under section 9;

"bonded warehouse" means any place licensed as such under section 41;

25 of 1988

"business" means any trade, commerce or manufacture;

"by authority" means by the authority of the Controller or of any person lawfully performing his duty in the matter in relation to which the expression is used;

"cargo" includes all goods imported or exported in any conveyance, other than such goods as are required as stores for consumption or used by or for that conveyance, its crew and passengers, and the *bona fide* personal baggage of such crew and passengers;

"carriage coastwise" means all transportation of goods subject to customs control, other than goods in transit, by air or by water, from any place within Malaŵi to any other place within Malaŵi;

"coastwise aircraft or vessel" means any aircraft or vessel while engaged in carriage coastwise;

"consumption" means consumption or use in Malaŵi;

"Controller" means the person appointed to be or to act as Controller of Customs and Excise under section 6;

"conveyance" means any aircraft, vessel or vehicle;

"crew" means every person employed in any capacity on any conveyance;

"customs agent" means any person licensed as such by the Controller under section 128;

L.R.O. 1/2015

"customs airport" means any port appointed as a customs airport under section 8;

"customs area" means any place licensed, appointed or approved for the inspection, deposit, storage or manufacture of goods subject to customs control;

"customs laws" means this Act and any other written law relating to the Department or to the import, exportation, carriage coastwise or carriage in transit of any goods;

"customs warehouse" means any place appointed as such under section 9;

11 of 2003

"declaration" means a statement, written, including by means of computer data transfer or oral, to an officer of information required to be supplied under any of the customs laws together with any other document or statement as may be prescribed, or required by the proper officer, under the customs laws;

"Department" means the Department of Customs and Excise of Malaŵi;

"distiller" means any person who either by himself or through his agent or servant in any way manages, supervises or carries on any distillery;

"distillery" means any place where any process of distillation of spirits is carried on, or where any process of rectification of spirits is carried on, or where any spirits are manufactured or produced from any substance by any process other than fermentation;

"drawback" means a refund of all or part of any customs or excise duties paid in respect of goods where such goods are exported or used in a manner or for a purpose prescribed as a condition for granting drawback;

"dutiable goods" means any goods in respect of which the full duties have not been paid;

3 of 1993
18 of 2013

"duty" includes any duty, cess, excise, value added tax, or withholding tax imposed by or under the customs laws;

"enter" in relation to goods means to enter such goods for—

- (a) consumption;
- (b) temporary importation;
- (c) warehousing in a bonded warehouse;
- (d) rewarehousing;
- (e) carriage coastwise;
- (f) transit; or
- (g) exportation,

as appropriate, in accordance with the provisions of section 5;

"entry" means a declaration accepted and, where appropriate, signed in accordance with section 5, and in the case of a declaration made by computer data transfer, upon registration of such declaration; 11 of 2003

"entry of premises" for the purpose of Part XI means an entry of premises approved by the Controller in accordance with section 66, and includes any approved amendments thereto;

"entered premises" means premises described in an entry of premises;

"excisable goods" means any goods in respect of which the full excise duties have not been paid;

"excise licence" means a licence granted under section 64;

"excise warehouse" means any entered premises approved as an excise warehouse under section 73;

"export" means to take or cause to be taken out of Malaŵi by any means or to load for use as stores on an aircraft or vessel proceeding to a foreign port either directly or indirectly;

"foreign port" means any place beyond the territorial limits of Malaŵi;

"goods" includes all wares, articles, merchandise, currency, baggage, stores, conveyances, animals, matter or things of any description;

"goods in transit" means goods imported for the sole purpose of being exported after transportation through or transshipment in Malaŵi;

"goods grown or produced" does not include goods which have been subjected to any process of manufacture;

"import" means to bring or cause to be brought into Malaŵi by any means;

"imported by" means importations by or on behalf of a person and clearances of imported goods out of a bonded warehouse by or on behalf of a person;

"licensed private siding" means any place licensed as such under section 10;

"manufacturer" means any person who manufactures goods and includes any person selling or otherwise dealing in goods manufactured by a manufacturer and who is associated with the manufacturer;

"master" in respect of—

- (a) a vessel means the person, other than a pilot or harbour-master, for the time being having or taking control, charge or command of such vessel;
- (b) an aircraft means the person for the time being having or taking control, charge or command of such aircraft;

"merchandise" means goods for sale, resale, barter, exchange or for any other commercial or industrial transaction or use, or being the subject of any mercantile transaction;

"officer" means any person upon whom the powers and duties of an officer are conferred or imposed under section 7;

"owner" in relation to—

- (a) a conveyance, includes any authorized agent of the owner, or any person who receives freight or other charges payable in respect of such conveyance and includes the master or person in charge of such conveyance;
- (b) goods, includes any person (other than an officer acting in his official capacity) being or holding himself out to be the owner, importer, exporter, consignee, authorized agent, or in possession of, or beneficially interested in or having control of or power of disposition over, the goods;

"package" means any container, wrapping or outer cover and its contents, or any bundle or single piece where the goods are not packed;

"person" includes a partnership of two or more persons properly constituted under any written law;

"person in charge" in respect of a vehicle means the driver or person having control of such vehicle;

25 of 1988

L.R.O. 1/2003

"place" includes any building, premises, structure or area of land or water;

"port" other than a foreign port, means any place appointed as such under section 8, and includes any customs airport;

"port of exportation" in relation to goods or a person means the port from which such goods are exported or such person departs to a foreign port;

"port of importation" in relation to goods or a person means the port where such goods are imported or such person arrives from a foreign port;

"postal article" means any letter, post card, newspaper, book, document, pamphlet, pattern, sample packet, small packet, parcel, package or other article in course of transmission by post;

"post office" means the Department of Posts and Telecommunications;

30 of 1969

"prohibited goods" means any goods the importation or exportation of which is prohibited by or under the customs laws, and includes any restricted goods imported or exported otherwise than in accordance with any conditions imposed under the customs laws;

"proper officer" in relation to any power or duty under the customs laws, means any officer who by instruction, or with the concurrence, of the Controller exercises or performs that power of duty;

"quantity" includes capacity and measures;

"rate of duty" includes free of duty;

"restricted goods" means any goods the importation or exportation of which is prohibited save in accordance with any conditions imposed under the customs laws;

"revenue" means any amounts collectable by the Department in accordance with customs laws;

"rewarehousing" means the removal of goods from one bonded warehouse to another;

5 of 1972

"smuggling" means the importation or exportation, or the loading onto or unloading from any conveyance, or the diversion for consumption, of any goods subject to customs control with intent either to defraud the Government of any duty payable thereon or to evade any of the provisions of the customs laws;

"specified country" means a country specified by the Minister for the purposes of section 89;

"still" includes any distilling apparatus and any part thereof;

"stores" means stores of or for an aircraft or vessel;

"surety" means any person who accepts legal responsibility for the financial consequences of the non-fulfilment of another's obligations under the customs laws;

"tariff" means one of the tariffs prescribed by the Minister under section 83;

"temporary store" means any place appointed as such under section 9;

"train" includes every rail unit whether alone or not and whether self-propelled or otherwise;

"uncustomed goods" means dutiable goods and any goods, whether dutiable or not, which are in any way dealt with contrary to the provisions of the customs laws;

"vehicle" means any train, motor car, van, lorry, trailer, cart, car, bicycle, animal or other similar means of conveyance drawn or propelled along or under the ground whether by direct or transmitted mechanical, electrical or animal power, and any such means of conveyance drawn or propelled through the air by means of, or along, an overhead cable or rail or other such system, whether by direct or transmitted mechanical, electrical or animal power, and includes the equipment, furnishings, harness, tackle and fittings thereof, but does not include an aircraft or vessel, except any such aircraft or vessel adapted for use on land while it is being so used; 10 of 1995

"vessel" means any ship, boat or craft of any description used in water navigation whether self-propelled or otherwise and includes the equipment, furnishings, tackle and fittings thereof;

"warehoused" means deposited in a bonded warehouse with the authority of the owner of the warehouse or the person in charge thereof.

3. Goods subject to customs control include the following—

Goods subject
to customs
control

- (a) all imported goods (whether imported temporarily or otherwise) from the time of importation, and all excisable goods, until they are accounted for to the satisfaction of the proper officer;
- (b) all conveyances within Malaŵi—
 - (i) from the time of importation, until released from customs control by the proper officer;

- (ii) proceeding to a foreign port from anywhere within Malaŵi, until exportation; or
- (iii) carrying goods subject to customs control;
- (c) all goods under drawback from the time of their entry for exportation until exportation;
- (d) all goods entered under rebate of duty, until the conditions under which such rebate was granted are fulfilled;
- (e) all goods being exported, and all goods intended for exportation from the time they are accepted for carriage for exportation, until duly exported;
- (f) all uncustomed goods;
- (g) all goods which are under embargo, which are seized, forfeited or abandoned, or which are in a state warehouse.

4. —(1) The time of importation of any goods shall be the time at which such goods cross the border into Malaŵi.

Time of
importation and
exportation

(2) The time of exportation of any goods shall be the time at which such goods cross the border out of Malaŵi.

5. For the purposes of the customs laws, goods shall be deemed to be entered when the appropriate declaration is presented in accordance and in compliance with the customs laws and is accepted and, if appropriate, signed by the proper officer, and when any duty due in respect of such goods has been paid or security has been accepted for the compliance with the provisions of the customs laws by the proper officer, or where such security has been waived by the proper officer in such case as he thinks fit.

Entered goods

5 of 1972

PART II Administration

6. There shall be appointed a Controller of Customs and Excise who shall, subject to any written law relating to the public service, and to the special and general directions of the Minister, be in charge of the Department and shall be responsible for—

Appointment
and Controller

- (a) the administration of the customs laws;
- (b) the collection of and accounting for revenue; and
- (c) the administration of the Department and the persons employed therein.

7. —(1) Except where otherwise specifically provided, where under the customs laws any power or duty is conferred or imposed on the Controller then, subject to such conditions as he may specify, the Controller may delegate to any person on whom the powers and duties of an officer are conferred or imposed under subsection (2) the exercise of such power or the performance of such duty and thereupon from the date specified by the Controller the person to whom the delegation is made shall have and may exercise such powers and shall perform such duties subject to any such conditions.

Delegation

(2) The Controller may, subject to the consent of the Minister and to such conditions as the Minister may decide, confer or impose any power or duty of an officer under the customs laws upon—

- (a) any public officer or class of public officers, whether or not an officer or class of officers of the Department;
- (b) any police officer;
- (c) any person, not being a public officer, who has consented thereto.

Prescriptions
and
appointments
by Minister

8.—(1) The Minister may prescribe—

- (a) ports at or through which goods shall be imported or exported;
- (b) ports known as customs airports at which aircraft from foreign ports shall land, from which aircraft leaving for foreign ports shall depart, and through which goods shall be imported or exported by air;
- (c) roads or routes over which goods subject to customs control shall be conveyed to or from a particular port;
- (d) customs offices for the collection of the revenue and the general administration of the customs laws;
- (e) the hours during which goods shall not be imported or exported without the special permission in writing of a proper officer;
- (f) generally or in particular the places at which goods shall be entered.

(2) The Minister may, in writing, appoint—

- (a) ports;
- (b) customs offices;
- (c) roads or routes,

for particular or limited purposes and for such periods as may be specified in the appointment.

(3) Any prescription or appointment made under this section shall be subject to such conditions as the Minister may specify.

Appointments
by Controller
20 of 1975

9. The Controller may appoint—

- (a) boarding stations for conveyances arriving at or departing from any port or place for the purpose of boarding by or disembarkation of officers;
- (b) temporary stores for the deposit of goods subject to customs control;
- (c) customs warehouses for the deposit of unentered, unexamined, detained, abandoned, seized or forfeited goods for the security thereof or of the duties due thereon;
- (d) approved wharves for the loading and unloading of goods subject to customs control;
- (e) places at any port for the landing or embarkation of persons or for the loading or unloading of goods subject to customs control;

- (f) places for the examination of goods subject to customs control generally or any kind of such goods;
- (g) entrances and exits, whether general or special, to and from any customs area. 30 of 1969

10.—(1) The Controller may, on application—

Licensed
private sidings
and air freight
licensees

- (a) license places as licensed private sidings where imported goods subject to customs control may be delivered to the licensee:

Provided that no goods so delivered shall be unpacked, taken into stock, sold or otherwise disposed of except as permitted by the proper officer;

- (b) license any person as an air freight licensee for the purpose of removal and handling of goods imported by air freight and the collection of duties due thereon. 5 of 1972

(2) A licence issued under this section shall be subject to such conditions as the Controller may impose.

(3) The Controller may, without assigning any reason, refuse to issue any licence under this section, impose such further conditions to or authorize such exceptions from any such licence as he considers necessary, and may revoke or refuse to renew any such licence which has been issued.

(4) An applicant or licensee shall furnish such security as the Controller thinks appropriate for the protection of the revenue and compliance with the customs laws in respect of goods delivered or removed in accordance with any licence issued under this section.

(5) An applicant or licensee shall pay such fee, not exceeding fifty pounds, as may be prescribed, and every licence shall expire on the 31st day of December next following the date of issue.

11.—(1) The owner or occupier of any customs area licensed, appointed or approved under the customs laws shall provide such facilities for the examination and taking account of goods as the Controller may require.

Conditions
in respect of
customs areas

(2) Any customs area licensed, appointed or approved under the customs laws shall be subject to the following general conditions and such other conditions including the provision of suitable office, sanitary and lavatory accommodation and services therefor as the Controller may impose—

- (a) no person or conveyance shall enter or leave, and no goods shall be brought into or taken out of, a customs area otherwise than through an entrance or exit so appointed under section 9 (g) or in accordance with the written permission of the proper officer;
- (b) any person or conveyance entering or leaving, and all goods which are being brought into or taken out of, a customs area may be detained by an officer for the purpose of search or examination;

- (c) no person shall enter into any part of a customs area contrary to any sign or notice clearly displayed or the direction of an officer, nor shall any person remain in a customs area or any part thereof, when requested by an officer to leave;
- (d) the master or person in charge of any conveyance which is within or is entering or leaving a customs area shall, when so requested by any sign or notice clearly displayed or by an officer by word or signal, cause such conveyance to stop for the purpose of search and examination, and no person shall cause the vehicle to be set in motion again until so permitted by the proper officer.

Hours of
service

12.—(1) The working days and hours for service of the public shall be such as may be prescribed.

(2) Where any person requests the attendance of an officer outside the hours for service of the public such request shall be dealt with in accordance with such conditions and upon the payment of such fees as may be prescribed.

PART III General Powers of Officers

Powers in
respect of
persons
5 of 1972

13.—(1) An officer may in the course of his duty put such questions to any person entering or leaving Malaŵi or to any person whom the officer has reasonable grounds to suspect of being in possession of or harbouring or knowing the whereabouts of any goods subject to customs control or being in possession of information on any subject into which it is such officer's duty to enquire, as may be necessary for obtaining all information required under the customs laws, and such person shall then and there, or at a time and place specified by such officer, fully and truthfully answer all questions put to him by such officer, to the best of his knowledge and belief.

(2) An officer may in the course of his duty stop and search or cause to be searched any person, including any person within or upon any conveyance, whom the officer has reasonable grounds to suspect of having in his possession or secreted about him any goods subject to customs control:

Provided that—

- (a) before being searched, such person may demand to be taken before the senior officer at that place who may, at his discretion, discharge such person or direct that he be searched;
- (b) a female shall be searched only by a female;
- (c) any such search shall be carried out in private.

(3) An officer may in the course of his duty require from any person the production then and there, or at a time and place specified by such officer, of any book, document or thing which is

required under the customs laws to be kept or exhibited and which is in the possession or custody or under the control of such person, and may require such person to explain any entry therein.

14.—(1) An officer may in the course of his duty require the owner of any package containing or reasonably suspected of containing any goods subject to customs control to open such package and such officer may examine, weigh, measure, mark or seal the package or any of the goods contained therein and such owner shall not in any manner dispose of or remove any such package or goods until they have been released by the proper officer.

Powers in
respect of
packages

(2) An officer may, in the absence of the owner of any such package mentioned in subsection (1), open and examine, weigh, measure, mark or seal such package or any of the goods contained therein:

Provided that, except in the case of a postal article or any package imported or to be exported by air freight, the officer shall not exercise the power conferred by this subsection until all reasonable efforts have been made to ascertain the whereabouts of the owner and to afford him, unless he is reasonably believed by the officer to have absconded, an opportunity to appear before the officer and to open the package concerned.

15.—(1) The proper officer may in the course of his duty—

Powers of
entry, etc., of
proper officers
11 of 2003

- (a) enter any customs area or any place used for the reception or storage of goods in use for or intended for trade or of documents or computer records and other electronic data relating to such goods, or any place in respect of which a search warrant has been issued, supervise any operations therein and carry out such examination and inquiry as he considers necessary and lock, seal or otherwise secure any part of such area or place or any goods there found for so long as he deems fit;
- (b) take with him into such area or place any number of assistants or police officers as he may reasonably consider necessary;
- (c) examine and make extracts from and copies of any book, document or computer records and other electronic data or thing which is required under the customs laws to be kept or exhibited in such area or place or which in his opinion may afford evidence of an offence under the customs laws;
- (d) seize such books, documents or computer records and other electronic data or things as in his opinion may afford evidence of an offence under the customs laws;
- (e) station immediately outside or close to any place where uncustomed goods or books, documents or computer records and other electronic data or things relating to uncustomed goods are suspected to be stored or kept, any

L.R.O. 1/2010

officer or police officer as the officer may consider necessary for ensuring that no such goods or documents are removed therefrom until such time as the officer returns with a search warrant to enter the place.

(2) Any person who is in occupation, ownership, or control of any customs area or any such place as is referred to in subsection (1)(a) and every person employed by him shall at all reasonable times furnish such facilities as are required by an officer for entering such place in the course of his duty and for the exercise of the powers conferred by subsection (1).

(3) If an officer, having identified himself, and declared his official capacity and purpose, and having demanded admission into any place and having produced a search warrant when the circumstances so require, is not immediately admitted thereto, he and any person assisting him may at any time open or break open any door or window or break through any wall on such place for the purpose of entry and search:

Provided that no such entry and search may be made during the hours of darkness except in the presence of a police officer.

(4) For the purpose of any search under this section, if any part of the place or any safe, chest, box or package is locked or otherwise secured and the keys thereof or other means of opening it are not produced upon demand, an officer and any person assisting him may open or break open such part, safe, chest, box or package in such manner as he may think appropriate.

Powers in
respect of
conveyances,
etc.
5 of 1972

16.—(1) An officer may in the course of his duty—

- (a) stop, enter and search any aircraft or vehicle arriving from or being about to depart to a foreign port, or any aircraft or vehicle within Malaŵi which he reasonably suspects may be carrying imported goods or goods to be exported;
- (b) stop, board and search any vessel within Malaŵi.

(2) The master or the person in charge of a conveyance shall cause his conveyance to stop and remain stationary for such period as an officer may require for the purposes of subsection (1).

(3) The proper officer may station an officer on or in the vicinity of any conveyance while such conveyance is within Malaŵi and the master of any aircraft or vessel and the person in charge of any train upon or in the vicinity of which an officer is so stationed shall provide for such officer such accommodation and board as the Controller may reasonably require.

(4) The proper officer shall, in the course of his duty on a vessel or vehicle, be entitled to travel free of charge as a passenger of such class as the Controller may direct.

(5) The proper officer may stay on board any conveyance for so long as he deems necessary for the proper performance of his duties, and such officer—

- (a) shall have free access to and the right to search every part of the conveyance and to examine all goods on board;
- (b) shall have power to fasten down hatchways, doors and other openings, to lock up, seal, mark or otherwise secure any radio communications equipment, rooms, compartments, doors, windows or other openings and any packages or goods, including personal property on board; and
- (c) for the purposes of the examination or security of any goods, may require such goods to be unloaded, or removed, at the expense of the owner of such conveyance.

(6) An officer, in the course of his duty, who is unable to obtain free access to any part or place of a conveyance or to any package therein, may enter such part or place or open or break open such package in such manner as he thinks appropriate if the keys thereto or other means of opening such part, place or package are not produced on demand:

Provided that in the case of a part or place in an aircraft or vessel, force may be used only in the presence of a qualified pilot or engineer of an aircraft or the master or qualified officer or engineer of a vessel.

(7) The Controller may establish customs barriers on any road or route for the control of imports and exports.

17.—(1) An officer in the course of his duty, and any person assisting him, may enter upon, patrol and pass freely within any place other than a building. Power to patrol freely

(2) An officer in charge of any conveyance employed in the prevention of smuggling, may take such conveyance to such place as he considers most convenient for that purpose and may there keep such conveyance for such time as he considers necessary for that purpose.

18. An officer may at any time take and retain, without payment, samples of any goods for examination or for ascertaining the duties payable thereon or for such other purposes as the Controller may consider necessary and any such samples shall be dealt with and accounted for in such manner as the Controller may direct: Power to take samples

Provided that any sample so taken shall be of the minimum quantity considered by the officer to be adequate for the purpose and shall, whenever possible, be returned to the owner.

19.—(1) An officer or a police officer may, if he has reasonable grounds to believe that any person is committing, or has committed, or is connected with the commission of any offence under the customs laws, arrest such person, and may, for such purpose, use all reasonable force. Power of arrest

L.R.O. 1/1973

(2) An officer or police officer making any arrest in accordance with the customs laws may, where necessary, call upon any other person to assist him.

(3) A person arrested under this section shall forthwith be taken before a magistrate, or to a police station, to be dealt with according to law.

(4) Nothing in this section shall prejudice the power of a police officer to arrest any person for an offence against the customs laws which is cognizable to the police under any other written law.

Damage to
premises etc.
resulting from
exercising of
powers

20.—(1) If the exercise of powers under this Part reveals no breach of the customs laws, any physical damage done by an officer, police officer or other person properly assisting him, in respect of persons, goods or premises, resulting from the exercise of such powers shall be made good at the expense of the Department, unless such damage was caused by or attributed to the

obstruction of or the failure on the part of the person concerned to comply with the directions given by the proper officer, police officer or other person.

(2) An action shall lie against the Controller for any damages allowable under subsection (1).

PART IV Importation

21.—(1) Subject to subsection (2) no goods shall be imported contrary to the provisions of any written law prohibiting or restricting the importation of such goods. Prohibited and restricted imports

(2) The Minister may authorize the importation of any prohibited or restricted goods for the purpose of scientific investigation or study or for use as evidence in any judicial proceedings or for any other similar purpose.

(3) Save as may be otherwise provided in the customs laws the provisions of this Act relating to prohibited goods and restricted goods shall not apply to goods in transit provided that such goods are duly exported.

22. Except as provided in section 170 the master of every aircraft or vessel arriving from a foreign port— Arrival of aircraft and vessels

- (a) shall not, except with the prior permission of the Controller, cause or permit such aircraft or vessel to land or touch at any place within Malaŵi other than a port approved for such purpose;
- (b) shall, on arrival at any port, as quickly as conditions of such port permit, and without landing or touching at any other place, cause his aircraft or vessel to stop at the boarding station appointed for such port or, if no boarding station has been appointed, at an approved wharf;
- (c) shall, if required by the proper officer, disembark from such aircraft or vessel all passengers and their baggage for examination;
- (d) shall not, after arriving at such boarding station, or approved wharf, cause or permit such aircraft or vessel to depart therefrom except with the approval of the proper officer.

23. Except with the permission of the proper officer no person other than a pilot, harbour master, health officer or other public officer in the exercise of his duties— Boarding of aircraft or vessels

- (a) shall board any aircraft which has arrived in Malaŵi from a foreign port until a declaration has been made in accordance with section 24 and the proper officer has carried out such examination of the aircraft and any goods contained therein as he considers necessary;

	<ul style="list-style-type: none"> (b) shall board any aircraft which is carrying goods or passengers in transit through Malaŵi while such aircraft remains in Malaŵi; or (c) shall board any vessel before the proper officer.
Declaration of master	<p>24. Within three hours after the arrival in Malaŵi of any aircraft from any foreign port or within twenty-four hours after the arrival in Malaŵi of any vessel from any foreign port (or within such further period or periods after such arrival as the Controller may allow) and before the unloading of any goods from such aircraft or vessel, the master or agent of such aircraft or vessel shall, except as provided in section 25 or section 170—</p> <ul style="list-style-type: none"> (a) make a declaration to the proper officer in such manner and form as may be prescribed in respect of such aircraft or vessel and of the cargo and stores aboard; and (b) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer.
Controller may dispense with declaration	<p>25. When an aircraft or vessel arrives at a port and proceeds directly to another port without calling at a foreign port the Controller may, subject to such conditions as he may impose, dispense with the declaration or any part thereof at any port or approved wharf other than the first port of arrival.</p>
Retention and unloading of cargo	<p>26. The master of any aircraft or vessel at a port may not, without the prior permission of the proper officer and in accordance with such conditions as he may impose, retain on board any cargo consigned to that port or unload at that port any cargo not consigned thereto.</p>
Arrival of trains 11 of 2003	<p>27. The person in charge of any train shall, upon arrival in a port and before unloading or in any way disposing of any goods subject to customs control, report his arrival to the proper officer at such port, and shall produce to the proper officer such books and documents or computer records or other electronic data as may be prescribed.</p>
Arrival of vehicles other than trains	<p>28. The person in charge of any vehicle, other than a train, arriving from a foreign port, whether or not such vehicle is conveying goods—</p> <ul style="list-style-type: none"> (a) shall, before unloading or in any way disposing of such vehicle or any goods therein or disembarking any passenger— <ul style="list-style-type: none"> (i) proceed immediately to the nearest port prescribed for the declaration of goods on importation; (ii) report his arrival to the proper officer at such port; (iii) make a declaration to the proper officer in such manner and form as may be prescribed in respect of such vehicle and of the goods carried by such vehicle;

- (iv) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer;
- (b) shall not, after arriving at such port, cause or permit such vehicle to depart therefrom except with the approval of the proper officer.

29.—(1) Any person arriving from a foreign port, whether or not he has goods in his possession and before disposing of any goods which may be in his possession shall—

Arrival of
persons
11 of 2003

- (a) proceed immediately to the nearest port prescribed for the declaration of goods on importation;
- (b) report his arrival to the proper officer at such port;
- (c) make a declaration to the proper officer, in such manner and form as may be prescribed, in respect of any goods in his possession;
- (d) produce any relevant book or document or computer records and other electronic data and answer fully and truthfully any relevant question as may be required or put to him by an officer.

(2) No person arriving from a foreign port shall dispose of any goods in his possession until they have been released from customs control by the proper officer.

(3) The Controller may, subject to such conditions as he may impose, exempt any person or class of persons from any of the provisions of this section.

30.—(1) All goods declared under this Part or shown in any document or computer records and other electronic data as having been consigned to Malaŵi from a foreign port shall be deemed to have been imported unless it is proved to the satisfaction of the proper officer that they were not imported.

Imported
goods
11 of 2003

(2) If the proper officer is satisfied that any imported dutiable goods are wrongly consigned or addressed to Malaŵi or have been imported through error or oversight of the owner of a conveyance, he may allow such goods to be exported without the payment of duty under such conditions as he may impose.

31. Save as otherwise provided in the customs laws, all goods imported, other than those removed into a licensed private siding, shall, upon being unloaded, be removed directly into—

Unloading and
removal of
goods
20 of 1975

- (a) a temporary store;
- (b) a customs warehouse; or
- (c) such other place as the proper officer may direct, and no goods shall be removed therefrom except with the authority of the proper officer.

32.—(1) Save as otherwise provided in the customs laws, the importer of any goods into Malaŵi shall, unless the Controller otherwise directs, cause entry of such goods to be effected at the

Entry of goods
5 of 1972
20 of 1975

L.R.O. 1/2010

place prescribed for such purpose or at such other place as the Controller may direct, within such period as may be prescribed.

(2) Save as otherwise provided in the customs laws, goods subject to the provisions of subsection (1) shall be entered for—

- (a) consumption;
- (b) temporary importation;
- (c) warehousing in a bonded warehouse;
- (d) carriage coastwise; or
- (e) transit.

(3) Declarations in respect of goods subject to the provisions of subsection (1) may be delivered to the proper officer prior to the arrival of the conveyance in which such goods are to be imported and in any such case the Controller may permit such goods to be entered before the arrival of such conveyance.

(4) Where any goods subject to the provisions of subsection (1) remain unentered at the expiration of the prescribed period, such goods shall, if the proper officer so requires, be removed to a customs warehouse or such other place as may be designated by him.

Exceptions
to removal
and entry
requirements

33. Notwithstanding the provisions of sections 31 and 32—

- (a) mail bags and postal articles in the course of transmission through the post may be unloaded and delivered to an officer of the post office without entry;
- (b) the proper officer may permit the unloading and delivery to the owner of any bullion, currency, coin, perishable goods and such other goods as the Controller may authorize, without entry, subject to an undertaking being given by such owner to furnish the necessary declaration within forty-eight hours, or such other period as the Controller may authorize, of the time of delivery.

Entry in
absence of
documents
20 of 1975

34.—(1) If, for lack of sufficient documents or information, the owner of any goods is unable to furnish full particulars of such goods, the proper officer may permit the owner to examine such goods.

(2) Upon such examination being made the proper officer may, upon the production of any import authorization, permit or other document by which the importation of such goods is authorized, allow the owner to declare and enter such goods if the proper officer is satisfied—

- (a) that the description and origin of the goods is correctly set out in the declaration;
- (b) in the case of goods liable to any duty *ad valorem*, that the value stated in the declaration is approximately correct;
- (c) in the case of goods liable to any other duty, that the weight, quantity, number, measurement, strength or other relevant specification stated in the declaration is approximately correct.

(3) Where any goods are entered in accordance with subsection (2), such entry may be effected under section 32, or provisional entry may be effected in such manner and form as may be prescribed.

(4) As a condition to any provisional entry the proper officer may require the owner to pay, in addition to the amount estimated as the duty for the purpose of making such provisional entry such further sum as the proper officer thinks fit; and such estimated duty and further sum shall be forfeited unless the owner within three months (or such further period not exceeding an additional three months as may be allowed by the proper officer) of the date of the provisional entry makes a supplementary declaration of all the goods included in such provisional entry.

(5) Where the owner makes a supplementary declaration under subsection (4), any claim for refund shall be made within one month from the date of such supplementary declaration.

(6) Where any goods are provisionally entered for warehousing under subsection (3), such goods shall not be cleared for consumption or for removal to another bonded warehouse until a supplementary declaration has been accepted and signed by the proper officer.

(7) Where the owner of any goods referred to under this section does not or is not permitted to enter such goods in accordance with subsection (3), then the proper officer shall cause such goods to be removed into a customs warehouse.

35. Without prejudice to the liability of the importer of goods to cause entry to be effected in accordance with section 32 (1), goods which have been imported by any conveyance shall also remain the responsibility of the owner of the importing conveyance, and such owner shall be responsible for compliance with the customs laws and liable for the duty on all such goods until such goods have been entered or otherwise accounted for to the satisfaction of the Controller.

Responsibility
for imported
goods and
duty
5 of 1972

36.—(1) Goods may only be entered for temporary importation if so permitted by the Controller in accordance with this section.

Temporary
importation

(2) Subject to the provisions of the customs laws the controller may, under such conditions (including a condition that the goods shall be re-exported) and for such period as he thinks fit, permit the temporary importation of goods for such purposes as he may approve.

5 of 1972

PART V Customs Warehouses

37. This Part shall not apply to abandoned or forfeited goods.

Application
of Part

38.—(1) Goods deposited in a customs warehouse shall be subject to such rent and other charges as may be prescribed:

Goods
deposited
in customs
warehouses
20 of 1975

L.R.O. 1/2015

Provided that the Controller may, having regard to the circumstances of such deposit—

- (i) instruct the proper officer to waive; or
- (ii) himself remit or refund,

the whole or any part of the rent payable or, as the case may be, paid on such goods.

(2) Subject to the provisions of this Part any goods deposited in a customs warehouse under the provisions of Part IV or Part VI may be entered by the owner within one month after deposit, or such further period as the proper officer may permit:

Provided that if any such goods are unsuitable for storage or are of a perishable or dangerous nature, or if the Controller considers that unless the goods are sold the proceeds will not be sufficient to cover the full duty and expenses of removal and sale he may direct that they be sold, without notice, in such manner as he may deem fit, as soon as possible after deposit in a customs warehouse.

(3) No goods shall be removed from any customs warehouse without the permission of the proper officer who shall satisfy himself that—

- (a) the person claiming such goods is lawfully entitled to them; and
- (b) all the relative provisions of the customs laws including payment of or security for any expenses, rent, carriage or other charges have been satisfied and carriage charges due to any carrier have been paid.

(4) If the proper officer authorizes or requires the removal of any goods from a customs warehouse, the owner shall remove such goods within such period as the proper officer may allow.

Sale of goods
20 of 1975

39.—(1) The Controller may cause any goods which are not entered within the period provided or sold under section 38 (2) or are not lawfully removed from a customs warehouse within the period allowed under section 38 (4) to be sold or resold by public auction or by tender after not less than one month's notice thereof being given in the *Gazette*.

(2) Where any goods are sold or resold under this section or section 38 (2), the proceeds of such sale shall be applied in discharge of—

- (a) the full duty;
- (b) the expenses of removal and sale;
- (c) carriage charges due to any carrier;
- (d) the rent and other charges due to the Department; and
- (e) rent and storage charges due to any carrier,

in that order, and any balance of the proceeds after making such payments shall, unless the Controller is satisfied that such goods were imported in contravention of any written law, be paid to the owner upon application by him.

(3) If the balance of the proceeds after making the payments referred to in paragraphs (a), (b) and (c) of subsection (2) is insufficient to make in full the payments referred to in paragraphs (d) and (e) thereof such balance shall be applied *pro rata* in making such last mentioned payments.

(4) No application under this section for payment of the proceeds or balance of proceeds of sale shall be accepted by the Controller unless submitted to him within six months of the date of such sale.

(5) Where any goods are subject to sale under this section and—

- (a) they cannot be sold;
- (b) the Controller considers that sale is unlikely to be effected within a reasonable time;
- (c) the Controller considers that the goods cannot be sold for a sum sufficient to cover the full duty and expenses of removal and sale; or
- (d) the Controller considers that the sale of the goods would be detrimental to the customs revenue or in contravention of any written law,

the goods may, without compensation, be appropriated to the Government, destroyed or disposed of in such manner as the Controller may direct.

40.—(1) Where under the customs laws any goods are required to be deposited in a customs warehouse, the proper officer may in his discretion decide that it is undesirable or inconvenient to deposit such goods in a customs warehouse and may direct that such goods remain in or be deposited in any other place, and thereupon such goods shall for all purposes be deemed to have been deposited in a customs warehouse from the time they were required to be so deposited.

Goods
deemed to be
in a customs
warehouse
20 of 1975

(2) Where any goods are deemed to have been deposited in a customs warehouse, such goods shall, in addition to the provisions of this Part, be subject to such expenses incurred in the security, guarding and removing of them as the Controller considers necessary.

PART VI Bonded Warehouses

41.—(1) The Controller may, on application, license any place as a bonded warehouse for the deposit and security of dutiable goods.

Licensing
of bonded
warehouses

(2) The Controller shall license every bonded warehouse as either—

- (a) a general bonded warehouse for the warehousing of dutiable goods generally; or
- (b) a private bonded warehouse for the warehousing of dutiable goods which are the property of the licensee only.

(3) A licence issued under this section shall be subject to such conditions as the Controller may impose.

(4) The Controller, without assigning a reason, may refuse to issue a licence under this section, may impose such further conditions to or authorize such exceptions from such licence as he considers necessary, or may revoke (on repayment of the *pro rata* proportion of any fee paid) or refuse to renew any such licence which has been issued.

(5) An applicant or licensee shall furnish such security as the Controller thinks appropriate for the protection of the revenue and compliance with the customs laws in respect of goods deposited or secured in accordance with any licence issued under this section.

(6) An applicant or licensee shall pay such fee as may be prescribed, not exceeding one hundred pounds, and every licence shall expire on the 31st day of December next following the date of issue.

Transfer of
licence

42. A bonded warehouse licence may, on application to the Controller, be transferred to apply to a different place approved by the Controller in accordance with section 41 and which is in the possession of the person to whom the licence has been issued, but no licence may be transferred from one person to another.

43.—(1) When the Controller revokes or refuses to renew any bonded warehouse licence he shall cause to be served by post on the licensee notice of such revocation or refusal and thereupon such service shall be deemed to be notice of such revocation or refusal to the owners of all goods warehoused therein.

Revocation or
non-renewal
of licences

(2) When any licensee proposes not to renew his licence in relation to any bonded warehouse, he shall cause thirty days notice of such intention to be given to the Controller and to the owners of all goods warehoused therein.

(3) Where the licence in respect of any bonded warehouse has been revoked or has expired, then, within such time as the Controller may direct, all goods warehoused therein shall be entered and delivered in accordance with the provisions of section 47, and where any goods have not been so entered and delivered the proper officer may cause such goods to be taken to a state warehouse and such goods shall thereupon be dealt with in accordance with the provisions of Part V.

44.—(1) The licensee of a bonded warehouse shall—

Licensees
to provide
facilities, and
keep records
etc.

- (a) provide such weights, scales, measures and other facilities for examining and taking account of goods and for securing them as the proper officer may reasonably require;
- (b) keep such records of all goods warehoused therein as the Controller may require and keep such records at all reasonable times available for examination by any officer;
- (c) stack and arrange the goods warehoused therein so as to permit reasonable access to and examination of every package at all times;
- (d) provide all necessary labour and materials for the storing, examining, packing, marking, coopering, weighing and taking stock of the goods warehoused therein whenever the proper officer so requires;
- (e) on request of the proper officer produce, subject to any allowable deficiencies, any goods deposited in such warehouse.

(2) Subject to any prescribed conditions or any directions of the Controller, the proper officer may direct in what part or division of a bonded warehouse and in what manner goods shall be deposited.

(3) The licensee of a bonded warehouse shall be liable for the duty in respect of all goods deposited therein and shall pay the duty forthwith in respect of all goods not produced in accordance with subsection (1) (e).

Entry for
warehousing

45.—(1) The importer of any dutiable goods on first importation and the manufacturer or purchaser of any goods liable to excise duty or surtax may enter such goods for warehousing in a bonded warehouse without prior payment of the duty or surtax, other than any dumping duty, thereon:

Provided that if the manufacturer or purchaser of excisable goods wishes to remove such goods from an excise warehouse to a bonded warehouse he shall so enter them prior to their removal from the excise warehouse.

(2) The proper officer may at any time take an account of any goods entered for warehousing and such account, or, if no such account has been taken, the entry for warehousing shall, subject to any allowable deficiencies, be the basis upon which the duties in respect of such goods shall be ascertained and paid.

(3) Where any goods entered for warehousing in a bonded warehouse (which are not subsequently entered for the purpose of removal from the warehouse) are not deposited forthwith, or within such time as the proper officer may permit, in the bonded warehouse for which they were entered, the proper officer may cause them to be so deposited at the expense of the licensee of such warehouse and the licensee of such warehouse shall, upon paying such expenses, have a lien on such goods for the cost involved.

(4) Notwithstanding the provisions of this Part the Controller may permit, subject to such conditions as he may impose, any goods or class of goods not liable to duty to be entered for warehousing in a bonded warehouse and may specify the period during which such goods may be so warehoused.

(5) When goods entered for warehousing in a bonded warehouse cease thereafter to be liable to duty by reason of an amendment to the customs laws in relation thereto or for any other lawful reason then, unless the Controller otherwise permits, the owner of such goods shall cause them forthwith to be duly entered and removed from the bonded warehouse.

Operations
in bonded
warehouse

46. The Controller may permit, subject to such conditions as he may impose—

- (a) spirits and wines in a bonded warehouse to be bottled from bulk stocks or to be broken down from greater to lesser strengths;
- (b) any goods in a bonded warehouse to be assembled, blended, mixed, converted, manipulated or manufactured wholly or partly from warehoused goods:

Provided that—

- (i) the provisions of this paragraph shall not apply if the finished products would be excisable goods; and

- (ii) where the finished product is entered for consumption, duty shall be paid upon any warehoused goods contained therein or consumed in such operations, and, when such duty is payable on value, the value of such goods as accepted at the time of entry for warehousing shall be their value for duty purposes.

47.—(1) Except in respect of goods which, in accordance with the customs laws, are destroyed, abandoned, seized, temporarily removed or removed to a customs warehouse all goods which have been entered for warehousing shall, prior to removal from the bonded warehouse, be entered for—

Entry of
warehoused
goods
20 of 1975
25 of 1988
3 of 1994

- (a) consumption;
(b) exportation; or
(c) rewarehousing.

(2) When any warehoused goods are entered for exportation or rewarehousing the proper officer may require the owner of the goods to give security in such amount, not being less than the duty payable on the goods, as he thinks fit and such security shall not be discharged until the goods have been exported or rewarehoused in accordance with the customs laws and such further conditions as the Controller deems desirable or until the duty payable on such goods has been paid in accordance with the customs laws.

