

Export and Import Control Act, 1984

ACT NO. 16 OF 1984

[Date of Assent: 15.6.84]

[Date of Commencement: See Section 1]

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ACT

To control export and import of goods in Lesotho.

Enacted by the assembly

Short Title and commencement

1. This Act may be cited as the Export and Import Control Act 1984 and shall come into operation on the date to be fixed by the Minister by notice in the gazette.
2. In this Act, unless the context otherwise requires- “bona fide gifts” means an unsolicited gift for which no charge has been made or is to be made, sent to the addressee for his personal use of his family, and certified by the addressee, to be a bona fide gift,
“Common Customs Area” means the combined areas of Botswana, Lesotho, Republic of South Africa and Swaziland;

Act No. 10 of 1982

“Customs Union Agreement” means the agreement as defined in the Customs and Excise Act:

“Director” means the Director of as defined in the Customs and Excise Act;

“Free on Board Price” means the price charged in respect of any imported goods by the exporter plus all the costs and charges incidental to the sale in question and to placing

such goods on board ship, aircraft or any vehicle ready for exportation and any agent's commission, calculated on such price, costs and charges, in respect of such goods;

"goods" include all wares, articles, merchants, animals, currency, matter or things;

"Minister" means Minister responsible for Finance;

"Officer" means the Customs official or any member of the Lesotho Mounted Police or of the Lesotho Parliamentary Force,

Powers of the Minister

3. (1) The Minister may, whenever he deems it necessary or expedient in the public interest, by notice in the Gazette prescribe that no goods of a specified class or kind or no goods other than goods of a specified class or kind shall be:-
 - a. Imported into Lesotho
 - b. Imported into Lesotho , except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him;
 - c. Export from Lesotho; or
 - d. Export from Lesotho, except under the authority of and in accordance with the conditions stated in such a permit.

(2) For the purposes of subsection (1) goods may be classified according to the source or origin, or the intermediate or final destination of goods or according to the channels along which or manner in which goods are imported or exported or according to the purpose for which goods are intended to be used.

(3) A permit issued under (1) may prescribe the quantity or value of goods which may be imported or exported thereunder, the price at which, the period within which, the port through or from which, the country or territory from or to which and manner in which the goods concerned may be imported or exported, and such other conditions of whatever nature as the Minister may direct.

(4) The Minister or any person authorized by him, may subject to an appeal to the High Court:-

- a. Amend or suspend any permit issued under subsection (1); or
- b. Cancel any permit if the holder of such it has persistently contravene or failed to comply with the requirements of this Act or has committed any offence referred to under section6.

(5) The Minister may be like notice withdraw or amend any notice issued under subsection (1)

(6) Where the holder of any post in the Public Service is, in terms of this section authorized to issue a permit thereunder, any such permit may be issued by any person who at any time performs the functions attached to the post.

Furnishing of Information to the Minister

4. The Minister or any person authorized by him in writing direct any person who imports, exports or manufactures any goods or trades in any goods or in the course of his business or trade handles or has under his control any goods, to furnish the Minister within a specified time with any information at his disposal in relation to the importation, export, manufacture, supply or storage of the goods concerned.

Designation of inspectors and powers of director and inspectors

5.

- 1) The Director shall, subject to the control of the Minister, be charged with the administration of the provisions of this Act and shall perform the duties and may exercise the power imposed or conferred upon them by or under this Act.
- 2) The Director may designate officers or employees in the Public Service as inspectors, who shall subject to his control, perform the duties and exercise the powers imposed or conferred upon them by or under this Act.
- 3) Subject to subsection (6), the Director or an inspector may conduct investigations to determine whether this Act or any notice issued thereunder or the conditions stated in a permit issued under section 3 are being or have been complied with or to gather such information as he may desire in connection with the performance of his duties or the exercise of his powers, and may at all reasonable times-
 - a. enter upon or inspect any place, premises or vehicle in or on which there is or is suspected to be manufactured, supplied, handled, sold, removed, transported or supplied, stored, handled, sold removed, transported or otherwise dealt with, any goods to this Act applies;
 - b. direct any person who manufactures, supplies, store, handles, sells, removes, transports or otherwise deals with, or has manufactured, supplied, stored, handled, sold, removed, transported, or otherwise dealt with, such goods, or any servant or agent of such a person –
 - (i) to produce to the Director or inspector any such goods or book or other documents in connection with such goods in his custody or under his control;

- (ii) to furnish the Director or inspector at such a place and in such manner as he may specify, with such information in relation to such goods, books or document as he may specify;
- c. inspect any such goods or any book or document or make extracts from or copies of any such book or document;
- d. seize any goods or any book or document which may afford evidence of any offence in terms of this act, and remove from, or leave on, the place, premises or vehicle concerned any such goods, book or document or the necessary, leave on such goods, book or document or the container thereof, any identification mark or seal which he considers necessary.

(4) Any person having in his custody or under his control goods or any book or document referred to in subsection (3) , or any servant or agent of any person shall at the request of the Director render such assistance as may be necessary to examine such goods, book or document.

(5) The Director or inspector shall furnish to the owner or the person in control of, or who has in his custody, anything seized and removed under subsection (3) with a receipt.

(6) The Director or the inspector shall not exercise any powers under this section unless He is at the time of exercising such power in possession of a certificate issued –

- a. in the case of the Director, by the Minister or a person authorized by m=him; or
- b. in the case of an inspector, by the Director, in which it is stated that he is authorized to exercise such powers, which certificate shall be produce =d on demand.

Offenses and Penalties

6. (1) Any person who –

- a. imports or exports any goods in contravention of any notice issued under Section 3;
- b. fails to comply with any conditions stated in a permit issued under Section 3;
- c. fails to comply with a direction made under Section 4;
- d. furnishes any false information in complying with such direction
- e. fails to comply with the provisions of section 5 (3) (b);
- f. contravenes or fails to comply with the provisions of Section 5 (4)
- g. hinders or obstruct the Director or any inspector in the performance of his duties or in the exercise of his powers under this Act; or

- h. represents himself to be the Director or an inspector, is guilty of an offence and liable on conviction to a fine not exceeding M2, 000.00 or imprisonment for a period not exceeding two years or both.

Jurisdiction

7. Notwithstanding anything to the contrary in any other law contained, a Subordinate court of the First Class or subordinate court of a higher jurisdiction shall have jurisdiction to impose any penalty prescribed by this Act.

Repeal and savings Proclamation No. 4 of 1941

8. (1) The Exportation and Importation Restriction Proclamation, 1941 is repealed.

(2) Provided that any notice, regulation, rule, declaration, direction, approval, authority, return, License, permit, certificate, bond, or document issued, renewed, promulgated, made, given, or granted, or anything done or suffered or deemed to have been done, under any provision of the proclamation repealed by this section, shall be deemed to have been issued, renewed, promulgated, made given, granted, or done under the corresponding provision of this Act.