

No. 7, 1925.]

ACT

To provide for the ratification of the Customs Agreement entered into between the Government of the Union of South Africa and the Governments of Southern and Northern Rhodesia respectively; and to authorize the Governor-General to issue a proclamation and regulations for giving effect to that Agreement; and generally to provide for other matters incidental thereto.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

- Ratification of Union—Southern and Northern Rhodesia customs agreement.** 1. The customs agreement entered into at Pretoria between the Government of the Union and the Governments of Southern and Northern Rhodesia respectively, as set forth in the Schedule to this Act, is hereby ratified and confirmed.
- Importation and exportation of certain goods and animals may be forbidden.** 2. The Governor-General may, by proclamation in the *Gazette*, prohibit—
- (a) the importation from Southern and Northern Rhodesia into the Union for consumption therein of—
- (i) beef;
- (ii) cattle, when the weight of an ox is less than one thousand pounds, or that of a cow is less than seven hundred and fifty pounds as ascertained on arrival in the Union; or alternatively when the weight of an ox is less than one thousand and fifty pounds and that of a cow is less than seven hundred and ninety pounds at the point of despatch in the territory whence imported.
- (b) the importation from Southern and Northern Rhodesia into the Union for consumption therein, and the exportation from the Union to the aforesaid countries of scrap tobacco, dust tobacco, and tobacco stems.
- Penalties.** 3. Any person who imports, or exports, or attempts to import or export or is a party to the importation or exportation or the attempted importation or attempted exportation, of the animals or goods described in the preceding section, or who contravenes or fails to comply with a provision of any regulation relating to the control while in the Union of such animals or goods when in transit, shall be guilty of an offence and be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment without the option of a fine, and with or without hard labour, for a period not exceeding three months, or to both such fine and such imprisonment.
- Regulations.** 4. The Governor-General may make regulations not inconsistent with this Act as to the importation, exportation, entry, removal, conveyance or transit of the animals and goods referred to in this Act, imported into, or exported from, or passing through, the Union, and generally for the better carrying out of the objects and purposes of this Act.
- Interpretation of terms.** 5. In this Act unless inconsistent with the context—
- “Northern Rhodesia” means the part of that territory that falls outside of the Congo Basin, as defined in article one of the General Act of Berlin of the 26th February, 1885, as revised by the Convention of St. Germain-en-Laye of September, 1919;
- “Scrap tobacco” means the broken pieces of tobacco arising from the handling of, or during the process of curing leaf tobacco.
- Short title.** 6. This Act may be cited for all purposes as the Union and Rhodesia Customs Agreement Act, 1925.

Schedule.

CUSTOMS AGREEMENT.

UNION OF SOUTH AFRICA—SOUTHERN RHODESIA—NORTHERN RHODESIA.

1924.

His Excellency the Governor-General of the Union of South Africa, His Excellency the Governor of Southern Rhodesia and His Excellency the Governor of Northern Rhodesia, mutually on behalf of their respective Governments, recognising that it is desirable that trade between their respective territories should be as free and uninterrupted as possible, have agreed on behalf of their respective Governments upon the following articles:—

Article I.

The Customs Agreement entered into in January, 1914, with the Protocols thereto, shall, as from the first day of January, 1925, be superseded by this present Agreement.

Article II.

The Customs Tariff of the Union of South Africa (hereinafter referred to as the Union), in force at the present time, and subject to such modifications as are hereinafter provided for, shall be adopted by the Governments of Southern and Northern Rhodesia.

Article III.

It shall be permitted to the Governments of Southern and Northern Rhodesia to grant upon all goods and articles the growth, produce and manufacture of any part of His Majesty's Dominions, Colonies, Possessions or Protectorates, a rebate of the customs duties payable under the Union tariff aforesaid equal in amount to the difference between the said duties and the highest duties which it is permissible to Rhodesia to impose under the Southern Rhodesia (Customs) Amendment Order in Council, 1914, and the Northern Rhodesia (Customs) Amendment Order in Council, 1914.

Article IV.

Any party to this Agreement may suspend wholly or in part the customs duties otherwise payable on goods except potable spirits, imported into its territory from any country the Government whereof is not a party to this Agreement: Provided, however, that the party suspending any duty shall levy and recover and be responsible for levying and recovering the amount of suspended duty which may be payable on such goods when removed for consumption in the territory of another party to this Agreement.

Article V.

The Governments of Southern and Northern Rhodesia shall, as far as possible, conform to the laws and regulations for the time being in force within the Union in respect of refunds, rebates, abatements, prohibitions, methylations, removals in bond and otherwise, and interpretations of the tariff, provided that the said Governments shall not be bound to accept any interpretations of any item of the tariff which may be in conflict with any judicial decision binding within their territories.

Article VI.