(3) Where any goods remain in any bonded warehouse for a period of more than fourteen days, or such further period as the proper officer may allow in any particular case, after they have been entered for removal from such warehouse in accordance with subsection (1) such goods shall, unless the Controller otherwise directs, be removed to a customs warehouse;

(4) All warehoused goods which have not been entered for removal from a bonded warehouse in accordance with the provisions of this Part within six months of the date on which they were entered for warehousing shall be removed to a customs warehouse by the owner thereof:

25 of 1988
3 of 1994

Provided that the Controller may permit any particular kind of goods to be re-entered for warehousing after the initial period of six months for a further period, not exceeding six months, as he considers desirable.

48.—(1) An officer may permit—

Sampling of
warehoused
goods

- (a) the taking, subject to such conditions as may be prescribed, of samples of warehoused goods by the owner or importer of the goods; and
(b) the payment of duty on samples taken in terms of paragraph (a) to be deferred until the consignment of the records from which the samples were taken is entered for consumption or for exportation.

L.R.O. 1/2000

(2) The Controller may at his discretion remit the duty on samples taken in terms of subsection (1).

PART VII Carriage Coastwise

Carriage
coastwise

49.—(1) Except in such circumstances as the Controller may allow, goods subject to customs control may not be loaded on or unloaded from a coastwise aircraft or vessel at any place other than a port.

(2) Where any aircraft or vessel arrives from a foreign port or departs to a foreign port, the proper officer may permit such aircraft or vessel to carry goods from any port at which such aircraft or vessel calls to any other port within Malaŵi subject to the complete separation, to the satisfaction of the proper officer if he so requires, of such goods from the remainder of the cargo, if any, aboard such aircraft or vessel.

(3) All goods intended for carriage coastwise shall in addition to any other requirements under the customs laws be declared by the master or agent of the coastwise aircraft or vessel in the manner prescribed.

(4) Goods carried coastwise shall not be diverted for the consumption except in accordance with the customs laws.

PART VIII Exportation

Prohibited
and restricted
exports

50.—(1) Subject to subsection (2) no goods shall be exported contrary to the provisions of any written law prohibiting or restricting the exportation of such goods.

(2) The Minister may authorize the exportation of any prohibited or restricted goods for the purpose of scientific investigation or study or for use as evidence in any judicial proceedings or for any other similar purpose.

(3) This section shall not apply to goods in transit.

Entry for
exportation

51.—(1) No goods shall be exported or accepted for carriage for exportation until they have been entered for exportation at the place prescribed for such purpose or at such other place as the Controller may direct:

Provided that the Controller may authorize such exportation or acceptance, subject to subsequent entry, in such cases as he considers desirable.

(2) Upon entering goods for exportation, the owner of such goods shall—

- (a) make a declaration in such manner and form as may be prescribed;
- (b) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer.

(3) Notwithstanding the provisions of subsections (1) and (2), the Minister may prescribe goods, either generally or specifically, which may be exported without being entered.

52.—(1) No goods shall be put on board an aircraft or vessel for exportation except at a port or such other place as may be prescribed or may be approved by the proper officer.

Loading
of goods

(2) No person shall cause or permit any goods to be put on board an aircraft or vessel for exportation except with the prior permission of an officer.

(3) No goods which have been—

- (a) put on board an aircraft or vessel for exportation; or
- (b) loaded on any vehicle for exportation and entered for exportation,

shall, save with the permission of the proper officer and in accordance with such conditions as may be imposed, be unloaded or removed at any place within Malawi.

53.—(1) Where any goods entered for exportation are not exported in accordance with such entry the owner thereof shall forthwith notify the proper officer, who may direct that the goods shall remain within, or shall be removed into, a customs area appointed by the proper officer and shall remain therein pending re-entry for exportation, such re-entry to be completed within 10 days or within such further period not exceeding 30 days as the proper officer may allow.

Failure to
export

(2) Where any goods entered for exportation are exported contrary to any provision of their entry for exportation, the owner shall forthwith notify the proper officer.

54.—(1) The master of any aircraft or vessel shall not, except with the prior permission of the Controller, cause or permit his aircraft or vessel to depart to a foreign port except from a port approved for the exportation of goods by aircraft or vessels.

Departure of
aircraft and
vessels

(2) The master of every aircraft or vessel proceeding to a foreign port shall, prior to departure—

- (a) make a declaration to the proper officer in such manner and form as may be prescribed in respect of such aircraft or vessel and of the cargo and stores aboard;
- (b) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer;
- (c) obtain outward clearance for the intended voyage from the proper officer.

(3) If an aircraft or vessel in respect of which outward clearance has been issued does not depart within thirty-six hours of the time when the clearance was issued, or within such further period as the proper officer may allow, such clearance shall lapse and the master shall, before the aircraft or vessel departs to a foreign port, obtain a new outward clearance.

Departure of
vehicles and
persons

55.—(1) Before crossing the frontier the person in charge of any vehicle departing overland to a foreign port shall, unless the Controller has granted prior permission to the contrary—

- (a) report his intended departure to the proper officer at the nearest port to the point of departure from Malaŵi;
- (b) make a full declaration in such manner and form as may be prescribed in respect of such vehicle and any goods on board;
- (c) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer;
- (d) not cause such vehicle to be removed from such port except with the prior permission of the proper officer and in accordance with any conditions he may impose.

(2) Every person shall, before departure to a foreign port, report to an officer and declare all goods in his possession which he proposes to export, produce all such goods for examination, and produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer.

Procedure to
a foreign port

56. The master or person in charge of any conveyance shall not, after departure to a foreign port, cause or permit such conveyance to land, touch or enter at any place within Malaŵi except in accordance with the customs laws.

57. For the purposes of the customs laws, the entry of goods for exportation, the loading, taking or placing of any goods upon a conveyance which is about to leave Malaŵi or has other goods in it which are to be exported, the handing of any goods to any carrier or transport company or to the master or owner of a vessel or aircraft for the purpose of exportation or the placing in the post of a package addressed to a place outside Malaŵi, shall be deemed to be an attempt to export.

Attempts
to export

PART IX Stores

58.—(1) The owner of goods which are for use as stores on an aircraft or vessel proceeding to a foreign port, either directly or indirectly, shall cause such goods to be entered before departure:

Entry of
goods for use
as stores

Provided that imported goods remaining on board any aircraft or vessel for use as stores shall not be entered unless an officer so requires.

(2) Officers shall not allow goods for use as stores to be entered unless they are satisfied, from the intended duration of the flight or voyage and the number of passengers and crew to be carried, that it is appropriate to allow such goods to be so entered.

59. The proper officer may permit surplus stores to be entered for warehousing for future use as stores even if they are prohibited or restricted goods.

Surplus stores

PART X Transit

60.—(1) Except as otherwise provided, all goods in transit shall, on importation, be entered for transit by the owner.

Goods in
Transit

(2) All goods in transit shall be exported within such time as the proper officer may allow, not exceeding two months from the date of their importation or such further period as the Controller may allow.

30 of 1969

(3) Goods in transit shall not be diverted for consumption or warehousing without the prior written authority of the Controller or the proper officer and, if such authority is granted, such goods shall be so re-entered forthwith by the owner.

61. Subject to such conditions as the Controller may impose goods imported on any conveyance which are intended to remain in and do remain in that conveyance may, subject to the approval of the proper officer, pass through Malaŵi without entry and be deemed to be goods in transit.

Transit
without entry

Security
for goods
in transit

62.—(1) The owner of any goods in transit shall give security in such sum as the proper officer may require for the protection of the revenue and compliance with the customs laws in respect of such goods. Such security shall not be released until evidence has been produced to the satisfaction of the Controller that such goods have been duly exported. Upon failure to give such security, such goods shall be unloaded and removed into a customs area appointed by the proper officer and shall be dealt with in accordance with the provisions of Part IV.

(2) Notwithstanding the provisions of subsection (1) the proper officer may, in his discretion, dispense with security in respect of goods in transit which are to be conveyed through Malaŵi in such manner that the whole of such goods can be locked or sealed by an officer within a conveyance so that no access to such goods can be had without opening or breaking such lock or seal, or in respect of goods in transit which, in the opinion of the proper officer, will otherwise be secure from unauthorized access.

PART XI Excise Management

Minister
may make
regulations

63. The Minister may make regulations providing for—

- (a) the manufacture and disposal of excisable goods;
- (b) the materials which may, or may not, be used in such manufacture;
- (c) the type, fitting, pattern, installation and placement of all premises, machinery, utensils, pipes and receptacles used in such manufacture;
- (d) notices which the holder of an excise licence must give to the proper officer in respect of his intended operations; and
- (e) the method of taking account of excisable goods, and different regulations may be made in respect of different excisable goods or in respect of different premises.

Excise
licences

64.—(1) Except as otherwise provided in the customs laws no person shall manufacture any excisable goods either in whole or in part unless authorized by, and in accordance with the conditions of, a valid excise licence issued by the Controller:

Provided that no such licence shall be required—

- (i) by a private individual in respect of excisable goods, other than spirits, manufactured by him for his own use or for the use of his family and not for sale or disposal for profit;
- (ii) by a person authorized by the Controller to manufacture excisable goods for experimental purposes and not for sale or disposal for profit subject to such conditions as the Controller may direct.

65.—(1) Every applicant for an excise licence shall make application in writing to the Controller and shall provide such information in respect of the application as the Controller may require, and the Controller may issue such licence or may refuse to issue such licence at his discretion.

Licences,
issue,
conditions,
etc.

(2) No excise licence shall be issued in respect of any premises until an appropriate entry of premises has been made.

(3) An excise licence shall specify the class or classes of excisable goods to which it refers.

(4) No excise licence shall be granted in respect of any premises which appear to the Controller from their situation or otherwise with reference to surrounding or adjacent buildings or places of business to be so constructed or arranged as to jeopardize the protection of the revenue.

(5) Every excise licence shall expire on the 31st day of December next following the date of issue and the licence fee for each excise licence shall be such sum, not exceeding two hundred Kwacha, as may be prescribed either generally or in respect of any excisable goods separately.

(6) Where any applicant includes or requires to be included in the entry of premises any premises which in the opinion of the Controller—

- (a) are remote from the premises where the main processes of manufacture are to be carried on; or
- (b) are separated from other entered premises by a distance which is such as to cause protection of the revenue to be difficult or less effective without special measures,

a separate excise licence in respect of each such premises shall be required.

(7) An excise licence may be transferred by the Controller to an approved successor of the licence holder under such conditions as the Controller deems fit.

(8) If the holder of an excise licence obtains the permission of the Controller to remove his business to other premises, such change of premises may be noted by the Controller on such licence after a new entry of premises has been submitted and accepted by the Controller in respect of the new premises.

(9) The Controller shall cause the serial number of every excise licence, the name and address of the licensee and the class of excisable goods such licensee is licensed to manufacture to be published in the *Gazette* at such intervals each year as may be expedient.

(10) If any licensee fails to carry out any duty imposed upon him by this Act or by any regulations made thereunder with respect to his premises or any security, buildings, appliances, stock books, returns or the like, or the mode of conducting his business, the Controller may,

after having given one month's notice in writing requiring the omission to be rectified or the irregularities to be corrected, and upon failure by the licensee to comply with the notice, declare in writing that the excise licence is suspended and therefore invalid, and such suspension shall continue until withdrawn by the Controller upon full compliance with the requirements of the law.

(11) If the requirements of the law are not complied with within a period to be specified by the Controller, he may cancel or refuse to renew the licence.

(12) If the Controller in his discretion refuses to issue any excise licence or refuses to renew any such licence or cancels any such licence the applicant or licensee, as the case may be, may appeal to the Minister against such action by the Controller and the decision of the Minister shall be final and shall not be questioned in any court.

Renewal of
licences
10 of 2014

65A.—(1) Upon expiry of his or her licence, a licensee shall immediately cease to manufacture any excisable goods, unless his or her licence has been renewed by the Controller in accordance with this Act.

(2) Any person who contravenes subsection (1) is guilty of an offence and, shall be liable to a fine of K200,000.

Entry of
premises, etc.

66.—(1) Every applicant for an excise licence shall deliver to the Controller an entry of premises in the prescribed form containing such information and accompanied by such plans as the Controller may require concerning the goods to be manufactured and the processes, premises and plant to be used.

(2) Unless he has obtained the written permission of the Controller, no holder of an excise licence shall carry on any business on his entered premises other than the business for which such licence was issued.

(3) No alterations shall be made to any entered premises or to the plant, machinery or apparatus therein except with the prior consent of the Controller.

(4) No room, plant, machinery or apparatus shall be used for the production or storage of excisable goods unless such room, plant, machinery or apparatus has been specified for that purpose in the appropriate entry of premises.

(5) The Controller may at any time require the holder of an excise licence to make a new entry of premises within such period as the Controller may direct.

(6) Except with the prior permission of the proper officer no plant, machinery, room or other part of entered premises shall be used for any purpose other than that specified for such plant, machinery, room or part in the entry of premises.

(7) All machinery, plant and utensils used in the manufacture or storage of excisable goods on entered premises shall be so

placed to the satisfaction of the Controller as to allow full examination by an officer at any time.

67. Every holder of an excise licence shall mark the rooms, stores, plant, equipment, vessels and warehouses referred to on his entry of premises in such manner as may be prescribed or as the Controller may direct and shall not remove, obliterate or erase such mark except with the consent of the proper officer.

Marking of
rooms etc.

68.—(1) Every holder of an excise licence shall provide free of charge such lighting, office and sanitary accommodation, equipment, assistance and other facilities as may be required by the Controller to enable officers to exercise their powers under the customs laws.

Accommodation
etc.

(2) If the Controller is satisfied that no suitable living accommodation can be found or provided for officers having control over any entered premises he may, as a condition for the grant of an excise licence, require the licensee to provide, to the satisfaction of the Controller, lodgings for those officers conveniently situated with respect to such premises but not forming part thereof or of the licensee's dwelling house at a rent to be agreed between the licensee and the Controller.

(3) If an applicant for or the holder of an excise licence—

- (a) fails to provide any facilities required by the Controller under subsection (1); or
- (b) fails to provide lodgings required by the Controller under subsection (2); or
- (c) fails to keep and maintain such lodgings in good repair; or
- (d) in any way interferes with the use and enjoyment of such lodgings by the officer residing therein,

the Controller may refuse to issue or renew or may suspend or cancel such excise licence.

69. Every applicant for an excise licence shall furnish such security, and in such amount, as the Controller considers appropriate as a condition to the grant of the excise licence; and such security shall be subject to such conditions for compliance with the customs laws as the Controller may specify either generally or in any particular case.

Excise bond

70. Every holder of an excise licence shall, if required by the Controller, have his name affixed in a conspicuous place on the outside of the entered premises in such form and manner as the Controller may direct.

Name of
licence holder
to be exhibited

Security of
buildings etc.

71.—(1) The Controller may require the holder of an excise licence to provide any store or room and to lock or secure any building, store room, place, still, utensil or fitting, or to provide and affix an approved meter to any receptacle or pipe on the entered premises and such licence holder shall, to the satisfaction of the proper officer, provide, affix, repair and renew all plugs, cocks, taps, covers, fastenings, and other requisites for the purpose of enabling officers to affix locks or seals thereto or otherwise to secure the same.

(2) If on any entered premises any meter, rod, lock, key or fitting is tampered with, damaged or broken and if any fastening or fitting used to affix a customs lock or seal is damaged or broken, the licence holder shall if the proper officer so directs forthwith repair or renew the article in question to the satisfaction of the proper officer.

(3) All keys or other means of opening any locks, doors or fastenings within the entered premises other than customs locks or fastenings shall be kept by the licensee in such secure place as shall be available for use by any officer in the course of his duty at any time he may deem fit.

Tables

72. For the purpose of calculating the full quantity of excisable goods produced on any entered premises, tables may be prescribed showing the quantity of such goods which shall be deemed to have been produced from a given quantity of material, or the quantity of fully manufactured goods which shall be deemed to have been produced from a given quantity of partly manufactured goods subject to such allowances as may be prescribed therewith.

Stores and
excise
warehouses

73.—(1) Every holder of an excise licence shall provide on his entered premises to the satisfaction of the Controller—

- (a) a store or stores where he shall deposit and store all materials for the manufacture of excisable goods;
- (b) a store or stores where he shall store all excisable goods in an intermediate stage of manufacture or process; and
- (c) an excise warehouse or excise warehouses where he shall store all finished products.

(2) The Controller may direct that only certain goods and no others may be stored in any of the stores or excise warehouses provided under subsection (1).

(3) Save as may be allowed by the proper officer no excisable goods may be stored on entered premises except in a store or warehouse provided under subsection (1).

(4) Save as may be allowed by the proper officer no excisable goods—

- (a) may be moved from a store or warehouse provided under subsection (1);
- (b) shall be removed from the entered premises except from an excise warehouse;
- (c) after removal from an excise warehouse shall be returned thereto.

(5) No holder of an excise licence shall store duty paid goods on his entered premises except in a store or place approved for that purpose by the Controller and subject to such conditions as the Controller may specify.

74.—(1) Except with the permission of the Controller, no holder of an excise licence shall have on his entered premises excisable goods other than those manufactured on such entered premises.

Prohibitions
in respect
of excisable
goods

(2) No person shall conceal, interfere with, or, without the permission of the proper officer, mix any other substance with, any excisable goods in any manner which may prevent the proper officer taking a true account thereof.

75.—(1) Subject to the provisions of this section, every holder of an excise licence shall keep a stock book or computer records in English to be written up legibly and clearly not less frequently than each working day, in such form as the Controller may approve and in as many copies as the Controller may require.

Stock books,
etc.
11 of 2003

(2) In each such stock book or computer records there shall be recorded in respect of each kind and each brand and each packing of excisable product separately, details of receipts into and disposals from the excise warehouse by reference to factory records and invoices respectively; and separate stock books or computer records may be kept if one is insufficient to include all the required details.

(3) Every person licensed to manufacture tobacco products shall keep an operations account legibly in English, in such form and in as many copies as the Controller may require and therein shall record not less frequently than each working day an accurate account by description and weight of all receipts of raw or leaf tobacco into the entered premises and all disposals thereof whether for manufacturing purposes on his premises or otherwise.

(4) Every holder of an excise licence shall, if required to do so by the Controller, keep such other books and records instead of, or in addition to, or supplemental to the stock book or computer records as the Controller may direct.

(5) Every stock book or computer records and such books as may be required under subsections (3) and (4) hereof shall be ruled

L.R.O. 1/2010

off, itemized, totalled, and balanced at the end of each month in such manner and to such extent as the Controller may direct and such copies of such sheets or pages as may have been used in that month as the Controller may require shall be transmitted to the Controller with the excise return for that month.

(6) Where the proper officer is satisfied that it is necessary for the purpose of securing the collection of duty, he may require any holder of an excise licence to produce forthwith to an officer any book or document whatsoever relating to his business.

(7) Every holder of an excise licence shall keep all books and records which may be required under the provisions of the customs laws on the entered premises to which such books and records refer, shall at all times keep them accessible to an officer for his inspection, and shall allow such officer at any time to inspect them or to make notes therefrom or copies thereof or to remove them if the officer considers it necessary to do so.

Liability to
excise duty

76.—(1) Subject to the provisions of this Act, excise duties shall be due and payable immediately upon the removal of excisable goods from the excise warehouse.

(2) For the avoidance of doubt, any goods liable to excise duty in a finished or semi-completed state and whereof the manufacture has begun shall from that time onwards be deemed to be excisable goods to be dealt with in accordance with the provisions of this Act and such goods shall not cease to be excisable goods if they are dealt with contrary to the provisions of this Act.

(3) When excisable goods are removed from an excise warehouse—

- (a) for exportation; or
- (b) for sale to a person entitled to purchase excisable goods at a reduced rate of duty; or
- (c) for removal into a bonded warehouse; or
- (d) for removal to other entered premises for further manufacture or for blending or packing,

such goods shall be recorded in all books, returns and documents as dutiable goods until such time as they have been duly accounted for to the satisfaction of the Controller.

(4) Any excisable goods except beer and spirits may be removed under prescribed conditions from one entered premises to another entered premises for the purpose of further manufacture and the duty on such goods shall, subject to any allowable deficiency, be paid at the time of and in addition to any other duty which may be payable on the finished product.

(5) Excisable goods of beer and spirits may be removed from one entered premises to another entered premises and from one part of entered premises to another part thereof only in accordance with prescribed conditions, or when no conditions are prescribed in accordance with such conditions as the Controller may deem fit and subject always to the provisions of this Act and in particular the liability for duty of such goods.

77. Unless the Controller directs to the contrary either generally or in any particular case or for any particular period of time, the payment of duty on excisable goods may be deferred for a period not exceeding twenty days from the end of each month in respect of disposals of excisable goods during that month and the duty on all such disposals during that month shall be paid to the Controller no later than the twentieth day of the succeeding month supported by—

Excise return
and payment
of excise duty

- (a) a correct and legible excise return and declaration in the prescribed form together with such additional copies thereof as may be required; and
- (b) the copies of the sheets or pages of the stock book and other records specified in section 75 (5),

in respect of the month to which the payment of duty refers.

77A.—(1) Subject to section 77, any person who manufactures, distributes or imports cigarettes shall, upon application in the prescribed form, affix a cigarette tax stamp, on to each individual purchase of cigarettes in such a manner as may be prescribed by the Commissioner General.

Cigarette tax
stamps
12 of 2008

(2) For the purposes of this section, "cigarette tax stamp" means such mark whether in electronic form or otherwise, as the Minister may, by order published in the *Gazette*, prescribe.

(3) Any person who contravenes subsection (1) commits an offence.

(4) The Commissioner General shall not grant an application for cigarette tax stamps to an applicant unless the Commissioner General is satisfied that—

- (a) the applicant is licensed under section 64; or
- (b) in the case of an importer or distributor, is duly registered for that purpose.

78. Subject to such conditions as the Controller may approve, a holder of an excise licence may take such samples from his products, at any stage of their manufacture, as may be necessary for the proper conduct of this business as a manufacturer of

Samples

excisable goods and the Controller may remit the duty on such samples.

Responsibility
for losses, etc.

79. No action shall lie against the Government or any officer or person in the employ of Government in respect of the loss of or damage to any excisable goods in entered premises, or in respect of any incorrect or improper delivery therefrom or thereto.

Procedure
upon
termination of
licence

80.—(1) If the holder of an excise licence intends to cease the manufacture of excisable goods he shall inform the Controller in writing of the date on which he will cease manufacture.

(2) A licensee shall cease manufacture—

- (a) on the date notified to the Controller under subsection (1); or
- (b) on the 31st day of December next following notification by the Controller that the licence will not be renewed; or
- (c) forthwith upon notification by the Controller that the licence is suspended or cancelled.

(3) Within one month of the cessation of manufacture under subsection (2) the licensee shall render to the proper officer a true and complete return, as required under section 77 of his transactions in excisable goods since his last monthly return and of his stock of excisable goods on hand, and shall with that return pay the duty on such excisable goods to the proper officer:

Provided that if a licence has been cancelled as a result of noncompliance by the licensee with the provisions of the customs laws the whole of the stock on hand at the time of cancellation shall be liable to forfeiture.

(4) If a licensee fails or neglects to render the return required under subsection (3) within the time allowed the proper officer may seize the stock of excisable goods on hand and may sell them and the proceeds of the sale shall be applied in accordance with section 39 (2) and (3).

(5) Nothing contained in this section shall be deemed to deprive the Government of any right it may have against the property of the estate of the manufacturer or those of its sureties in respect of any duty which may remain unpaid after such sale or forfeiture as provided for in this section, nor shall such sale or forfeiture relieve the manufacturer of liability to prosecution under this Act.

Keeping of
stills

81.—(1) The Controller may permit the keeping and using of a still or stills without licence—

- (a) for experiments in chemistry or experiments in the distillation of spirits; or

- (b) by persons carrying on trade or otherwise for the manufacture of any articles other than spirits.

(2) Every person permitted to keep a still under the provisions of this section shall conform to such conditions as the Controller may specify and shall receive a certificate of registration, which may be cancelled by the Controller on any failure to conform to such conditions.

(3) Any person other than a licensed distiller who imports or is found in possession of or uses a still for which he has no certificate of registration shall, for the purpose of this Act, be deemed to be a distiller and to distil spirits.

PART XII Duties

82. Subject to the provisions of the customs laws, there shall be charged, levied, collected and paid under this Act— Duties payable
3 of 1993

- (a) in respect of goods imported into or manufactured or produced in Malaŵi, surtax in accordance with the provisions of a surtax tariff prescribed by the Minister;
- (b) in respect of goods imported into or sold in Malaŵi dumping duties in accordance with the provisions of a dumping duties tariff prescribed by the Minister;
- (c) in respect of goods imported into Malaŵi, customs duties in accordance with the provisions of a customs tariff prescribed by the Minister;
- (d) in respect of imported goods and goods manufactured or produced in Malaŵi, excise duties in accordance with the provisions of an excise tariff prescribed by the Minister; 3 of 1993
and
- (e) in respect of goods manufactured or produced in Malaŵi, export duties in accordance with the provisions of an export duties tariff prescribed by the Minister. 5 of 1985
- (f) in respect of airtime, gaming and betting, including lotteries, excise duties in accordance with the provisions of an Excise Tariff prescribed by the Minister. 12 of 2008

83.—(1) The Minister may, subject to section 84, by order published in the Gazette, prescribe a surtax tariff, a dumping duties tariff, a customs tariff and excise tariff and an export duties tariff for the purposes of this Act, and may similarly amend any such tariff. Tariffs
prescribed
5 of 1985

(2) Until the Minister prescribes as tariff under subsection (1) the relevant tariff in force at the date of commencement of this Act shall be deemed to be the appropriate tariff prescribed under

subsection (1) and may be amended in like manner as though it were so prescribed.

Procedure for
prescribed
or amending
tariff

84.—(1) An order made under section 83 shall not be made retrospective and shall cease to be of effect upon the expiration of the period specified in subsection (2) unless approved by a resolution of the National Assembly passed in accordance with the conditions referred to in subsection (2).

(2) For the purposes of subsection (1) a resolution of the National Assembly approving an order made under section 83 shall be passed before the expiration of the period of 28 days from the date of commencement of such order:

Provided that—

- (a) if, before the expiration of the said period of 28 days the National Assembly is dissolved or is prorogued or adjourned for more than 7 days, such resolution shall be passed before the end of the next meeting of the National Assembly; or
 - (b) if, on the date of commencement of the order the National Assembly stands dissolved or is prorogued or adjourned, such resolution shall be passed before the expiration of the period of 28 days from the date of commencement of the next meeting of the National Assembly, or if the National Assembly is earlier dissolved or is earlier prorogued or adjourned for more than 7 days, then before the end of the next following meeting of the National Assembly.
- (3) Where an order ceases to be of effect under this section—
- (a) any person who has paid a new duty or increase of duty in accordance with such order shall, subject to the provisions of section 100, be entitled to a refund—
 - (i) in the case of such new duty, of the amount of such duty paid by him;
 - (ii) in the case of such increase of duty, of an amount of equal to the difference between the duty paid by him and the duty in force immediately before the date of commencement of such order;
 - (b) no payment by way of duty under-collected or duty not collected shall be required from any person in respect of goods properly entered at the reduced rate of duty during the period when the rate of duty was reduced in accordance with such order; and
 - (c) the amended provisions of the tariff or tariffs shall revert to those in force immediately before the date of commencement of such order.

85. The Minister may make regulations governing the manner in which complaints as to the dumping of goods shall be made and investigated and such regulations may provide, *inter alia*, that—

Investigations
as to dumping

- (a) the board or person charged with the investigation of a complaint as to dumping shall have any or all of the powers, rights, privileges and duties conferred upon a Commissioner by the Commissions of Inquiry Act, with or without modifications; and
- (b) any or all of the provisions of the Commissions of Inquiry Act shall apply to an inquiry held for the purpose of investigating a complaint referred to in paragraph (a) and to persons summoned to give evidence or giving evidence at such an inquiry.

Cap. 18:01
Cap. 18:01

86. Dumping duties shall be payable by the importer on the importation of the goods concerned except that in the case of sales dumping duty, such duty shall be payable by the seller of such goods within Malaŵi, and dumping duties shall be payable in addition to any other duty payable or paid on such goods:

Payment of
dumping
duties

Provided that where goods are imported under rebate of the ordinary duty for use in manufacture in Malaŵi no dumping duty shall be payable unless it is prescribed that the dumping duty shall apply to such goods.

87.—(1) When any duty is imposed or increased on any goods and such goods, in pursuance of a contract made before the duty or increased duty became payable, are thereafter delivered to and accepted by the purchaser, the seller of the goods may, in the absence of agreement to the contrary, recover from the purchaser as an addition to the contract price a sum equal to any amount paid by him by reason of the said duty or increase.

Seller under
contract may
recover any
increase and
purchaser may
deduct any
decrease of
duty

(2) Whenever any duty is withdrawn or decreased on any goods and such goods, in pursuance of a contract made before such withdrawal or decrease becomes effective are delivered thereafter, the purchaser of the goods may, in the absence of agreement to the contrary, if the seller has in respect of those goods had the benefit of the withdrawal or decrease, deduct from the contract price a sum equal to the said duty or decrease.

(3) The provisions of this section shall also apply to a contract for the hiring of any goods, and the words "seller" and "purchaser" shall be construed as including the person from whom and the person to whom the goods are hired.

(4) For the purposes of this section, "duty" includes any duty which was leviable immediately prior to the date of commencement of this Act.

Rate of duty in relation to time of importation, exportation or entry	<p>88. Unless otherwise provided under this Act—</p> <ul style="list-style-type: none"> (a) goods which are imported into Malaŵi other than goods referred to in paragraph (b) shall be liable to the rates of duty which are in force at the time when they are imported or at the time of the receipt by a proper officer of the declaration for the purpose of entry for consumption, whichever shall be the later, so, however, that in no case, except in the case of goods which are lawfully removed from a bonded warehouse, shall the rate of duty be less than that in force at the time of importation; (b) goods which are imported into Malaŵi by post, as air freight or in accompanied baggage shall be liable to the rates of duty applicable when such goods are presented to the proper officer for assessment of duty; and (c) goods which have been manufactured in Malaŵi shall be liable to the rates of duty which are applicable to those goods at the time when they are delivered for consumption or are used or otherwise disposed of by the manufacturer.
Rebates in respect of specified countries	<p>89. Subject to the provisions of sections 117 and 118, rebates of customs duties may be allowed in respect of goods imported into Malaŵi which have been grown, produced or manufactured in countries specified for the purpose in the customs tariff.</p>
Sellers of goods to produce proof of payment of duty	<p>90. Any person being in possession or control of imported goods or goods which are liable to duty under the provisions of this Act, and any person who offers for sale, exports, or attempts to export such goods or has such goods entered in his books or mentioned in any document referred to in section 167 shall, when requested by an officer so to do, produce proof as to the place and date of entry of the goods and that duty due thereon was paid. If he himself did not pay the duty or make entry of the goods, such person shall produce such evidence as the officer may require to enable him to discover the person who did make such entry and payment in respect of the goods.</p>
Short levy or erroneous refund 11 of 2003 8 of 2005	<p>91.—(1) Where any amount of duty has been underpaid or not paid, the person who should have paid such duty or the person in whose possession the goods in respect of which the underpayment was made shall pay such outstanding amount.</p> <p>(2) Where any amount of duty has been erroneously refunded, the person to whom the refund has erroneously been made shall repay the amount erroneously refunded.</p>
Liens and preferences 25 of 1988	<p>92. The correct amount of duty payable in respect of any goods or services shall, from the time when it should have been paid, constitute a debt due to the Government by the person concerned, and shall, at any time after it becomes due, be recoverable in court by proceedings in the name of the Controller, and any goods in a bonded warehouse or in the custody of the Department or any</p>

goods used or produced in the business concerned and belonging to that person, and any goods afterwards imported or entered for exportation by the person by whom the duty is due, shall, while still under the control of the Department, be subject to a lien for such debt and may be detained by the Department until such debt is paid, and the claims of the Government shall have priority over the claims of all persons upon the said goods of whatever nature and may be enforced by sale or other proceedings if the debt is not paid within three months after the date upon which it became due.

93.—(1) Subject to such conditions, including the payment of interest at the rate specified in subsection (2), the Controller may permit any fine imposed by him under this Act or any duty payable under customs laws, other than surtax payable under Part XIIA, to be paid by instalments of such amounts and at such times as he may determine.

Payment of
fines and duty
instalments
6 of 1987
25 of 1988

(2) The interest payable under subsection (1) shall be at a rate of three percentage points above the prevailing rate of interest paid by the Government on stock, bonds or promissory notes under section 26 of the Finance and Audit Act issued for a period of five years.

25 of 1988

Cap. 37:01

94. Notwithstanding the provisions of this Act—

Provisions
relating to
collection of
duties
40 of 1970

- (a) if the value for duty purposes of any goods is not an exact number of Kwacha, then, for the purposes of assessing the amount of duty payable, such value shall be calculated to the nearest Kwacha, fifty tambala being deemed to be less than one half of one Kwacha; and
- (b) the Controller may in his discretion remit the customs duty on any single consignment of goods where the total amount of such duty is less than ten tambala.

95.—(1) Subject to the production to the proper officer of satisfactory proof of origin and identity, goods grown, produced or manufactured in Malaŵi, exported therefrom and subsequently returned thereto shall—

Re-imports

- (a) in the case of dutiable goods originally lawfully exported without payment of duty or goods exported on drawback of that duty, be liable to the payment of such duty as may be applicable on similar goods grown, produced or manufactured in Malaŵi at the time of re-importation;

5 of 1972

- (b) in the case of other goods originally exported under drawback, be liable to an amount of duty equal to the amount of drawback paid or payable;
- (c) in the case of other goods, be admitted free of duty.

(2) Where any goods other than those provided for in subsection (1) are re-imported after having been exported from Malaŵi and the Controller is satisfied—

- (a) that any customs duty to which the goods were liable prior to their exportation was paid; and
- (b) that no drawback or other refund of such customs duty was paid or is payable on account of their exportation; and
- (c) that any conditions governing their original importation at a reduced rate of duty remain applicable; and
- (d) that, subject to any particular waiver by the Controller, the owner of such goods, prior to their exportation, gave notice thereof in writing to the proper officer and produced such goods for inspection by him at the port or place from which they were exported,

the goods shall be admitted free of duty.

(3) Notwithstanding the provisions of this section, any re-imported goods which were subjected to any process of repair, renovation or alteration while abroad shall be subject to any special conditions in relation thereto contained in the customs tariff.

96.—(1) The Minister may, by regulations made under section 175 and subject to such conditions as he may prescribe—

Suspensions,
rebates,
remissions
and refunds
of duty

- (a) suspend wholly or in part any of the duties appearing in any tariff;
- (b) grant a rebate, remission or refund of the duty otherwise payable, or already paid, on such goods, in such circumstances or to such classes of persons as he may specify,

and such suspension, rebate, remission or refund may be granted with retrospective effect.

(2) The Minister may by notice published in the *Gazette* withdraw any suspension, rebate, remission or refund of duty prescribed in terms of subsection (1):

Provided that such notice shall not be made retrospective.

(3) No duty shall be payable on goods imported or taken out of a bonded or excise warehouse for the use of the President, and a refund shall be made of any duty paid on goods acquired for the use of the President.

97. Where goods are exported from Malaŵi in accordance with this Act, drawback of any duty paid on such goods or on any materials used in the manufacture or processing of such goods in

Drawback

Malaŵi may be granted in accordance with and subject to such limitations and conditions as may be prescribed in regulations made under this Act.

Remission of
duty on goods
exported

98. Subject to compliance with the provisions of any security or undertaking required by the Controller in accordance with this Act, the duties otherwise payable shall be remitted on goods which are entered for

- (a) transit; or
- (b) temporary importation; or
- (c) exportation from a bonded warehouse or from entered premises,

where the Controller is satisfied that they have been duly exported.

Remission or
refund of duty
upon loss etc.
of goods

99.—(1) Where any goods subject to customs control, other than goods which are placed under embargo under section 149 or in respect of which an offence has been committed, are lost or destroyed by accident and the officer is satisfied—

- (a) that the goods did not go into consumption; and
- (b) that every reasonable effort was made and precaution taken to prevent their loss or destruction,

the Controller may, subject to such conditions as may be prescribed, remit or refund the duty payable or paid on such goods.

(2) Where any goods subject to Customs control, other than goods which are placed under embargo under section 149 or in respect of which an offence has been committed, are damaged by accident or other unavoidable cause and the officer is satisfied that every reasonable effort was made and precaution taken to prevent such damage the Controller may, subject to such conditions and limitations as may be prescribed, remit or refund such part of the duty otherwise payable or paid as he considers equitable in the circumstances.

(3) The Controller may, subject to compliance by the owner with such conditions as may be prescribed, grant a refund of duty paid on any goods which are imported under a firm contract of sale and which, after release from customs control, are found not to be in accordance with the terms of that contract in respect of their description, quality, state or condition and with the consent in writing of the owner and the foreign supplier—

- (a) are produced to an officer and destroyed under his supervision; or
- (b) are surrendered to the Controller to deal with as he thinks fit; or
- (c) are returned to the foreign supplier and on exportation are entered and produced to an officer as goods to which this subsection applies:

Provided that—

- (i) any refund granted shall be limited to that proportion of the duty paid which the credit or other allowance made by the supplier to the importer in respect of the defect bears to the price originally paid for the goods; and
- (ii) this section shall not apply where the goods have been put into use in Malaŵi, or are brought to the attention of an officer more than three months, or such further period as the Controller may in any particular case allow, after the payment of duty, or when such goods are imported on approval or on sale or return or on any similar terms.

(4) Subject to compliance by the owner with the provisions of this Act and any prescribed conditions, the Controller may remit or refund the duty payable or paid, in whole or in part, on any goods which are shown to his satisfaction to have been damaged, diminished or pilfered before importation.

100.—(1) No moneys paid to the Department shall be refunded except in accordance with the provisions of this Act or of any other written law authorizing the same.

Refund of
moneys paid
to Department

(2) If the Controller is satisfied that any person has paid moneys to the Department exceeding the amount properly due he shall authorize refund of the amount overpaid provided that application in the prescribed manner for such refund is received by an officer within six months of the date of such payment or within such further period as the Controller may in any particular case allow.

(3) No refund shall be granted in accordance with this section where the amount overpaid is less than ten tambala.

101.—(1) No refund of any cash deposited as security shall be granted unless—

Refund of
cash deposits

- (a) an application in the prescribed manner for such refund is received by the proper officer within the prescribed period; and
- (b) the applicant proves to the satisfaction of the Controller that he has complied with all of the provisions of this Act and of any conditions which were imposed in respect of the security.

(2) Any cash deposited as security and not refunded in accordance with subsection (1) shall be forfeited.

102. Subject to such conditions and limitations as may be prescribed, there shall be granted to the holder of an excise licence a refund of excise duty and surtax paid by him on any goods manufactured by him which, after being found defective or otherwise unsuitable for consumption—

Goods
returned for
destruction
or further
manufacture

- (a) are returned to his entered premises for destruction or for further manufacture and are so destroyed or taken into stock for further manufacture; or

- (b) are, with the approval of the Controller, destroyed at any other place under such conditions as the Controller may impose.

Deficiencies in goods subject to customs control

103.—(1) Subject to the provisions of the customs laws, where the Controller is satisfied that any deficiency in goods subject to customs control has been occasioned—

- (a) by natural wastage; or
- (b) in the course of, or by reason of, the process of manufacture or the storage or the manipulation of the goods; or
- (c) by accident or other similar cause,

and that the goods have not gone into consumption, that the deficiency is not excessive and that every reasonable effort was made and precaution taken to prevent it, he shall grant a refund or remission of the duty paid or payable in respect of such deficiency.

(2) Where any deficiency arises in any goods subject to customs control and the Controller is not satisfied in accordance with subsection (1) the owner shall, if the duty has not been paid on the goods, enter and pay duty in respect of such deficiency forthwith upon demand being made by the proper officer.

(3) Nothing in this section shall prejudice the right of the Controller to institute proceedings for any infringement of the customs laws which gave rise to any deficiency.

Surpluses in goods subject to customs control

104. Where any surplus is found in goods subject to customs control the owner shall forthwith upon demand being made by the proper officer enter and pay duty on so much of the surplus as is not accounted for to the satisfaction of the Controller:

Provided that nothing in this section shall prejudice the right of the Controller to institute proceedings for any infringement of the customs laws which gave rise to such surplus.

Destruction of goods subject to customs control

105. If the owner of any goods subject to customs control wishes to destroy such goods or any portion of them, the Controller may, upon written request by the owner, allow such destruction under the supervision of an officer and upon being satisfied that the goods concerned or any portion of them have been destroyed shall remit or refund the duty payable or paid on such goods, but without prejudice to the claim of duty on such portion of the goods as remain. If the destruction takes place in any place other than a customs area the owner shall pay such fees as may be prescribed in respect of the attendance of an officer.

106.—(1) Subject to the provisions of subsection (2) the provisions of any agreement concluded by the Government with the government of any other country whereby concessions are required to be allowed in respect of goods grown, produced or manufactured in or imported from such other country, may be brought into force by the Minister by notice published in the *Gazette* as from such date, which may be retrospective, as he may in such notice declare.

