THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) ACT, 2019

ARRANGEMENT OF SECTIONS

Section

1. Short title.
3. Amendment of section 34.
4. Amendment of section 51.
5. Amendment of section 57.
6. Amendment of section 87.
7. Amendment of section 107.
8. Amendment of section 243.
9. Insertion of new sections 248A and 248B.
THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) ACT, 2019


Date of assent: 22nd April, 2017.

Date of commencement: 15th November, 2019.

ENACTED by the East African Community and assented to by the Heads of State.

1. This Act may be cited as the East African Community Customs Management (Amendment) Act, 2019.

2. The East African Community Customs Management Act, 2004, in this Act referred to as the “principal Act” is amended in section 14(4) and (5) by inserting immediately after the word “owner” where ever it appears, the words “or operator”.

3. Section 34 of the principal Act is amended by replacing subsection (5) with the following new subsection—
“(5) Where entered goods are not removed from the port of discharge after the expiry of the twenty one days prescribed under subsection (1), the goods shall be deemed to be in a customs warehouse”.

4. Section 51 of the principal Act is amended in subsection (1)(d) by substituting sub-paragraph (iii) with the following new subparagraph—

“(iii) in respect of any other product as may be prescribed by the Commissioner”.

5. Section 57 of the principal Act is amended—

(a) by inserting inmediately after the words “three months” the words “and where this further period is not sufficient, the Commissioner may extend it to another further period not exceeding three months; and

(b) by repealing the proviso to subsection (2).

6. Section 87 of the principal Act is amended by inserting the following new subsection—

“(2) For the purposes of subsection (1), “office of destination” means any customs office at which a customs transit operation is terminated”.

7. Section 107 of the principal Act is amended by inserting after subsection (4), the following new subsections—

“(5) Where any obligation that requires the furnishing of a cash deposit has been fulfilled, the Commissioner shall, within thirty days, upon completion of the obligation refund the cash deposit.
(6) Where the Commissioner does not refund the cash deposit, an interest of two per centum per month shall accrue on the deposit for the period it remains unpaid.

8. Section 243 of the principal Act is amended by inserting immediately after the word “auctioneers”, the words “inconsistent with this Act”, and the word “not” after the word “shall”.

9. The principal Act is amended by inserting the following new sections after section 248—

248A. (1) A person intending to import goods, may make a written application to the Commissioner for advance binding rulings on any of the following—

(a) tariff classification;

(b) rules of origin; or

(c) customs valuation.

(2) Subject to subsection (1) and upon direction from the Commissioner, the applicant shall furnish to the Commissioner sufficient information that may be used to make the decision.

(3) The Commissioner shall within thirty days of receipt of the sufficient information issue an advance ruling or give reasons for the inability to issue an advance ruling on the application.

(4) The decision issued under subsection (3) shall be binding on the Commissioner and the applicant for a period not exceeding twelve months.
248B. A Partner State shall not promote any Customs procedures, measures or trade practices that are discriminatory to persons on the grounds of gender, age or disabilities”.