There shall be a free interchange of the products and manufactures of the Union and of Southern and Northern Rhodesia, except that in the event of one party to this Agreement levying an excise duty on any article produced or manufactured in its territory, it shall be entitled to levy a corresponding customs duty on importation into its territory of a like article produced or manufactured in the territory of another contracting party, and subject to the following provisions:

- (a) The customs duty leviable on potable spirits distilled in the Union upon importation into Southern or Northern Rhodesia shall for each imperial gallon not exceeding the strength of proof, and so on in proportion for any greater strength, be 9s. less than the customs duty leviable on potable spirits imported into Southern and Northern Rhodesia from any country not a party to this Agreement;
- (b) potable spirits not distilled in the Union shall not be removed from the Union to Southern or Northern Rhodesia except in bond, and potable spirits distilled in the Union shall not be removed from the Union to Southern or Northern Rhodesia except through free warehousing stations;
- (c) spirits distilled in Southern or Northern Rhodesia shall on importation into the Union be subject to customs duties in accordance with the Customs Tariff in force in the Union;
- (d) in the case of other articles subject to an excise duty, produced or manufactured in the Union and removed to Southern or Northern Rhodesia, the amount of excise duty leviable in the Union (not exceeding that leviable in Southern or Northern Rhodesia on the like articles) shall be paid to Southern or Northern Rhodesia as the case may be, on removal thereto;

and similarly credit shall be passed by Southern or Northern Rhodesia to the Union to the extent of excise duties in force in the Union (not exceeding those leviable in Southern or Northern Rhodesia), upon the removal of the like articles from Southern or Northern Rhodesia, as the case may be, to the Union.

Article VII.

In respect of goods imported into the Union from any country not a party to this Agreement and subsequently removed to Southern Rhodesia, there shall be paid to the Government of Southern Rhodesia twelve per centum of the values originally entered for customs purposes, less the amount of the duty due to the Union on imported articles removed thereto from Southern Rhodesia *ex* open stocks; and in respect of goods manufactured in the Union and removed therefrom to Southern Rhodesia there shall similarly be paid six per centum of the export value: Provided that the payment on goods removed to Southern Rhodesia shall be not less than £125,000 per annum, and in proportion for any lesser period.

Article VIII.

The provisions of Article VII. shall *mutatis mutandis* apply to removals between the Union and Northern Rhodesia, save that in this case the annual payment shall be not less than £12,500.

Article IX.

Each party to this agreement may prohibit the importation into its own territory, and may prohibit the exportation into the territories of the other contracting parties, of scrap tobacco, dust tobacco and tobacco stems, and tobacco in any form manufactured therefrom: Provided that the prohibition shall not apply to such tobaccos in transit.

Article X.

Any party to this Agreement may prohibit the importation for consumption within its territory of beef or of cattle, when the weight of such cattle, as ascertained on arrival within the said territory, is in the case of an ox less than 1,000 lbs. and in the case of a cow less than 750 lbs., or alternatively when the weight at the point of despatch in the territory whence imported is in the case of an ox less than 1,050 lbs. and in the case of a cow less than 790 lbs.

Article XI.

The Government of the Union agrees to grant in respect of livestock or goods grown, produced or manufactured in Southern or Northern Rhodesia, whether removed for consumption in the Union or for export, the lowest railway rates granted, or that would be granted, under similar conditions of removal, on like livestock or goods grown, produced or manufactured in the Union.

Article XII.

The Government of the Union shall continue as heretofore to compile and publish the necessary Customs Statistics for Southern and Northern Rhodesia, free of charge.

Article XIII.

The provisions of this Agreement shall not apply to that part of Northern Rhodesia falling within the Congo Basin, as defined in Article I. of the General Act of Berlin of the 26th February, 1885, as revised by the Convention of St. Germain-en-Laye of September, 1919.

Article XIV.

The provisions of this Agreement shall take effect from the 1st January, 1925, but shall be subject to ratification and confirmation by the Parliaments of the Union and Southern Rhodesia. Upon such ratification and confirmation, the Agreement shall continue in force until the 30th June, 1926, and thereafter for periods of twelve months, provided that any party to this Agreement may give notice before the 31st December in any year of its intention to retire therefrom as from the 30th June following such notice, and provided further that should any of the contracting parties at any time take any steps in conflict with the spirit and intent of this Agreement, the other parties shall be at liberty to retire therefrom forthwith.

Given under my Hand and Seal at PRETORIA this 28th day of October, One thousand Nine hundred and Twenty-four.

(Sgd.) ATHLONE,
Governor-General.

Given under my Hand and Seal at SALISBURY this 1st day of November, One thousand Nine hundred and Twenty-four.

(Sgd.) J. R. CHANCELLOR,
Governor.

Given under my Hand and Seal at LIVINGSTONE this 18th day of December, One thousand Nine hundred and Twenty-four.

(Sgd.) H. STANLEY,
Governor.