Bringing into force and publication of agreements

(2) Every agreement brought into force under the powers conferred by subsection (1) shall be published in the *Gazette* on or before the date on which the notice referred to in subsection (1) is so published.

(3) The Minister shall lay a copy of an agreement referred to in subsection (1) before the National Assembly—

- (a) in the case of an agreement concluded when the National Assembly is meeting, within twenty-eight days of the conclusion of the agreement or, if before the copy of the agreement is so laid the National Assembly is dissolved or is prorogued or adjourned for more than seven days, before the end of the next meeting of the National Assembly; and
- (b) in the case of an agreement concluded when the National Assembly is not meeting, within twenty-eight days of the next meeting of the National Assembly, or, if before the copy of the agreement is so laid the National Assembly is dissolved or is prorogued or adjourned for more than seven days, before the end of the next meeting of the National Assembly.

(4) The National Assembly may, before it is next dissolved or is next adjourned or prorogued for more than seven days, by resolution decline to approve an agreement a copy of which is laid before it in accordance with subsection (3) and may resolve that it shall cease to be of force from the day on which such resolution is approved. Otherwise, the agreement shall be of full force and effect.

107. Any suspension, rebate, remission or refund of customs duty granted in accordance with section 96 shall be extended to any corresponding special rate of duty which may be applicable under any agreement to goods grown, produced or manufactured in any particular country unless the Minister by notice published in the *Gazette* otherwise directs.

Duties under agreements may be suspended etc.

108. The provisions of any agreement brought into force in accordance with section 106 shall have force and effect notwithstanding anything inconsistent therewith contained elsewhere in the customs laws.

Agreements to prevail

Burden of proof in respect of claims	109. Where any claim is made for exemption from or suspension, drawback, rebate, remission or refund of any duty, fee or charge in accordance with the provisions of this Act, the burden of proof shall lie upon the claimant to show that he is entitled to such exemption, suspension, drawback, rebate, remission or refund.
Classification of goods	110.—(1) The interpretation of and classification of goods in any tariff shall be governed in accordance with any principles set out in such tariff. (2) Save as provided in Part XIV, if any practice relating to the interpretation or classification of any goods for the purpose of the liability to duty is altered with the result that less duty is thereafter charged on goods of the same class or description, no person shall thereby become entitled to any refund of any duty paid before such alteration took place.
25 of 1988 14 of 2001	PART XIIA Surtax [Sections 110A-110R repealed by section 65 of the Surtax Act, Cap.42:02] PART XIII Value, Quantity and Origin
Value of imported goods 25 of 1988	111.—(1) The proper officer may value or cause to be valued, in accordance with the provisions of this Act, any imported goods and such valuation shall be presumed to be the correct valuation of the goods until the contrary is proved.
25 of 1988 10 of 2014	(2) The value of imported goods shall be determined in accordance with the provisions of Schedule A and customs duties <i>ad valorem</i> or <i>ad rem</i> shall be paid on that value.
Appeals against valuation	112. If an owner or importer is of the opinion that goods have been incorrectly valued under section 111 (1) he may appeal to the Controller.

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- 113.** The rate of exchange to be used for the conversion of any value expressed in the currency of a foreign country shall be the rate of exchange, as the Controller may determine after consultation with the Reserve Bank of Malawi, at the time when the duty becomes payable. Rate of exchange 3 of 1993
- 114.**—(1) The proper officer may value or cause to be valued, in accordance with the provisions of this Act, any exported goods, and such valuation shall be presumed to be the correct valuation of the goods until the contrary is proved. Valuation of exported goods 10 of 2014
- (2) The value of exported goods shall be determined in accordance with the provisions of Schedule B to this Act.
- 115.**—(1) Unless otherwise specially provided, where goods are subject to duty by weight or quantity, such weight or quantity shall be the net weight or quantity, and duty shall be charged in proportion on any fraction of a whole unit of such weight or quantity. The weight of any goods may be ascertained by weighing net or by deducting from the gross weight the actual tare or an allowance therefor. The Controller may fix such allowances for tare and may, in his discretion, grant such allowances subject to such conditions as he may impose. Weights and measures
- (2) Unless otherwise specially provided, where the duty or the rate of duty on goods is determined by reference to weight or quantity, the Controller may determine that a package of such goods shall be deemed to contain a specified weight or quantity of such goods.
- (3) Unless otherwise specially provided, a package of a declared weight or quantity, containing not more than such weight or quantity, shall be deemed to contain not less than such weight or quantity.
- 116.** Unless otherwise specially provided, all spirits shall be deemed to be of such strength as is ascertained by such tests as are prescribed. Strength of spirits 9 of 1979
- 117.** For the purposes of this Act, the country of origin of any goods, shall be deemed to be, in the case of goods not manufactured, the country in which such goods were grown or produced, or, in the case of manufactured goods, the country in which the last process of manufacture was performed. Origin of goods

Specified country content of goods on which preferential rates of duty are allowed

118.—(1) The rebates of duty mentioned in section 89 shall be allowed only—

- (a) in respect of goods which have been grown or produced in a specified country; or
- (b) in the case of manufactured goods, in respect of—
 - (i) goods which have been subjected to the last process of manufacture in a specified country and contain not less than such proportion of the material or labour of that specified country as may be specified in the customs tariff; or
 - (ii) goods which have been subjected, in a specified country in which the last process of manufacture has been performed, to such processes of manufacture as may be specified in the customs tariff.

(2) The content referred to in subsection (1) (b) (i) may be fixed at varying scales for different classes of goods and shall be related to the factory or works cost of the finished articles.

(3) This section shall apply in respect of any goods covered by any agreement brought into force in accordance with section 106 unless stated to the contrary in such agreement.

Burden of proof of origin

119. When, for any purpose under the provisions of this Act, it is necessary to prove the country of origin of any goods, the onus of proof of such origin shall be upon the owner or importer of such goods.

PART XIV

Disputes as to Amount of Duty Payable

Appointment of Special Referee

120. For the purpose of hearing and determining appeals under section 121 the Minister shall appoint a Special Referee.

Determination of disputes

121.—(1) If a dispute arises between the owner of any goods and the Controller as to the amount of duty payable on those goods, the owner may, if he pays the amount demanded as duty by the Controller or furnishes security to the satisfaction of the Controller for the payment of that amount, within three months after the payment or furnishing of security, appeal to the Special Referee against such demand.

(2) If a dispute arises as to the amount of duty payable in respect of goods which a person proposes to import or manufacture he may appeal to the Special Referee at any time prior to such importation or manufacture but if he imports or manufactures the goods before the dispute has been determined he shall pay such amount of duty as the Controller shall demand or give security therefor.

(3) A notice of appeal shall be in writing and shall state clearly and specifically the grounds of the appeal.

(4) The date of the hearing of any appeal shall be determined by the Special Referee.

(5) Where the appeal arises solely as a result of the Controller's classification of goods for tariff purposes the Special Referee shall publish in the *Gazette* the date of the hearing of the appeal at least one month prior to that date, and any person who satisfies the Special Referee that he has a legitimate trade interest in the appeal and who not later than ten days before that date enters an appearance in the manner specified in the notice may be heard on the appeal.

(6) On the hearing and determination of any appeal the Controller, or any person authorized by him, may appear in support of his decision, and the appellant and any person who has entered an appearance in accordance with the provisions of subsection (5) may appear either in person or by a legal practitioner.

(7) The Special Referee may on any appeal confirm or set aside the demand or assessment made by the Controller and, if he sets aside such demand or assessment, shall refer the matter back to the Controller with such observations as he considers proper.

(8) Where the Special Referee refers the matter back to the Controller, the Controller shall make a new demand or assessment and if such new demand or assessment is for a lesser amount of duty or no duty, then notwithstanding the provisions of section 100 any amount of duty overpaid shall be repaid by the Controller.

122. The procedure on any appeal shall be as determined by the Special Referee, who may permit evidence to be led by the Controller, the appellant and any person who has entered an appearance in accordance with the provisions of section 121 (5).

Procedure

PART XV Securities

123. The Controller may require the owner of any goods subject to customs control to give security in respect of such goods for the protection of the revenue and compliance with the customs laws, and, pending the giving of any such security, the Controller may refuse to permit their unloading, removal, delivery or exportation.

Controller
may require
security

L.R.O. 1/1970

Securities
generally

124.—(1) Where any security is required to be given under the customs laws, then such security may, as the Controller may require, be given either—

- (a) by cash deposit;
- (b) by bond in such sum and subject to such conditions and with such sureties as the Controller may reasonably require;
- (c) partly by cash deposit and partly by bond; or
- (d) with the special permission of the Controller and subject to such conditions as he may impose, by bank or other guarantee.

(2) Where any security is required to be given under the customs laws for any particular transaction, such security may be given to cover any other similar transactions which the person giving such security may enter into within such period as the Controller may approve.

(3) The Controller may refuse to recognize any surety to any bond required under the customs laws.

(4) Any bond required to be given under the customs laws shall be so framed that the person giving such bond, and any surety thereto, is bound to the Controller for the due performance of the conditions of such bond, and any such bond or any guarantee may, unless sooner discharged by the due performance of the conditions thereof, be discharged by the Controller on the expiration of three years from the date thereof, but without prejudice to the right of the Controller at any time to require new security prior to discharge, or to require that the form or amount of such security shall be altered in such manner as he shall determine.

(5) Where any bond or guarantee given under the customs laws is discharged, the Controller shall cause such bond or guarantee to be cancelled and an endorsement to that effect shall be made thereon.

(6) Any bond or guarantee given under the customs laws shall, notwithstanding that any such bond or any surety thereto or any such guarantee is given by any person under the age of twenty-one years, be valid and enforceable as if it were so given by a person of full age.

(7) The conditions of any security given under the customs laws and the enforcement thereof shall not be construed as exempting any person from any prosecution to which he may be liable under the customs laws or any other written law in respect of matters provided in such conditions.

(8) Unless otherwise provided therein, the subscribers to any bond or guarantee executed in terms of this Act shall be liable thereon jointly and severally for the full amount stated therein.

125.—(1) Without prejudice to any right of a surety to any bond given under the customs laws against the person for whom he is surety, a surety shall, for all the purposes of any bond, be deemed to be the principal debtor and accordingly the surety shall not be discharged, nor his liability affected, by the giving of time for payment, or by the omission to enforce the bond for any breach of any conditions thereof, or by any other act which would not have discharged the bond if he had been the principal debtor.

Provisions
relating to
sureties

(2) If any person being a surety—

- (a) dies;
- (b) becomes a bankrupt or enters into any arrangement or composition with, or for the benefit of, his creditors; or
- (c) departs from Malaŵi without leaving sufficient property therein to satisfy the whole amount of the bond,

the Controller may require the person giving the bond to enter into new security.

126.—(1) Where the conditions of any bond or guarantee have not been complied with, the Controller may take legal proceedings for the enforcement thereof.

Enforcement
of bond or
guarantee
11 of 2003

(2) If any goods which have been lawfully permitted to be removed for any purpose without payment of duty are unlawfully taken from any conveyance or place before that purpose is accomplished, the Controller may if he sees fit take legal proceedings for the enforcement of any bond or guarantee given in respect thereof notwithstanding that any time set out in the bond or guarantee for accomplishing that purpose has not expired.

(3) Where any proceedings are taken under this section for the enforcement of a bond, then production of the bond shall, without further proof, entitle the Controller to judgment for the stated liability, which shall be deemed to be liquidated damages calculated to reimburse the Government for loss occasioned by breach of the conditions of the bond, unless the person against whom such proceedings are taken proves compliance with all the conditions of the bond, or that the bond or surety was not executed by him, or that he has been released from the provisions of the bond or surety, or that he has already made satisfaction for the full amount thereof.

(4) Bonds and guarantees executed under any of the legislation repealed under this Act shall, notwithstanding such repeal, remain in force for the period during which they would have remained in force but for such repeal or until varied, replaced, or cancelled under this Act.

(5) Notwithstanding any legal proceedings that the Commissioner-General may take in respect of any bond or guarantee, the Commissioner-General may require that the liability under the bond be liquidated by guarantor.

11 of 2003

PART XVI
Agents

Authorized
agents

127.—(1) Where under the provisions of the customs laws the owner of any goods or conveyance or the licensee of any bonded warehouse or the holder of an excise licence (hereinafter collectively referred to in this Part as "the principal") is required or authorized to perform any act, then such act may be performed on his behalf by an authorized agent:

Provided that the Controller may direct that certain matters be dealt with exclusively by the principal and the performance of such matters by an authorized agent shall not be recognized.

(2) A person shall not be an authorized agent unless he is—

- (a) exclusively in the employment of his principal; or
- (b) a customs agent,

and, in either case, such person is authorized in writing by the principal, either generally or in relation to any particular act, to perform the act in question on behalf of the principal.

(3) An officer may require from any person purporting to be an authorized agent the production of written authority of his principal and in default of the production of such authority such officer may refuse to recognize the person as an authorized agent.

Customs
agents
8 of 2005
28 of 2010

128.—(1) The Commissioner General may, on application, licence persons as customs agents for the purpose of transacting business with the Malaŵi Revenue Authority on behalf of other persons.

(2) An application for a licence under subsection (1) shall be subject to such conditions as may be prescribed.

(3) An applicant for a licence, or a licensee under this section, shall furnish security; and pay such fees as may be prescribed.

Appointment
of Advisory
Committee
and Appeals
Committee
28 of 2010

128A.—(1) The Commissioner General shall, every two years, appoint an Advisory Committee comprising officers of the Malaŵi Revenue Authority, whose functions shall include—

- (a) conducting interviews for persons wishing to transact business of customs agents;
- (b) ensuring compliance by customs agents with tax laws and customs procedures;
- (c) assessing applications for renewal of customs agents licence; and
- (d) performing such other functions as may be assigned to the Committee by the Commissioner General.

(2) The Minister shall, every two years, appoint an Appeals Committee comprising—

- (a) three officers of the Malaŵi Revenue Authority;
- (b) one representative of the Malaŵi Confederation of Chambers of Commerce and Industry;
- (c) two representatives of any association of customs agents; and
- (d) one representative of the Ministry of Industry and Trade.

(3) The Appeals Committee shall be responsible for considering appeals from an aggrieved customs agent or an applicant for a licence for a customs agent.

129.—(1) The master of any aircraft or vessel may, instead of himself performing any act, including the answering of questions, required by or under this act to be performed by him, appoint an agent on his behalf and at his risk to perform any such act, and any such act performed by such agent shall in all respects and for all purposes be deemed to be the act of the master, so, however,

Master may
appoint agent

that the personal attendance of the master may be demanded at any time by the proper officer at any port.

(2) An agent appointed under the terms of subsection (1) shall furnish security to the satisfaction of the Controller for the protection of the revenue and compliance with the customs laws.

130. Any authorized agent or an agent appointed under section 129 who performs any act on behalf of his principal or of the master of an aircraft or vessel shall, for the purposes of the customs laws, be deemed to be such principal or master in respect of such act and shall, accordingly be personally liable for the performance of all related acts and obligations including the payment of any duty and the answering of any questions which may be required of the principal or master under the provisions of the customs laws, and may be prosecuted for any offence committed by the principal or master as if he had himself committed the offence:

Liability of Agent

Provided that nothing herein contained shall relieve the principal or master from liability for the performance of any act or obligation under the customs laws or from prosecution under the customs laws.

131. Any principal or master of an aircraft or vessel who authorizes any other person to act for him for any purpose under the customs laws shall be liable for the acts and statements of such other person in respect of that authorization and may accordingly be prosecuted for any offence committed by such other person as if the principal or master had himself committed the offence:

Liability of principal for acts of other persons

Provided that—

- (a) nothing herein contained shall relieve such other person from any liability to prosecution in respect of any such offence;
- (b) neither the principal or master nor the other person shall be sentenced to imprisonment for any such offence unless it is shown that he was knowingly concerned in the act which constituted such offence.

PART XVII Offences and Penalties

132. Any person who—

- (a) being required by or in accordance with the customs laws to answer any question or supply any information fails or neglects to do so or gives or makes any untrue, incorrect, false or incomplete answer or representation;
- (b) being required by or in accordance with the customs laws to perform any act or to comply with any provision or condition thereof, fails or neglects to do so;

Offences in respect of persons

- 30 of 1969
- (c) assaults, abuses, resists, obstructs, hinders or interferes with any officer or police officer, or any person aiding or assisting an officer or police officer, in the exercise of his powers or the performance of his duties under the customs laws;
 - (d) rescues any person apprehended for any offence against the provisions of the customs laws or who prevents such apprehension;
 - (e) counterfeits or without authority uses any seal, signature, initials or other mark of, or used by, any officer for any purpose relating to the customs laws;
 - (f) removes, breaks, damages, defaces, destroys, cuts away, casts adrift, maliciously shoots at, or in any way interferes or tampers with any lock, seal, sign, mark, fence, barrier, rope, chain, anchor, buoy, conveyance or other thing used by the Department for any purpose under the customs laws;
 - (g) fails to stop at a customs barrier established in accordance with section 16 (7);
 - (h) falsely holds himself out to be an officer;
 - (i) uses any place as a customs area unless it is properly licensed, appointed or approved under the customs laws as such; or
 - (j) conspires with another to commit an offence against the customs laws,

shall be guilty of an offence.

Accessories
etc.

133. Any person who—

- (a) is an accessory before or after the fact to the commission of;
- (b) counsels or procures any other person to commit; or
- (c) attempts, causes, permits, aids, connives at or abets the commission of,

any offence against the customs laws shall be deemed to have committed such offence and shall be punishable as if he had himself committed such offence.

Offences in
respect of
goods
30 of 1969
11 of 2003

134. Any person who—

- (a) imports, exports, carries coastwise or in transit, loads, unloads, removes, possesses or conveys goods contrary to the provisions of the customs laws;
- (b) imports or exports any goods in pursuance of any document or computer records and other electronic data in which a false declaration has been made;
- (c) except in accordance with the customs laws, buys, receives, harbours, offers for sale or deals in, or has in his possession any goods subject to customs control;

- (d) except in accordance with the customs laws, conceals, moves, alters, damages, destroys, removes, disposes of or in any way interferes or tampers with goods subject to customs control;
- (e) offers for sale or deals in or possesses any goods under the pretence that they are smuggled goods whether or not they are in fact smuggled goods,

shall be guilty of an offence.

135.—(1) Any person who—

Offences in
respect of
documents,
books,
licences, etc.
11 of 2003

- (a) makes or signs any declaration, bill of entry, certificate or other document or computer records and other electronic data made for submission to an officer which is untrue or incorrect;
- (b) being required by or in accordance with the customs laws to produce any book, document or computer records and other electronic data or other thing within his possession or control, fails or neglects to do so;
- (c) being required by, or in accordance with, the customs laws to keep or submit any book or document or computer records and other electronic data—
 - (i) fails or neglects to keep or submit such book or document or computer records and other electronic data;
 - (ii) fails or neglects to make an entry in such book or document or computer records and other electronic data in good time;
 - (iii) with intent to deceive erases or obliterates any entry in such book or document or computer records and other electronic data;
 - (iv) with intent to deceive mutilates or tears any page or leaf in or from such book or document or computer records and other electronic data;
 - (v) with intent to deceive destroys, conceals or makes away with any such book or document or computer records and other electronic data;
 - (vi) forges, falsifies or frames so as to deceive any entry in such book or document or computer records and other electronic data;
 - (vii) procures or attempts to procure any such book or document or computer records and other electronic data which is forged, falsified or framed so as to deceive;
- (d) knowingly uses or attempts to use for any purpose of the customs laws any book or document or computer records and other electronic data which has been forged, falsified or framed so as to deceive;
- (e) with intent to deceive, brings into Malaŵi or has in his possession any blank or incomplete invoice, bill head or other similar document or computer records and other electronic data

- capable of being filled out and used as an invoice for imported goods; or
- (f) uses any licence, permit, certificate or other document or computer records and other electronic data issued under the customs laws in any manner contrary to the provisions or conditions of the customs laws or of such licence, permit, certificate or other document or computer records and other electronic data,

shall be guilty of an offence.

(2) For the purposes of this section, the forgery of a document or computer records and other electronic data is the making of a false document or computer records and other electronic data, knowing it to be false, with the intention that it shall in any way be used or acted upon as genuine whether within Malaŵi or not, and making a false document or computer records and other electronic data includes making any false material alteration in a genuine document or computer records and other electronic data, whether by addition, insertion, obliteration, erasure, removal, or otherwise.

Offences in
respect of
conveyances

136.—(1) Any person who uses a conveyance having a false bulkhead, false bow or stern, double side or bottom, or any secret or disguised place, adapted for the purpose of smuggling goods, shall be guilty of an offence unless he proves that he was unaware of such condition of such conveyance.

(2) Where, on any conveyance being boarded by an officer, any goods subject to customs control are found therein, and on such conveyance being subsequently boarded, whether by the same or another officer, such goods or any part thereof are no longer therein or additional goods subject to customs control are found therein, then unless the master of such aircraft or vessel or the person in charge of such vehicle accounts for such goods to the satisfaction of the officer or proves that he took all reasonable precaution to prevent the removal or addition of such goods, such master or person in charge shall be guilty of an offence.

Offences by
masters or
persons in
charge of
conveyances

137.—(1) Whenever any lock, mark or seal has been placed by an officer upon any part of a conveyance or upon any goods on board any conveyance the master of the aircraft or vessel or the person in charge of the vehicle, as the case may be, shall ensure that such lock, mark or seal is not opened, altered or broken except with the authority of an officer and if he fails so to ensure he shall be guilty of an offence unless he proves that he took all reasonable precautions to prevent such act.

(2) If—

- (a) any conveyance is used in smuggling or in the carriage of smuggled goods;
- (b) any vessel fails to stop for boarding when lawfully required to do so;

- (c) any ship fails to depart from Malaŵi within twenty-four hours after being so required by an officer; or
- (d) any goods on any conveyance are thrown overboard, staved or destroyed to prevent seizure,

the master of the aircraft or vessel or the person in charge of the vehicle, as the case may be, shall be guilty of an offence unless he proves that he took all reasonable precautions to prevent the act which constituted the offence.

138. Any person who—

Offences in
respect of
customs areas

- (a) uses, or permits to be used, any customs area in contravention of any of the terms of the licence, appointment or approval for such customs area;
- (b) not being an officer in the course of his duty, or the licensee or owner of a customs area, or the authorized employee of such licensee or owner, opens or enters any part of that customs area without lawful excuse or without the permission of the proper officer;
- (c) opens or enters any part of a customs area contrary to the orders of an officer or refuses to leave any part of a customs area when lawfully directed to do so by an officer; or
- (d) removes any goods from a customs area without the permission of the proper officer,

shall be guilty of an offence.

139.—(1) Any officer who—

Offences by or
in relation to
officers

- (a) directly or indirectly asks for or takes, in connexion with any of his duties, any payment or other reward whatsoever, whether pecuniary or otherwise, or any promise or security for such payment or reward, not being a payment or reward which he is lawfully entitled to claim or receive; or
- (b) enters into or acquiesces in any agreement or conspires with any person to do, abstain from doing, permit, conceal, or connive at, any act or thing whereby the revenue is or may be defrauded, or which is contrary to the provisions of the customs laws or the proper execution of his duty; or
- (c) discloses, except for the purposes of the customs laws, or when required to do so as a witness in any court, or with the approval of the Controller, any information relating to any person acquired by him in the performance of his duties,

shall be guilty of an offence.

(2) Any person who, without lawful authority—

- (a) directly or indirectly offers or gives to any officer any payment or reward whatsoever, whether pecuniary or otherwise, or any promise or security for any such payment or reward; or

- (b) proposes or enters into any agreement or conspires with any officer,

in order to induce him to do, abstain from doing, permit, conceal or connive at, any act or thing whereby the revenue is or may be defrauded, or which is contrary to the provisions of the customs laws or the proper execution of the duty of any officer, shall be guilty of an offence.

Special
offences in
respect of
excise
25 of 2011

140. Any person who—

- (a) manufactures any excisable goods contrary to the provisions of the customs laws;
- (b) is found without lawful excuse in any place where the illegal manufacture of excisable goods is being carried out;
- (c) without lawful authority deals in or has in his possession, custody or control any manufactured or partially manufactured excisable goods upon which duty has not been paid;
- (d) without lawful authority or payment of any duty which may be due, imports any excisable goods after they have been exported;
- (e) imports, keeps, possesses or uses any still, the keeping, possession or use of which is not authorized in accordance with a certificate issued by the Controller, or an excise licence;
- (f) supplies the means or materials for, or assists in establishing, repairing, maintaining or working any still, the keeping and using of which has not been authorized under the customs laws, knowing at the time when he so supplies or assists that it was such a still;
- (g) contravenes the provisions of section 82 (f);
- (h) fails to pay excise tax;
- (i) makes a late payment of excise tax;
- (j) makes an underpayment of excise tax;
- (k) makes a late submission of a return;
- (l) fails to submit a return;
- (m) submits an incorrect return; or
- (n) issues a cheque that is subsequently dishonoured by a bank, regardless of the reason for the bank dishonouring the cheque,

shall be guilty of an offence.

Offences by
officers of
corporations,
etc.

141. Any contravention of the customs laws by a person acting in his capacity as a director, manager, secretary or other similar officer or a partner of a company, firm, society or other body of persons shall be deemed to be a contravention by such company, firm, society or other body of persons as the case may be.

142.—(1) Any person guilty of an offence under this Act with intent to defraud the Government of any duty or to evade any restriction or prohibition on the importation or exportation of any goods shall—

Penalties
for certain
offences
5 of 1972
37 of 1998

- (a) in the case of dutiable goods which are not prohibited goods, be fined not less than three times the amount of the duty or K10,000 whichever is the lesser and not more than ten times the amount of the duty or K10,000 whichever is the greater and shall be liable to imprisonment for three years;
- (b) in the case of prohibited goods, be fined not less than three times the value of the goods or K10,000 whichever is the lesser and not more than five times the value of the goods or K10,000 whichever is the greater and shall be liable to imprisonment for three years;
- (c) in the case of an offence punishable under paragraphs (a) or (b), where such person has previously been convicted of such an offence the minimum fine shall be double that otherwise provided for;
- (d) in the case of goods which are neither dutiable nor prohibited be liable to the penalties provided for in section 143.
- (e) in the case of taxable goods or taxable services, to be fined not less than three times the amount of duty or K10,000, whichever is the lesser, and not more than ten times the amount of duty or K10,000, whichever is the greater, and shall be liable to imprisonment for three years.

37 of 1998

(2) Notwithstanding any other provisions of the customs laws the amount of duty or the value of goods for the purposes of this section and of sections 143, 146 (5) and 162 may be determined by the Controller, and a certificate of such amount of duty or value under the hand of the Controller shall be *prima facie* evidence of the amount of duty or the value of such goods.

143. Any person guilty of an offence against this Act for which no penalty is otherwise specifically provided shall be liable to a fine of K10,000 or to three times the value of the goods in respect of which the offence was committed, whichever is the greater, and to imprisonment for three years.

General
penalty
37 of 1998

143A. Any person who commits an offence under section 140 (g) shall be liable on conviction to a fine of five times the Excise or revenue involved in the commission of the offence and to imprisonment for two years.

Penalty for
offences
committed
under s. 140
12 of 2008

143B. Any person who contravenes—

Administrative
penalties
25 of 2011

- (a) section 140 (h) shall be liable to pay the excise tax plus a penalty of twenty per cent of the excise tax;

- (b) section 140 (i) shall be liable to pay the total excise tax plus a penalty of twenty per cent of the excise tax, and an additional penalty of five per cent of the total excise tax due, for every month that lapses after the month when payment of the total excise tax became due;
- (c) section 140 (j) shall be liable to pay the total excise tax underpaid plus a penalty of twenty per cent of the underpaid excise tax;
- (d) section 140 (k) shall be liable to a penalty of K20,000, and K1,000 for each additional day;
- (e) section 140 (l) shall be liable to a penalty of K100,000;
- (f) section 140 (m) shall be liable to a penalty of twenty per cent of the total excise tax which would otherwise have been payable if the return was correct; and
- (g) section 140 (n) shall be liable to pay in cash or through a bank certified cheque the total amount referred to drawer plus a penalty of thirty per cent of the value of the cheque.

Offences
cognizable

144. All offences under the customs laws shall be cognizable to the police.

PART XVIII

Forfeiture, Seizure, Embargo and Abandonment

Goods liable
to forfeiture

145.—(1) Any goods in respect of which an offence has been committed under the customs laws shall be liable to forfeiture.

(2) Any conveyance which has been used without lawful authority for the importation, landing, removal, conveyance, exportation or carriage coastwise or in transit of goods liable to forfeiture, shall be liable to forfeiture:

Provided that no conveyance engaged in any public service for the conveyance of passengers or goods and operated in accordance with a public timetable shall be liable to forfeiture except on the specific authority of the Minister.

13 of 1973

(3) In addition to any other forfeiture under this section—

- (a) where any manufacturer of dutiable goods is guilty of an offence under the customs laws in respect of those goods, all goods in respect of which excise duty or surtax is payable or has been paid and all substances, spirits, mixtures or compounds used in the preparation of dutiable goods found in the possession of the manufacturer or on his premises, and all machinery, utensils and materials for the manufacture of such goods shall be liable to forfeiture;

- (b) where any goods are liable to forfeiture, then the package, cask, receptacle or utensil in which such goods are contained, and all the contents of such package, cask, receptacle or utensil shall also be liable to forfeiture therewith; and
- (c) any security retained by the Controller in respect of any goods or conveyance liable to forfeiture shall itself be liable to forfeiture.

146.—(1) An officer or police officer may seize any goods or conveyance which he reasonably suspects may be liable to forfeiture.

Seizure of
goods
5 of 1972

(2) Where any goods or conveyance are seized under the customs laws, the proper officer shall, within 30 days of such seizure, give notice to the owner in writing of such seizure:

Provided that no notice shall be required where—

- (a) within such period of 30 days either a person has been prosecuted for an offence by reason of which such goods or conveyance were seized or such offence has been dealt with under Part XIX; or
- (b) no owner can with reasonable diligence be found.

(3) Notice of seizure given to any person coming within the definition of owner in respect of the goods or conveyance seized shall be deemed to be notice to all persons coming within such definition.

(4) Any goods or conveyance which have been seized shall, as soon as convenient, be delivered into the care of the proper officer or, in the event of their being of such nature that they cannot be so delivered, the officer seizing such goods or conveyance may declare them as having been so delivered in the place where he found them.

(5) If any goods or conveyance which are liable to forfeiture cannot be found or recovered, the Controller, without delegation, may declare that the person from whom such goods or conveyance would have been seized shall deposit with the Controller a sum of money equal to the duty paid value of such goods or conveyance at that time and the Controller may recover such amount by civil

action in a court of competent jurisdiction. Any such amount so deposited or recovered shall be dealt with as if it were itself such seized goods or conveyance.

147.—(1) Where any goods or conveyance are seized in accordance with the customs laws, then—

Detention and
disposal of
seized goods

- (a) they shall be restored immediately to the owner if proceedings for an offence in respect thereof are time-barred;
- (b) if any person is prosecuted for an offence by reason of which such goods or conveyance were seized, such goods or conveyance shall be detained until the determination of such prosecution and thereupon dealt with in accordance with section 159;
- (c) in any other case, such goods or conveyance shall be detained until 30 days after the date of the seizure or the giving of any required notice of seizure, whichever is the later, and, if no claim is made therefor in accordance with subsection (2), such goods or conveyance shall be forfeited:

Provided that where any goods are seized which are of a perishable nature or are animals, the Controller, without delegation, may direct that such goods be sold forthwith in such manner as he may deem fit and the net proceeds of such sale, after the deduction of the duty, if any, and the expenses of such sale, shall be retained and dealt with as if they were such seized goods.

(2) Where any goods or conveyance are seized in accordance with the customs laws and no proceedings have been instituted in respect of an offence by reason of which such goods or conveyance were seized, the owner thereof may claim such goods or conveyance within 30 days of the date of the seizure or of the giving of any required notice of seizure, whichever is the later, by notice of claim in writing to the Controller.

(3) The Controller may within three months of the date of seizure or of the giving of any notice of seizure, whichever is the later, permit any goods or conveyance which have been seized in accordance with the customs laws and for which a notice of claim in accordance with subsection (2) has been received by him—

- (a) to be restored conditionally or unconditionally to the claimant; or
- (b) to be delivered to the claimant upon the payment by him of any duty payable; or
- (c) to be delivered to the claimant upon the giving by him of such security as the Controller may think appropriate for the payment of the full duty-paid value of such goods or conveyance in the event of their forfeiture, and upon compliance with and subject to such conditions as the Controller may impose.

(4) If, within 30 days after the making of a claim for any goods or conveyance in accordance with subsection (2), the Controller does not restore or deliver them to the claimant or delivers them upon the giving of security under subsection (3) (c), the claimant may, within three months of the date of seizure, or of the giving of any required notice of seizure, whichever is the later, institute proceedings for the recovery of such goods or conveyance or of any security given therefor, giving notice in writing to the Controller of the institution of such proceedings.

(5) Where a claimant does not institute proceedings in accordance with subsection (4) such goods or conveyance or any security given therefor shall be forfeited.

(6) Where a conveyance to be restored or delivered to the claimant under subsection (3) has a false bulkhead, false bow or stern, double side or bottom, or any secret or disguised place, adapted for the purpose of smuggling goods, the owner of such conveyance shall, as a condition of such restoration or delivery of the conveyance to him remove such false bulkhead, false bow or stern, double side or bottom or such secret or disguised place to the satisfaction of the Controller and if the owner refuses, fails or neglects to effect such removal within such reasonable period as the Controller may direct, the conveyance shall be forfeited.

Forfeited
goods

148. Where any goods are forfeited under the customs laws such goods shall, without compensation, vest in the Government and may be sold, destroyed or otherwise disposed of as the Controller thinks fit. If the goods are sold the Controller may make such payments out of the proceeds of the sale as he thinks fit in respect of expenses incurred in the sale, carriage charges claimed by and due to any carrier, or warehouse rent, storage charges and portorage charges:

Provided that any claim for such payment shall be made in writing and shall be delivered to the Controller not later than six months after the sale of the goods.

Embargo
on goods

149.—(1) Where an officer has reason to believe that an offence has been committed under the customs laws in respect of any goods which have been released from customs control and in respect of which any proceedings could be commenced under the customs laws, he may, instead of seizing such goods, place an embargo on them regardless of where or in whose possession such goods are found.

(2) Where an embargo has been placed on goods by an officer, that officer shall forthwith give notice to the owner in writing of such embargo.

(3) Notice of embargo given to any person coming within the definition of owner in respect of the goods upon which the

embargo has been placed shall be deemed to be notice to all persons coming within such definition.

(4) Except with the permission in writing of the proper officer no person shall remove or in any way deal with goods upon which embargo has been placed until the embargo has been withdrawn in writing by the proper officer.

150. Where any goods are subject to customs control the Controller may, subject to such conditions as he may impose, permit the owner of such goods to abandon them to the Department and in that case the Controller shall, if so requested at the time, remit or refund the duty payable or paid on such goods, as the case may be. Upon such abandonment such goods shall, without compensation, vest in the Government and may, at the expense of the owner thereof, be sold, destroyed or otherwise disposed of in such manner as the Controller may direct: Abandonment of goods

Provided that this section shall not apply to goods which are seized or forfeited or which are placed under embargo under section 149, or in respect of which an offence has been committed.

151. For the avoidance of doubt, any action taken in accordance with this Part shall not— Saving

- (a) prevent or effect the institution of any proceedings or any action taken under any written law against any person from whom goods or any conveyance are liable to forfeiture or have been seized, or in respect of any such goods or conveyance;
- (b) prevent the settlement of any case by the Controller under Part XX;
- (c) affect liability for the payment of any duty in respect of goods seized or forfeited;
- (d) entitle any person to claim any refund or remission of duty paid or payable in respect of goods seized or forfeited or otherwise dealt with under this Part; or
- (e) authorize the sale or disposal of prohibited goods except in accordance with the written law under which they are so prohibited.

PART XIX Legal Proceedings

152. Any civil proceedings under the customs laws relating to any claim to any goods which have been seized under the customs laws, and any claim to any duty, rent, charge, expense or other sum, payable under the customs laws, may be heard and determined without limit of amount before a court of a Resident Magistrate. Jurisdiction in respect of claims

General immunity from legal proceedings

153. Except as otherwise specifically provided in the customs laws, no claim shall lie against the Government, the Department, the Controller, nor any officer for anything done in good faith under the powers conferred by the customs laws.

Actions by or against the Controller

154.—(1) Where under the provisions of the customs laws any proceedings may be brought by or against the Controller, then the Controller may sue or be sued by the name of the Controller of Customs and Excise, and may for all purposes be described by that name.

(2) Where any proceedings are brought against the Controller under the customs laws and judgment is given against the Controller then, if the court before which such proceedings are heard is satisfied that there were reasonable grounds for the action giving rise to the institution of the proceedings, the plaintiff shall be entitled to recover anything seized, or the value thereof, but shall not otherwise be entitled to any damages, and no costs shall be awarded to either party:

Provided that this subsection shall not apply to any action brought in accordance with sections 20 and 174.

(3) Except as provided in subsection (2), where any proceedings are brought by or against the Controller, costs may be awarded to or against the Controller.

(4) Where under the provisions of the customs laws any proceedings are brought by or against the Controller and—

- (a) any sums or costs are recovered by the Controller, such sums or costs shall be credited to the revenue;
- (b) any damages or costs are ordered to be paid by the Controller, such damages or costs shall be paid out of moneys appropriated for the administration of the Department and the Controller shall not be personally liable therefor.

Limitation of proceedings

155.—(1) Any proceedings for an offence against the customs laws may be commenced within two years of the date of the offence and the powers of seizure under section 146 may be exercised within two years of the date when the goods first became liable to seizure:

Provided that—

- (i) in any case where fraud is a material element the said periods of two years shall be extended to five years; and
- (ii) prohibited goods may be seized at any time.

(2) For the purposes of this section, the date when any goods are seized shall be deemed to be the date of commencement of any proceedings for an offence in respect of such goods.

156. In any proceedings under the customs laws—Provisions
relating to
burden of
proof

- (a) it shall not, unless it is expressly so provided, be necessary to prove guilty knowledge;
- (b) the burden of proving—
 - (i) the place of origin of any goods;
 - (ii) the payment of the proper duties;
 - (iii) lawful permission or authority; or
 - (iv) the lawful importation, exportation, carriage coastwise or in transit, loading, unloading, removal, possession, disposal, use or conveyance of goods,

shall be on the person prosecuted or on the claimant of any goods seized under the customs laws;

- (c) the fact that security has been given for the payment of any duty or for the compliance with any condition in respect of the non-payment of which or non-compliance with which the proceedings were brought, shall not be a defence.

157. In any proceedings under the customs laws—Provisions
relating to
evidence
25 of 1988
11 of 1989

- (a) an averment—
 - (i) that the proceedings were instituted on the direction of the Controller;
 - (ii) that any person is or was an officer or is or was employed in the prevention of smuggling;
 - (iii) that any person is or was authorized or appointed to discharge or was engaged on the direction or concurrence of the Controller in the discharge of, any duty;
 - (iv) that any goods which were thrown overboard, staved, broken or destroyed were so dealt with in order to prevent or avoid seizure of those goods;
 - (v) that any act was done within the limits of any customs area or at, in or over any part of Malaŵi; or
 - (vi) that the Controller, or any other officer, is or is not satisfied as to any matter as to which he is required to be satisfied under the customs laws,

shall be *prima facie* evidence thereof;

- (b) a certificate purporting to be signed by a government analyst or a government chemist shall be receivable in evidence and shall be *prima facie* evidence of the matters recorded therein;
- (c) any entry in any book or document required to be kept for the purposes of the customs laws, or any copy thereof certified under the hand of the Controller, shall be receivable in evidence by or on behalf of the Controller or the prosecutor and shall be *prima facie* evidence of the matters recorded therein;

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- (d) any certificate or copy of an official document purporting to be certified under the hand and seal or stamp of office of any public officer or of an officer of the customs and excise of any country shall be receivable in evidence and shall be prima facie evidence of the matters recorded therein;
- (e) any invoice or other document submitted or used by any person for any purpose under the customs laws, and any copy thereof, may be produced as evidence by or on behalf of the Controller or the prosecution in any proceedings without calling the person who prepared or signed it;
- (f) when any goods reasonably believed to be liable to forfeiture are seized, it shall be sufficient to open and examine 10 per cent only of each description of package or receptacle in which such goods are contained and, if necessary, to test only a representative sample of the contents thereof, chosen at random, and the court shall presume that the goods contained in the unopened packages and receptacles of the same description, and the balance of the contents when tested, are of the same nature, quantity and quality as those found in similar packages or receptacles which have not been opened or tested as the case may be;
- 25 of 1988 (g) a certificate signed by the Controller—
- (i) that a person was or was not, at any date, registered under Part XIIA; or
- (ii) that any return required by or under Part XIIA has not been made or had not been made at any specified date;
- 11 of 1989 (iii) that any surtax shown as due on any return or assessment made in pursuance of section 110L has not been paid,

shall be *prima facie* evidence thereof.

Provisions
relating to
witnesses

158.—(1) No witness on behalf of the Government or of the Controller in any proceedings under the customs laws shall be compelled to disclose the fact that he received any information relating to any customs or excise matter, or the nature of any such information, or the name of the person who gave any such information, or any matter which might lead to his discovery.

(2) No officer or police officer appearing as a witness in any proceedings under the customs laws shall be compelled to produce any report, or any information received by him in his official capacity.

Effect of
conviction
or acquittal
on goods or
conveyance
liable to
forfeiture

159.—(1) Where any person is prosecuted for any offence against the customs laws and any goods or any conveyance have been seized by reason of the commission of such offence, then, on the conviction of such person of such offence, such goods and conveyance shall without further order, be forfeited.

(2) If any goods or conveyance liable to forfeiture under section 145 cannot be found or recovered, the court convicting the offender may order him to pay to the Controller an amount equal to the duty-paid value of such goods or conveyance at the time of the offence.

(3) Where any person is prosecuted for any offence against the customs laws and goods have been seized under section 146, then on the acquittal of such person the court may order such goods either—

- (a) to be released to the person from whom they were seized, or to the owner thereof, subject to payment of any duty payable and to such conditions as the court may impose; or
- (b) to be forfeited where the court is satisfied that, notwithstanding such acquittal, an offence has been committed in respect of such goods,

but where the court does not at that time make such an order then such goods shall be released to the person from whom they were seized.

160. Where proceedings have been instituted pursuant to a notice under section 147 (4) for the recovery of such goods, conveyance or security, then— Proceedings for recovery of goods etc.

- (a) if the claimant fails to satisfy the court that such goods, conveyance or security were not liable to forfeiture under the customs laws, they shall be forfeited;
- (b) if the claimant does so satisfy the court, such goods, conveyance or security shall be released to the claimant subject to payment of any duty payable and to such conditions as may be imposed:

Provided that a court shall not release such goods, conveyance or security to any claimant unless it is satisfied that the claimant is the owner thereof or, by reason of any interest therein is entitled to the possession thereof. If the court is not so satisfied, such goods, conveyance or security shall be forfeited as if no claim thereto had been made.

161.—(1) Notwithstanding the provisions of sections 159 (1) and 160, where a conveyance is liable to forfeiture under section 145 (2) such conveyance shall not be forfeited— Innocent owners to be heard before forfeiture

- (a) unless and until the owner of the conveyance (if he can with reasonable diligence be found) has been given an opportunity of being heard; and
- (b) if the said owner satisfies the court that the offence in respect of which the conveyance was rendered liable to forfeiture was committed without his knowledge or consent, and that he was unable to prevent it.

(2) Notwithstanding the provisions of sections 159 (1) and 160, goods (other than prohibited goods), or a conveyance liable to forfeiture shall not be forfeited if the owner thereof satisfies the court that the offence in respect of which they were rendered liable to forfeiture was committed without his knowledge or consent and that he was unable to prevent it, or if such goods or conveyance were acquired by him after the commission of the said offence, that they were acquired for their true value and without knowledge that they were liable to forfeiture.

(3) For the purpose of subsections (1) and (2) "owner" shall not include the lessor or seller under a hire purchase agreement or an instalment sale agreement, or a principal acting through an authorized agent.

PART XX

Settlement of Cases by the Controller

Settlement by
agreement

162.—(1) Where any person in writing admits that he has committed an offence against the customs laws and agrees to pay any duty payable and a specified sum of money, not exceeding the amount of the fine to which he would have been liable if he had been prosecuted and convicted for the offence, the Controller may, without delegation, settle the case on such terms, or the Controller may order any goods liable to forfeiture in connection therewith to be forfeited.

(2) If criminal proceedings have been instituted against a person for an offence under the customs laws, the powers of settlement conferred by subsection (1) shall not be exercised without the prior approval of the Director of Public Prosecutions.

Orders of
settlement

163. Where the Controller makes an order of settlement under this Part, then—

- (a) such order shall be put into writing;
- (b) such order shall specify the offence which the person committed and the penalty imposed by the Controller including the details and value of any goods forfeited;
- (c) a copy of such order shall be given to the offender if he so requests;
- (d) the offender shall not be liable thereafter to prosecution in respect of such offence and if any such prosecution is brought it shall be a good defence for the offender to prove that the offence with which he is charged has been settled in accordance with this Part;
- (e) such order shall be final and not subject to appeal;
- (f) such order may be enforced in the same manner as an order of a court of competent jurisdiction;
- (g) the settlement shall not be treated as a conviction of an offence.

PART XXI

General

Declarations
and signing of
documents

164.—(1) Where in the customs laws any declaration is authorized or required to be made, then such declaration may, in addition to the provisions of any other written law, be made before the proper officer.

(2) Where in the customs laws any document is authorized or required to be signed in the presence of any particular officer, then if such document is signed in the presence of a witness who is approved by, and whose signature is known to, that particular officer, such document shall be deemed for the purposes of the customs laws to have been signed in the presence of that particular officer.

165.—(1) A declaration, other than a declaration in respect of a provisional entry under section 34, which contains any omission, inconsistency, error or misrepresentation shall be invalid whether or not such declaration has been accepted by an officer or the goods declared therein entered:

Invalid
declaration

Provided that such invalidity shall not affect the use of such declaration as evidence of the commission of any offence under the customs laws.

(2) An invalid declaration shall be validated by the person making such declaration in such manner and within such period as may be prescribed.

(3) Any goods while invalidly declared shall be deemed to be uncustomed goods.

166. Where any document written in a language other than English is presented to any officer for any purpose connected with the customs laws, such officer may require a translation into English to be made, at the expense of the owner or person presenting such document, by such person as the Controller may approve.

Translation
of foreign
documents

167. Every person carrying on any business which involves handling or dealing with goods shall keep or cause to be kept within Malaŵi, in the English language, reasonable and proper records and accounts in indelible writing or in electronic data of all his transactions, to the satisfaction of the Controller. Every such person shall, if so required at any time within a period of two years after the date of the importation or purchase of any goods, produce any bills of lading, rail notes, invoices and all other documents and books containing any particulars regarding those goods, and shall allow such documents and books at all reasonable times within such period to be open for inspection by an officer in the course of his duty.

Persons
carrying on
business to
keep proper
records
11 of 2003

168. Subject to such conditions as he may impose and to the giving of such security as he may think appropriate, the proper officer, in respect of any goods subject to customs control, may permit—

Operations
in respect of
goods subject
to customs
control

(a) such goods to be packed, skipped, bulked, sorted, separated, put into lots, repacked or altered, in a customs area;

- (b) such arrangements to be made as may be necessary for the preservation of such goods or for the sale, exportation or other disposal thereof in accordance with the customs laws;
- (c) the removal of such goods from a customs area, without entry or the payment of duty, for such purposes and for such period and in such quantities as he may think fit.

Transfer of
ownership

169. The owner of any goods subject to customs control may transfer the ownership to any other person who may lawfully own such goods, but the proper officer may refuse to recognize any such transfer of ownership unless notice thereof has been given to him, prior to the transfer, by the owner.

Wrecked,
abandoned,
etc.
conveyances

170.—(1) Where any conveyance, subject to customs control, is lost, stranded, wrecked or abandoned or is compelled to land or stop within Malaŵi due to accident, stress of weather or other unavoidable cause, the owner, or the master or person in charge of such conveyance shall—

- (a) with all reasonable speed report such occurrence to the nearest officer, police officer or administrative officer; and
- (b) produce any relevant book or document and answer fully and truthfully any relevant question as may be required or put to him by an officer.

(2) Neither the owner nor the master or person in charge shall cause or permit any goods to be removed further from the vicinity of such conveyance than is necessary for the health or safety of persons or the safety of the conveyance or goods, without the consent of the officer to whom report is made under subsection (1) and shall not, save for reasons of health or safety or in order to make such report, cause or permit any person to leave the vicinity of such conveyance without the consent of such officer.

Uncustomed
flotsam,
jetsam and
wrecks

171.—(1) Any person who finds or has in his possession any uncustomed flotsam or jetsam or any uncustomed portions of a lost, stranded, wrecked or abandoned conveyance or the cargo, stores or baggage thereof shall with all reasonable speed give notice thereof to the nearest officer, police officer or administrative officer and shall, if so required, cause or permit such goods to be delivered to such officer, police officer or administrative officer.

(2) No person shall, without the permission of the proper officer, remove or alter in quantity or quality any goods subject to the provisions of subsection (1) unless it is necessary for the preservation or safe keeping of such goods.

Power of
Controller in
special cases

172. Notwithstanding any provisions of the customs laws to the contrary, the Controller may, in order to meet the exigencies of any special case—

- (a) permit any goods to be loaded on to, or unloaded and removed from, any conveyance at such times and places, and under such conditions, as he may either generally or in any particular case direct;
- (b) permit any goods to be entered, and the report or clearance of any conveyance to be made, in such form and manner, and by such person, as he may either generally or in any particular case direct.

173. The Controller may, with the approval of the Minister, offer and order such rewards as he may think fit to be paid to any officer or other person for services rendered in connexion with the detection of smuggling or any other offence against the customs laws, or in connexion with any seizure made under the customs laws.

Rewards

174. Except as otherwise specifically provided in the customs laws, all handling, storage and transportation of goods for the purposes of the customs laws shall be performed at the risk and expense of the owner of such goods:

Handling etc.
of goods, at
risk and
expense of
owner

Provided that an action shall lie against the Controller for any loss or damage to goods or additional expense caused by the gross negligence or wilful misconduct of an officer acting or purporting to act in his official capacity.

175. The Minister may make regulations prescribing all matters which by this Act are required to be or may be prescribed (except as otherwise provided under section 83) or which, in his opinion, are necessary or convenient for the better carrying out or giving effect to the provisions of this Act, and without prejudice to the generality of the foregoing any regulations made under this section may provide for fees or other charges in respect of any act done or service rendered by any officer.

Regulations

SCHEDULE A Value of Imported Goods

(Section 111)

10 of 2014

- 1.—(a) The value of any imported goods shall be taken to be the normal price, that is to say, the price which they would fetch at the time when the duty becomes payable, or in the case of warehoused goods, at the time of their entry for warehousing, on a sale in the open market between a buyer and a seller independent of each other.
- (b) The normal price of any imported goods shall be determined on the following assumptions—
- (i) that the goods are delivered to the buyer at the port or place of introduction into Malaŵi;
 - (ii) that the seller bears all costs, charges and expenses incidental to the sale and to the delivery of the goods at the port or place of introduction, which are hence included in the normal price;
 - (iii) that the buyer bears all duties or taxes applicable in Malaŵi, which are hence not included in the normal price.

2.—(a) A sale in the open market between a buyer and a seller independent of each other pre-supposes—

- (i) that the price is the sole consideration;
- (ii) that the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise between the seller or any person associated in business with him and the buyer or any person associated in business with him, other than the relationship created by the sale itself;
- (iii) that no part of the proceeds of any subsequent resale, other disposal or use of the goods will accrue, either directly or indirectly, to the seller or any person associated in business with him.

(b) Two persons shall be deemed to be associated in business with one another, if, whether directly or indirectly, either of them has an interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them.

3. When the goods to be valued—

- (i) are manufactured in accordance with any patented invention or are goods to which any protected design has been applied; or
- (ii) are imported under a foreign trade mark; or
- (iii) are imported for sale, other disposal or use under a foreign trade mark,

the normal price shall be determined on the assumption that it includes the value of the right to use the patent, design or trade mark in respect of the goods.

4. For the purposes of paragraph 3, the expression "trade mark" includes a trade name and style, and a trade mark shall be treated as a foreign trade mark if it is the mark of—

- (i) any person by whom the goods to be valued have been grown, produced, manufactured, offered for sale or otherwise dealt with outside Malaŵi; or
- (ii) any person associated in business with any person referred to in (i) above; or
- (iii) any person whose rights in the trade mark are restricted by an agreement with any person referred to in (i) or (ii) above.

5. In order to arrive at the assumed costs, charges and expenses as set out in paragraph 1 (b) (ii), the Controller may accept such deduction from the actual cost of the delivery of the goods to any other place in Malaŵi as he may consider equitable.

6. When the Controller is satisfied that documentary evidence relating to the clearance of goods through a foreign port of arrival in Africa cannot reasonably be expected to be available at the time of duty payment, he may, at the request of the importer, determine the costs, charges and expenses set out in paragraph 1 (b) (ii) and such determination in any particular case shall not be voided if the actual costs, charges and expenses are subsequently discovered to be greater or lesser.

SCHEDULE B
Customs Valuation for Goods

section 114

10 of 2014

Exported From Malaŵi

1. In this Schedule, unless the context otherwise requires—

"goods of like kind and quality" means export goods which are identical or similar in physical characteristics, quality and reputation as the goods being valued, and perform the same functions or are commercially interchangeable with the goods being valued, produced by the same person or a different person; and

"transaction value" means the value of export goods within the meaning of subsection (1) of section 114 of this Act.

2. For the purposes of this Schedule, persons shall be deemed to be related only if—

- (a) they are officers or directors of one another's businesses;
- (b) they are legally recognized partners in business;
- (c) they are employer and employee;
- (d) a person directly or indirectly owns, controls or holds five per cent or more of the outstanding voting stock or shares of both of them;
- (e) one of them directly or indirectly controls the other;
- (f) both of them are directly or indirectly controlled by a third person;
- (g) together they directly or indirectly control a third person; or
- (h) they are members of the same family.

3. Subject to paragraph 7, the value of export goods shall be the transaction value.

4. The transaction value shall be accepted even where the buyer and seller are related, provided that their relationship shall not influence the price.

5. If the value cannot be determined under the paragraphs 1 and 2, the value shall be determined by proceeding sequentially through paragraphs 3 to 5.

6. The value of the export goods shall be based on the transaction value of goods of like kind and quality exported at or about the same time to other buyers in the same destination country of importation or in its absence another destination country of importation adjusted in accordance with paragraph 2.

7. In determining the value of export goods under paragraph 1, the proper officer shall make such adjustments as it appears reasonable to

him or her, taking into consideration the relevant factors, including the difference in—

- (i) the dates of exportation;
- (ii) commercial levels and quantity levels;
- (iii) composition, quality and design between the goods to be assessed and the goods with which they are being compared; and
- (iv) domestic freight and insurance charges depending on the place of exportation.

8. If the value cannot be determined under paragraph 3, it shall be based on a computed value, which shall include the following—

- (a) cost of production, manufacture or processing of export goods;
- (b) charges, if any, for the design or brand; or
- (c) an amount towards profit.

9.—(1) Subject to the provisions of paragraph 2, where the value of the export goods cannot be determined under the provisions of paragraphs 3 and 4, the value shall be determined using reasonable means consistent with the principles and general provisions of this Schedule: Provided that local market price of the export goods may not be the only basis for determining the value of export goods.

(2) An exporter shall furnish a declaration relating to the value of export goods in the manner specified in this behalf.

10. When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any export goods, he or she may ask the exporter of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such exporter, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, the transaction value shall be deemed to have not been determined in accordance with subparagraph (1) of paragraph 2.

11. At the request of an exporter, the proper officer shall provide the exporter, in writing, the ground for doubting the truth or accuracy of the value declared in relation to the export goods by such exporter and provide a reasonable opportunity of being heard, before taking a final decision under subparagraph (1).

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CUSTOMS AND EXCISE REGULATIONS**

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CUSTOMS AND EXCISE REGULATIONS*under ss. 63, 85 and 175*

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112/1969	97/1975	62/1984	80/1992	38/1999
143/1969	99/1975	31/1986	87/1992	42/1999
175/1969	125/1975	84/1986	88/1992	43/1999
234/1969	126/1975	85/1986	89/1992	23/2000
259/1969	143/1975	101/1986	111/1992	24/2000
38/1970	151/1975	28/1987	120/1992	56/2000
39/1970	186/1975	97/1987	123/1992	61/2000
50/1970	22/1976	135/1987	1/1993	23/2001
51/1970	23/1976	25/1989	22/1993	35/2001
64/1970	79/1976	37/1989	33/1993	18/2002
95/1970	145/1976	80/1989	34/1993	20/2002
99/1970	16/1977	92/1989	58/1993	21/2002
147/1970	17/1977	4/1990	83/1993	27/2002
166/1970	19/1977	15/1990	84/1993	33/2002
178/1970	60/1977	26/1990	130/1993	1/2003
190/1970	156/1977	27/1990	5/1994	23/2003
191/1970	44/1978	39/1990	17/1994	46/2003
236/1970	56/1978	91/1990	59/1994	47/2003
244/1970	126/1978	97/1990	60/1994	12/2004
245/1970	132/1978	106/1990	28A/1995	12/2005
263/1970	47/1979	107/1990	39/1995	14/2005
30/1971	49/1979	108/1990	78/1995	32/2005
42/1971	63/1979	109/1990	107/1995	2/2006
72/1971	94/1979	110/1990	5/1996	9/2006
73/1971	38/1980	3/1991	25/1996	19/2006
86/1971	39/1980	7/1991	56/1996	21/2006
88/1971	40/1980	24/1991	61/1996	22/2006
122/1971	121/1980	25/1991	62/1996	33/2006
178/1971	133/1980	26/1991	107/1996	34/2006
209/1971	138/1980	27/1991	9/1997	22/2007
210/1971	146/1980	28/1991	33/1997	36/2007
216/1971	161/1980	31/1991	53/1997	2/2008
220/1971	198/1980	32/1991	55/1997	4/2008
248/1971	19/1981	43/1991	57/1997	22/2008
69/1972	28/1981	44/1991	8/1998	23/2008
83/1972	114/1981	45/1991	9/1998	24/2008
111/1972	115/1981	46/1991	10/1998	26/2008
112/1972	146/1981	64/1991	11/1998	27/2008
126/1972	22/1982	66/1991	37/1998	28/2008
144/1972	53/1982	102/1991	38/1998	29/2008
185/1972	63/1982	103/1991	39/1998	30/2008
39/1973	65/1982	104/1991	40/1998	20/2010
77/1973	35/1983	8/1992	45/1998	42/2013
13/1974	40/1983	19/1992	46/1998	58/2013
37/1974	41/1983	24/1992	70/1998	35/2014
49/1974	177/1983	36/1992	6/1999	
193/1974	23/1984	73/1992	27/1999	

1. These Regulations may be cited as the Customs and Excise Regulations.

Citation

2. In these Regulations, unless the context otherwise requires—
"absolute alcohol" means one hundred per cent of ethyl alcohol by volume;

Interpretation

G.N. 25/1989 "Carrier" includes the master of a vessel and the person in charge of a vehicle;

"content" means the capacity of a cask, drum or similar container;

"customs tariff" means the customs tariff prescribed or deemed to be prescribed under section 83 of the Act;

"degree of alcohol" in relation to liquids containing ethyl alcohol, means the volume of alcohol content as ascertained by the Gay-Lussac's hydrometer;

"denatured" in relation to spirits means mixed to the satisfaction of the Controller with some other substance so as to render the mixture unfit for drinking;

"ex" immediately preceding a section, chapter, heading or item number of a tariff means that the goods referred to form only part of the goods classified under that section, chapter, heading or item in that tariff;

"excise tariff" means the excise tariff prescribed or deemed to be prescribed under section 83 of the Act;

"feints" means any liquid which, in the course of distillation, redistillation or rectification is conveyed to a feints receiver or a feints vessel entered for use as such in the appropriate entry of premises;

"form" means the appropriate form specified in the First Schedule;

"frontier road or waterway" means any part of the length of a road or waterway which forms part of a boundary with a foreign country or follows such boundary in generally close proximity thereto and includes the whole length of any section of such road or waterway from the place where the line of such road or waterway first begins to follow or be part of the boundary to the place where the line of such road or waterway departs from the boundary:

Provided that "waterway" shall not include Lake Malaŵi;

"licensee"—

- (a) in relation to bonded warehouse means the holder of the licence for that bonded warehouse;
- (b) in relation to entered premises means the holder of the excise licence for those premises;

"hl" means hectolitre;

"kg" means kilogram;

"l" means litre;

"laa" means litres of absolute alcohol;

"low-wines" means spirits of first extraction by a single still and conveyed into a low-wines receiver;

"m2" means square metres;

"methyiated" means denature by any prescribed method;

"normal station" in relation to an officer means the customs office or customs area to which such officer is assigned by the Controller;

"raw materials", subject to any order made pursuant to section 30 of the Export Incentives Act, includes imported goods and packaging material incorporated in, attached to, or directly consumed in the manufacture or production of goods for export;

G.N.31/1991
Cap. 39:04

"rebate" means a reduction of duty, or freedom from duty, in accordance with the Seventh Schedule or the Eighth Schedule;

"registered person" means a person registered or deemed to be registered under regulation 132;

"schedule service" means any public service for the conveyance of passengers and their effects operated in accordance with a timetable, two copies of which, and of any amendments made thereto, shall be lodged not less than 10 days in advance with the Controller;

"specified form" means any form specified or approved in accordance with Part I, or any variation thereof or substitute therefor, directed or authorized by the Controller under regulation 8;

"tonne" means a metric tonne of one thousand kilograms;

"wash" means the liquid from any substance prepared for distillation after fermentation has commenced;

"working day" means any day except a Sunday, Saturday or public holiday;

"wort" means any liquid substance containing saccharine matter before fermentation has commenced;

"%" means *per centum ad valorem*.

PART I

Forms

- | | |
|---|--|
| 3. Subject to regulation 8 the forms to be used for the transaction of business with the Department shall be those specified in the First Schedule. | Forms |
| 4. Specimen copies of all specified forms shall be available for inspection on request being made to the Controller. | Specimens to be available |
| 5. With the exception of forms numbered 1, 31, 47, 48, 49, 50, 51 and 52, all persons transacting business with the Department shall provide the specified forms at their own expense. | Persons to supply forms at own expense |
| 6. No person other than the Government Printer shall print or reproduce form No. 49. | Forms 49 |

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| <p>7. All persons required to complete any specified form shall do so fully, legibly and indelibly and shall submit as many completed copies of each form as the proper officer may require.</p> | <p>Completion and legibility of forms</p> |
| <p>8. Notwithstanding any other provision in these Regulations the Controller may—</p> <ul style="list-style-type: none"> (a) direct that some other form specified by him may be used and accepted in lieu of any form required by these Regulations, and he may direct that such other forms shall be used only in respect of particular transactions or purposes or kinds of transactions or purposes; (b) authorize such minor variations from the specified forms as he considers expedient; (c) himself specify or approve forms, certificates and returns for the purposes of the customs laws in cases where no such form, certificate or return is already prescribed in those laws. | <p>Controller may vary, substitute, authorize or specify forms</p> |

PART II
Ports, etc.

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| <p>9.—(1) The places specified in Part I of the Second Schedule are appointed to be ports for the declarations in respect of vehicles other than trains, arriving from or departing to a foreign port by land transportation and of goods so imported or to be so exported.</p> | <p>Ports</p> |
| <p>(2) The places specified in column 1 of Part 2 of the Second Schedule are appointed to be ports for the declarations in respect of trains arriving from or departing to a foreign port and of goods carried or to be carried thereon:</p> <p>Provided that in respect of goods consigned on importation to or loaded for exportation at places specified in column 2, the customs office at the port listed in column 1 opposite thereto or such other place as the Controller may direct shall be the customs office at which such declaration shall be made.</p> | |
| <p>(3) The places specified in Part 3 of the Second Schedule are appointed to be ports for the declarations in respect of vessels arriving from or departing to a foreign port and of goods imported or to be exported by water transportation.</p> | |
| <p>(4) The places specified in Part 4 of the Second Schedule are appointed to be ports for the declarations in respect of vessels arriving from or departing to a foreign port and of the goods carried or to be carried thereon during such times as a vessel carrying an officer is at such places.</p> | |

(5) The places specified in Part 5 of the Second Schedule are appointed to be ports for the declarations in respect of vehicles and goods provided that report for customs clearance is made to the nearest administrative officer or police post within 24 hours of arrival or immediately prior to departure.

Customs
airports

10. The places specified in the Third Schedule are appointed to be customs airports and ports for the declarations in respect of aircraft arriving from or departing to a foreign port and of the goods carried or to be carried thereon.

Customs
offices

11. The customs offices at the ports specified in the Fourth Schedule are appointed for the collection of revenue, the declarations of persons, conveyances and goods and the general administration of the provisions of the Act under the general or particular control of the Controller.

Frontier roads
and waterways

12. No goods shall be imported from any foreign port on to any frontier road or waterway unless the importation thereof shall have been specifically and previously authorized in writing by the Controller or by a proper officer; such authorization of importation shall be carried on the conveyance concerned and shall specify the route or routes to be taken between the place of importation of the goods or conveyance and the customs office where the declaration in respect of such goods or conveyance is to be made within any time limit specified in the written authorization of importation.

PART III

Hours of Attendance, etc.

Hours of
general
attendance

13.—(1) Subject to the provisions of the customs laws the hours of general attendance of officers at customs offices for the service of the public shall be on working days only and shall be those set out in the Fifth Schedule.

Extra
attendance

(2) The Controller may by notice exhibited at any port vary the hours of general attendance of officers at such port in order to meet the convenience of the public or the exigencies of the Department.

14.—(1) Attendance by officers for the convenience of the public outside the limits of their normal stations or at customs offices outside the hours of general attendance shall be deemed to be extra attendance and shall be given only on prior application by the person requesting the attendance.

(2) The proper officer may require a request for extra attendance to be made in form No. 8 and may determine the number of officers deemed necessary for such attendance. The grant of such request shall not—

- (a) in the case of any person not conveying merchandise arriving or departing overland (other than by train) or by inland or territorial waters, be refused by the proper officer;
- (b) in any other case, be unreasonably refused by the proper officer.

(3) Applications for extra attendance shall not be required in respect of scheduled services and such persons as the Controller may direct.

(4) The proper officer may, as a condition for the grant of an application for extra attendance—

- (a) require prior payment of the prescribed fees or security therefor;
- (b) in respect of attendance outside the limits of an officer's normal station, require the applicant to provide the necessary transportation and accommodation for such officer or such travelling and other expenses for such officer at current Government rates as the proper officer may consider reasonable.

15.—(1) The following fees shall be payable by persons requesting the extra attendance of officers—

Fees for extra
attendance
G.N. 63/1983
25/1996
14/2005

- (a) for the clearance of road vehicles and of the goods carried thereon at the places specified in Part I of the Second Schedule— K500 per vehicle;
- (b) for other attendance, K500 per hour in respect of each officer giving the attendance:

Provided that no fees shall be payable in respect of—

- (i) the clearance of conveyances engaged in scheduled services and of the travellers and their accompanied baggage carried or to be carried thereon;
- (ii) privately owned passenger vehicles not carrying merchandise;
- (iii) the examination and assessment of air-freight in accordance with regulation 34;
- (iv) diplomatic personnel; and
- (v) such other attendance as the Controller may direct.

(2) For the purposes of subregulation (1) (b) any part of an hour shall count as an hour.

(3) In respect of extra attendance by an officer outside the limits of his normal station the time to be charged shall be the time of necessary absence from his station for the service requested.

(4) The applicant for the extra attendance of officers shall, in addition to the fees for the services of such officers pay fees at the

rate of K500 per hour for such supervisory visits as the proper officer may deem necessary.

(5) No fee shall be charged for extra attendance if the service for which extra attendance is given commences during the hours of general attendance and such extra attendance does not exceed half an hour.

PART IV Importation

Declarations
of aircraft,
vessels and
vehicles

16. The declarations required by sections 24 and 28 of the Act shall be made—

- (a) in respect of road vehicles in form No. 1;
- (b) in respect of aircraft in form No. 2;
- (c) in respect of vessels in form No. 3:

Provided that the Controller may authorize the proper officer to dispense with such forms and to accept such declarations in such other manner as he may specify.

Documents
to be
produced with
declarations

17. The following documents, with as many copies as the proper officer may require, shall be produced with, and shall form part of a declaration made under regulation 16—

- (a) in respect of road vehicles, a complete list of the goods carried and, if appropriate, copies of all waybills and consignment notes;
- (b) in respect of aircraft and vessels—
 - (i) manifests of the cargo on board which, if required by the proper officer in respect of aircraft, shall be signed by the person authorized to sign such manifests at the foreign port from which the aircraft departed for Malaŵi;
 - (ii) if required by the proper officer, lists of the passengers and crew and of any other goods on board whether such goods are stores, baggage or the personal property or in the possession of any crew or passenger;
 - (iii) if required by the proper officer, the clearance, if any, from the last foreign port from which the aircraft or vessel has arrived;

- (c) in respect of aircraft, if required by the proper officer, the journey log book.

18. Upon the arrival at any port of any train carrying unentered imported goods the station master or other person in charge of the railway station or train shall deliver to the proper officer— Documents to be produced in respect of trains

- (a) copies of all invoices, waybills or other documents received by him and relating to the goods carried on that train and required to be entered at that port;
- (b) copies of all delivery and advice notes relating to the goods required to be entered at that port;
- (c) if required by the proper officer, lists of all goods carried on the train other than cargo; and
- (d) advices of all goods delivered to licensed private sidings.

19. Where any unentered imported goods are received at a licensed private siding, the owner or occupier of such siding shall, if so required by the Controller and within such time after the receipt of such goods as the Controller may direct, submit to the proper officer lists containing particulars of all such goods. Documents to be produced by owner of licensed private siding

20. Upon receipt of a report in accordance with section 170 or section 171 of the Act, the police or administrative officer concerned shall make such arrangements as are in his power to secure the revenue and shall forthwith report the facts to an officer and carry out such instructions concerning the matter as that officer may give. Wrecked or abandoned aircraft, etc., and wrecks

21. The declaration required under section 29 of the Act by a person arriving from a foreign port shall be either verbal or in form No. 47, or both, as the officer may direct. Declarations of persons

22. Except with the permission of the proper officer no goods shall be discharged from a vessel except between sunrise and sunset. Discharge of vessels

23. As soon as the discharge of a conveyance is complete the owner shall, if so required by the proper officer deliver, to the proper officer a statement of any packages declared for discharge at that port but not discharged or discharged but not declared for such discharge. Goods short or in excess of declarations

Period allowed for entry of goods at importation G.N. 24/2002	<p>24.—(1) Goods removed to a private licensed siding under the provisions of section 10 of the Act shall be entered within 5 days of the date of importation.</p> <p>(2) Other goods shall be entered within 10 days of the date of importation.</p> <p>(3) The proper officer may allow such extensions of the periods specified in subregulations (1) and (2) as he considers expedient.</p>
Retention of documents	<p>25. The proper officer may retain any document submitted in support of any declaration but, in his discretion, may either supply the owner with a certified true copy thereof or may himself accept such certified true copy if the owner particularly requests the return of the original.</p>
Entry for consumption at importation G.N. 14/2005	<p>26. Save as otherwise provided in the customs laws entry of goods for consumption at importation shall be effected—</p> <p>(a) in the case of non-merchandise imported in the baggage of travellers by the making of the declarations required under regulation 21 supported by such evidence of the nature, quantity, origin and value of the goods as the proper officer may require and the payment to such officer of such duty as is due on the goods;</p> <p>(b) in the case of goods to be entered under industrial rebate, by the completion and submission to the proper officer of a declaration in Form No. 82 supported by such invoices and other documents as the proper officer may require and the payment to that officer of such duty as is due on the goods;</p> <p>(c) in the case of—</p> <p style="padding-left: 40px;">(i) merchandise of a value not exceeding K30,000; and</p> <p style="padding-left: 40px;">(ii) non-merchandise other than that contained in traveller's baggage,</p> <p>by the submission to the proper officer of proper invoices or such other evidence as to the nature, quantity, origin and value of the goods as such officer may accept and the payment to that officer of such duty as is due on the goods:</p> <p>Provided that this paragraph shall not apply to goods to be entered under industrial rebate;</p> <p>(d) in the case of goods imported after temporary exportation in such manner as the Controller may direct;</p> <p>(e) in the case of goods to be entered provisionally under section 34 of the Act by the completion and submission to the proper officer of a declaration in Form No. 21 supported by such documents as the proper officer may require and the payment to</p>

that officer of the estimated duty and such further sum as he thinks fit;

- (f) in the case of other goods, by the completion and submission to the proper officer of a declaration in form No. 21 supported by such invoices and other documents as the proper officer may require and the payment to that officer of such duty as is due on the goods.

27. Entry for the warehousing of imported goods shall be effected by the completion and submission to the proper officer of a declaration in form No. 24 supported by such other documents as the proper officer may require.

Entry for
warehousing

28. Entry of goods for temporary importation shall be effected—

Entry for
temporary
importation

- (a) in the case of goods enumerated in any document issued in pursuance of any international convention concerning temporary importation to which Malaŵi has acceded, by the submission to the proper officer of that document duly completed;
- (b) in the case of travellers' samples not dealt with under subsection (a) by the completion and submission to the proper officer of lists in duplicate of the goods concerned and by the giving of such security for their due exportation as the proper officer may require;
- (c) in the case of the effects of *bona fide* tourists by a verbal declaration or a declaration in form No. 47, or both, as the proper officer may require, and by the giving of such security for their due exportation as he deems necessary;
- (d) in the case of merchandise allowed to be entered for temporary importation by the Controller and not entered in accordance with subsection (a), by the completion and submission to the proper officer of a declaration in form No. 21 supported by such documents as the proper officer may require and by the giving of such security for the due exportation of the goods as the Controller may direct;
- (e) in the case of other goods, in such manner as the Controller may direct.

29. Entry for goods in transit shall be effected—

Entry for
transit
G.N. 25/1989

- (a) in the case of air and rail traffic, by the completion and submission to the proper officer of a declaration in Form No. 30 supported by such documents and by the giving of such security for the due exportation of the goods as the proper officer may require;
- (b) in the case of road traffic, by the completion and submission to the proper officer of a declaration in Form RCTD

supported by such documents and by the giving of such security for the due exportation of the goods as the proper officer may require:

Provided that the Controller may allow entry in such other manner as he may approve in relation to particular parts of Malaŵi or to particular types of traffic.

Entry for use
as stores

30. Entry for goods to be removed directly upon importation to an aircraft or vessel for use as stores shall be effected by the completion and submission to the proper officer of a declaration in form No. 30 and by the giving of such security for the due exportation of the goods as the proper officer may require. The provisions of regulation 88 shall apply to goods entered under this regulation.

Security for
production of
documents

31. If an importer is unable, when effecting entry of his goods, to present to the proper officer invoices relating to the goods, or any other documents which may be required to be produced in accordance with these Regulations, or if an invoice or other document submitted to the proper officer is incomplete or fails to disclose all the information which that officer may require, the officer may, pending the production of proper invoices or other documents, accept security sufficient to safeguard the revenue and shall, thereafter, allow entry of the goods to be made.

Goods
imported by
post

32.—(1) All imported postal articles containing goods shall be made available to an officer for examination and assessment of duty at such places as may be agreed between the Controller and the Postmaster-General.

(2)—(a) The officer may require the importer to make such declarations as he considers necessary in order to assist him in assessing the duty on any imported postal article.

(b) If the importer wishes the goods to be warehoused without payment of duty or to be delivered for transit or to be entered under industrial rebate, or if the officer considers it necessary for the goods to be entered, the importer shall enter them in the prescribed manner.

(3) The officer shall record on a form or label pertaining to each consignment of packages containing goods—

(a) in the case of goods entered in accordance with subregulation (2) (b) the number and date of the relative entry;

(b) in other cases particulars of the assessment of the duty payable on the goods:

Provided that the Controller may dispense with the completion of such form or label in respect of goods not liable to duty and of small value.

(4) With the exception of postal articles required to be detained by the Department, postal articles which have been examined and assessed by an officer, or which have been entered in accordance with subregulation (2) (b) shall be released to the postal authorities

who shall be responsible for their delivery and for the collection of duty on the goods in such parcels as has been assessed by an officer.

(5) All duties collected by postal officials on goods imported by post shall be paid to the Controller in such manner as may be agreed upon by the Controller and the Postmaster-General.

(6) The correction of any assessment of duty on goods imported by post, or of the particulars recorded by the officer on the form or label mentioned in subsection (3), shall be effected in such manner as the Controller may direct.

33.—(1) Any person wishing to be licensed as an air-freight licensee in accordance with section 10 of the Act shall make written application to the Controller and shall furnish such information in respect of the application as the Controller may require.

Air-freight
licensees

(2) No goods shall be delivered by an air-freight licensee until the duties thereon have been paid and the requirements of the Act have been satisfied.

(3) Where the Controller revokes or refuses to renew an air-freight licence, any goods subject to customs control in the licensee's custody at the time of revocation or non-renewal shall be removed to a customs warehouse or other place authorized by the proper officer and all duties outstanding shall be paid to the proper officer on demand.

(4) Cargo imported by air-freight licensees shall be dealt with in accordance with the provisions of regulation 34.

34.—(1) All cargo imported by air-freight licensees shall be held by the licensee in a temporary store and shall be made available to an officer for examination and assessment of duty, if any.

Cargo
imported by
air-freight
licensees

(2)(a) The officer may require the importer to make such declarations as he considers necessary in order to assist him in assessing the duty on any goods imported as air-freight.

(b) If the importer wishes the goods to be warehoused without payment of duty or to be delivered for transit or to be entered under industrial rebate, or if an officer considers it necessary for the goods to be entered the importer shall enter them in the prescribed manner.

(3) The officer shall record on a form or label pertaining to each consignment of goods dealt with under this regulation—

(a) in the case of goods entered in accordance with subregulation (2) (b), the number and date of the entry;

- (b) in the case of other goods, particulars of the assessment of the duty payable on the goods:

Provided that the Controller may dispense with the completion of such form or label in respect of goods not liable to duty and of small value.

(4) With the exception of packages required to be detained by the Department packages which have been examined and assessed by an officer, or which have been entered in accordance with subregulation (2), shall be released to the licensee who shall be responsible for their delivery and for the collection of duty on the goods in such packages as has been assessed by an officer.

(5) All packages released in accordance with subregulation (4) and all duties due thereon shall be accounted for by the licensee in such manner as the Controller may require and such duties shall be paid to the Controller within such period as he may specify.

(6) The correction of any assessment of duty on goods imported as freight in aircraft or of the particulars recorded by the officer on the form or label mentioned in subregulation (3) shall be effected in such manner as the Controller may direct.

(7) Any dutiable goods dealt with under the provisions of this regulation and on which the duty has not been paid which are not delivered in accordance with subregulation (4) within 10 days after the date on which duty was assessed shall be removed to a customs warehouse and there dealt with under the provisions of Part V of the Act.

Provisional
declaration

35. A provisional entry made under section 34 of the Act shall be made in form No. 21 supported by such documents as are available in respect of the goods.

Supplementary
declaration

36. A supplementary declaration made in accordance with section 34 of the Act shall be made in form No. 23.

Authority for
delivery and
removal

37. Save as otherwise provided in the customs laws no goods which have been entered in accordance with regulations 26, 27, 28, 29 and 30 shall be delivered or removed from a customs area until such delivery or removal has been authorized by an officer by the impression of an official customs stamp over his signature on the waybill, consignment note, advice note or other document issued by the carrier in relation to the goods or by such other method as the Controller may direct.

38.—(1) The Controller may authorize, subject to such conditions as he considers proper, the onward carriage of unentered goods imported by road to a port other than the port of importation. The goods shall be conveyed direct to the other port by such routes as the Controller may specify and upon arrival at such port shall be deposited in such customs area or other place as the proper officer may direct and shall not be removed therefrom except with the permission of the proper officer.

Onward
carriage of
unentered
imported
goods

(2) A carrier or importer seeking authority for the onward carriage of unentered goods imported by road to a port other than the port of importation shall complete the appropriate portion of Form No. 1 and one copy of such completed form, when signed by an officer and returned to the carrier or importer shall, subject to such conditions as may be imposed by the proper officer, constitute the authority for such onward carriage.

PART V Customs Warehouses

39.—(1) Subject to the provisions of this regulation, rent on goods placed in a customs warehouse shall be charged at the following rates—

Customs
warehouse
rent
G.N.
156/1977
14/2005

	K	t
for the first week or part thereof per tonne	500	00
for the second week or part thereof per tonne	750	00
for the third week or part thereof per tonne	1,000	00
for the fourth week or part thereof per tonne	1,250	00
for the fifth week or part thereof and for each succeeding week or part thereof per tonne	1,500	00

(2) For the purpose of this regulation, a tonne shall be deemed to be 1,000 kg., 1 cubic metre or 1,000 litres, whichever occupies the least space.

(3) If goods placed in a customs warehouse are less than one tonne, proportions of the rates set out in subregulation (1) shall be paid as follows—

- (a) one-quarter of a tonne or less shall be charged as one quarter of a tonne;
- (b) more than one-quarter of a tonne but not exceeding half a tonne shall be charged as half a tonne;
- (c) more than half a tonne but not exceeding three-quarters of a tonne shall be charged as three-quarters of a tonne; and
- (d) more than three-quarters of a tonne but less than one tonne shall be charged as one tonne, but the minimum amount to be paid on any goods shall not be less than one hundred twenty-five Kwacha.

(4) If goods placed in a customs warehouse are more than one tonne but not an exact number of tonnes the residual fraction of a tonne shall be deemed to be one tonne for the assessment of rent.

(5) Rent shall be charged from the date on which the first part of any goods is placed in a customs warehouse up to and including the date of final delivery thereof, or the date of sale, as the case may be.

Receipt for
goods received

40. At the request of the owner of the goods the officer in charge of the customs warehouse shall give a receipt showing the number and distinguishing marks of packages deposited therein.

Entry of goods
in customs
warehouse

41. The entry of goods in a customs warehouse shall be effected in the manner prescribed in regulations 26, 27, 28, 29 or 30 according to the purpose for which they are entered, together with the payment of such expenses, rents, carriage and other charges as are due.

Application
for proceeds
of sale

42. Any person wishing to claim any part of the proceeds of the sale of goods sold in accordance with section 38 or 39 of the Act shall make application in writing to the proper officer and shall produce to that officer such proof of his entitlement to that part of the proceeds which he claims and such other relevant documents as the proper officer may require.

PART VI Bonded Warehouses

Application
for licences

43. An applicant for a licence for a bonded warehouse shall apply in writing to the Controller and shall supply such plans of the warehouse and such other information as the Controller may require.

Considerations
prior to issue
of licence

44. In considering an application submitted under regulation 43, the Controller shall, in particular, have regard to—

- (a) the financial standing of the applicant;
- (b) the amount of revenue involved in the goods proposed to be warehoused;
- (c) the situation of the proposed warehouse;
- (d) the security arrangements at the proposed warehouse; and
- (e) the bonded warehouse facilities already available to the public in the area,

and if he is satisfied that it is in the public interest that the licence should be issued he shall call upon the applicant to submit a bond in such sum as the Controller deems appropriate.

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|---|--|
| <p>45. If he is satisfied in accordance with regulation 44, and upon receipt of the completed bond and the prescribed fee, the Controller shall issue the licence.</p> | <p>Issue of licence</p> |
| <p>46. Licences issued under regulation 45 shall be prominently displayed in the bonded warehouses to which they refer.</p> | <p>Licences to be displayed</p> |
| <p>47. Any vat, tank or similar container used in a bonded warehouse for the storage or manipulation of liquids shall be marked, numbered and calibrated to the satisfaction of the Controller, and the licensee shall deliver to the Controller such copies of the calibration tables as he may require:</p> <p>Provided that if the Controller directs that an officer calibrate or gauge any such container then such reasonable calibration or gauge shall take precedence over any calibration tables supplied by the licensee.</p> | <p>Marking and calibration of vats, etc.</p> |
| <p>48. The licensee shall give a receipt to the proper officer in form No. 26 for all goods placed in the bonded warehouse.</p> | <p>Receipt for goods warehoused</p> |
| <p>49. If the ownership of any goods in a bonded warehouse changes the licensee shall forthwith advise the proper officer of the name of the new owner and, in respect of goods in a private bonded warehouse, shall cause them to be entered and removed in accordance with section 47 of the Act.</p> | <p>Transfer of ownership of goods in warehouse</p> |
| <p>50. The date of warehousing, and in the case of a public bonded warehouse, the name of the owner or importer, shall be clearly marked on each consignment of goods warehoused.</p> | <p>Goods in warehouse to be marked</p> |
| <p>51. Goods of an inflammable or dangerous nature or goods likely to cause damage to other goods shall not be kept in a bonded warehouse containing other goods unless segregated to the satisfaction of the proper officer.</p> | <p>Dangerous Goods</p> |
| <p>52. Naked lights shall not be allowed in bonded warehouses except in emergency or under the authority of the proper officer.</p> | <p>Naked lights</p> |
| <p>53. Except with the authority and in the presence of an officer, public sales shall not be held in a bonded warehouse.</p> | <p>Public sales</p> |
| <p>54. Save as permitted by an officer goods in a bonded warehouse shall not be examined, opened or altered except in case of emergency, when the licensee shall immediately report the occurrence to the nearest available officer.</p> | <p>Manipulation of goods</p> |
| <p>55. When the Controller has, as a condition of the issue of a licence, directed that only certain goods, or certain classes of goods, shall be stored in a bonded warehouse then only those goods, and no others shall be stored therein:</p> | <p>Goods to be stored in bonded warehouse</p> |

Provided that if the licensee desires to extend the range of goods for which his warehouse is licensed then such extension may be permitted by the Controller upon written application.

Warehousing
of goods

56. Save as otherwise provided in the customs laws—

- (a) no goods shall be deposited in a bonded warehouse unless such goods are entered for that purpose;
- (b) no goods entered for warehousing shall be deposited and stored except in the bonded warehouse for which they are entered;
- (c) all goods entered for warehousing shall be deposited without delay in the warehouse for which they are entered.

Losses in
transit

57. Subject to any allowable deficiencies, the duty on any losses which occur during the transportation of goods to a bonded warehouse or between bonded warehouses shall be paid forthwith by the owner of the goods, who shall submit to the proper officer a declaration in form No. 32 or form No. 39, whichever is appropriate.

Free goods
deposited in
warehouse

58. If for any reason a licensee wishes non-dutiable goods to be deposited in his bonded warehouse the Controller may in his discretion allow such deposit subject to such conditions as he thinks fit.

Damaged
packages

59. All packages—

- (a) entered for warehousing shall, if damaged, be repaired before or immediately after being deposited in a bonded warehouse;
- (b) damaged while in a bonded warehouse shall, as soon as possible, be drawn to the attention of the proper officer and made good under his supervision.

Warehousing
of excisable
goods

60.—(1) Excisable goods may be entered for warehousing upon the submission to the proper officer of a declaration in form No. 24.

(2) The goods shall be removed forthwith from the excise warehouse to the bonded warehouse for which they are entered upon the officer returning to the owner a copy of the form No. 24, stamped and signed by such officer, as authority for removal.

(3) The manufacturer of any excisable goods which have been warehoused in terms of this regulation shall record full particulars

of the goods, together with the number and date of the entry relative to their warehousing, in the records to be kept under section 75 and in the returns to be rendered under section 77 of the Act.

61.—(1) Upon written application and the giving of security to cover the duty involved an officer may permit the owner of warehoused goods to take samples thereof in his presence and if the samples are not returned to the warehouse within such reasonable period as the officer directs the duty shall be paid by the owner forthwith:

Sampling of
warehoused
goods
G.N.
156/1977

Provided that one sample, not exceeding one litre, may be taken from each cask, drum, vat, tank or mixing vessel containing liquids without payment of duty and without being returned to the warehouse.

(2) The licensee shall note in the records required to be kept under section 44 of the Act the taking, and if such is the case, the return of samples taken under this regulation.

62. If the owner of any warehoused goods wishes to re-gauge, rack, blend, mix, reduce, fine, bottle or otherwise manipulate such goods in a bonded warehouse he shall give not less than 24 hours notice of his intention by the submission to the proper officer of form No. 51, and shall not proceed with any such operation without the approval of the proper officer.

Operations on
warehoused
goods

63.—(1) All casks, drums or similar containers containing liquids manufactured or manipulated in a bonded warehouse shall, unless the Controller otherwise directs, immediately after such goods have been placed therein and before removal from the bonded warehouse, be marked and numbered with the following particulars—

Marking of
packages
containing
liquids
G.N.
156/1977

- (a) the name of the manufacturer or owner or licensee;
- (b) the description of the goods;
- (c) the quantity in litres;
- (d) the progressive number of each container, commencing with the number one for the first container filled each year, together with the number of the year or the last two figures of the number of the year in which the container was filled.

(2) All cases and similar containers containing liquids bottled in a bonded warehouse shall, unless the Controller otherwise directs, immediately after such goods have been placed in such containers, and before removal from the warehouse, be marked and numbered with the following particulars—

- (a) the name of the manufacturer or owner or licensee;
- (b) the description of the goods;

- (c) the quantity in imperial gallons;
- (d) the bottling operation number, and the progressive number of each case within the bottling operation.

(3) Particulars required to be marked under subregulations (1) and (2) shall be legibly printed on the containers or cases in letters and figures of not less than half an inch in height.

Allowable
deficiencies

64. If any deficiencies or losses are found in any liquids in cask, drum or other bulk container in a bonded warehouse or if any losses occur in any operation undertaken in accordance with regulation 62 and the officer is satisfied that such deficiencies or losses were not caused wilfully or negligently he may, subject to the directions of the Controller, write off such deficiencies or losses and a copy of the relevant customs document signed by the officer shall be the authority for such write off in the records kept by the licensee and by the officer and for the remission of the amount of duty involved.

Payment
of duty on
deficiencies

65. Deficiencies or losses in warehoused goods other than those allowable under the customs laws shall be entered in form No. 32 or form No. 39, whichever is appropriate, or in such other manner as the Controller may direct, and a copy of such entry shall be the authority for writing off such deficiencies or losses in the records kept by the licensee and the officer.

Surplus goods
in bonded
warehouse

66. Any goods found in a bonded warehouse which cannot be properly accounted for, to the satisfaction of the Controller, by their owner or by the licensee shall be deemed to be un-customed and shall be—

- (a) entered for warehousing and duly warehoused; or
- (b) entered for consumption and removed from the warehouse,

unless they are prohibited goods, in which case they shall be delivered into the custody of the Department as goods liable to forfeiture.

Destruction
etc. of
warehoused
goods

67.—(1) If an owner—

- (a) wishes to destroy warehoused goods; or
- (b) wishes the duty to be remitted on goods accidentally lost or destroyed while in transit to a bonded warehouse or after lawful delivery from a bonded warehouse other than for consumption; or
- (c) wishes to abandon warehoused goods to the Department without payment of duty thereon,

he shall submit to the proper officer a request in form No. 43 together with a full written explanation of the reason for such

request and the Controller may, after considering all the circumstances, refuse the request or grant it in whole or in part.

(2) If the Controller grants, in whole or in part, a request made in accordance with subregulation (1) his signature on the form shall be the authority for the remission of the duty involved.

68. Goods in a bonded warehouse which are required to be re-entered for warehousing by virtue of section 47 (4) of the Act shall be entered in form No. 24. Re-entry for warehousing

69. The entry of goods for removal from a bonded warehouse for consumption shall be effected by the completion and submission to the proper officer of— Entry of warehoused goods for consumption

- (a) a declaration in form No. 39, if the goods are liable to customs duty; or
- (b) a declaration in form No. 32, if the goods are liable to excise duty; or
- (c) a declaration in form No. 82, if the goods are to be entered under rebate of duty,

and by the payment of any duty due on the goods.

70. The entry of warehoused goods for exportation shall be effected by the submission to the proper officer of a completed form No. 36 and by the giving of such security for the duty on the goods and for their due exportation as the proper officer may require. Entry of warehoused goods for exportation

71. The containers of all goods entered for exportation in accordance with regulation 70 shall be marked conspicuously with the words "In Bond" so far as this is practicable. Goods for exportation to be marked

72.—(1) Warehoused goods entered in accordance with regulation 70 shall not be regarded as exported, neither shall the owner be released from his security, until— Proof of exportation

- (a) in the case of goods exported by aircraft, vessel or unlocked road transport the goods have been produced to, and certified exported, on a copy of the appropriate export bill of entry, by the officer at the port of exportation;
- (b) in the case of goods exported by post there has been produced to the proper officer a certificate of posting certified by the postal official who accepted them for despatch;
- (c) in the case of other goods there has been received by the proper officer—
 - (i) signed declaration of despatch for exportation by the carrier who accepted the goods for exportation; and, if the proper officer so requires,
 - (ii) a certificate of due receipt at a foreign port signed by a customs official on a copy of the appropriate form No. 36 at that foreign port:

Provided that the Controller may require different, or further evidence of due exportation in cases where he considers such to be necessary.

(2) The onus of proof of due exportation shall be with the exporter.

Entry for
re-warehousing

73.—(1) The entry of goods for re-warehousing shall be effected by the completion and submission to the proper officer of a form No. 24 and by the giving of such security for the due deposit in the warehouse to which the goods are to be removed or the payment of the duty as the officer may require.

(2) The authority for the deposit of the goods in the bonded warehouse in which they are re-warehoused shall be a copy of the relevant form No. 24 signed by the officer for the warehouse from which they have been removed.

(3) Goods entered for re-warehousing under this regulation shall be conveyed to the other warehouse without delay and by the quickest practicable means.

Authority for
delivery for
warehoused
goods

74. Authority for the delivery of goods from a bonded warehouse shall be given by the officer signing and returning to the owner of the goods, or to the licensee, a copy of the relevant entry, or in such other manner as the Controller may direct.

Goods not
exported, etc.

75. If warehoused goods entered for exportation or for re-warehousing are not so exported or re-warehoused they shall be delivered into the custody of an officer who may direct that they be deposited in a bonded warehouse or in a customs warehouse, or that the duty be paid, according to the circumstances of the case.

Power of
Controller
to vary
regulations

76. In respect of bonded warehouses licensed for the storage of—

- (a) unpacked petroleum products; and
- (b) such other goods as the Controller considers require special revenue treatment, the Controller may vary the requirements of regulations 62 to 75 to such extent as he considers expedient:

Provided that the licensees of such bonded warehouses shall comply with any conditions that the Controller or the proper officer may impose in relation to such variation.

PART VII
Carriage Coastwise

77.—(1) Before a coastwise vessel or aircraft departs from any port the master shall deliver to the proper officer a declaration— Coastwise declarations

- (a) in the case of a vessel, in Form No. 4;
- (b) in the case of an aircraft, in Form No. 2,

supported by separate manifests detailing the goods to be unloaded at each other port in Malaŵi:

Provided that the Controller may authorize the proper officer to dispense with such forms and to accept such declarations in such other manner as he may specify.

(2) The proper officer shall stamp, sign and return to the master copies of the declarations and manifests submitted to him under subregulation (1).

78.—(1) Upon arrival at the port of destination in Malaŵi the master of a coastwise vessel or aircraft shall unload the goods due for discharge at that place and shall surrender to the proper officer the copies of the documents returned to him under the provisions of regulation 77. Procedure at destination

(2) No goods carried coastwise shall be removed from the place of discharge without the prior permission of the proper officer.

79. The Controller may exempt from the requirements of this Part such aircraft or vessels or such classes of aircraft or vessels as he considers expedient. Exemption from requirements

PART VIII
Exportation

80.—(1) Subject to the provisions of regulation 81, the entry of goods for exportation shall be effected— Entry of goods for exportation

- (a) in the case of goods to be exported from a bonded warehouse or from an excise warehouse, in the manner set out in regulation 70;
- (b) in the case of goods to be exported after transit, by the surrender to the proper officer of a copy of the entry in Form No. 30 stamped and signed by the officer at the port at which the goods were entered at importation;
- (c) in the case of—
 - (i) travellers' samples to be exported temporarily;

- (ii) vehicles to be exported temporarily by road;
- (iii) goods to be exported after temporary importation; or
- (iv) the accompanied baggage of travellers, not being merchandise,

in such manner as the Controller may direct;

- (d) in the case of other goods, by the completion and submission to the proper officer of a declaration in Form No. 34.

(2) Except as may be allowed by the Controller, each separate consignment of goods for exportation shall be entered separately.

Minor
consignments
G.N. 14/2005

81.—(1) Notwithstanding the provisions of regulation 80, entry for exportation of the following goods may be effected by the completion and submission to the proper officer, to a postal official in the case of goods to be posted, or to the carrier, of a declaration in Form No. 38—

- (a) goods for exportation by post;
- (b) merchandise, of a value not exceeding K10,000, for exportation by air-freight or by rail; and
- (c) other goods, not elsewhere provided for and not being merchandise or the accompanied baggage of travellers:

Provided that—

- (i) this regulation shall not apply to warehoused goods or to goods for exportation on drawback;
- (ii) the Controller may, in his discretion, dispense with the submission of a declaration in Form No. 38 in the case of goods of a value not exceeding K30,000 if the exportation of such goods is not specifically restricted; and
- (iii) any declaration or description of goods attached to or accompanying any goods for which entry for exportation is not required shall be deemed to be a declaration for customs purposes.

(2) Declarations in Form No. 38 accepted by a postal official or by an official of the carrier shall be transmitted by such official to the proper officer without delay.

Authority for
exportation

82.—(1) With the exception of the accompanied baggage of travellers and goods in respect of which, under the provisions of regulation 81, a declaration on Form No. 38 has been accepted by the postal authorities or by the carrier, or has been dispensed

with, goods shall only be accepted by a carrier for exportation after such exportation has been authorized by an officer in the following manner—

- (a) by the impression of the official customs stamp and the signature of the officer on any consignment note, waybill, bill of lading or other document relative to the despatch of the goods and required by the carrier before he will undertake the carriage of the goods; or
 - (b) by permission in writing, in such form as the officer considers suitable, signed by the said officer and bearing the impression of the official date stamp, if the carrier himself is the exporter or for any reason does not require a document such as is mentioned in paragraph (a) above.
- (2) In the case of goods to which regulation 81 applies—
- (a) the acceptance by a postal official or by an official of the carrier of a declaration in form No. 38; or
 - (b) the direction of the Controller that a declaration in form No. 38 may be dispensed with,

shall be deemed to be the authority in accordance with section 51 of the Act for the acceptance of the goods for exportation:

Provided that the postal authorities or the carrier, as the case may be, shall make the goods available for examination by an officer prior to exportation at such place or places as the Controller directs.

83.—(1) Articles which are to be exported from and returned to Malawi may be registered, before exportation takes place, at a customs office or, in places where there is no customs office and if the goods are to be exported by post, at the nearest post office:

Registration
on exportation

Provided that—

- (i) the articles shall be produced for inspection by the officer or postal official registering them;
- (ii) articles shall not be registered unless they can be accurately described when registered and are capable of being identified on their return.

(2) Evidence of registration in form No. 48 or in such other form as the Controller may direct shall be supplied, on request, to persons registering articles in accordance with subregulation (1).

84.—(1) No goods shall be loaded in any ship, whether such ship is engaged in the exportation of goods or in carriage coastwise, until application has been made in form No. 5 to the proper officer for permission to load the said ship and the proper officer has granted such permission and, if he so requires, has appointed an officer to supervise the loading operation.

Loading of
ships

(2) Except with the written permission of the proper officer goods shall only be loaded in a ship between sunrise and sunset.

(3) The loading of goods into a ship shall be carried out in accordance with any instructions given by any officer appointed under subregulation (1).

Outward
clearance of
ships

85.—(1) Prior to departure of a ship to a foreign port the master shall submit to the proper officer a declaration in form No. 6 and one copy of such declaration, signed, stamped and returned to the master by the officer, shall constitute outward clearance of the ship from that port.

(2) When submitting a declaration in form No. 6 the master shall submit therewith copies of the export entries of all the goods mentioned in the declaration which are required to be entered.

(3) If a ship bound for a foreign port calls at an intermediate port within Malaŵi the master shall obtain a fresh outward clearance from the proper officer of the intermediate port before causing or permitting the ship to depart therefrom.

Outward
clearance of
aircraft

86.—(1) Prior to the departure of an aircraft to a foreign port the master shall submit to the proper officer a declaration in form No. 7 or in such other form or manner as the officer may require and one copy of such declaration, signed, stamped and returned to the master by the officer, shall constitute outward clearance of the aircraft from that port.

(2) If, after outward clearance has been effected under subregulation (1), the aircraft lands at any other place within Malaŵi prior to proceeding to a foreign port the master shall obtain fresh outward clearance before causing or permitting the aircraft to leave Malaŵi.

Departure of
vehicles and
persons

87. The declarations required to be made by the person in charge of any vehicle, or by any person, about to depart to a foreign port shall be made in such form and manner as the Controller may direct.

PART IX Stores

Warehoused
and drawback
goods for use
as stores

88. In respect of warehoused goods, or goods on drawback or goods entered in accordance with regulation 30 for use as stores on an aircraft or vessel about to depart to a foreign port—

(a) the proper officer may, in his discretion and subject to the directions of the Controller, limit the quantity of such goods

- which may be entered for use as stores on any particular aircraft or vessel;
- (b) upon arrival at the place at which they are to be loaded the goods shall, pending loading on to the aircraft or vessel for which they are entered, be deposited in such secure place as the officer may direct;
 - (c) prior to loading, the goods shall be produced for examination by an officer and after loading the officer may place them under seal and such seal shall not be broken until the aircraft or vessel has finally departed to a foreign port;
 - (d) the master shall give written acknowledgement to the proper officer of the receipt of the goods on board his aircraft or vessel.

89. Goods other than those provided for in regulation 88 for use as stores on an aircraft or vessel about to depart for a foreign port shall be entered in such manner as the Controller directs.

Other goods
for use as
stores

PART X Transit

90. Goods entered in transit shall be transported without delay to the port through which they are to be exported by such routes as the proper officer may direct.

Transit
routes

91. If goods entered in transit are not exported within the time allowed by the officer the owner of such goods shall, unless he explains the delay to the satisfaction of the proper officer and is allowed an extension of such time by that officer, and subject to compliance with any other written law, enter the goods for consumption on demand.

Transit goods
not exported
in time
allowed

92.—(1) Any person wishing to divert goods for consumption or warehousing after such goods have been entered for transit shall deliver such goods into the custody of an officer and, if permission for such diversion is granted, shall forthwith enter them in accordance with the provisions of regulation 26 or regulation 27, as the case may be.

Diversion
from transit

(2) Upon release of the goods by an officer for consumption or warehousing in consequence of an entry made in accordance with subregulation (1) the transit entry in respect of the goods shall be cancelled and the owner shall be released from such security as he may have given in respect of their transit.

PART XI Excise

93.—(1) The entry of premises required under section 65 of the Act shall describe accurately the situation and purpose of all

Entry of
premises

rooms, stores, warehouses, plant and apparatus to be used in connexion with the manufacture and storage of excisable goods. The entry shall be accompanied by such plans of the premises as the Controller may require.

(2) If the holder of an excise licence, with the consent of the Controller, makes any alterations to his entered plant or premises then he shall submit to the Controller an amendment to his entry or a fresh entry as the Controller may require.

Transfer of
licence

94. If the Controller, under section 65 (7) of the Act, consents to the transfer of an excise licence to a successor that successor shall forthwith enter the premises in accordance with section 66 of the Act and provide security in accordance with section 69 of the Act.

Appeal against
revocation or
refusal to
issue
or renew

95. If, after notification by the Controller of his refusal to issue or to renew a licence or of his intention to revoke a licence, the holder of the licence or applicant wishes to appeal to the Minister under section 65 (12) of the Act he shall make such appeal in writing within one month of the date of such notification.

Apparatus,
etc.

96. A licensee shall—

- (a) empty any part of his plant or apparatus if the Controller has directed that such part be re-gauged;
- (b) if required by an officer, stop the working of any machinery or apparatus for the purpose of examining such machinery or apparatus or of testing or gauging the output thereof:

Provided that the officer shall not interfere unduly with the legitimate operations of the licensee.

Marking of
entered
rooms, etc.
G.N.
156/1977

97.—(1) Each entered room, store or warehouse, or the doors leading thereto, and all major items of plant and equipment shall be marked, to the satisfaction of the proper officer, with the purpose for which they are entered to be used and if more than one place or item is used for the same purpose then such places or items shall, in addition, be marked with consecutive numbers starting at the number one.

(2) The capacity of all vats, receivers or other bulk storage containers shall be ascertained by such methods as the Controller may specify and the licensee shall, if so required by the Controller, mark indelibly such capacity in litres on each such vat, receiver or other bulk storage container.

(3) Pipes in a distillery shall be painted and kept painted—

- (a) red if they are for the conveyance of wine, wort or wash;
- (b) blue if they are for the conveyance of low-wines or feints;
- (c) black if they are for the conveyance of spirits;
- (d) white if they are for the conveyance of water;
- (e) green if they are for the conveyance of gas;
- (f) yellow if they are for the conveyance of air; and
- (g) silver if they are for the conveyance of steam:

Provided that, subject to the discretion of the Controller, any or all of the hot pipes of any distilling apparatus may not be required to be so painted.

(4) The Controller may dispense with the provisions of subregulation (1), (2) or (3) in relation to any particular premises.

98. The return and declaration required under the provisions of section 77 of the Act in relation to excisable goods delivered for consumption shall be made on form No. 32 supported by such other documents as the Controller may require:

Entry for
consumption

Provided that in respect of each delivery of excisable goods to a person entitled to receive such goods at a reduced rate of duty a form No. 82 properly completed by the person so entitled, shall accompany the return.

98A.—(1) Every application required under section 64 of the Act shall not be processed unless the applicant is—

Requirement
for registration
G.N. 26/2008

- (a) licensed as a manufacturer under section 77A of the Act; and
- (b) in the case of an importer or distributor, is duly registered with the Malaŵi Revenue Authority for that purpose.

(2) Every application made under these Regulations shall be lodged at the nearest Malaŵi Revenue Authority office.

98B.—(1) Every application required under regulation 98A shall be in the format of Form CE 28C and shall comply with all the requirements specified in Part A of the Schedule hereto.

Application
G.N. 26/2008

(2) Every application made in the form specified in regulation 98B shall contain all information specified in the instructions on how to complete Form CE 28C attached to Form CE 28C.

Documentation to accompany registration Cap. 46:03 G.N. 26/2008	<p>98C.—(1) The application for registration as an importer or distributor of cigarettes in Malaŵi shall be accompanied by valid certified copies of—</p> <ul style="list-style-type: none"> (a) certificate of incorporation, issued pursuant to the Companies Act; (b) Tax Payer Identification Number (TPIN) Certificate issued by the Malaŵi Revenue Authority; and (c) Tax Clearance Letter from the Domestic Taxes Division of the Malaŵi Revenue Authority. <p>(2) Every application for renewal of registration as an importer or distributor of cigarettes shall be accompanied by Tax Clearance Letters from both the Customs and Excise and Domestic Taxes Divisions of the Malaŵi Revenue Authority.</p> <p>(3) All applicants shall provide the most current information and other relevant details of their company at the time of making a new application, renewal or whenever there are changes to the company name or profile.</p>
Validity period of licence G.N. 26/2008	<p>98D. The Cigarette Importer or Distributor's Licence issued under section 77A of the Act and Regulation 98A shall expire on 31st December next following the date of issue.</p>
Time of lodgment of application G.N. 26/2008	<p>98E. Every application under these Regulations shall be submitted—</p> <ul style="list-style-type: none"> (a) in the case of new application, at any time of the year; and (b) in the case of applications for renewal, such applications shall be lodged by the 31st October in the year in which the licence expires.
Procedure for obtaining Tax Stamps G.N. 26/2008	<p>98F.—(1) Any person duly registered in accordance with regulation 98A may apply to the Commissioner General for Cigarette Tax Stamps for the purpose of—</p> <ul style="list-style-type: none"> (a) affixing on packets of locally manufactured cigarettes; or (b) affixing on packets of imported cigarettes prior to importation. <p>(2) The Cigarette Tax Stamps shall be issued upon receipt of an application in the format of Form CTS 1, set out in Part B of the Schedule hereto, being the Requisition in Respect of Cigarette Tax Stamps for locally manufactured or imported cigarettes:</p> <p>Provided that the applicant shall pay the prescribed application stamp fees.</p>

(3) Only properly completed applications shall be accepted by the Commissioner General and any application with inaccurate or incorrect information shall not be accepted and shall be returned to the applicant

(4) Upon approval of the quantities ordered and receipt of payment for the stamps from an importer or a manufacturer, the Commissioner General shall inform the designated printer to print and deliver the stamps to the local or foreign manufacturer of cigarettes intended for consumption in Malaŵi.

(5) The designated printer referred to in subregulation (4) shall only print any stamps at the written Commissioner General's request.

(6) The printer shall consign the stamps directly to the manufacturer who applied for the stamps, anywhere in the world within the agreed time frame and notify the Commissioner General of the number of stamps supplied to manufacturer within two days of dispatch.

(7) The manufacture, importer or distributor shall ensure that every cigarette packet is affixed with stamps prior to importation, distribution or sale in Malaŵi.

98G.—(1) Every cigarette tax stamp duly issued under section 77A of the Act shall constitute revenue due to Government, therefore even purchaser shall submit—

Accounting
for purchased
cigarette tax
stamps
G.N. 26/2008

(a) in the case of the manufacturer: a monthly reconciliation statement done by the twentieth of the month following the month in which it became due showing—

- (i) stamps in stock on the last day of the previous month and carried forward to the following month;
- (ii) a summary of usage of cigarette tax stamps during the month, including what was brought forward from previous month; and
- (iii) spoiled or damaged stamps, certified as such by an officer from the Customs and Excise Division of the Malaŵi Revenue Authority;

(b) in the case of an importer or distributor: a reconciliation statement done by the fifteenth working day from the date of importation showing—

- (i) a summary of usage of cigarette tax stamps for the current importation, including that which was brought forward from previous importation;
- (ii) stamps in stock as confirmed by manufacturer;

- (iii) spoiled or damaged stamps confirmed by manufacturer, which shall be submitted together with the reconciliation statement or mailed to the Malaŵi Revenue Authority, Customs and Excise Division within fifteen days from the date of receipt of the statement.

(2) Where the reconciliation statement is not received in accordance with regulation 98G above, the Commissioner General shall make an assessment of the duties due which shall constitute a debt to the Government and shall be subject to recovery as prescribed under the Act.

Keeping of
records
G.N. 26/2008

98H.—(1) Every licensed manufacturer, importer or distributor of cigarettes shall keep and preserve such adequate and complete records for a period of not less than seven years of all sales and purchases and such other books of accounts as may be necessary to determine compliance with this Act.

(2) The records and other books of accounts referred to in subregulation (1) includes all invoices, origin certificates. Pertinent records whether stored electronically or otherwise. papers and memoranda reflecting sales and purchases, operating and proprietary ledgers, and any other documents of information that maybe required by the Commissioner General, and all the books and records shall be open to examination upon demand by the Commissioner General.

Entry for
exportation

99. The provisions of regulations 70, 71 and 72 shall apply, with any necessary modifications, to goods delivered from an excise warehouse for exportation.

Entry for
removal to
other entered
premises

100. The provisions of regulation 73 shall apply, with any necessary modifications, to excisable goods lawfully removed from entered premises to other entered premises.

Loss or
destruction
of excisable
goods

101. The provisions of regulation 67 shall apply, with any necessary modifications, to excisable goods accidentally lost or accidentally destroyed prior to having been delivered for consumption and to waste products destroyed by authority of the proper officer.

Deficiencies

102. If the proper officer is satisfied that any deficiencies in excisable goods may properly be allowed under section 103 (1) of the Act he may, subject to the directions of the Controller, write off such deficiencies and his signature on the relevant customs document shall be the authority for such write off in the records kept by the licensee and by the officer and for the remission of the amount of duty involved.

103.—(1) Refund of excise duty and surtax paid on goods found, after delivery for consumption, to be defective or otherwise unfit for consumption shall be granted only if such goods are returned to the entered premises at which they were manufacture or are, with the consent of the Controller, destroyed elsewhere than at such entered premises, not later than 12 months after their delivery for consumption.

Defective,
etc., goods
returned
to entered
premises

(2) The applicant for refund shall make written application therefor to the proper officer and such application shall—

- (a) be accompanied by copies of credit notes or similar documents issued to the persons by whom the goods were returned;
- (b) specify the date or dates upon which the goods were delivered for consumption;
- (c) if the goods were delivered for consumption from a bonded warehouse quote the number of the entry by virtue of which they were so delivered; and
- (d) include such other information as the Controller may require.

(3) The licensee shall give the officer such assistance as he may require in taking an account of the goods.

(4) The goods mentioned in subregulation (2) shall be destroyed or further manufactured under the supervision of an officer or such other person as the Controller may nominate.

(5) No refund on such defective goods shall be allowed unless the Controller is satisfied that the licensed manufacturer has made an allowance therefor to the original purchaser.

(6) The amount of refund which may be allowed in respect of such defective goods shall be limited to the amount of duty paid on the goods or to the amount of duty which would be payable on such goods according to the tariff in force at the date of destruction or further manufacture, whichever shall be the less.

104.—(1) If any person, not being the holder of an excise licence or a licence to distil *kachasu* in terms of the Intoxicating Liquor Ordinance, wishes to import or keep or use a still he shall make application therefor to the Controller and shall supply such information relative to his application as the Controller may require.

Keeping of
stills

(2) The Controller may, subject to such conditions as he may impose, issue a certificate authorizing any person to import or keep a still for the purpose of—

- (a) resale;

- (b) the manufacture of goods other than spirits; or
- (c) the performance of laboratory work, analysis and experiments, including experiments in the manufacture of spirits and the purification of alcohol for those purposes,

and may, at any time, cancel or vary the conditions of any such certificate.

105.—(1) Only such stills, pipes, cocks, valves, receivers and other apparatus as have been approved by the Controller shall be used in a distillery. Distilling apparatus

(2) The Controller may require a distiller to provide such apparatus as the Controller considers expedient for the proper protection of the revenue and may specify the order in which and conditions under which raw materials or products shall be moved successively from one part of the plant or apparatus to another.

(3) A distiller shall not, unless with the approval and in the presence of an officer—

- (a) remove or cause to be removed any lock or seal, or any flange, pipe or fitting giving access to spirits; or
- (b) carry out any alterations to any pipe, still, safe, receiver or vessel through which spirits are conveyed or in which spirits are contained.

(4) Except with the permission of the Controller no spirit receiver which is not built wholly above ground level shall be used as a spirit receiver and no spirits shall be stored in ungauged vessels on the premises of a distiller.

106. Every distiller who acquires spirits in any manner other than by production on his own premises shall submit to the proper officer, not later than the day following such acquisition, a written return in which shall be specified— Notification of spirits received

- (a) the quantity and strength of such spirits; and
- (b) the name and full address of the person from whom he acquired such spirits.

107. A distiller shall give the following written notices to the proper officer on a form or in a book approved by the Controller— Notices to be given by distiller

- (a) not less than twenty-four hours' notice of intention to distil or re-distil;
- (b) not less than eight hours' notice of intention to remove wash or spirits from a fermenter for distillation or re-distillation, as the case may be;

	(c) not less than four hours' notice of intention to rack, re-gauge, blend, mix, reduce, fine or bottle spirits.
Declarations by distiller	<p>108. A distiller shall make the following declarations to the proper officer in a form or in a book approved by the Controller—</p> <p>(a) a declaration of the description and quantity of materials used in making up a fermenter, the estimated yield of proof spirits from such materials, other than spirits for re-distillation, and the quantity and strength of wash or spirits collected in the fermenter; and</p> <p>(b) at the end of each distillation period a declaration of the total quantity of spirits used in re-distillation, and the total quantity of spirits and feints produced from such distillation, or re-distillation, as the case may be.</p>
Additional records to be kept by distiller	<p>109. Every distiller shall keep a still-house book in which he shall record daily—</p> <p>(a) the description and the quantity of the materials used by him and the quantity and strength of wash sent to distillation and the quantity and strength of spirits obtained from the materials used; and</p> <p>(b) the quantity of spirits used in re-distillation and the quantity and strength of rectified spirits obtained therefrom.</p>
Methylation	<p>110.—(1) Methylation of spirits shall take place only in rooms or places specially entered for that purpose and no other.</p> <p>(2) No denaturants shall be used in the methylation of spirits unless first approved for such use by the Controller and, pending use, denaturants shall be kept in a store specially entered for that purpose and no other.</p> <p>(3) The proportions of denaturants to be added to spirits in the manufacture of methylated spirits shall be as approved by the Controller, who may specify different denaturants and different proportions thereof according to the purpose for which the methylated spirits are to be used.</p>
True strength of spirits to be shown	111. In every case where a distiller is required under the customs laws to show the strength of spirits in any book or document he shall state such strength as ascertained in accordance with section 116 of the Act.
Controller's power to vary	<p>112. The Controller may, in his discretion, vary the requirements of regulations 104 to 111 in relation to any particular distillery:</p> <p>Provided that the distiller shall comply with any conditions that the Controller may impose in relation to such variation.</p>

PART XII
Duties, Rebates, Refunds, etc.

113.—(1) Any person who considers that detriment to an industry in Malaŵi in which he has an interest is being, or is likely to be, caused by one or more of the conditions set out in the table in Part III of the Schedule to the Dumping Duties Tariff Order, 1969, may make a complaint to the Controller and may request that an investigation be made into the matter.

Complaints
and
investigations
as to dumping

(2) Any person who makes a complaint under subregulation (1) shall furnish the Controller with such information as the Controller may require and which it is in the person's power to give, in relation to the complaint.

(3) Upon receipt of a complaint under subregulation (1) the Controller shall make an investigation as to—

- (a) the domestic market value; and
- (b) the export price,

of the goods concerned and shall report the result of such investigation to the Minister.

(4) Upon receipt of a report made by the Controller under subregulation (3) the Minister may appoint a board or person further to inquire into the matter and to report whether, in all the circumstances, it would be in the public interest to impose one or more of the dumping duties provided for in the Dumping Duties Tariff Order, 1969.

(5) The board or person appointed under subregulation (4) shall have all the powers, rights, privileges and duties conferred or imposed upon a Commissioner by sections 7, 8, 9 and 10 of the Commissions of Inquiry Act.

Cap. 18:01

(6) The provisions of sections 11, 12 and 13 of the Commissions of Inquiry Act shall apply to an inquiry held under subregulation (4).

114. The provisions of the Sixth Schedule shall have effect in relation to the suspension of duties on the goods specified therein.

Suspensions
of duties

115. The provisions of the Seventh Schedule shall have effect in relation to rebates, remissions and refunds of duty on the goods, in the circumstances and to the persons specified therein.

Rebates,
remissions
and refunds

116. The provisions of the Eighth Schedule shall have effect in relation to rebates of duty on materials used in industry in Malaŵi and in relation to drawback of duty on materials used in Malaŵi in the manufacture of goods exported therefrom.

Industrial
rebates and
drawbacks

Drawback
of duty
under Export
Incentive Act
G.N. 31/1991

116A.—(1) Notwithstanding regulation 116, drawback of duty on raw materials including packaging used in Malaŵi in the manufacture or production of goods exported therefrom shall be claimed computed and paid subject to the following conditions—

- (a) the duty being claimed as drawback of duty was actually paid;
- (b) the raw materials on which the duty was paid are in accordance with section 15 (1) of Export Incentives Act provided that such materials shall not be fuels or lubricants;
- (c) the amount of duty payable as being drawback where waste of commercial value or by-products result from the process of manufacture shall be reduced by the same proportion that the waste or by-products bear to the total value of all goods manufactured from those raw materials unless the waste or by-products are exported.

(2) Goods on which drawback of duty is claimed shall be exported in accordance with regulation 80 (1) (d) prior to the submission of an application for duty drawback and further that—

- (a) the goods were not used in Malaŵi or otherwise dealt with; and
- (b) the bill of entry relating to the exportation is marked "subject to Duty Drawback".

(3) A proper officer may at any time prior to exportation of the goods require that the goods be made available for examination.

Applicant for
duty drawback

116B.—(1) An applicant for drawback of duty under regulation 116A shall be a person registered under the Export Incentives Act as a registered exporter.

(2) Where the applicant is not the person who imported the raw materials, the person who imported the raw materials shall provide the applicant with all information necessary on Form 45 to enable the applicant claim drawback of duty.

Application
for duty
drawback

116C. An application for drawback of duty shall be made within two years from the time the duty being claimed was paid and submitted to a proper officer in six copies accompanied with the following—

- (a) a list of numbers of bills of entry on which the duty being claimed was paid;
- (b) copies of all bills of entry for export to which the application relates;
- (c) such other documents as shows the relationship between the imported materials used and the goods exported; and
- (d) where the applicant is not the importer of the raw materials, a properly completed Form No. 45.

116D.—(1) Subject to section 15 (5) of Export Incentives Act, the Controller may, upon receipt of a properly completed application for drawback of duty, pay to the applicant an amount equal to 75 per centum of the total amount being claimed as duty paid on raw materials used in the manufacture of goods that have been exported.

Part payment
of duty
drawback

(2) If upon examination of the records of the applicant for duty drawback it transpires that by virtue of subregulation (1) there has been an overpayment, such overpayment shall be reimbursed by the applicant within fourteen days of his being notified of the discovery of the overpayment.

(3) If an applicant, having been informed of the overpayment fails to make reimbursement within the period allowed for such purpose, he shall, in addition to the overpayment, pay interest at the rate which is three percentage points above the prevailing commercial bank interest rate.

116E. Records of transactions relating to drawback of duty shall be kept and maintained in accordance with section 167 of the Act.

Records of
transactions

116F. Notwithstanding regulations 116, 116A, and 116B, payment of drawback shall be made in respect of materials used in the manufacture of goods supplied under tariff headings 100.02, 100.03 and 101.05.

Draw back
of duty
G.N. 34/1993

117.—(1) The payment of drawback on goods exported from Malaŵi, other than goods provided for in regulation 116, shall be subject to the following conditions—

Other
drawbacks

- (a) the goods shall not have been taken into consumption in Malaŵi;
- (b) the goods shall be exported as merchandise not later than 2 years after the date of payment of the duty;
- (c) the person to whom the refund is made shall be the person who paid the duty;
- (d) except as the Controller may allow, the goods shall be in the same condition, and in the same packages, as at the time when the duty was paid;
- (e) the goods shall be entered for exportation in the manner provided for in regulation 80 and the form required by that regulation shall be prominently marked "drawback claimed";
- (f) when entering the goods for exportation, or with such period thereafter as the Controller may allow, the exporter shall submit to the proper officer a claim for drawback in the specified form;
- (g) the goods shall be made available for examination by an officer prior to packing and loading for exportation;

- (h) the exporter shall prove payment of duty to the satisfaction of the Controller; and
- (i) exportation of the goods shall be proved in the manner set out in regulation 72.

(2) Notwithstanding the provisions of subregulation (1), the Controller may approve other procedures in respect of goods for exportation on drawback.

(3) The amount of drawback which may be allowed under this regulation shall be limited to the amount of duty paid on the goods or to the amount of duty which would be payable on such goods according to the tariff in force at the time of exportation, whichever shall be the less.

Goods
destroyed, lost
or damaged by
accident

118.—(1) If any person wished to claim a remission or refund of duty, in accordance with subsection (1) or subsection (2) of section 99 of the Act on goods destroyed, lost or damaged by accident while under customs control he shall, as soon as the occurrence comes to his notice forward to the proper officer a written claim for such remission or refund accompanied by an explanation of the circumstances and shall afford the proper officer such assistance and facilities as the proper officer may require to investigate the matter.

(2) If the Controller is satisfied in accordance with subsection (1) of section 99 of the Act, that the goods have been totally lost or destroyed without going into consumption he shall authorize remission or refund of the duty, as the case may be.

(3) If the Controller is satisfied in accordance with subsection (2) of section 99 of the Act, that the value of the goods has been reduced as a result of an unavoidable accident while such goods were under customs control he shall re-assess the amount of duty otherwise payable or paid and shall authorize such remission or refund as he considers equitable in the circumstances.

(4) If any person is aggrieved at any decision made by the Controller under subregulation (2) or subregulation (3) he may appeal to the Minister, whose decision shall be final and shall not be challenged in any court.

Goods found
defective
after release
from customs
control

119.—(1) If the importer of any goods wishes to claim refund of duty under the provisions of section 99 (3) of the Act he shall make written application to the Controller and shall produce such evidence to substantiate his claim as the Controller may require.

(2) If the goods are to be destroyed or if they are to be surrendered to the Controller, the importer shall deliver them, at his own risk and expense, to such place as the Controller may require and if the goods are to be destroyed their destruction shall take place at the expense of

the owner and in the presence of an officer or such other person as the Controller may designate.

(3) If the goods are to be returned to the foreign supplier they shall be entered before exportation in accordance with the provisions of regulation 80, the entry being marked prominently to the effect that refund of duty is claimed under section 99 (3) of the Act, and the goods shall be produced for examination by an officer prior to loading for exportation.

(4) If the Controller is satisfied as to the identity of the goods destroyed, surrendered or exported and that all the requirements of the law have been carried out in relation to such goods he shall authorize refund of that proportion of the duty paid on the goods which the credit or other allowance made by the supplier to the importer in respect of the defect bears to the price originally charged for the goods.

120.—(1) No cognizance shall be taken of any damage to or pilferage or diminution of goods alleged to have taken place prior to importation unless the attention of an officer is drawn thereto as soon as practicable after the goods are unloaded in Malaŵi and unless the goods, or the remainder of them, or the packages in which they had been contained, are thereupon produced for examination by an officer.

Goods
damaged or
pilfered before
importation

(2) Before accepting a claim for remission or refund of duty on account of damage to or pilferage of goods prior to importation the Controller may require such other evidence to substantiate the claim as he considers necessary.

121.—(1) All claims for refund of any duty, deposit, fees or charges shall be made by the claimant in the specified form or in such other manner as the Controller may approve and shall be supported by such evidence, including evidence that any obligation undertaken has been fulfilled, as the Controller may require.

Claims
for refund

(2) When he is satisfied that any cash deposited as security may properly be refunded the proper officer shall give authority for such refund in such manner as the Controller may approve and any claim for such refund shall be made within 2 months of the date of the giving of such authority or within such further period as the Controller may in any particular case allow.

PART XIII Value and Origin

122.—(1) Every person importing goods shall, in respect of each importation and if required by the proper officer, deliver to such officer a declaration of value in form No. 19 or form No. 19A Separate declarations shall be given in respect of different sellers or suppliers.

Declaration
of value
G.N. 25/1989

(2) The Controller, if he is satisfied that a person is a regular importer of goods from the same supplier and that the terms and conditions of trading are identical in respect of all such importations, may accept a declaration given by that person in form No. 20 and in that event he may in writing permit separate declarations of value in respect of such importations to be dispensed with for such period as he may direct.

(3) The Controller may at any time in writing withdraw any permission given by virtue of subregulation (2) and from the date of such withdrawal the importer shall observe the terms of subregulation (1).

Certificate
of origin

123. Every person importing goods shall deliver to the proper officer a certificate of origin in respect of such goods prepared in form No. 18 by the grower, producer, manufacturer, processor, seller or supplier of the goods, together with such other evidence as to the origin of the goods as the officer may require:

Provided that—

- (a) the Controller may, if he is satisfied that such other certificate contains all the essential particulars contained in Form No. 18, authorize the officer to accept a certificate of origin other than that set out in Form No. 18; and
- (b) the Controller may, in the case of such goods as he may determine, dispense with the production of a certificate of origin.

PART XIV Securities

Cash security

124. When security for compliance with any of the provisions of the customs laws is given by cash deposit the person giving the security shall, when making the deposit, complete and submit to the proper officer an application in Form No. 122.

Security by
Bond

125. Any bond given in accordance with the customs laws shall be in the specified form completed in such manner as the Controller may direct and, except as otherwise provided, shall be in such sum as the Controller may direct.

Sureties to
Bonds

126. The Controller may direct the number of sureties required to subscribe to any bond and may refuse to accept any bond if he is not satisfied as to the financial standing of any surety.

Security by
guarantee

127. A guarantee given as security for compliance with any of the provisions of the customs laws shall be in such form as the Controller may direct.

PART XV
Agents

128.—(1) A person wishing to be licensed as a customs agent under section 128 shall make an application to the Commissioner General by filling in Form C 25 in the Schedule and submitting the form to the Commissioner General.

Application
for customs
agent licence
G.N. 20/2010

(2) The application for a customs agent licence shall be accompanied by—

(a) a valid certified copy of the certificate of registration or incorporation under—

- (i) the Business Names Registration Act;
- (ii) the Partnership Act; or
- (iii) the Companies Act;

(b) where applicable under the Companies Act, names of shareholders of the company of the applicant or its holding company, if any;

(c) clearance certificates issued by the Domestic Taxes division and Customs division confirming that the applicant has no outstanding tax liabilities;

(d) Taxpayer Identification Number or a copy of Value Added Tax certificate; and

(e) a non-refundable application fee, as shall be determined from time to time by the Commissioner General.

128A.—(1) The Commissioner General shall advertise by publishing in a public newspaper in general circulation request for applications from any person wishing to transact business of a customs agent.

Procedure
for recruiting
customs
agents
G.N. 20/2010

(2) The advertisement shall remain open for a period of twenty-one days from the first day of publication, and any application submitted after the twenty-one days have expired shall not be considered by the Commissioner General.

(3) An applicant who satisfies the requirements of regulation 128 shall, by publication in a public newspaper in general circulation and; any other public media, be invited to attend an interview.

(4) Upon receiving applications the Commissioner General shall forward the applications to the Advisory Committee for assessment.

(5) The Advisory Committee shall conduct the interviews and names of any successful applicants shall be published in a public newspaper in general circulation

(6) The Advisory Committee shall, when conducting the interviews, consider whether an applicant being interviewed has among other requirements—

- (a) a clean record of compliance to all tax laws and regulations;
- (b) a physical place where the applicant would transact business of a customs agent;
- (c) not been dismissed as an employee of Malaŵi Revenue Authority for fraud or fraud-related matter and, if ever dismissed, at least two years have elapsed from the date of the dismissal; and
- (d) not been convicted of an offence under any tax law and, if convicted of any such offence, at least a period of seven years has elapsed from the date of the conviction.

(7) The Advisory Committee may come up with its own terms of reference as long as the terms of reference are not inconsistent with the Act and these regulations.

(8) An applicant aggrieved with the results of the interviews may appeal in writing to the Commissioner General within twenty-one days from the day of publication of names of successful applicants, and any appeal made after expiration of the twenty-one days shall not be considered for determination by the Commissioner General.

Appeals
G.N. 20/2010

128B. —(1) Where a person appeals pursuant to regulation 128A (8) or regulation 129 (6), the Commissioner General shall forward the appeal to the Appeals Committee for determination.

(2) The Appeals Committee shall forward its determination to the Commissioner General.

(3) The Commissioner General shall communicate the decision of the Appeals Committee to the applicant in writing within twenty-one days after the date of the receipt of the determination of the Appeals Committee.

Conditions for
issuance of a
licence
G.N. 20/2010
G.N. 42/2013

128C. —(1) The Commissioner General shall issue the customs agent licence to a successful applicant on condition that the applicant has—

- (a) entered into a bond in the sum of one million five hundred thousand Kwacha and paid a fee of one hundred and fifty thousand Kwacha for the issuance of the licence;
- (b) in the case of removal in bond, an established office and a licensed temporary store at an inland port for the storage of goods under customs control;
- (c) in the case of removal in transit, an established office at any port of entry and port of exit;

- (d) at least an employee at such established office to transact the business on behalf of the applicant;
- (e) reported in writing to the Commissioner General names of employees of the applicant in the prescribed form VB4 in the Schedule; and
- (f) in authorized case of an applicant who would be removing goods in bond, submitted to the Commissioner General—
 - (i) a letter from surety of the applicant confirming issuance of bond for that fiscal year;
 - (ii) a letter of confirmation from prospective surety of the applicant indicating willingness to provide security, and stating amount of security to be assured per station where the applicant wants to remove goods from; and
 - (iii) proof of ownership or occupancy of a licensed customs area at each inland station where the applicant wishes to operate as a customs agent.

(2) The Commissioner General may review the bond or the fee stipulated in regulation (1) (a), and may amend any requirement for the purposes of effecting these Regulations.

(3) The Commissioner General shall award the licence to a successful applicant within two months after the date of publishing in a public newspaper the names of successful applicants, and the licence shall be valid for twelve months from the date of issue.

(4) The Commissioner General shall publish in the *Gazette* names of all customs agents licensed to conduct the business of customs agent by the last instance of a financial year preceding the financial year for which the licence is valid.

129. —(1) Any customs agent wishing to renew his or her licence shall, at least three months before the expiry of the licence, apply to the Commissioner General for renewal of the licence.

Renewal of
licence
G.N. 20/2010

(2) The Commissioner General shall refer any application for renewal of licence to the Advisory Committee for consideration.

(3) The Advisory Committee shall, when assessing the application for reward of a licence, consider, among other factors, if the customs agent has—

- (a) in case of any general customs agent, demonstrated the ability to process not less than an average of twenty declarations every month;
- (b) in case of any private customs agent, made payments of duties of not less than fifty million Kwacha over the period of twelve months;

- (c) met the specified conditions for operating Remote Direct Trader Input;
- (d) maintained good compliance record relating to tax laws and regulations; and
- (e) not made transactional errors of more than thirty per cent that affected or would have affected the amount of revenue collected.

(4) Subregulations (1) (c) and (d) shall not apply to a customs agent operating an Export Processing Zone or a manufacturer-in-bond.

(5) The Advisory Committee shall communicate its decision to the Commissioner General who shall inform the applicant of the decision in writing within ninety days of the submission of the application.

(6) Any applicant aggrieved by the decision of the Advisory Committee may appeal against the decision to the Commissioner General, and such appeals shall be determined in accordance with regulation 128B.

(7) If renewed, the licence shall be valid for a period of twelve months.

Non
transferability
of licence
G.N. 20/2010

130. —(1) A customs agent shall not transfer his or her licence to any other person.

(2) In this regulation, "transfer" includes—

- (a) permitting any other person to use title, identity or signature of a customs agent for purposes of transacting any business of a customs agent or any other activity related to customs;
- (b) complete change of ownership of the business in the case of sole trader to another;
- (c) sale of a partnership, or a transfer of either partner's shares to a person other than his or her partner;
- (d) the conversion of a sole trade or a partnership to a limited company;
- (e) change of ownership from one limited company in a group of companies to another in the same group;
- (f) where the majority shareholder or shareholders in a limited company have sold their shares to any other person; and
- (g) where a director acquires shares, whether a minority or a majority, in a company holding a valid customs agent licence.

(3) An occurrence of any situation in subregulation (2) shall render a licence invalid and a fresh application for a new licence shall be required if any person intends to become or continue to be a customs agent.

131. —(1) The Commissioner General may revoke or refuse to renew a licence of any customs agent if the customs agent—

Revocation or
non-renewal
of licence
G.N. 20/2010

- (a) is by the operation of any law of Malaŵi unable to perform his or her duties under the licence;
- (b) is incapacitated;
- (c) has made transactional errors of more than thirty per cent that affected or would have affected the amount of revenue collected or information pertaining to revenue statistics;
- (d) is convicted by a competent court of law for violating any tax law;
- (e) is not compliant with customs laws, regulations and procedures; or
- (f) voluntarily ceases to be a customs agent; or
- (g) dies; or
- (h) in case of a corporation, there is a dissolution of the corporation; or
- (i) obtained the licence fraudulently; or
- (j) connived with a customs officer or any officer of the Malaŵi Revenue Authority to defraud the Government of revenue.

(2) Any person who fails to renew his or her licence, or whose licence the Commissioner General revokes or refuses to renew shall cease forthwith to act as a customs agent, and any person whose licence is revoked shall surrender the licence to the Commissioner General on demand.

(3) The Commissioner General may give notice of revocation or expiration of any licence by publication in the *Gazette*.

PART XVI Surtax

132.—(1) A person required under section 110E to be registered for purposes of surtax shall apply for such registration—

Registration
for surtax
G.N. 38/1970
25/1989
32/1991
34/1993

- (a) if during a period specified in the Table hereunder the turnover of his taxable goods or taxable services, as the case may be, has exceeded the amount shown in that Table in relation to that period:

Table

<i>Prescribed Period</i>	<i>Prescribed turnover</i>
3 months	K26,250
6 months	K45,000
9 months	K60,000
12 months.	K75,000; or

- (b) at any time when there is reasonable ground for believing that the turnover of his taxable goods or taxable services in the current or ensuing period of twelve months will exceed K75,000:

Provided that a person shall not be liable to be registered in accordance with paragraph (a) of this subregulation if, although the value of his taxable goods or taxable services, as the case may be, in a prescribed period of less than twelve months has exceeded the prescribed turnover for that period, the Controller is satisfied that the aggregate value of taxable goods or taxable services in that prescribed period and the remaining period aggregating to twelve months will not exceed K10,000.

- (2) A registered person shall cease to be liable to be registered at any time that he satisfies the Controller that the value of his taxable goods or taxable services in the period of twelve months then beginning will be less than K60,000 and is unlikely to exceed K75,000 in the following period of twelve months.

Application
for registration
G.N. 25/1989

133.—(1) An application for registration under section 110E shall be made in Form No. S.T. 1 and shall be submitted to the Controller within thirty days or the earliest date on which the person liable to be registered knew, or ought with reasonable diligence to have known, that he will be so liable.

- (2) A person who intends to manufacture taxable goods or to provide taxable services and who will be liable to be registered when he does so may notify the Controller of that fact by making an application in Form No. S.T. 1 and thereupon the Controller may, subject to such conditions as he thinks fit to impose, register such person from such date as the Controller may agree with him.

- (3) An application for registration under section 110F shall be made in Form No. S.T. 1 and shall be accompanied with particulars justifying the registration.

Notification
of change of
particulars
G.N. 25/1989

134. When a registered person—

- (a) changes his name or trading name;
- (b) changes he address of any of his business premises;
- (c) opens any new business premises;
- (d) closes any business premises; or
- (e) changes the nature of his business,

he shall notify the Controller, in writing, within ten days of the date of that change.

Registration
certificates
G.N. 25/1989

135.—(1) Upon registering any person under this Part the Controller shall issue to such person a certificate of registration, which shall be in Form No. S.T. 2.

(2) A certificate or registration shall be numbered in such manner as the Controller may direct and shall continue in force until cancelled by the Controller.

(3) A certificate of registration shall be exhibited at the principal place of business specified thereon, with copied exhibited at other places of business; and such certificate or copies shall be produced on demand to a proper officer at any reasonable time and shall be surrendered to that officer if he so requires.

136.—(1) When a registered person supplies taxable goods or taxable services, he shall, not later than seven days after the time of the supply, deliver to the purchaser a serially numbered surtax invoice, marked prominently as such, containing the following particulars—

Surtax
invoice
G.N. 25/1989

- (a) his name and address;
- (b) his business trading name if different from (a);
- (c) his surtax registration number which is his taxpayer's identification number, which number is properly described in Form PFT 1 under the Taxation (Provisional Tax) (Information and Payment) Regulations, 1988;
- (d) the serial number of the invoice;
- (e) the date of issue of the invoice;
- (f) the name and address of the person to whom the goods or services have been supplied and, if known, that person's surtax registration number;
- (g) the quantity, description and selling price of the goods or services and the appropriate rate of surtax;
- (h) the total value of the invoice excluding surtax;
- (i) the value for surtax purposes, if different from the amount at
- (h);
- (j) the amount of surtax payable; and
- (k) the date of supply of the goods or services if different from the date of issue of the invoice.

Cap. 41:01
G.N. 66/1988

(2) The Controller may waive one or more of the requirements of subregulation (1) in such cases and subject to such conditions as he thinks fit.

(3) The registered person shall keep copies of all surtax invoices issued in serial number order and make them available for inspection by a proper officer on demand.

(4) If, after delivery of the surtax invoices referred to in sub-regulation (1), a registered person allows a credit or other similar allowance on account of the return of the goods or for any other reason

satisfactory to the Controller, such registered person shall issue a credit note amending the surtax invoice and containing a reference to the surtax involved from the amount payable in respect of the tax period in which the credit or other allowance was given.

(5) If, after delivery of the surtax invoice referred to in subregulation (1), any further charge is made for the supply, it shall, subject to the satisfaction of the Controller, be regarded as fresh supply and a further surtax invoice shall be issued making reference to the surtax invoice for the original supply of the goods or services and surtax shall be payable accordingly.

Surtax
records
G.N. 25/1989

137.—(1) Every registered person shall keep records to the satisfaction of the Controller showing—

- (a) supplies made by him of taxable goods or taxable services and the surtax charged thereon; and
- (b) supplies made to him of taxable goods or taxable services and the surtax charged thereon.

(2) The Controller may require separate records to be kept of different classes of taxable goods and different kinds of taxable services.

Payment of
surtax

138. When rendering the return referred to in regulation 137 (1) the registered person shall remit to the Controller the total amount of surtax shown as payable on such return.

Assessment by
Controller

139. If a registered person fails to render the return referred to in regulation 137 (1) within the period required the Controller may, without prejudice to any other action he may take in respect of the failure to render such return, make an assessment of the amount of surtax payable by the registered person for the period in question. Such assessed amount of surtax shall be paid to the Controller by the registered person on demand and shall be presumed to be the correct amount of surtax payable in respect of such period until the contrary is proved.

Adjustment
of amount of
surtax paid

140. If it is found that the amount of surtax paid by any registered person in respect of any period is incorrect the necessary adjustment shall be made in the next return rendered by the person or in such other manner as the Controller may direct, and such adjustment shall be without prejudice to any other action the Controller may take in respect of the error which gave rise to the adjustment.

Exports

141. Entry of taxable goods for exportation by a registered person shall be effected by the completion and submission to the proper officer of a declaration in the specified form. Such form shall, in addition to the other particulars required, be endorsed with the number of the certificate of registration of the registered person.

142. Regulation 117 shall apply to goods exported on drawback of surtax. Drawback

143.—(1) A registered person shall notify the Controller forthwith upon ceasing to manufacture taxable goods and shall at the same time surrender his certificate of registration to the Controller. Cancellation of registration

(2) Upon being satisfied that a registered person has ceased to manufacture taxable goods the Controller shall cancel the relative certificate of registration with effect from the date of such cessation and from that date the person shall cease to be a registered person.

(3) If the sales or other disposals of taxable goods by a registered person decline to such an extent that only a small amount of surtax is involved and if the Controller decides in consequence to cancel the registration of that registered person, the Controller shall give the registered person at least 10 days notice of his intention to cancel the registration.

(4) The Controller shall cancel such certificate of registration with effect from the date notified to the registered person under subregulation (3) and from that date the person shall cease to be a registered person, and shall forthwith surrender his certificate of registration to the Controller.

(5) Within 20 days of the effective date of the cancellation of his certificate of registration or within such further period as the Controller may allow the person concerned shall render to the Controller a return on the prescribed form showing—

- (a) the amount of surtax payable in respect of his sales or other disposals of taxable goods from the date of his last return until the effective date of cancellation of his certificate of registration;
- (b) the amount of surtax represented by the taxable goods of his own manufacture on hand on the effective date of cancellation of his certificate of registration but not sold or otherwise disposed of by that date;
- (c) the amount of surtax represented by taxable materials imported or otherwise acquired by him without the payment of surtax for use by him for the manufacture of taxable goods by him or for the packaging of such goods but not so used by the effective date of cancellation of his certificate of registration, and shall, with the return, pay to the Controller the total amount of surtax represented by paragraphs (a), (b) and (c).

(6) If it is found that the amount of surtax paid to the Controller under subregulation (5) does not represent the correct amount payable the adjustment shall be made either by a further payment or by a refund, as the case may be, and if a further payment is due such further payment shall be made by the person to the Controller on demand.

PART XVII
General

Validation of declarations	<p>144.—(1) The validation of invalid declarations required by section 165 of the Act shall be effected by either—</p> <ul style="list-style-type: none"> (a) the completion and submission to the proper officer of a completely fresh, and correct, declaration; or (b) by the completion and submission to the proper officer of a declaration in the specified form; or (c) in any other manner, approved by the Controller, as the proper officer may direct. <p>(2) The proper officer may require any person seeking to validate an invalid declaration to submit an explanation in Form No. 45 or otherwise of the reason for the original error.</p> <p>(3) Invalid declarations shall be validated within one month of the discovery of the error or within such further period as the proper officer may allow.</p>
Processing fees G.N. 25/1996 53/1997 18/2002 12/2004 COMESA simplified trade regime charge G.N. 42/2013	<p>145. For the processing, validation or issuing of any document the Controller may, in his discretion, charge a processing fee of one thousand and two hundred Kwacha.</p> <p>145A. For processing, validation and issuing of COMESA simplified trade regime, a charge of US\$1 or its equivalent in Malaŵi Kwacha.</p>
SADC certificate of origin fee G.N. 42/2013	<p>145B. For issuing a SADC certificate of origin, a fee of US\$2 or its Malaŵi Kwacha equivalent.</p>
Licensing fees G.N. 125/1975 114/1981 32/1991 28/1995 14/2005 42/2013	<p>146. The following fees shall be paid in respect of licences issued or renewed under the Act—</p> <ul style="list-style-type: none"> (a) for every licence for a private siding under section 10 of the Act the sum of K15,000 shall be paid;
G.N. 14/2005 42/2013	<ul style="list-style-type: none"> (b) for every licence to an air-freight licensee under section 10 of the Act the sum of K15,000 shall be paid;

(c) for every licence for a bonded warehouse under section 41 of the Act the sum of K30,000 shall be paid, so, however, that if a licence is issued after the 30th June in any year the sum of K15,000 shall be paid; G.N.125/1975
32/1991
28/1995
14/2005
42/2013

(d) for every customs agent's licence under section 128 of the Act the sum of K150,000 shall be paid: G.N. 28/1995
32/1995
14/2005
42/2013

Provided that if the applicant for the issue or renewal of such licence is licensed as a travel agent or forwarding agent under the Businesses Licensing Act no fee in respect of the customs agent's licence shall be payable; Cap. 46:01

(e) for every licence to manufacture excisable goods under section 64 the sum of K15,000 shall be paid; G.N. 14/2005
42/2013

(f) for every licence to operate a temporary store for one year under section 31 of the Act the sum of K60,000 shall be payable; G.N. 32/1991
28/1995
14/2005
42/2013

(g) for every licence to manufacture goods under the industrial rebate, an annual fee of K15,000 shall be paid; and G.N. 42/2013

(h) for every licence to operate a container depot terminal for one year, the sum of K60,000 shall be paid. G.N. 42/2013

147. For the purposes of escorting any conveyance or goods, the Controller may charge a fee of K21,000. Escort fees
G.N. 12/2004
42/2013

FIRST SCHEDULE reg. 3, G.N. 25/1989

Forms 23/2000
24/2008
26/2008
20/2010
42/2013

Form No. Title

C.T.S.	1.	Vehicle declaration and report order	
	1.	Requisition in Respect of Cigarette Tax Stamps	G.N. 26/2008
	2.	Report on arrival of aircraft	G.N. 25/1989
	3.	Report on arrival of ship	
VB	4.	Report of coastwise ships	
	4.	Authorized signatories: Bills of Entry and Value Declarations	G.N. 20/2010
	5.	Application for permission to load ships leaving Malaŵi	
	6.	Report on departure of ships	
	7.	Report on departure of aircraft and statement of stores on board	
	8.	Overtime request	
	12.	Malaŵi Customs Declarations	G.N. 23/2000
	18.	Goods exported to Malaŵi—certificate of origin	
	19.	Declaration of value	
	19A.	Declaration of value	
	20.	Value of imported goods—general declaration, request and undertaking	G.N. 25/1989
	20.	Bill of entry for the clearance of goods for consumption	

<i>Form</i>	<i>No.</i>	<i>Title</i>
G.N. 24/2008	21.	COMESA Simplified Customs Document
	23.	Bill of entry supplementary to entry on Form 21
	24.	Bill of entry for the warehousing/rewarehousing of goods
G.N. 20/2010 C	25.	Application for Registration/Renewal as Customs Clearing Agent
	26.	Proprietor's receipt for goods warehoused
	27.	Bill of entry supplementary to entry on Form 24 or 30
G.N.26/2008 CE	28C.	Application for Registration as an Importer or Distributor of cigarettes in Malaŵi
	30.	Bill of entry for the removal of goods in transit through Malaŵi
	31.	Bill of entry supplementary to assessment on petty Consignment/baggage/postal parcel/air-freight
	32.	Bill of entry for payment of excise duty
	33.	Bill of entry supplementary to entry on Form 32
	34.	Bill of entry for the export of goods from open stocks
	35.	Bill of entry supplementary to entry on Form 34
	36.	Bill of entry for export of goods (as stores) from bonded/excise warehouses
	37.	Bill of entry supplementary to entry on form 36
	38.	Goods declaration (outwards)—minor consignments
	39.	Bill of entry for the clearance of goods for consumption from bonded warehouse
G.N. 31/1991	40.	Bill of entry supplementary to entry on Form 39
	43.	Voucher for writing-off warehoused goods
	44.	Application for drawback of duty
	45.	Duty drawback import information
G.N. 42/2013	47.	Notice and warning to travelers: The Currency and Goods Declaration Form shall be in the manner prescribed in the Appendix to this Schedule
	48.	General registration certificate
	49.	Receipt for duty paid on consignments for which a bill of entry is not required
	50.	Return of duty-free consignments for which a bill of entry is not required
	51.	Operation warrant and voucher for writing-off wet goods
	52.	Visitors to Malaŵi: currency certificate
	81.	Application to the Controller of Customs and Excise to be Registered as a manufacturer under rebate
G.N. 25/1989	82.	Bill of entry for the clearance of goods under industrial Rebate
	82.	Bill of entry supplementary to entry on Form 82
	86.	Application to transfer goods imported under rebate from one registered manufacturer to another
	122.	Cash deposit—request and undertaking
	123.	Bond
RCTD.		Road Customs Transit Declaration

APPENDIX

G.N. 42/2013

REPUBLIC OF MALAWI
Currency and Goods Declaration Form

Form No. 47

Declaration of Import/Export of Currencies, Negotiable Instruments, Precious Stones, other Valuables in excess of USD5,000 or Local Currency in excess of K5,000. Pursuant to Money Laundering Act, section 38, Immigration Act, section 18 and Exchange Control Act, section 25 (1) and Customs and Excise Act, sections 29, 30, 50 and 51.

Please print clearly when completing this form and tick where appropriate:

Arrival ☐ Departure ☐
Flight ☐ Vehicle ☐ Ship ☐ Number: ☐

1. Surname:

2. Other Names:

3. Male ☐ Female ☐

4. Date of Birth: Country of Birth:

5. Nationality:

6. Address and Phone Number in Malawi:

.....
.....
.....

7. Purpose of the trip:

Holiday ☐ Business ☐ Study ☐ Conference ☐ Employment ☐

Diplomat ☐ Other ☐ (Specify):

8. Traveling Alone? Yes ☐ No ☐

9. If accompanied, by whom?

Full Name	Relationship	Date of Birth

10. Country of Residence:

11. If not resident in Malawi, provide expected length of stay in Malawi:

.....

12. Occupation:

13. Passport Number: Place of Issue:

14. Passport date of Issue: Date of Expiry:

15. Malawi is ☐ Final destination or ☐ In-Transit to

16. Port of Entry/Exit and Date:

17. Countries visited during the last 6 months:

.....

.....

.....

18. Are you carrying any valuables e.g. travelers cheques, precious stones/metals, share certificates, money/postal orders?

(i) ☐ No

(ii) ☐ Yes (Specify):

Currency: Amount:

Where did you get the valuables from (copy of other justifying documents if available):

☐ Bank
☐ Forex Bureau
☐ Other (Specify).....

Name of owner of each valuable (if different):

Particulars:

.....

19. How much money are you carrying?

Currency: Amount:

Where did you get the money from? (copy of other justifying documents if available):

☐ Bank
☐ Forex Bureau
☐ Other (Specify).....

20. All goods I/We obtained abroad and am/we are bringing to Malaŵi are listed below:

<i>Description of Articles Value</i>	<i>(Price paid)</i>	<i>OFFICIAL USE</i>

PERSONAL ALLOWANCE (No age limit)	Residents:	Other dutiable goods, purchased or otherwise obtained outside Malaŵi of total value not exceeding K20,000 per person.
	Visitors:	Other dutiable goods, purchased or otherwise obtained outside Malaŵi of total value not exceeding K10,000 together with the items of a personal nature for use during a temporary stay and which will be re-exported at the end of the stay.
Providing that goods are neither prohibited, restricted nor for commercial purposes. PROHIBITED OR RESTRICTED GOODS INCLUDE:		
Drugs—psychotropic substances: (chemical substances that alter mood, behavior, perception, or mental functioning)		Firearms, ammunitions and explosives (including fireworks) unless accompanied by a valid licence)
Obscene items of pornographic literature, films, video tapes, CD or DVDs		

SECOND SCHEDULE

reg. 9

G.N. 60/1977 22/1982 9/2006 33/2006	<i>Part 1: Ports for road vehicles (subregulation (1))</i>	
	Balaka	MarkaNyathando
	Biriwiri	Mchinji
	Chikombe	Mquocha
	Chiponde	Muloza
	Chisenga	Mwanza
	Chitipa	Namizana
	Dedza	Nayuci
	Katumbi	Nsanje
	Kibwe (Kaporo)	Songwe
G.N. 178/1970	<i>Part 2: Ports for trains (subregulation (2))</i>	
	<i>Accompanied baggage imported or exported through Border Siding</i>	
	<i>Column 1</i> <i>(Port of clearance)</i> Border siding Nsanje	<i>Column 2</i> <i>(Consigned to or loaded at:)</i> All places in Malaŵi except Border Siding, including baggage in transit.

Accompanied baggage imported or exported through Nayuci

<i>Column 1</i> <i>(Port of clearance)</i>	<i>Column 2</i> <i>(Consigned to or loaded at:)</i>
Nayuci	All places in Malaŵi, including baggage in transit.
Nsanje	Any place from Border Siding up to but excluding Sandama Station.

Unaccompanied baggage imported or exported through Border Siding

<i>Column 1</i> <i>(Port of clearance)</i>	<i>Column 2</i> <i>(Consigned to or loaded at:)</i>
Luchenza	Any place between Sandama Station and Malabvi Station inclusive.
Blantyre	Any place between Limbe and Balaka stations but not including Balaka Station.
Balaka	Any place between Balaka and Chipoka stations but not including Chipoka Station.
Liwonde	Any place between Nkaya and Nayuci stations but not including Nkaya.
Salima	Any place between Chipoka and Salima stations inclusive, provided that any unaccompanied baggage for Chipoka may, at the discretion of the Controller, be cleared through Customs at Chipoka.
Lilongwe	Any place between Salima and Lilongwe stations but not including Salima Station
Mchinji	Any place between Lilongwe and Mchinji stations but not including Lilongwe Station.

Unaccompanied baggage imported or exported through Nayuci

<i>Column 1</i> <i>(Port of clearance)</i>	<i>Column 2</i> <i>(Consigned to or loaded at:)</i>
Nayuci	Nayuci Station
Liwonde	Any place between Nayuci and Nkaya stations but not including Nayuci and Nkaya Stations.
Blantyre	Any place between Limbe and Balaka stations but not including Balaka Station.
Balaka	Any place between Balaka and Chipoka stations but not including Balaka Station.
Salima	Any place between Chipoka and Salima stations inclusive, provided that any unaccompanied baggage for Chipoka may, at the discretion of the Controller, be cleared through Customs at Chipoka.
Luchenza	Any place between Malabvi and Sandama stations inclusive.
Nsanje	Any place from Sandama to Border Siding but not including sandama station and Border siding
Lilongwe	Any place between Salima and Lilongwe stations but not including Salima Station
Mchinji	Any place between Lilongwe and Mchinji stations but not including Lilongwe Station.

All other goods imported or exported through Border Siding

<i>Column 1</i> <i>(Port of clearance)</i>	<i>Column 2</i> <i>(Consigned to or loaded at:)</i>
Nsanje	Any place from Border Siding up to but excluding Luchenza Station.

	Luchenza	Any place from Luchenza Station up to but excluding Limbe Station.
G.N. 186/1975	Blantyre	Any place from Limbe Station up to but excluding Balaka Station
	Balaka	Any place from Balaka Station up to but excluding Salima Station.
G.N. 56/1978	Liwonde	Any place between Nkaya and Nayuci stations but excluding Nkaya.
	Salima	Salima.
	Lilongwe	Any place between Salima and Lilongwe stations but excluding Salima Station.
G.N. 22/1982	Mchinji	Any place between Lilongwe and Mchinji stations but excluding Lilongwe Station.

All other goods imported or exported through Nayuci

	Column 1 (Port of clearance)	Column 2 (Consigned to or loaded at:)
G.N. 186/1975	Liwonde	Any place from Nayuci to but excluding Nkaya Station.
	Blantyre	Any place between Limbe and Balaka stations but excluding Balaka Station.
	Balaka	Any place between Balaka and Salima stations but excluding Salima Station.
	Salima	Salima
	Luchenza	Any place between Malabvi and Sandama stations inclusive.
	Nsanje	Any place between Sandama station and Border siding but excluding Sandama Station.
G.N. 56/1978	Lilongwe	Any place between Salima and Lilongwe stations but excluding Salima Station.
G.N. 22/1982	Mchinji	Any place between Lilongwe and Mchinji stations but excluding Lilongwe.

Part 3: Ports for vessels (subregulation (3))

Chipoka	Nsanje
Karonga	Sandama
Kibwe (Kaporo) and at the discretion of the Controller,	
Salima	

Part 4: Ports for vessels when an officer is on board (subregulation (4))

Chirumba	Monkey Bay
Chitimba	Ngara
Kambwe	Nkhata Bay
Likoma Island and such other places as may be authorized by the Controller.	Nkhotakota

Part 5: Ports with no customs officer (subregulation (5))

G.N. 60/1977	Chikwawa	Mangochi
	Chiromo	Rumphi
G.N. 12/2005		THIRD SCHEDULE

reg. 10

Customs airport

The aerodromes at—

Chileka	Salima
Club Makokola	Lilongwe
Karonga	Luchenza

FOURTH SCHEDULE

reg. 11

G.N. 60/1977

Customs Office

Balaka	Karonga	Muloza
Biriwiri	Katumbi	Mwanza
Blantyre	Kibwe (Kaporo)	Mzuzu
Border Siding	Lilongwe	Namizana
Chiponde	Liwonde	Nayuci
Chisenga	Luchenza	Nsanje
Chitipa	Mchinji	Salima
Dedza	Mquocha	Sandama

G.N. 22/1982

and, subject to such conditions as the Controller may impose—

Chileka	Limbe
Chipoka	Marka Nyathando

FIFTH SCHEDULE

reg. 13

G.N. 63/1982
9/2006*Hours of General Attendance*

1. At the following customs offices—

Blantyre	Liwonde
Chileka	Luchenza
Karonga	Nsanje
Lilongwe	Salima

(a) for the receipt of duties on import entries for merchandise—

Mondays to Fridays, from 7.30 a.m. to 12.00 noon and from 1.00p.m. to 3.00p.m.

(b) for all other business—

Mondays to Fridays, from 7.30 a.m. to 12.00 noon and from 1.00 p.m. to 5.00 p.m.,

and, in addition, at Chileka, Nsanje and Nayuci, at any hours of the day, or night for the clearance of aircraft or, as the case may be, trains engaged on scheduled services and of the travellers and their accompanied baggage carried or to be carried thereon.

2. At the places listed in Part 4 of the Second Schedule at any hour of the day or night when a ship carrying an officer on board is in port and at such other times and places as the Controller may determine.

3. At all other customs offices—

Mondays to Fridays, from 6.00 a.m. to 6.00 a.m. the following day: Provided that such offices shall remain open from 6.00 a.m. to 6.00 a.m. the following day daily throughout the year subject to the payment of the fees provided for in regulation 15 for attendance outside the hours of general attendance.

SIXTH SCHEDULE
Suspensions of Duties

reg. 114

G.N. 41/1988
107/1996*Part 1: Suspensions of Customs Duties*

1. The rates of duty appearing in Part III of the Customs Tariff, in so far as they relate to the goods appearing in the table set out hereunder, are suspended to an extent sufficient to reduce such rates to the rates shown in the table set out hereunder—

	1	2	3	4	5
G.N. 156/1977 132/1978 38/1980 19/1981 35/1983	ex 17.01.01	Mill white or refined granulated sugar packed for retail sale.....	per tonne	K11.00	K11.00
	ex 39.00.01	Raw materials for the manufacture of plastic pipes	-	Free	Free
	ex 40.11.99	Motor vehicle tyres and tubes: for incorporation on vehicles imported under heading 87.02.07 or 87.14.02, subject to such post-importation conditions as the Controller may impose.....	-	15%	10%
	ex 46.00	Tea plucking baskets made of bamboo	-	Free	Free
	ex 48.01.95	Paperboard coated on both surfaces with plastic: being container manufacturing material.....	Free	Free	-
G.N. 146/1980	ex 59.05.10	Fishing nets and netting (not being sports requisites): manufactured of polyethylene fibre.....	-	Free	Free

*Part 2: Suspensions of Excise Duties**[Revoked by G.N. 31/1999]**Part 3: Suspensions of Surtax**[Revoked by G.N. 36/1992]*

G.N. 47/1979 reg. 115 SEVENTH SCHEDULE
Rebates, Remissions and Refunds

1. Traveller's accompanied baggage

A rebate of duty, the total amount of which shall not exceed one Kwacha for each traveller, shall be granted in respect of dutiable goods other than merchandise imported by a traveller in his accompanied baggage:

Provided that—

- (a) the rebate shall not be granted in respect of goods imported by a person returning to Malaŵi after an absence therefrom of less than 24 hours;
- (b) if the amount of duty payable by a traveller after the deduction of the rebate is less than ten tambala, that amount shall also be rebated.

2. Aircraft stores, fuel and equipment

A refund of the duty paid shall be granted in respect of stores, aircraft equipment, ground equipment, spare parts, lubricants and fuel supplies for use in or for the maintenance of aircraft—

- (a) engaged in international air navigation;
- (b) engaged in the operation of a commercial air service; and
- (c) temporarily imported and engaged in the search, rescue, investigation, repair or salvage of lost or damaged conveyances provided that such goods are exported within one month of the conclusion of such search, rescue, investigation, repair or salvage.

3. Vessels and Parts thereof

G.N. 47/1979

A refund of the duty paid shall be granted in respect of vessels, and parts for vessels—

- (a) engaged in commercial fishing;
- (b) engaged in the operation of a commercial service for the transportation of passengers or goods.

4. Agreements

A refund of the duty paid shall be granted in respect of any goods where such refund is required in terms of an agreement between the Government and any other government, organization, institution, body or person.

EIGHTH SCHEDULE

reg. 116

G.N.

Industrial Rebates and Drawbacks

122/1971

114/1981

14/2005

42/2013

Part 1: Industrial Rebates

1. In this Part, unless inconsistent with the context—

G.N.

"manufacture" includes to refine, and cognate expressions shall be construed accordingly.

122/1971

114/1981

2. Where the expression "Description of Industry" set out in Appendix A to this Schedule includes more than one product the description used shall be deemed to include any or all of the products individually or collectively specified in that Appendix under that heading.

3. A person who wishes to manufacture goods under rebate in an industry specified in Appendix A or Appendix B shall apply to the Controller on Form No. 81 for registration in that industry.

G.N.

122/1971

4. An applicant for registration in accordance with paragraph 3 shall supply such information as the Controller may require as to the conduct or proposed conduct of his manufacturing business and no application shall be approved without the consent of the Minister for the time being responsible for trade and industry.

5. A registered manufacturer shall enter into a bond with sufficient surety and for an amount, not being less than K200, to be determined by the Controller.

6. Subject to the provisions of paragraph 10 a registered manufacturer shall not, without the written permission of the Controller or proper officer, sell, use, remove from his factory or dispose of any rebated material except for the purpose for which the rebate was granted:

Provided that—

- (i) the Controller or proper officer may allow waste rebated material to be disposed of without payment of duty if he is satisfied that it will not be used, without further manufacture, for the same purpose as material which is not in the form of waste; and
- (ii) if the registered manufacturer is permitted or properly required to pay the full duty on any rebated material which thereafter is to be released from the terms of the bond, the registered manufacturer shall enter such material in accordance with the provisions of regulation 26 or regulation 98, as the case may be.

7. A manufacturer may, before or after registration, be required to provide on the premises approved by the Controller for the purpose a

properly secured store, adequate for the safe storage of materials on which duty may be rebated, and to provide at his own expense any necessary fastenings so that the store may be locked with a customs lock.

8. A registered manufacturer shall—

- (a) when effecting entry on importation; or
- (b) on removal from bond; or
- (c) on removal from the premises of a licensed excise manufacturer, of materials intended for manufacture under rebate, declare on the relative bill of entry that the goods are to be used solely for the purpose specified.

9. A registered manufacturer shall keep a stock book, in a form approved by the Controller, showing full particulars of all receipts and disposals of materials entered for manufacture under rebate, in such manner that the materials can be readily accounted for to the satisfaction of an officer. If a manufacturer fails to keep a stock book in the manner prescribed in this paragraph, any rebated material received by the registered manufacturer during the period when the stock book was not so kept shall be deemed to have been used for a purpose other than that for which the rebate was granted unless the manufacturer satisfies the Controller that the material was used, transferred or disposed of for the purpose for which the rebate was granted.

10. With the written permission of the proper officer, a registered manufacturer may transfer to another registered manufacturer materials entered under rebate of duty if a declaration of transfer on Form No. 86 is furnished to an officer at the port at which entry of the materials on importation or removal from bond or from the premises of the licensed excise manufacturer was effected.

11. The receipt on the declaration of transfer referred to in paragraph 10 shall be completed by the registered manufacturer to whom the materials have been transferred who shall thereafter assume the obligation in respect of the materials in the transfer and, failing the return of the receipted declaration to the officer within 14 days after the transfer was authorized, the person transferring the materials shall be liable for the duty otherwise payable thereon and shall pay such duty on demand.

12. A registered manufacturer shall, when required by the Controller to do so, carry out under the supervision of an officer, at such times as the Controller may consider necessary, any manufacturing operation in which materials entered under rebate are used.

13. The Controller may at any time cancel the registration of a manufacturer if he is satisfied that such manufacturer is not complying with the conditions of the bond.

G.N.
114/1981
14/2005
42/2013

14.—(1) At the time of registration and annually thereafter not later than the 1st day of January in each year the manufacturer shall pay to the Controller a fee of K15,000:

Provided that if the manufacturer is registered after the 30th day of June in any year he shall pay a fee of K2,500 in respect of that year.

(2) If a registered manufacturer does not pay the annual fee on or before the 1st day of January in any year the registration of such

Manufacturer shall be cancelled on and with effect from the 1st day of January of that year.

(3) Where a manufacturer is registered in more than one industry specified in Appendix A or Appendix B the total initial or annual fee shall not exceed the fee referred to in subparagraph (1).

15.—(1) The rates of duty in Part III of the Customs Tariff on goods specified in Appendix A when imported by a registered manufacturer for use in the industry for which he is registered and to which such goods relate, shall be rebated to an extent sufficient to reduce the rate of duty thereon to the rates specified in Appendix A.

(2) The rates of duty in Part III of the Excise Tariff on goods specified in Appendix B when delivered to a registered manufacturer for use in the industry for which he is registered and to which such goods relate, shall be rebated to an extent sufficient to reduce the rates of duty thereon to the rates specified in Appendix B.

Part 2: Industrial Drawbacks

1. In this Part, unless inconsistent with the context—

"manufacture" includes to process and cognate expressions shall be construed accordingly.

2. Where the term "Goods manufactured or processed in Malaŵi" set out in Appendix C includes more than one product the term shall be deemed to include any or all of the products individually or collectively specified in that Appendix under that heading.

3. Subject to the provisions of this Part, if the goods specified in column 1 of Appendix C are manufactured within Malaŵi from any of the materials specified in column 2 of that Appendix in relation to those goods, those goods shall, when exported to any country, be subject to a drawback of customs or excise duty paid on such material to the extent shown in column 3 of the Appendix:

Provided that, except in such cases as the Controller may allow, no drawback shall be payable if the goods are exported more than 2 years after the date of payment of the duty.

4. Subject to such exceptions as the Controller may allow, a manufacturer who intends to claim drawback under the provisions of this part shall, before entering materials imported or taken out of bond for the purpose of manufacture in accordance with this Part, register with the Controller his name and address and shall make a note on the face of the relative bill of entry to the effect that the materials or part of them are intended for manufacture and may be exported under drawback.

5. Every registered manufacturer shall keep a stock book, in a form approved by the Controller, showing full particulars of all receipts and disposals of materials entered under paragraph 4 in such manner that the material may be readily accounted for to the satisfaction of an officer.

6. For the purpose of this Part the Controller may, after consultation with the manufacturer, determine the quantity, origin and value of any material or parts and accessories required to be used or consumed in the manufacture of any goods and may authorize drawback in accordance therewith. The quantity, value and origin so determined and authorized

shall be presumed, in the absence of evidence to the contrary, to have been used or consumed in the manufacture of such goods.

7.—(1) Any person who wishes to export goods under drawback in accordance with this Part shall—

- (a) present to an officer an application for drawback in the specified form together with the original invoices relative to the material consumed in the manufacture of the goods, in addition to the declaration or other document required to be presented prior to exportation;
- (b) produce the goods for examination by an officer, before the goods are exported.

(2) Upon receipt of an application and such evidence of export and other evidence of entitlement as may be required by the Controller, the Controller shall authorize payment of the drawback that is due.

8. Notwithstanding the provisions of paragraph 7 the Controller may, in his discretion, approve other procedures for the export of such goods under drawback.

APPENDIX A
Eighth Schedule: Part I
INDUSTRIAL REBATES: CUSTOMS DUTIES

G.N.	66/1991	5/1996	35/2001
143/1975	103/1991	56/1996	21/2002
49/1979	104/1991	61/1996	1/2003
63/1979	8/1992	62/1996	23/2003
38/1980	19/1992	9/1997	46/2003
133/1980	24/1992	33/1997	47/2003
138/1980	36/1992	55/1997	12/2005
146/1981	73/1992	57/1997	32/2005
53/1982	79/1992	8/1998	2/2006
177/1983	80/1992	9/1998	9/2006
29/1984	87/1992	10/1998	19/2006
97/1987	88/1992	11/1998	21/2006
110/1988	89/1992	37/1998	22/2006
25/1989	111/1992	38/1998	34/2006
80/1989	120/1992	39/1998	22/2007
92/1989	123/1992	40/1998	36/2007
6/1991	1/1993	45/1998	2/2008
24/1991	22/1993	46/1998	4/2008
25/1991	33/1993	70/1998	22/2008
26/1991	5/1994	6/1999	23/2008
27/1991	17/1994	27/1999	27/2008
28/1991	59/1994	38/1999	28/2008
43/1991	60/1994	42/1999	29/2008
45/1991	39/1995	43/1999	30/2008
62/1991	78/1995	56/2000	58/2013
64/1991	107/1995	61/2000	35/2014

NOTE 1: For convenience of reference, the items shown in this Appendix are arranged in accordance with the form of the Customs Tariff.

NOTE 2: For the purposes of this Appendix the expression "protected goods" means the goods of Subheadings Nos. 55.09.31, 55.09.37, 56.07.31 and 56.07.39.

1	2	3	4	5	
AGRICULTURAL TOOLS MANUFACTURING INDUSTRY:					G.N. 6/1999
ex Chapters 28 and 29	Foundry Chemical.....	—	Free	Free	
ex 38.24	Foundry Preparations.....	—	Free	Free	
ex Chapters 72 and 75	Bars.....	—	Free	Free	
ALCOHOLIC BEVERAGES MANUFACTURING INDUSTRY:					G.N. 32/2005
ex 21.02	Yeast.....	—	Free	Free	
2918.11.00	Lactic acid.....	—	Free	Free	
3507.90.00	Enzymes (amylglucosidase)	—	Free	Free	
1007.00.00	Sorghum.....	—	Free	Free	
AUDIO, VIDEO AND CD MANUFACTURING INDUSTRY:					G.N. 45/1998
ex 32.15	Ink.....	—	Free	Free	
ex Chapters 39, 48 and 85	Materials for manufacturing audio and video cassettes and CDs.....	—	Free	Free	
BOAT AND SHOE MANUFACTURING INDUSTRY:					
ex 34.05	Dressings, in bulk.....	—	15%	10%	
ex 40.07.99	Rubber randing; rubber soling in the piece	—	15%	10%	
ex 41.02	Leather, in the piece.....	—	Free	Free	
ex 51.04					
ex 54.05					
ex 56.07.99	Woven fabrics of man-made fibres or of flax; for the inner lining of boots and shoes	—	15%	10%	
ex 55.09.99	Woven fabrics of cotton being bleached or dyed canvas or duck or combined canvas and drill.....	—	15%	10%	
ex 58.04	Cotton velvets and velveteens, plain, dyed or printed corduroys and needle cords.....	—	15%	10%	
ex 58.05	Tape bindings.....	—	15%	10%	
ex 59.02.99	Thermoplastic counter material.....	—	15%	10%	
ex 59.07.99	Textile fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials.....	—	15%	10%	
ex 59.11	Textile fabrics laminated with rubber.....	—	15%	10%	
49.11.00	Semiflex toe puff material...	—	15%	10%	
ex 64.05	Rubber soles; shoes stiffener; fibre or wooden Shanks, plastic heels, plastic or rubber straps.....	—	15%	10%	
	Uppers (of leather Pu and PVC).....	—	15%	10%	
	Soles and heels (of rubber and plastic)	—	—	—	
	Insoles, crew on heels, soles and heels	—	—	—	
BLOCKBOARDS, PLYWOOD, SAWN TIMBER AND ALLIED WOOD PRODUCTS MANUFACTURING INDUSTRY:					G.N. 28/1991
28.42	Salts.....	—	15%	10%	34/1993
2912.60.00	Paraformaldehyde.....	—	Free	Free	58/1993
ex Chapter 35	All goods in this Chapter.....	—	15%	10%	83/1993
ex Chapter 38	Anti Blue.....	—	15%	10%	84/1993
3823.90.00	Hardner.....	—	15%	10%	130/1993
ex Chapter 39	Resin and Strappings.....	—	15%	10%	4/2008
4405.00.00	Wood Flour.....	—	15%	10%	
4408.90.00	Venneers.....	—	15%	10%	
ex 48.21	Labels.....	—	15%	10%	
ex Chapters 54 and 55	Polyster Yarns.....	—	15%	10%	
ex 59.06	Veneer Gum Tape.....	—	15%	10%	
ex Chapter 72	Strappings.....	—	15%	10%	
BOOT AND SHOE MANUFACTURING INDUSTRY:					G.N. 56/2000
ex 50.07	Woven fabrics of silk or of silk waste.....	—	Free	Free	
ex 53.09	Woven fabrics of man-made.....	—	Free	Free	
ex Chapters 54 and 55	Fibres of flax; for inner linings of boots and shoes.....	—	Free	Free	
BUTTON MANUFACTURING INDUSTRY:					G.N.177/1983
ex 34.05	Polishing cream.....	—	15%	10%	
ex 98.01	Button Blanks.....	—	15%	10%	

		1	2	3	4	5
G.N.	33/2002	CABLE MANUFACTURING INDUSTRY:				
		ex 3901 to 3902	Polythene.....	—	Free	Free
		ex 7217	Wire of iron or non-alloy steel.....	—	Free	Free
		ex 7229	Wire of other alloy steel.....	—	Free	Free
		ex 7401 to 7419	Copper wire.....	—	Free	Free
		ex 7605	Aluminium wire.....	—	Free	Free
G.N.	6/1999 30/2008	CANDLES, POLISHES AND SKIN LOTIONS MANUFACTURING INDUSTRY:				
		1302.12.00	Licorice extract.....	—	Free	Free
		1512.19.00	Sunflower seed oil.....	—	Free	Free
		1520.00.00	Glycerine.....	—	Free	Free
		ex 2846	Foam Paste Jelly.....	—	Free	Free
		2710.00.30	White spirit.....	—	Free	Free
		ex 27.12	Petroleum jell, waxes and oils.....	—	Free	Free
		ex Chapters 28 and 29	Chemicals for manufacturing candles lotions and polishes.....	—	Free	Free
		3302.90.90	Odoriferous mixture.....	—	Free	Free
		3404.00.00	Artificial waxes.....	—	Free	Free
		3901.10.10	Shrink film sleeve roll.....	—	Free	Free
		4819.50.00	Mono carton.....	—	Free	Free
		5908.00.00	Candle wicks.....	—	Free	Free
		7612.10.00	Tubes	—	Free	Free
G.N.	34/2006 36/2007	CEMENT AND ALLIED PRODUCTS MANUFACTURING INDUSTRY:				
		2520.10.00	Gypsum.....	—	Free	Free
		2523.10.00	Clinker.....	—	Free	Free
		7205.10.00	Iron ore.....	—	Free	Free
G.N.	1/2003	CHALK MANUFACTURING INDUSTRY:				
		2509.00.00	Chalk moulder.....	—	Free	Free
		2522.10.00	Gypsum.....	—	Free	Free
		2522.10.00	Plaster.....	—	Free	Free
G.N.	38/1999	CHEMICAL MANUFACTURING INDUSTRY:				
		ex Chapter 25	All goods in this Chapter.....	—	Free	Free
		ex Chapter 28	All goods in this Chapter.....	—	Free	Free
		ex Chapter 29	All goods in this Chapter.....	—	Free	Free
G.N.	33/1993	CLIPS, PINS AND STAPLES MANUFACTURING INDUSTRY:				
		2806.10.00	Hydrochloric acid.....	—	15%	10%
		2810.10.00	Boric acid.....	—	15%	10%
		2827.35.00	Nickel Chloride.....	—	15%	10%
		ex Chapter 35	Glue.....	—	15%	10%
		ex 38.10	Pickling preparations.....	—	15%	10%
		ex.72.17	Wire.....	—	15%	10%
G.N.	56/2000	CLOTHING MANUFACTURING INDUSTRY:				
		NOTE: This industry covers the manufacture of clothing and articles of apparel of or included in Headings Nos. 39.07.07, 40.13, 42.03, 43.02, 60.02, to 60.06, 61.01 (other than babies napkins and the goods of Subheading No. 61.01.02), 61.09 and of such other articles of clothing and apparel as may be approved by the Minister, of headgear of Chapter 65 (other than the goods of Subheading No.65.06.02); of made up accessories or parts directly for use on or for such clothing and headgear including the covering of such accessories or parts; or umbrella coverings: subject to such limitations and exclusions as the Minister may consider desirable.				
G.N.	45/1991	ex 29.15.21.00	Acetic Acid.....	—	15%	10%
		ex Chapter 32	Dye.....	—	15%	10%
		ex 38.09.91.00	Dye carriers.....	—	15%	10%
		ex 39.00.13	P.V.C./Nylon laminated fabric.....	—	15%	10%
		ex 39.00.13	P.V.C. fabric.....	—	15%	10%
		ex 40.07.99	Rubber-proofed fabrics: in the piece.....	—	15%	10%
		ex 40.07.99	Textiles backed with rubber foam: in the piece.....	—	15%	10%
		ex 40.14.99	Rubber bands.....	—	15%	10%

1	2	3	4	5	
ex 49.11	Printed cloth name or size labels.....	—	15%	10%	G.N. 97/1987
	Woven fabrics other than protected goods...	—	35%	30%	36/1999
		and in addition			G.N. 45/1991
		per m ²	6t	6t	83/1993
	Nylon netting.....	—	35%	30%	97/1987
ex Chapters 51 to 58	Woven fabrics.....	—	Free	Free	
ex 52.05	Cotton yarn.....	—	15%	10%	G.N. 39/1995
ex 58.04	Corduroys and velveteens.....	—	15%	10%	
		and in addition			
		per m ²	6t	6t	
ex 58.06	Waist banding.....	—	Free	Free	
ex 58.08.99	Lace and embroidery in the piece or in the form of medallions.....	—	15%	10%	
ex 59.02.99	Fabrics of felt.....	—	15%	10%	
ex 59.07.99					
ex 59.11	Plastic leather cloth, other proofed fabrics in the piece.....	—	15%	10%	
ex 60.01	All goods in this heading.....	—	15%	10%	
ex 60.02	Knitted or crocheted fabrics.....	—	Free	Free	G.N. 56/2000
ex 61.01	Collar Interlinings.....	—	15%	10%	G.N. 45/1991
ex 61.15	All partially finished articles in this heading	—	15%	10%	
ex 17.04	Liquorice in sheet or rope form.....	—	15%	10%	
ex 20.03	Ginger preserved in syrup: in bulk.....	—	15%	10%	
CORDAGE AND NETS MANUFACTURING INDUSTRY:					
ex 54.02	High tenacity yarn of nylon, polysters and other polyamides.....	—	15%	10%	G.N. 19/1992
CYCLE PARTS AND ACCESSORIES MANUFACTURING INDUSTRY:					
83.14.99	Cycle badges.....	—	15%	10%	
ex 87.12.03	Cycle frame parts for fabrication, namely brackets, crowns, lugs, race seatings and stays: cycle fork parts for fabrication, namely blades and covers: cycle mudguards of metal, unpainted and without holes; mudguard clips.	—	15%	10%	
DENTAL OR ORAL HYGIENIC PREPARATIONS MANUFACTURING INDUSTRY:					
2811.22.00	Silicon Dioxide.....	—	Free	Free	G.N. 22/2008
2823.00.00	Titanium Dioxide.....	—	Free	Free	
2835.22.00	Sodium Monofluorophosphate.....	—	Free	Free	
2836.50.00	Calcium Carbonate.....	—	Free	Free	
2905.44.00	Sorbitol.....	—	Free	Free	
2909.50.00	Triclosan.....	—	Free	Free	
2912.11.00	Methanal.....	—	Free	Free	
2916.31.00	Sodium Benzoate.....	—	Free	Free	
2925.11.00	Sodium Saccharin.....	—	Free	Free	
3302.10.00	Flavors.....	—	Free	Free	
3402.11.00	Sodium Lauryl Sulphate.....	—	Free	Free	
3912.31.00	Sodium Carboxymethylcellulose.....	—	Free	Free	
DOMESTIC AND INDUSTRIAL ELECTRICAL APPLIANCE MANUFACTURING INDUSTRY:					
ex 32.08	Epoxy powder paints.....	—	15%	10%	G.N. 24/1992
ex 34.02	Cleaning and degreasing preparations.....	—	15%	10%	
ex 38.14	Degreasing chemicals and thinners.....	—	15%	10%	
4011.90.20	Tyres of a kind used on wheel burrows.....	—	15%	10%	G.N.
ex Chapters 72 and 73	Reinforcing wire, wheel discs and steel washers.....	—	15%	10%	104/1991
ex Chapters 72 and 73	Angles, bars, bolts, hinges, nuts, rivets screws, pipes and sheets.....	—	15%	10%	G.N. 26/1991
ex 74.07	Copper bars.....	—	15%	10%	
ex 74.09	Copper sheets.....	—	15%	10%	

	1	2	3	4	5
	ex 83.07.99	Components for incorporation into fluorescent light fittings manufactured in Malaŵi from sheet metal: excluding lighting tubes and plug-in components.....	—	15%	10%
G.N. 26/1991			—	15%	10%
G.N. 26/1991	8415.90.00	All goods in this heading.....	—	15%	10%
G.N. 24/1992	8504.10.00	Ballasts/chokes.....	—	15%	10%
G.N. 26/1999	ex 85.12	Elements.....	—	15%	10%
G.N. 24/1992	ex 85.32	Capacitors.....	—	15%	10%
	ex 8535 and 8536	Circuit breakers and insulators.....	—	15%	10%
G.N. 24/1992	ex 85.44	Cables.....	—	15%	10%
	ex 8716.90.00	Steel wheel for wheelbarrows.....	—	15%	10%
	ex 90.24.01	Thermostats.....	—	15%	10%
G.N. 9/1998	EDIBLE FATS AND OILS	MANUFACTURING INDUSTRY:			
42/1999	1206.00.00	Sunflower seeds.....	—	Free	Free
2/2006	ex 15.07.99	All goods in this subheading except castor oil	—	Free	Free
	ex 21.07.99	Emulsifying agents.....	—	Free	Free
	ex 28.15	Caustic soda.....	—	Free	Free
	ex 28.35	Phosphoric acid.....	—	Free	Free
	2918.14.00	Citric acid.....	—	Free	Free
	2936.21.00	Vitamins A Palmitate.....	—	Free	Free
	3205.00.00	Beta carotene.....	—	Free	Free
	3802.90.00	Bleaching earth.....	—	Free	Free
	ex 39.20	Laminated sheets.....	—	Free	Free
G.N. 9/2006	ELECTRICAL AND GAS GENERATION INDUSTRY:				
	ENAMELWARE AND HALLOWARE MANUFACTURING INDUSTRY:				
G.N. 104/1991	ex Chapter 28 and 29	Chemicals for use in the manufacturing of domestic articles of enamelware.....	—	15%	10%
	ex Chapter 32	Screening paste.....	—	15%	10%
	ex 32.07	Uverite, enamel oxides and enamel transfers	—	15%	10%
	3306.10.00	Gum traganath.....	—	15%	10%
	ex 38.14	Screening oil.....	—	15%	10%
	3917.40.00	Plastic knobs and handles.....	—	15%	10%
	4828.60.00	Labels.....	—	15%	10%
	7228.60.00	Re-inforcing wire.....	—	15%	10%
G.N. 25/1991	ex Chapters 72 and 73	Sheets of iron or steel.....	—	15%	10%
	73.38.99	Black pressings in the shape of spouts and handles for incorporation in the manufacture of domestic articles of enamelware.....	—	15%	10%
G.N. 40/1998	7604.10.00	Aluminium Circles.....	—	Free	Free
104/1991	76.16.10.00	Aluminium rivets.....	—	15%	10%
	80.04.00.00	Tinplate sheets.....	—	15%	10%
	83.05.90.00	Wing levers.....	—	15%	10%
G.N. 70/1998	FERTILIZER MANUFACTURING INDUSTRY:				
	2503.00.00	Sulphurs.....	—	Free	Free
	2507.00.00	Kaolin.....	—	Free	Free
	2802.00.00	Sulphur.....	—	Free	Free
	ex 28.33	Sulphites.....	—	Free	Free
	ex 28.40	Borates and peroxoborates.....	—	Free	Free
G.N. 24/1991	FISHING FLY MANUFACTURING INDUSTRY:				
	ex 0505.90.00	Feathers.....	—	Free	Free
	ex 32.05	Dye.....	—	Free	Free
	ex 34.04	Wax.....	—	Free	Free
	ex 35.06	Bostic (glue)	—	Free	Free
G.N. 110/1988	ex 38.07	Turpentine.....	—	Free	Free
	ex 39.02.05	Polythene sheets.....	—	Free	Free
	ex 43.02.00	Various hairs and furs on the skin.....	—	Free	Free
	ex 48.16.99	Sachets (pockets/envelopes)	—	Free	Free
	ex 5004.00.00	Gossamer silk.....	—	Free	Free
	ex 50.04	Silk yarns.....	—	Free	Free
	ex 50.09	Florist tape.....	—	Free	Free

1	2	3	4	5	
ex 51.2	Nylon yarns.....	—	Free	Free	
ex 52.04	Cotton threads.....	—	15%	10%	G.N.
ex 53.08	Yarn of vegetable textile fibres.....	—	Free	Free	120/1992
ex Chapters 54 and 55	Rayon floss and polyester tying thread.....	—	Free	Free	G.N. 83/1993
ex 5606.00.00	Chenille.....	—	Free	Free	
ex 71.16.99	Parts of imitation salmon brooches.....	—	Free	Free	
7408.10.00	Copper wire.....	—	Free	Free	G.N. 24/1991
ex 74.03	Florist wire.....	—	Free	Free	G.N. 87/1987
ex 74.10	Copper foil.....	—	Free	Free	
ex 76.07	Aluminium foil.....	—	Free	Free	
7803.00.00	Lead wire.....	—	Free	Free	
ex 83.05	Paper clips.....	—	Free	Free	G.N. 25/1989
ex 97.07.01	Fish hooks.....	—	Free	Free	110/1988
FOOD MANUFACTURING INDUSTRY:					
0207.14.00	Cuts and offal, frozen	—	Free	Free	G.N. 92/1989
0406.20.00	Cheese powder.....	—	15%	10%	12/2005
0408.91.00	Egg powder.....	—	15%	10%	
ex 04.02	Skimmed and sweetened milk.....	—	15%	10%	
0714.90.00	Irish Potatoes.....	—	Free	Free	
ex 08.00.99	Almonds, apricot kernels in bulk.....	—	15%	10%	G.N. 104/1991
ex 08.00.99	Dessicated coconut powder.....	—	15%	10%	
ex 0802	Confectionery nuts.....	—	15%	10%	G.N. 138/1980
0806.20.00	Sultanas.....	—	15%	10%	
0810.30.00	Currants.....	—	15%	10%	G.N. 92/1989
					177/1883
ex 09.04.01	Spices, ground, crushed or rubbed.....	—	15%	10%	G.N. 104/1991
					G.N. 97/1987
					G.N. 92/1989
					G.N. 104/1991
1104.12.00	Rolled oats.....	—	15%	10%	
1104.23.00	Maize grits.....	—	Free	Free	
ex 1301.90.00	Edible gum.....	—	15%	10%	
ex Chapter 15	Refined cooking oil and palm oil.....	—	15%	10%	G.N. 97/1987
ex 15.13	Baking fat.....	—	15%	10%	32/2005
17.01.99	All goods in this subheading.....	—	15%	10%	
ex 17.04	Liquorice: in sheet or rope form.....	—	15%	10%	G.N. 92/1989
ex 1702	Liquid glucose.....	—	15%	10%	G.M. 104/1991
1702.90.00	Food colours.....	—	15%	10%	
ex 1803	Cocoa paste.....	—	15%	10%	G.N. 130/1993
1805.00.00	Cocoa powder.....	—	15%	10%	
1901.20.00	Malt extract.....	—	15%	10%	G.N. 58/1993
1901.90.00	Cereal pellets.....	—	Free	Free	G.N. 32/2005
ex 20.03	Ginger preserved in syrup; in bulk.....	—	15%	10%	
2002.90.00	Tomato purée.....	—	15%	10%	
2102.30.00	Baking powder.....	—	Free	Free	G.N. 32/2005
2103.90.00	Spices (ready pack)	—	Free	Free	G.N. 21/2006
2106.90.00	Cream of tartar and chicken spice.....	—	Free	Free	G.N. 32/2005
2106.90.00	Fortivim, vitamin and mineral premix.....	—	Free	Free	G.N. 28/2008
2832.10.00	Sodium metasilphite.....	—	15%	10%	G.N. 92/1989
2836.10.00	Ammonium bicarbonate.....	—	15%	10%	G.N. 104/1991
2836.30.00	Sodium bicarbonate.....	—	15%	10%	G.N. 58/1993
2915.21.00	Acetic acid.....	—	15%	10%	
2916.19.00	Potassium sorbate, termamil.....	—	Free	Free	G.N. 2/2008
2916.31.00	Benzoic acid.....	—	15%	10%	G.N. 104/1991
2918.11.00	Lactic acid.....	—	Free	Free	G.N. 2/2008
2918.14.00	Citric acid.....	—	15%	10%	
3205.00.00	Food colours.....	—	15%	10%	G.N. 5/1996
3302.10.00	Food essence.....	—	15%	10%	
3302.10.00	Talc powder.....	—	Free	Free	G.N. 32/2005

	1	2	3	4	5
G.N. 21/2006	3917.10.00	Casings (synthetic, artificial or cottagen).....	—	Free	Free
G.N. 2/2006	3923.21.10	Pouches.....	—	Free	Free
G.N. 2/2008	ex 35.07	Enzymes, attenuzyme.....	—	Free	Free
	ex 39.20	Cellulose paper Popypropylene, PVC shrink film and polythene.....	—	15%	10%
G.N. 22/2006	ex 39.20 and 39.21	Plastic wrapping materials.....	—	Free	Free
	3923.50.00	Slip-top caps.....	—	15%	10%
G.N. 104/1991	3926.90.00	Polyethylene seal washer.....	—	15%	10%
	ex Chapter 48	Corrugated paperboard, waxed paper, printed paperboard, kraft paper and grease proof paper	—	15%	10%
G.N. 130/1993	4823.90.10	Sausage cases.....	—	15%	10%
G.N. 5/1996	ex 48.23	Lollipop sticks.....	—	15%	10%
G.N. 1/1993	ex 48.31	Labels.....	—	15%	10%
	ex 5403.10.00	Ivory Sol (Food lubricant)	—	Free	Free
	ex 5608.19.90	Meat netting.....	—	Free	Free
G.N. 2/2008	ex 76.07	Foil seal.....	—	Free	Free
	7607.20.90	Aluminium foil.....	—	Free	Free
	FUEL MANUFACTURING INDUSTRY:				
	ex 2207	Ethanol.....	—	Free	Free
	ex 3204	Colorants.....	—	Free	Free
	ex 3811	Hardener.....	—	Free	Free
G.N. 59/1994	FURNITURE AND MATTRESS MANUFACTURING INDUSTRY:				
8/1998	ex 32.04	Dyes.....	—	15%	10%
56/2000	ex 32.08	Lacquers.....	—	15%	10%
33/2002	and 32.09				
	ex Chapter 35	Glues.....	—	15%	10%
	ex 39.00.13	Decorative plastic laminated sheets.....	—	15%	10%
	ex 40.07.99	Furniture webbing.....	—	15%	10%
G.N. 19/2006	ex 44.10	Particle boards.....	—	Free	Free
	ex 44.11	Fibre boards.....	—	Free	Free
	ex 44.12	Decorative oak blockboard.....	—	15%	10%
	ex 44.12	Mukwa blockboard.....	—	15%	10%
	44.12.11.00	Sapelli blockboard.....	—	15%	10%
	ex 44.28	Wooden dowels, unshaped.....	—	15%	10%
	ex Chapters 51 to 58	Woven fabrics.....	—	Free	Free
	ex 59.02.99	Fabrics of felt.....	—	15%	10%
	ex 59.07.99	Textile fabric coated with PVC: PVC leather cloth strip or sheet.....	—	15%	10%
	60.01	All goods in this heading.....	—	15%	10%
	ex 62.05.99	Tufts for mattresses and upholstery.....	—	15%	10%
G.N. 27/1991	ex 68.05	Abrassives.....	—	15%	10%
G.N. 84/1993	ex 7003	Cast and rolled glass in sheets.....	—	Free	Free
	ex Chapter 73	Tubes and pipes.....	—	Free	Free
G.N. 33/2002	ex 7317	Nails.....	—	Free	Free
	73.20	Springs.....	—	15%	10%
	83.01	All goods in this heading.....	—	15%	10%
	83.02.19	All goods in this subheading.....	—	15%	10%
	ex 83.02.99	Base metal fittings, for furniture.....	—	15%	10%
	ex 94.03	Plastic ferrules for the legs of cabinets wooden dowels, shaped.....	—	15%	10%
	ex 98.01	Buttons for mattresses and up holster.....	—	15%	10%
G.N. 21/2002	HAIR MESH MANUFACTURING INDUSTRY:				
12/2005	54.02.49.00	Synthetic filament yarn.....	—	Free	Free
	ex 55.01	Synthetic filament filter.....	—	Free	Free
	and 55.03				
G.N. 60/1994	INDUSTRIAL FASTENING MANUFACTURING INDUSTRY:				
78/1995	ex Chapter 72	Wire.....	—	15%	10%
	ex 72.07	Roundwire.....	—	15%	10%

1	2	3	4	5
ex 72.09	Coil.....	—	15%	10%
ex 72.13	Round bars.....	—	15%	10%
ex 72.13	Steel flat bars.....	—	15%	10%
KNITWEAR MANUFACTURING INDUSTRY:				
ex Chapter 54	Polyester filaments.....	—	15%	10%
ex 58.06	Lining tape.....	—	Free	Free
ex 58.08.99	Lace in the piece.....	—	15%	10%
LEATHER TANNING INDUSTRY:				
ex 15.07.99	Oils for tanning, except castor oil.....	—	15%	10%
ex Chapters 28 and 29	Chemicals for tanning.....	—	15%	10%
ex 32.09.99	Leather paints, in bulk.....	—	15%	10%
ex Chapter 38	Products and preparations for tanning.....	—	15%	10%
MATCH MANUFACTURING INDUSTRY:				
2503.00.00	Sulphurs.....	—	Free	Free
2505.10.00	Silica sands.....	—	Free	Free
2507.00.00	Kaolin.....	—	Free	Free
3204.17.00	Pigments (Toluidine Red)	—	Free	Free
3920.10.00	Plastic Shrink Wrap.....	—	Free	Free
MEDICAMENTS AND PHARMACEUTICALS MANUFACTURING INDUSTRY:				
4.06	Honey.....	—	15%	10%
ex 11.08	Starches.....	—	15%	10%
ex 17.02	Caramel, dextrose monohydrate, liquid glucose, lactose anhydrous.....	—	15%	10%
ex 28.01	Piperazine citrate.....	—	15%	10%
ex 28.10	Dibasic calcium phosphate.....	—	15%	10%
ex 28.18	Magnesium hydroxide.....	—	15%	10%
ex 28.30	Ammonium Chloride.....	—	15%	10%
ex 28.38	Magnesium sulphate.....	—	15%	10%
29.01	All goods in this heading.....	—	15%	10%
29.16	Acetyl salicylic, alginic, ascorbic, salicylic, stearic and tartaric acids, aspirin crystals and granules.....	—	15%	10%
ex 29.26.01	Saccharin sodium.....	—	15%	10%
32.05	Dyes.....	—	15%	10%
33.01	All goods in this heading.....	—	15%	10%
ex Chapter 35	Gelatin.....	—	15%	10%
39.01.01	Bakelite caps, stretch warp film.....	—	15%	10%
48.16.99	Laminate/polycote packets.....	—	15%	10%
METALLURGY MANUFACTURING INDUSTRY:				
2508.10.00	Bentonite.....	—	Free	Free
2508.30.00	Fire Clay.....	—	Free	Free
2806.10.00	Hydrochloric acid.....	—	Free	Free
2807.00.00	Sulphuric acid.....	—	Free	Free
2815.11.00	Sodium Hydroxide.....	—	Free	Free
2815.20.00	Potassium Hydroxide.....	—	Free	Free
3816.00.00	Refractory Mortars, Ramming Mass.....	—	Free	Free
ex 38.24	Prepared binders for foundry moulds.....	—	Free	Free
6902.90.00	Refractory Bricks.....	—	Free	Free
ex 72.02	Ferro Alloys.....	—	Free	Free
ex 72.03	Direct Reduced Iron (Sponge Iron)	—	Free	Free
ex Chapter 72	Ingets and Gillets.....	—	Free	Free
ex Chapter 72	Scrap Metal, Steel Slabs and Mild Steel Plates...	—	Free	Free
7313.00.90	Binding Wire.....	—	Free	Free
8311.10.00	Welding Rods.....	—	Free	Free
8311.30.00	Brazing Rods.....	—	Free	Free
MINERAL AND AERATED WATER MANUFACTURING AND BOTTLING INDUSTRY:				
ex 04.02	Milk in powder form.....	—	Free	Free
17.01.99	All goods in this subheading.....	—	15%	10%
ex 20.09	Concentrated fruit juices.....	—	Free	Free
2106.90.00	Cola concentrates.....	—	Free	Free

G.N. 79/1992

G.N. 43/1991

G.N. 43/1991

G.N. 22/2008

G.N. 25/1989
83/1963

G.N. 56/1996

G.N. 27/2008

G.N. 2/2006

G.N. 97/1987
57/1997
11/1998

	1	2	3	4	5
	2522.30.00	Hydrated lime.....	—	Free	Free
	2801.10.00	HTM chlorine.....	—	Free	Free
	2806.10.00	Hydrochloric.....	—	Free	Free
	2815.11.00	Caustic soda.....	—	Free	Free
	2833.29.00	Ferrous sulphate.....	—	Free	Free
	2847.00.00	Hydrogen peroxide.....	—	Free	Free
	2916.31.00	Sodium benzoate.....	—	Free	Free
	2918.14.00	Citric acid.....	—	Free	Free
	ex 32.15	Ink.....	—	Free	Free
	3302.10.00	Odoriferous substance.....	—	Free	Free
	3802.10.00	Activated carbon.....	—	Free	Free
	4821.10.00	Fitter sheets.....	—	Free	Free
	ex 76.07	Foils.....	—	Free	Free
G.N. 47/2003	MINING INDUSTRY:				
G.N. 130/1993 62/1996	NAILS, BRICKFORCE AND WELDMESH MANUFACTURING INDUSTRY:				
	2811.29.00	Hydrochloric acid.....	—	Free	Free
	2815.12.00	Liquid sodium hydroxide.....	—	Free	Free
	ex Chapter 72	Wire.....	—	Free	Free
	7905.00.00	Zinc plate.....	—	Free	Free
	8311.90.00	Washers of metal.....	—	Free	Free
G.N. 80/1989	PACKAGING MANUFACTURING INDUSTRY:				
21/2002	1108.12	Corn starch.....	—	Free	Free
12/2005	2815.10	Caustic soda.....	—	Free	Free
	ex 28.40	Borax powder.....	—	Free	Free
	2912.11.00	Fermalin.....	—	Free	Free
	ex 32.15	Printing ink.....	—	Free	Free
	ex Chapter 35	Adhesives.....	—	Free	Free
	3701.09.00	Developer.....	—	Free	Free
	3701.30.00	Cyrel plates.....	—	Free	Free
	3809.92.00	Corwet resin.....	—	Free	Free
	ex Chapter 48	Sackkraft, kraftliner and fluting papers.....	—	Free	Free
	ex Chapter 72	Stitching wire.....	—	Free	Free
G.N. 80/1989	PAINTS COLOURS, THINNERS AND PUTTY MANUFACTURING INDUSTRY:				
21/2002	ex 15.07.99	Vegetable oils, except tung oil.....	—	15%	10%
12/2005	1515.19.00	Linseed oil.....	—	15%	10%
	1515.30.00	Castor oil.....	—	15%	10%
	2507.00.00	Kaolin.....	—	Free	Free
	2518.20.00	Dolomite.....	—	Free	Free
	2526.20.00	Talc.....	—	Free	Free
	2814.20.00	Ammonia.....	—	Free	Free
	2821.10.00	Iron oxide and hydroxides.....	—	Free	Free
	2836.50.00	Calcium carbonate.....	—	Free	Free
	2902.90.00	Solvents.....	—	Free	Free
	2905.19.00	Acrylic alcohols.....	—	Free	Free
	2905.32.00	Propylene glycol.....	—	Free	Free
	2905.42.00	Pentacrythritol.....	—	Free	Free
	2917.14.00	Maleic anhydride.....	—	Free	Free
	2917.35.00	Pthalicanhydride.....	—	Free	Free
	3806.90.00	Gum rosin.....	—	Free	Free
	3811.19.00	Viscosity improvers additives.....	—	Free	Free
	3903.90.00	Styrene acrylic polymers.....	—	Free	Free
	3905.12.00	Polymers of vinly acetate.....	—	Free	Free
	3905.30.00	Polymers of vinly alcohol.....	—	Free	Free
	3906.90.00	Styrene acrylic latex.....	—	Free	Free
	Chapter 29	Chemical compounds.....	—	Free	Free
	3206.10.00	Ti-dioxide.....	—	15%	10%
	32.11	Driers.....	—	Free	Free
	3212.90.00	Alkopal Nogo; Aluminium paste; colanyl hostaperm; monolite, toluidine, lead cromate and prepared pigments.....	—	15%	10%
	3402.19.00	Nopco-ante foaming agent, syn-peronic NPG.....	—	15%	10%
	3814.00.00	Thinners.....	—	Free	Free

1	2	3	4	5
3905.10.00	PVA emulsion.....	—	15%	10%
3907.50.00	Alkyd resins.....	—	15%	10%
PLASTIC PRODUCTS MANUFACTURING INDUSTRY:				
2815.30.00	Mek Peroxide HP 3.....	—	15%	10%
2823.00.00	Titanium Oxides.....	—	15%	10%
2836.50.00	Calcium Carbonate.....	—	15%	10%
ex 29.05	Propanol.....	—	Free	Free
ex 29.14	ME Keyton and cyclone xanone.....	—	15%	10%
ex 29.17	Plasticisers and Polimix Oil.....	—	15%	10%
2915.31.00	Ethyl acetate.....	—	Free	Free
2915.70.00	Stearic acid.....	—	15%	10%
2923.21.10	Sacks and bags packaging industry.....	—	Free	Free
2923.30.10	Bottles for packaging industry.....	—	Free	Free
2923.50.00	Shoppers, lids, caps and other closures.....	—	Free	Free
2929.10.00	Isocyanates.....	—	Free	Free
2932.11.00	Tetrahydrofuran.....	—	15%	10%
3020.20.00	Trespaphan.....	—	Free	Free
3204.90.00	Pigments.....	—	15%	10%
3209.90.00	Gelcoat.....	—	15%	10%
3214.90.00	Plastic Putty.....	—	15%	10%
ex 3215.19.00	Ink.....	—	15%	10%
ex 3403.99.00	Mould release preparation.....	—	15%	10%
3812.30.00	Stabilisers, Chemstab oil, plasticlor oil, spicco and tinuvin P.....	—	15%	10%
ex 38.15	Accelerations and Catalysts.....	—	15%	10%
ex 39.01 to 39.14	Plastics.....	—	15%	10%
3909.20.00	Melamine resins.....	—	15%	10%
3917.40.00	Pipe fittings.....	—	15%	10%
4005.90.00	Masterbatch.....	—	15%	10%
4006.90.00	Unvulcanized rubber rings.....	—	15%	10%
4016.93.00	Vulcanized rubber rings.....	—	15%	10%
	Fibre glass.....	—	15%	10%
7010.20.00	Glass inners for vacuum flasks.....	—	Free	Free
ex 73.07	Pipe fittings.....	—	15%	10%
7323.90.00	Bucket handles.....	—	Free	Free
9608.10.00	Ball point refills.....	—	Free	Free
POTTERY MANUFACTURING INDUSTRY:				
ex Chapter 25	Bentonite, Petalite, Feldspar, Soda, ash and Clay.....	—	Free	Free
ex Chapter 28	Metal oxides and dioxides.....	—	Free	Free
2836.60.00	Barium cobonate.....	—	Free	Free
2839.19.00	Sodium silicate.....	—	Free	Free
ex 32.07	Frits, ceramic colours and lustres.....	—	Free	Free
3404.90.00	Bush wax.....	—	Free	Free
2923.50.00	Plastic stoppers.....	—	Free	Free
ex 49.08	Transfers.....	—	Free	Free
PRIMARY CELLS AND BATTERY MANUFACTURING INDUSTRY:				
1108.11.10	Neo electrolytic starch.....	—	15%	10%
2803.00.00	Carbon.....	—	15%	10%
2804.80.00	Arsenic.....	—	15%	10%
2807.00.00	Sulphuric acid.....	—	15%	10%
2820.10.00	Electrolytic managanese dioxide.....	—	15%	10%
2824.90.00	Greylead oxides.....	—	15%	10%
2827.10.00	Ammonium Chloride.....	—	15%	10%
2827.36.00	Zinc oxide.....	—	15%	10%
2833.27.00	Barium Sulphate.....	—	15%	10%
2836.99.00	Sodium carbonate.....	—	15%	10%
ex Chapter 35	Adhesives.....	—	15%	10%
3801.10.00	Graphite.....	—	15%	10%
3811.90.00	Oxidation inhibitors.....	—	15%	10%
3912.30.00	Carboxymethyl cellulose.....	—	15%	10%
3920.42.00	Shrink film.....	—	15%	10%

G.N. 123/1992

G.N. 80/1992

G.N. 123/1992

G.N. 103/1991

G.N. 103/1991

G.N. 80/1992

G.N. 12/2005

G.N. 27/1999

G.N. 12/2005

G.N. 10/1998

G.N. 32/2005

G.N. 26/1990

G.N. 111/1992

G.N. 111/1992

G.N. 111/1992

G.N. 111/1992

G.N. 47/2003

G.N. 12/2005

G.N. 12/2005

	1	2	3	4	5
	3921.90.00	PVA Tubing labels.....	—	Free	Free
	3923.50.00	Plastic washers.....	—	Free	Free
	3923.50.00	Plastic red tops.....	—	Free	Free
	ex 39.23	Containers, vents, plugs and lids.....	—	15%	10%
	3923.50.00	Plastic caps.....	—	15%	10%
	3923.90.00	Plastic bottom washer.....	—	Free	Free
	ex 4804	Kraft paper.....	—	15%	10%
	4807.99.00	Poly sandwiched paper and chip board paper.....	—	15%	10%
	4818.90.00	Paper tissues.....	—	15%	10%
	4821.10.00	Paper labels.....	—	15%	10%
	4823.90.30	Paper washer.....	—	Free	Free
	7211.49.00	Tinned steel strip.....	—	15%	10%
	7907.90.10	Zinc calots.....	—	15%	10%
G.N. 111/1992	8001.10.00	Unalloyed tin ingots.....	—	15%	10%
	8110.00.00	Antimony.....	—	15%	10%
	8309.90.00	Metal tops caps.....	—	15%	10%
G.N. 37/1998	8506.90.00	Electrolytic coated paper.....	—	15%	10%
	8507.90.00	Battery grids, plates and separators.....	—	15%	10%
	8545.19.00	Carbon rods.....	—	15%	10%
G.N. 32/2005	PRINTING INDUSTRY:				
G.N. 9/2006	ex Chapters 28 and 29	Chemicals.....	—	Free	Free
	ex 32.15	Printing ink.....	—	Free	Free
	ex Chapter 35	Self adhesives.....	—	Free	Free
	ex Chapter 48	News print.....	—	Free	Free
	ex Chapter 48	NCR paper, bank paper core board, art board, art paper calendar rims.....	—	Free	Free
	ex Chapter 59	Binding cloth.....	—	Free	Free
	ex Chapter 72	Stitching wire.....	—	Free	Free
	ex Chapter 72	Calendar spiral wire.....	—	Free	Free
G.N. 9/2006	PUBLIC SEWERAGE DISPOSAL WORKS INDUSTRY:				
G.N. 12/2005	PUBLIC WATER SUPPLY INDUSTRY:				
	RADIO SOUND REPRODUCER, TELEVISION IMAGE AND SOUND REPRODUCER AND ALLIED PRODUCTS				
	MANUFACTURING INDUSTRY:				
	NOTE: The rebates are applicable only to parts and materials imported for the manufacture of units of which at least the basic chassis or such alternative parts, components or accessories as may be approved by the Minister will be manufactured in Malawi.....				
	ex 39.00.12	Acrylic sheet of the kind suitable for use in the manufacture of radios and radio components.....	—	15%	10%
	ex 39.00.13	Plastic laminated sheets.....	—	15%	10%
	ex 39.07.19	Handles and plastic cabinets.....	—	15%	10%
	ex 44.28	Unshaped leg dowels.....	—	15%	10%
	ex Chapters 51 to 57				
G.N. 29/1984	5473.30.00	Parts and accessories of the machines of Heading No. 84.71.....	—	Free	Free
	ex 59.07.99				
G.N. 97/1987	ex 59.11	Grill cloth.....	—	15%	10%
G.N. 88/1992	ex 51.04	Woven fabric for covering radio cabinets.....	—	15%	10%
	ex 59.07.99	Textile fabrics coated with P.V.C.; P.V.C. leather cloth strip or sheet: for covering radio cabinets	—	15%	10%
G.N. 88/1992	ex 76.04	Aluminium profiles.....	—	15%	10%
	ex 76.08	Aluminium pipes and tubes.....	—	15%	10%
	7616.90.30	Aluminium wire mesh.....	—	15%	10%
	ex Chapter 83	Cabinets fittings.....	—	15%	10%
	ex 83.14.99	Metal name plates.....	—	15%	10%
	ex Chapter 85	Components other than cabinets, n.e.s.....	—	15%	10%

1	2	3	4	5	
ex 85.14.04					
ex 85.23.02	Modules and other chassis.....	—	15%	10%	
ex 85.14.99,					
ex 92.13,					
ex 94.03	Cabinet fittings.....	—	15%	10%	
ex 92.13	Tape decks, turntables, pick-ups and pick-up and turntable units; imported in a knocked-down form approved by the Controller.....	—	15%	10%	
ex 92.13	Cartridges.....	—	15%	10%	
REFRIGERATOR AND REFRIGERATION EQUIPMENT MANUFACTURING INDUSTRY:					
NOTE: The rebates are applicable only to parts and materials imported for the manufacture of units of which at least the cabinet and door or lid or such alternative parts, components or accessories as may be approved by the Minister, will be manufactured in Malawi.					
ex 39.00.02	Darvie and similar P.V.C. sheeting.....	—	15%	10%	
ex 39.07.19	Trays, baskets, door gaskets.....	—	15%	10%	
73.38.99	Wire baskets.....	—	15%	10%	
ex 82.02.01	Bottle openers.....	—	15%	10%	
ex 83.01.00	Door handles incorporating locks: locks.....	—	15%	10%	
ex 83.02.99	Hinges, door handles; adjustable feet.....	—	15%	10%	
ex 83.14.99	Name and data plates.....	—	15%	10%	
ex 84.10.09	Compressors under 1/4 horsepower.....	—	15%	10%	
ex 84.15.99	Absorption units; burners-paraffin or gas; condensers, plastic liners; defrost elements; driers; tanks; runners; being component parts for refrigerators and refrigeration equipment.....	—	15%	10%	
ex 90.24.01	Thermostats.....	—	15%	10%	
ROOFING SHEETS AND ALLIED PRODUCTS MANUFACTURING INDUSTRY:					
ex Chapter 72	Galvanized coils.....	—	Free	Free	G.N. 87/1992
RUBBER PRODUCTS MANUFACTURING INDUSTRY:					
ex 13.01	Cushion gums.....	—	15%	10%	G.N. 63/1979
ex 13.02	Gums.....	—	15%	10%	
25.03	Sulphur.....	—	Free	Free	
2803.00.00	Carbon.....	—	Free	Free	
2817.00.00	Zinc oxide.....	—	Free	Free	
2902.20.00	Benzo.....	—	Free	Free	
2915.70.00	Stearic.....	—	Free	Free	
ex 29.21	Diphenylamine acetone and rephenylenediamine	—	15%	10%	
2924.29.00	Bengo thiagole sulfenamide.....	—	Free	Free	
ex 35.06	Vulcanizing cement.....	—	15%	10%	
3812.10.00	Prepared rubber accelerators.....	—	Free	Free	
ex 40.05.03	The goods in this subheading for the manufacture of accessories for railway track.....	—	Free	Free	
ex 40.07	Vulcanized rubber thread and cord.....	—	15%	10%	
ex 40.08	Thread rubber.....	—	15%	10%	
4012.20.00	Used Pneumatic tyres (casings)	—	Free	Free	G.N. 58/2013
4016.99.90	Patch tyre repairs.....	—	15%	10%	
SACK MANUFACTURING INDUSTRY:					
ex 53.09 to	Woven fabrics.....	—	15%	10%	G.N. 12/2005
53.11					
5408.21.00	Polypropylene woven fabric.....	—	Free	Free	G.N. 83/1993
SLIDE FASTENERS MANUFACTURING INDUSTRY:					
58.05	All goods in this heading.....	—	15%	10%	G.N. 83/1993
ex 98.01	Pin-locks and stoppers.....	—	15%	10%	103/1991

	1	2	3	4	5
G.N. 32/2005	SOAP AND SOAP SUBSTITUTES MANUFACTURING INDUSTRY:				
	ex 15.07.99	Oils, vegetables, in bulk.....	—	Free	Free
G.N. 28/2008	2507.00.00	Kaolin.....	—	Free	Free
	2526.20.00	Talc powder.....	—	Free	Free
	28.23.00.00	Titanium dioxide.....	—	Free	Free
G.N. 46/1998	2833.19.00	Sodium laureth ethyl sulphate.....	—	Free	Free
	2839.90.00	Alkaline Sodium.....	—	Free	Free
	ex 29.95	Caustic soda.....	—	Free	Free
	2916.19.00	Creyslic Acid.....	—	Free	Free
	ex Chapter 32	Organic colouring material, dyes and pigments	—	Free	Free
	33.02.90	Odoriferous substances and other perfume concentrates.....	—	Free	Free
	3401.02.00	Fatty acids.....	—	Free	Free
	ex 34.02.01	A.D. flakes.....	—	Free	Free
	3402.90.00	Sunlight dishwash liquid in crude form.....	—	Free	Free
	ex Chapter 39	Wrapping materials of plastic.....	—	Free	Free
	ex Chapter 48	Wrapping materials of paper.....	—	Free	Free
G.N. 22/2008	SPORTS BALLS MANUFACTURING INDUSTRY:				
	ex 95:06	Football panel sets.....	—	Free	Free
G.N. 55/1997	SUGAR MANUFACTURING INDUSTRY:				
	2522.10.00	Hydrated lime.....	—	Free	Free
	ex Chapter 28	All goods in this Chapter.....	—	Free	Free
	8108.90.00	Titanium Trichloride.....	—	Free	Free
G.N. 104/1991	TEA MANUFACTURING INDUSTRY:				
	ex 27.12	Paraffin wax.....	—	Free	Free
	ex Chapters 28 and 29	Chemicals for manufacturing.....	—	Free	Free
	ex 32.15	Ink.....	—	Free	Free
	ex Chapter 35	Glues.....	—	Free	Free
	ex Chapter 48	Skillets, blueboard and wrappers.....	—	Free	Free
	TEXTILE MANUFACTURING INDUSTRY:				
G.N. 104/1991	ex 11.88	Starches.....	—	15%	10%
	ex Chapters 28 and 29	Chemicals for use in the manufacture of textiles	—	15%	10%
	ex 32.04	Dyes.....	—	15%	10%
	ex 34.02.01	Synthetic detergents for use in the processing of raw cotton.....	—	Free	Free
	ex 34.02.99				
G.N. 32/2005	ex 34.05	Scouring powders for scouring fabrics before dyeing.....	—	Free	Free
	35.05.10.00	Starches (modified)	—	15%	10%
	38.09.91.00	Chemicals for use in the manufacture of textiles	—	15%	10%
	ex headings 3901 to 39.14	Polyesters.....	—	15%	10%
	ex 39.20 and 39.21	Plastic wrapping materials.....	—	Free	Free
G.N. 32/2005	ex 49.11	Printed cloth name or size labels.....	—	Free	Free
	ex. Chapter 51	Woven fabrics.....	—	Free	Free
G.N. 32/2005	5801.21.00	Uncut weft file fabrics.....	—	Free	Free
G.N. 5/1996	ex 52.05 and 52.96	Cotton yarn.....	—	15%	10%
G.N. 5/1996	ex 54.02	Synthetic filament yarn.....	—	15%	10%
	ex 54.03	Artificial filament yarn.....	—	Free	Free
	ex 55.05 and 55.06	Wastes.....	—	Free	Free

1	2	3	4	5	
ex 55.09	Yarn of synthetic staple fibres.....	—	Free	Free	G.N. 2/2006
ex 55.10	Yarn of artificial staple fibres.....	—	Free	Free	G.N. 22/2007
ex 55.12	Woven fabrics.....	—	Free	Free	G.N. 56/1996
ex 58.05	Satin binding.....	—	Free	Free	
ex 58.05	Narrow woven fabrics for blanket binding.....	—	Free	Free	
ex 60.01 to 60.02	Knitted fabrics for blanket binding.....	—	Free	Free	
TOBACCO PRODUCTS MANUFACTURING INDUSTRY:					G.N. 109/1990
2403.91.00	Homogenised or reconstituted tobacco.....	—	Free	Free	
2915.39.00	Triacetate.....	—	Free	Free	
ex Chapter 35	Glues.....	—	15%	10%	
ex 39.21	Tear Strip.....	—	15%	10%	
ex 39.23	Polypropylene packs.....	—	15%	10%	
4812.00.00	Cigarette filters.....	—	15%	10%	
ex 48.13	Cigarette and tipping paper.....	—	15%	10%	
ex 48.13	Filter paper.....	—	Free	Free	
ex 48.21	Brand labels.....	—	15%	10%	
5403.42.00	Acetate.....	—	Free	Free	
ex 76.07	Aluminium foil.....	—	15%	10%	
TRAILER AND MOTOR VEHICLE MANUFACTURING INDUSTRY:					G.N. 73/1992
NOTE: These rebates are applicable only to parts and materials for the manufacture of goods-carrying vehicles or trailers or vehicles authorized by the Minister for the purpose of Note 6 to chapter 87 of the Customs Tariff, or for the manufacture of bodies or cabs for such vehicles.					
3208.22.10	Paints.....	—	Free	Free	
ex 32.14	Body filler and putty.....	—	Free	Free	
ex 34.05	Polishes.....	—	Free	Free	
3814.00.00	Thinners.....	—	Free	Free	
ex 39.07	Resins.....	—	Free	Free	
ex 39.18	Vinyl flooring.....	—	Free	Free	
ex 39.20	Plastic sheets.....	—	Free	Free	
ex 40.07.02	Sponge, rubber, strip.....	—	15%	10%	
ex 40.07.99	Rubber windows gasketing and locking strip therefor.....	—	15%	10%	
40.11.39	All goods in this subheading.....	—	15%	10%	
ex 95.07.99	Textile fabrics coated with PVC or other artificial materials.....	—	15%	10%	
ex 70.07	All goods in this heading.....	—	Free	Free	
70.09.00	Mirrors.....	—	15%	10%	
ex 73.09.79	Tread plate, in the piece.....	—	15%	10%	
ex 73.35.99	Springs.....	—	15%	10%	
ex 73.40.99	Hose clips.....	—	15%	10%	
ex 83.01	Door locks.....	—	15%	10%	
ex 83.02.99	Anti-lure fasteners, handrail brackets, door handles (incorporating locks), door hinges, piano hinges.....	—	15%	10%	
83.14.99	Metal name plates.....	—	15%	10%	
84.06.99	All goods in this subheading.....	—	15%	10%	
ex 84.10.99	Fuel pumps.....	—	15%	10%	
ex 84.14	Fans.....	—	Free	Free	
ex 84.18.99	Air or oil filters.....	—	15%	10%	
ex 84.63.99	Universal joints, pulleys, gasket sets.....	—	15%	10%	
ex 85.08.99	All goods in this subheading.....	—	15%	10%	
ex 85.12	All goods in this heading.....	—	Free	Free	
ex 85.17.02	Electric bells.....	—	15%	10%	
ex 85.20.99	Bulbs.....	—	15%	10%	
85.23.01	All goods in this subheading.....	—	15%	10%	
8545.20.00	Carbon brushes.....	—	Free	Free	
8706.00.99	Chassis for conversion into goods carrying vehicles.....	—	15%	10%	G.N. 73/1992
87.06.99	All goods in this subheading.....	—	15%	10%	

1	2	3	4	5
ex 87.14.99	Parts of vehicles of subheadings 87.14.01, 87.14.03 and 87.14.04; excluding bodies and body sections.....	—	15%	10%
ex 90.23.01	Motor vehicle temperature gauges.....	—	15%	10%
ex 90.24.01	Motor vehicle thermostats, fuel gauges and oil pressure gauges.....	—	15%	10%
ex 90.27.01	Motor vehicle speedometers.....	—	15%	10%
G.N. 177/1983	TRANSFER PRINTING INDUSTRY:			
ex Chapters 51 to 58	Woven fabrics.....	—	Free	Free
ex 60.02	All goods in this heading.....	—	Free	Free
	TRAVEL CASES AND SIMILAR CONTAINERS MANUFACTURING INDUSTRY:			
ex 59.11	Rubberised canvas.....	—	15%	10%
ex 41.02	Leather in the piece.....	—	15%	10%
ex 42.02	Plastic handles.....	—	15%	10%
ex 48.09	Fibre board.....	—	15%	10%
ex Chapters 52, 54 and 55	Linings.....	—	Free	Free
ex 55.09.30	Canvas.....	—	15%	10%
ex 55.09.39				
G.N. 25/1989	Viscose linings.....	—	15%	10%
ex 58.04	Velveteens.....	—	15%	10%
ex 59.07.99	P.V.C. leather cloth.....	—	15%	10%
ex 73.40.99,				
ex 83.02	Metal fittings.....	—	15%	10%
ex 83.01	Locks.....	—	15%	10%
G.N. 66/1991	ex 98.02 Slide fasteners.....	—	15%	10%
	VINYL COATED FABRIC MANUFACTURING INDUSTRY:			
G.N. 133/1980	ex Chapter 32 Pigments.....	—	15%	10%
	ex 39.01 Plastics.....	—	15%	10%
	to 39.14			
G.N. 35/2014	5208.21.00 Bleached woven fabrics of cotton.....	Free	Free	Free
G.N. 35/2014	5208.22.00			
G.N. 35/2014	5208.23.00			
G.N. 35/2014	5208.29.00			
G.N. 35/2014	5209			
G.N. 35/2014	5210			
G.N. 35/2014	5211			
G.N. 35/2014	5212			
	ex Chapters 54 and 55 Woven fabrics of man-made fibres.....	—	Free	Free
G.N. 198/1980	WATCH MANUFACTURING INDUSTRY			
	91.07.99 All goods in this subheading.....	—	15%	10%
G.N. 28/1981	ex 42.03 Watch straps.....	—	15%	10%
	ex 62.05.99 Watch straps.....	—	15%	10%
G.N. 28/1981	ex 71.12 Watch straps.....	—	15%	10%
	71.16.99 Watch straps.....	—	15%	10%

APPENDIX B

Eighth Schedule: Part 1

INDUSTRIAL REBATES: EXCISE DUTIES

Note: For convenience of reference, the items shown in this Appendix are arranged in accordance with the form of the Excise Tariff.

1	2 Item	3	4 Duty
8	CLOTHING MANUFACTURING INDUSTRY:		
	Woven fabrics	—	Free
	Waist handling.....	—	Free
	Knitted or crocheted fabrics.....	—	Free

1	2 Item	3	4 Duty	
8	FOOD MANUFACTURING INDUSTRY: Cane sugar, solid.....	—	Free	G.N. 25/1989
	Wheat or meslin flour.....	—	Free	
	MEDICAMENTS AND PHARMACEUTICAL MANUFACTURING INDUSTRY: 22.08.01 Ethanol	—	Free	G.N. 177/1983
	MINERAL AND AERATED WATER MANUFACTURING AND BOTTLING INDUSTRY: 8 Cane sugar, solid.....	—	Free	
8	SPIRITS MANUFACTURING INDUSTRY: Cane sugar, solid.....	—	Free	G.N.

APPENDIX C
Eighth Schedule: Part 2
INDUSTRIAL DRAWBACK

G.N. 101/1983

<i>Goods manufactured or processed in Malaŵi</i>	<i>Materials in respect of which drawback is allowed</i>	<i>Extent of drawback</i>	
Agricultural handtools and animal draw implements.....	All materials and components.....	The whole duty	
Articles made up from netting.....	Netting made up from yarn, twine, cordage, rope or cables containing more than 50 per cent by weight of man made fibres produced by polymerisation or condensation of organic monomers (for example, nylon)	The whole duty	G.N. 177/1983
Biscuits.....	Baking fat, glucose, paper, packaging cartons and foil wrappers.....	The whole duty	G.N. 177/1983
Blankets.....	Blanketing and blanket cloth.....	The whole duty	
Cigarettes.....	Packaging materials.....	The whole duty	
Clearstone skin toning cream and Envi skin toner.....	All materials and packaging materials.....	The whole duty	G.N. 177/1983
Clothing.....	Textile fabrics: in the piece, Lace and embroidery.....	The whole duty	
Curtains.....	Curtaining polyester thread and rufflette type	The whole duty	G.N. 84/1986
Cycles.....	Cycle parts and accessories	The whole duty	
Dhall.....	All materials and components.....	The whole duty	G.N. 79/1976
Dry cell batteries.....	All materials and components.....	The whole duty	G.N. 79/1976

	<i>Goods manufactured or processed in Malaŵi</i>	<i>Materials in respect of which drawback is allowed</i>	<i>Extent of Drawback</i>
	Electric fires.....	All materials and components	The whole duty
	Enamelled hollow ware of iron and steel.....	Rough worked, uncoated, iron or steel shapes, parts and blanks	The whole duty
G.N. 161/1980	Fishing nets, sports nets and twine.....	Yarn of man-made fibres continuous.....	The whole duty
G.N. 44/1978	Fluorescent light fittings	All materials and components	The whole duty
	Football.....	All materials and components	The whole duty
	Footwear.....	All materials and components	The whole duty
		All materials (whether prefabricated or not)	The whole duty
	Furniture.....	Textile fabrics: in the piece, component parts.....	The whole duty
G.N. 135/1987	Motor vehicle trucks and buses.....	Chassis with or without cabs.....	The whole duty
G.N. 85/1986	Petroleum Jelly; Menthol Rub; Perfumery, Hair Skin and Toilet Preparations.....	All Materials and packaging material.....	The whole duty
G.N. 28/1987	Plastic containers.....	Polypropylene granules Polystyrene Polyvinyl Chloride compound High Density Polyethylene Low Density Polyethylene Polypropylene colouring pigments.....	The whole duty
G.N. 41/1983	Plastic products.....	Polyethylene Polypropylene Polyvinylchloride	The whole duty
G.N. 23/1976 G.N. 161/1980	Polypropylene bags.....	Polypropylene granules	The whole duty
G.N. 177/1983	Prepared foodstuffs beverages.....	Tomato paste.....	The whole duty
G.N. 115/1981	Printed textile fabrics.....	Woven textile fabrics knitted and crocheted fabrics.....	The whole duty
G.N. 17/1979	P.V.C. Tarpaulins.....	Woven nylon textile fabrics in the piece and plasticisers.....	The whole duty
G.N. 17/1979	P.V.C. Tarpaulins.....	Woven nylon textile fabrics: in the piece.....	The whole duty
	Radios, tape recorders and combinations thereof.....	All materials and components.....	The whole duty

<i>Goods manufactured or processed in Malaŵi</i>	<i>Materials in respect of which drawback is allowed</i>	<i>Extent of Drawback</i>	
Refrigerators, deep freezers and coolers	All materials and components.....	The whole duty	G.N. 99/1975
Stationery, being lever arch files and flat files.....	All materials and components.....	The whole duty	G.N. 99/1975
Tents and tarpaulins	Canvas cloth and P.V.C. sheeting.....	The whole duty	G.N. 99/1975
Timber products.....	Plywood, hardboard, chipboard and similar boards veneers.....	The whole duty	
Umbrellas.....	Textile fabrics in the piece Component parts.....	The whole duty	
Watches.....	All materials and Components.....	The whole duty	G.N. 115/1981

*NOTE***CUSTOMS AND EXCISE (TARIFFS) ORDER**G.N.
160/1970

see Supplement

APPOINTMENT OF SPECIAL REFEREE*under s. 120*

The Senior Resident Magistrate at Blantyre has been appointed to be the Special Referee for the purpose of hearing and determining appeals under section 121 of the Act.

CUSTOMS AND EXCISE (PRESHIPMENT INSPECTION OF IMPORTED GOODS) REGULATIONS*under s. 175*

1. These Regulations may be cited as the Customs and Excise (Preshipment Inspection of Imported Goods) Regulations, and shall apply to—

Citation and
application

- (a) all orders or contracts for imported goods made after the 1st day of April, 2000; and
- (b) all goods shipped to Malaŵi after the 1st day of April, 2000.

Interpretation	2. In these Regulations, unless the context otherwise requires—
Cap. 39:07	<p>"Authority" means the Malaŵi Revenue Authority established under section 3 of the Malaŵi Revenue Authority Act;</p> <p>"company" means the company for the time being contracted by the Government to carry out preshipment inspection services on behalf of the Government.</p> <p>"Order" means the Customs and Excise (Tariffs) Order, 1999.</p>
Inspection of goods	<p>3.—(1) Except as provided in these Regulations, all goods imported into Malaŵi shall be subject to inspection in the country of supply by the company.</p> <p>(2) The company shall carry out preshipment inspection in respect of quality, tariff classification, quantity, value and related services.</p> <p>(3) The company shall perform inspection of the goods before dispatch in the country of supply or at some other appropriate location.</p>
Goods excluded from inspection	<p>4. The company shall inspect all imports into Malaŵi except—</p> <p>(a) goods with an FOB value not exceeding US\$2,000 (or equivalent). Partial shipments covering goods having value below the threshold value, shall be nevertheless subject to intervention by the company if the total value of goods under the contract covering such shipments is equal or superior to such amount;</p> <p>(b) aids and grants in kind and goods covered under Customs Procedure Codes numbers C403, C405, C406, C408, C410, C411, C412, C414, C415, C421, C422, C423, C424, C425, C426, C427, C430, C433, C434, C436, C441, C442, C443, C445, C446, C447, C448, C449, C473, C474, C475, C476, C477, C478, C479 and heading numbers 101.16, 101.19 and 102.04.</p> <p>(c) arms and ammunition; parts and accessories thereof imported by Government and intended for military or paramilitary use (Tariff Chapter 93);</p> <p>(d) commercial samples covered under special transactions No. C412 of the Order.</p> <p>(e) goods destined for enterprises operating as a Duty Free Shop or in an approved Export Processing Zone;</p> <p>(f) newspapers and periodicals (Tariff Heading 49.02);</p> <p>(g) petroleum products (Tariff Headings 27.09, 27.10, 27.11, 27.12, 27.13, 27.14 and 27.15);</p> <p>(h) precious metals, precious and semi-precious stones (Tariff Headings 71.01, 71.02, 71.03, 71.04, 71.05, 71.06, 71.07, 71.08, 71.09, 71.10, 71.11 and 71.12);</p>

- (i) scrap metals (Tariff Headings 72.04, 74.04, 75.03, 76.02, 78.02, 79.02, 80.02 and scrap metals of Chapter 81);
- (j) works of art, collectors' pieces and antiques (Tariff Heading 97);
- (k) bank notes, travellers cheques and cheque books.

5. All purchase contracts concluded by importers in Malaŵi with suppliers shall stipulate the presentation of goods to the company's inspection in the country of supply and that a security label must be affixed by the company or its affiliates on a copy of their invoices as part of the documents for negotiating payment.

Security label to be affixed

6. No payment shall be made to the credit of any person or legal entity outside Malaŵi by or on the authority of any licensed bank in Malaŵi unless a Clean Report of Findings (CRF), bearing a security label affixed by the company or its affiliates in respect thereof, is presented together with the other shipping documents.

Clean Report of Findings to be presented with other documents

7.—(1) No importer shall be permitted to clear goods into bond without a CRF which shall be a document necessary to support import entry declaration.

Clearance of goods into bond

(2) A CRF shall be used by the Authority as the minimum basis for the assessment of import duties and taxes payable.

(3) Where goods are subsequently taken out of bond, an importer shall apply for an additional CRF but a re-inspection of the goods shall not be required and the additional CRF shall be provided by the company free of charge.

8. Where goods are supplied as a result of tender, the tender documents shall be submitted to the company with the order.

Tender documents to be supplied

9. In cases where the goods to be supplied are usually sold on the basis of contracts of sale, such contracts, sale notes and confirmation advice shall be submitted to the company.

Contracts of sale, etc., to be submitted

10. The seller shall give the company at least four working days notice before the proposed date of physical inspection.

Notice

11. When requesting the company's intervention, the seller shall provide the company with a copy of the proforma invoice, purchase order, price list, letter of credit, contract and/or any other document, which the company may deem necessary for the execution of its mandate.

Documents to be provided

12. The seller shall provide all necessary facilities and documents so that the company can perform physical identification, price verification, tariff classification and other related services and conduct all such tests as may be required.

Seller to provide facilities and documents

Seller to make arrangements	<p>13.—(1) The seller shall make the necessary arrangements for handling, presentation, sampling, shop testing, etc., of the goods for the purpose of the company's intervention, and any expenses incurred therefor shall be for the account of the seller.</p> <p>(2) If the seller has called the company without having prepared the goods for intervention, or if the goods have been verified and are found not in accordance with the documentation, the cost of any additional intervention of the company shall be for the account of the seller.</p>
Inspection not to relieve contractual obligations	<p>14. The seller shall be warned that the intervention of the company under the preshipment inspection programme shall not be intended to relieve the seller of his contractual obligations to the buyer.</p>
Inspection not override import Regulations	<p>15. The importer is warned that the intervention of the company under the preshipment inspection programme shall not be intended to override the importer of his obligations in respect of compliance with the import regulations of Malaŵi.</p>
Goods not submitted to preshipment inspection	<p>16. Where goods are not submitted to preshipment inspection in accordance with these Regulations, importers may apply to their Authorized Dealer Bank for approval by the Reserve Bank of Malaŵi and the Authority for a destination inspection subject to the payment of an additional 100 per cent of the inspection order-processing fee and other penalties as may be determined under the Act. Such cases will also be notified to the Commissioner General.</p>
Standards Cap. 51.02	<p>17. Every importer is advised that, where goods are subject to the Malaŵi Bureau of Standards Act, the inspection order shall state the applicable standard.</p>
Customs clearance	<p>18.—(1) No importer shall be permitted to clear goods through customs without the company's CRF which shall be a document necessary to support entry declaration.</p> <p>(2) The Authority shall use a CRF as the minimum basis for the assessment of customs payable.</p>
Discrepancies arising from quality, etc.	<p>19. The company shall issue a Non-Negotiable Report of Findings (NNRF) where it is not possible to transfer data on a CRF owing to any discrepancy arising from quality, quantity and pricing anomalies.</p>
Issuance of NNRF	<p>20. An NNRF shall be issued by the company in the absence of a seller's final invoice and certificate of origin if the aforementioned documentation is not received within five working days of the physical inspection.</p>

CUSTOMS AND EXCISE (EXPORT OF TEXTILES)**REGULATIONS***under s. 175*

- 1.** These Regulations may be cited as the Customs and Excise (Export of Textiles) Regulations. Citation
- 2.** In these Regulations, unless the context otherwise requires— Interpretation
- "African Growth and Opportunity Act" means legislation enacted by United States of America under the Trade and Development Act;
- "bonded factory licence" means a licence issued under section 41 of the Act;
- "export enterprise certificate" means a certificate issued under section 10 of the Export Processing Zones Act;
- "export incentives certificate" means a certificate issued under section 19 of the Export Incentives Act;
- "industrial licence" means a licence issued under the Industrial Licensing Act;
- "registered exporter" means a person registered as a manufacturer or an exporter of textiles under these Regulations;
- 3.** No textile shall be exported to United States of America under the African Growth Opportunity Act unless the exporter— Exportation of textile
- (a) holds a bonded factory licence, an export enterprise certificate, an industrial licence or an export incentives certificate; and
- (b) is registered as an exporter under these Regulations.
- 4.—(1)** Any person who desires to be registered as an exporter under these Regulations may make an application to the Commissioner General. Application for registration
- (2) An application shall be accompanied by such plans, documents, approvals and information as may be determined by the Commissioner General.
- (3) An application shall be in the form set out in the First Schedule.
- (4) On receipt of an application, the Commissioner General may make such investigations or require the submission of such declaration as he may deem necessary to enable him examine the application.

Consideration of application	<p>5.—(1) In considering an application for registration under these Regulations, the Commissioner General shall take into account, <i>inter alia</i>—</p> <ul style="list-style-type: none"> (a) the production capacity of the applicant; (b) rules of origin and other requirements under the African Opportunity Growth Act; (c) the risk of trans-shipment; and (d) compliance by the applicant of the requirements of these Regulations. <p>(2) After making the investigations and considering the application, including any information or declaration as may have been required in terms of regulation 4 (4), the Commissioner General may grant or refuse to grant the application.</p> <p>(3) The Commissioner General shall not refuse an application without giving the applicant an opportunity of being heard.</p>
Certificate of registration	<p>6.—(1) Where the Commissioner General grants an application under regulation 5 (2), he shall issue to the applicant a certificate of registration.</p> <p>(2) The certificate of registration shall be in the form set out in the Second Schedule.</p>
Duration of certificate of registration	<p>7. Every certificate of registration issued under these Regulations shall, unless therein otherwise provided, be valid for one year from the date of issue.</p>
Exportation documents	<p>8. A registered exporter shall prior to the exportation of each and every consignment of textiles to the United States of America present to the Commissioner General an original copy of the commercial invoice and three copies of the certificate of origin.</p>
Record keeping	<p>9.—(1) A registered exporter who is a manufacturer shall keep the following records—</p> <ul style="list-style-type: none"> (a) importation documents in respect of imported raw materials used in the production of exported textiles; (b) exportation documents in respect of all exported textiles; (c) documents pertaining to textiles produced by him; (d) production records, including— <ul style="list-style-type: none"> (i) materials used in the production of textiles; (ii) number and type of machinery used in the production of textiles; and (iii) number of workers employed in the production of textiles; and

(e) bank statements in respect of proceeds from exported textiles.

(2) A registered exporter who is not a manufacturer shall keep—

- (a) exportation documents in respect of all exported textiles; and
- (b) bank statements in respect of proceeds from exported textiles.

(3) The documents referred to in subregulations (1) and (2) shall be kept for at least five years.

10.—(1) A registered exporter who is a manufacturer shall submit to the Commissioner General a monthly return in respect of—

Returns

- (a) materials that he has imported during the month in question; and
- (b) textiles that he has exported during the month in question.

(2) A registered exporter who is not a manufacturer shall submit to the Commissioner General a monthly return in respect of textiles that he has exported during the month in question.

(3) A return under subregulations (1) and (2) shall be submitted not later than ten days after the expiry of the month to which the return relates.

(4) A return under subregulations (1) and (2) shall be in the form set out in the Third Schedule.

11.—(1) A registered exporter shall not—

Transshipment
prohibited

- (a) unlawfully trans-ship textiles to United States of America;
- (b) use counterfeit documents; or
- (c) keep false information concerning country of origin, manufacture, processing or assembly of textiles.

(2) For purposes of this regulation, trans-shipment shall be deemed to have occurred when preferential treatment for a textile article has been claimed on the basis of material false information concerning the country of origin, manufacture, processing or assembly of the article or any of its components.

FIRST SCHEDULE

reg. 4(3)

APPLICATION FOR REGISTRATION AS AN EXPORTER OF TEXTILES TO UNITED STATES OF AMERICA

To: The Commissioner General
Malaŵi Revenue Authority
Private Bag 247
Blantyre

1. Pursuant to the Customs and Excise (Export of Textiles) Regulations, I,

.....
(name of the person completing the Application)

of.....
(Address)

*(duly authorized in that behalf by the partnership/body corporate specified in paragraph 2) hereby apply, for and on behalf of the said partnership/body corporate, for the issue/renewal of a certificate of registration authorizing the said partnership/body corporate to export textiles to the United States of America under the African Growth Opportunity Act.

2. Full name and address of applicant.....

.....

.....

3. Where the applicant is a body corporate—

(a) type of incorporation and registration.....

(b) date and place of incorporation.....

(c) shareholding, if the body corporate is a limited company.....

4. Number and type of machinery to be used in the production of textiles, in case of a manufacturer.....

.....

5. Number of workers employed in the production of the textiles, in case of a manufacturer.....

.....

6. Description of imported materials to be used in the production of the textiles, in case of a manufacturer.....

.....

7. Name and address of the supplier of imported materials, in case of a manufacturer.....

.....

8. Description of the textiles to be produced, in case of a manufacturer

.....

9. Monthly production capacity, in case of a manufacturer

.....

10. Name and address of the manufacturer where the exporter is not the manufacturer.....

.....

.....

11. Name and address of the importer/consignee in the United States of America.....

.....

.....

Date this day of, 20

.....
Signature

.....
Designation

*Delete as necessary

Where the application is made for and on behalf of a partnership of body corporate, it must be signed by a partner or the secretary of the body corporate, as the case may be.

The following must accompany this application—

- (a) proof that the applicant holds a bonded factory licence, an export enterprise certificate, an industrial licence or export incentives certificate;
- (b) a sketch plan of the premises where the textiles shall be manufactured, in case of a manufacturer; and
- (c) an affidavit in which the applicant attests to the validity and accuracy of information contained in this application.

NOTE: Applications should use attachments where the space provided on this form is insufficient.

SECOND SCHEDULE

reg. 6 (2)

Certificate of Registration

It is hereby certified that

.....

.....

has been registered under the Customs and Excise (Export or Textiles) Regulations as an exporter of textiles to United States of America under the African Growth Opportunity Act.

This certificate of registration shall expire on

Number of certificate of registration.....

Date this day of, 20

.....
Commissioner General

THIRD SCHEDULE

reg. 10 (4)

CUSTOMS AND EXCISE (EXPORT OF TEXTILES) REGULATIONS

MONTHLY RETURN IN RESPECT OF THE MONTH OF THAT

1. Name of Registered Exporter

2. Status of Registered Exporter (please tick appropriate box)

☐ Manufacturer

☐ Not a manufacturer

3. Visa number

4. Date of issuance of visa

5. Grouping number

6. Value of goods

7. Quantity/unit measure

8. Importer/consignee in United States of America (if known)

.....

9. United States of America Harmonized Tariff Schedule number to the 6-digit level.....

Date *Signature*.....

Designation.....
