

**LAWS OF SOUTH SUDAN**

**IMPORTS AND EXPORT ACT 2012**

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# **LAWS OF SOUTH SUDAN**

## **IMPORTS AND EXPORTS ACT, 2012**

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## **IMPORTS AND EXPORTS ACT, 2012**

**In accordance with the provisions of Article 55(2)(3b) read together with Article 85(1) of the Transitional Constitution of the Republic of South Sudan, 2012, the National Assembly with the Assent of the President of the Republic of South Sudan hereby enacts the following:**

### **CHAPTER 1 PRELIMINARY PROVISIONS**

#### **1. Title and Commencement.**

This Act may be cited as the Regulation of Imports and Exports Act, 2012 and shall commence on the date of signature by the President.

#### **2. Repeal and Saving.**

- (1) Upon the coming into force of this Act, any law addressing issues under this Act shall cease to operate in South Sudan provided that all proceedings, orders and regulations made there under, except to the extent they are repealed by or are otherwise inconsistent with this Act, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of the Act.
- (2) Notwithstanding the provisions of this Act, a licence or permit or authorization still in force, granted under the laws repealed by sub section (1) shall be valid as if granted under this Act, until they expire or are revoked under the provisions of this Act.
- (3) Any proceedings or cause of action pending or existing immediately before this Act takes effect, under the provisional laws, may be continued and enforced by or against the Directorate as it might have been continued and enforced by or against the Directorate or such person as if this Act had not been enacted.

#### **3. Purpose of Act.**

The purpose of this Act is to provide a legal framework for the licensing of imports and exports in South Sudan.

#### **4. Application.**

This Act applies to the whole of South Sudan.

## 5. Interpretation.

In this Act, unless the context otherwise requires —

**“Advisory Committee”** means the advisory committee established under section 5; "aircraft" means aircraft of any description which may be used for the conveyance of persons or goods by air;

**“authorized officer”** includes —

- (a) the Director;
- (b) an officer of the Directorate; or
- (c) a police officer;

**“county court”** means a trial court in any State;

**“conveyance”** includes any vessel, train, vehicle or aircraft in which persons or goods can be carried;

**“customs authority”** means the authority responsible for the administration of customs in South Sudan;

**“Director”** means the Director in charge of the Directorate responsible for trade in the Ministry;

**“Directorate”** means the Directorate responsible for trade in the Ministry;

"export" means to take or cause to be taken, goods out of South Sudan to a foreign country;

**“goods”** includes all kinds of articles, wares, merchandise, livestock and currency; and where any such goods are sold under this Act, the proceeds of such a sale;

**“goods in transit”** includes goods imported from a place outside South Sudan for the sole purpose of conveyance through South Sudan to any place outside South Sudan;

**“RSS”**, as an acronym, means and stands for the Republic of South Sudan;

**“import”** means to bring or cause to be brought into South Sudan goods from a foreign country;

**“master”** means a person, having or taking command or charge of a vessel, when acting in the course of his or her duties;

**“Minister”** means the Minister responsible for commerce and industry;

**“Ministry”** means the Ministry responsible for commerce and industry;

"officer of the Directorate" means an officer employed in the Directorate;

**“pilot of an aircraft”** means a person having or taking command or charge of an aircraft;

**“police officer”** means a member of the Police Force of South Sudan;

**“shipped as ships’ stores”**, means loaded for use as stores on a voyage or flight to or from a destination outside South Sudan or as merchandise for sale by retail to persons carried on such voyage or flight in a ship or an aircraft;

**“transship”** means to remove goods from one conveyance to another for the purpose of export;

**“vehicle”** includes a vehicle in which persons or goods are carried by land however drawn or propelled or set or kept in motion;

**“vessel”** includes a ship or boat or other description of vessel used in navigation.

(2) In this Act, a reference to a document or record includes a reference to any, or part of -

- (a) document or record kept on any magnetic, optical, chemical or other medium;
- (b) photograph;
- (c) map, plan, graph, picture or drawing; or
- (d) film (including a microfilm and a microfiche), negative, disc, tape, soundtrack or any other device in which one or more visual images, sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

## **CHAPTER II ADMINISTRATION OF THE ACT**

### **6. Director Responsible for the Administration of the Provisions of the Act.**

- (1) Notwithstanding the general and specific powers given to the Minister under this Act, the Director shall have the overall responsibility for the administration and enforcement generally, of the provisions of this Act, subject to the general or special directions of the Minister.
- (2) There shall be such number of staff in the Directorate as may be necessary for the purposes of this Act.
- (3) The Director may delegate in writing all or any of his or her powers, duties or functions under this Act, either generally or in any area in South Sudan, or for such periods or purposes as he or she may specify, to any member of staff of the Directorate and may at any time revoke or vary such delegation.
- (4) Any monies paid to the Directorate as a result of fines, fees and donations shall be paid into the National Revenue Fund.

### **7. Advisory Committee.**

- (1) The Minister shall appoint an Advisory Committee to assist him or her in the performance of his or her functions under this Act.
- (2) The Advisory Committee shall advise the Minister on the following matters-
  - (a) imports to be prohibited or restricted;
  - (b) exports to be prohibited or restricted;
  - (c) conditions of licences;
  - (d) import and export licence fees; or

- (e) any matter which, in the opinion of the Committee is important to the proper implementation of this Act.
- (3) The Advisory Committee shall consist of not more than eight senior officers representing the Ministries responsible for finance, health, agriculture, tourism, animal husbandry, internal affairs or any other Ministry as the Minister may see fit.
- (4) The Advisory Committee shall also have three members from the private sector.
- (5) The Advisory Committee shall regulate its procedure.

#### **8. Delegation of Minister's Powers.**

The Minister may delegate to the Director any of the Minister's powers under this Act, except the power to make regulations and the power to appoint the Advisory Committees.

#### **9. Collaboration with Customs and States.**

The Director shall, in the enforcement of this Act, collaborate with the customs authority and the States.

#### **10. Protection from Personal Liability.**

No suit or other legal proceedings shall lie personally against any authorized officer or other person acting under the direction of the Director for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

### **CHAPTER III**

#### **IMPORTS AND EXPORTS**

#### **11. Prohibited Imports and Restricted Imports.**

- (1) The goods specified in the First Schedule to this Act are prohibited goods and shall not be imported into South Sudan.
- (2) The goods specified in Part B of the First Schedule to this Act are restricted goods and shall not be imported into South Sudan, except under a special license issued by the Minister.
- (3) Where the Minister is satisfied that an applicant for a special licence meets the requirements for issue of that licence, the Minister may issue to the

applicant a special import licence subject to such conditions as the Minister may determine.

## **12. Prohibited Exports and Restricted Exports.**

- (1) The goods specified in the Second Schedule to this Act are prohibited goods and shall not be exported out of South Sudan.
- (2) The goods specified in Part B of the Second Schedule to this Act are restricted goods and shall not be exported out of South Sudan, except under a special license issued by the Minister.
- (3) Where the Minister is satisfied that an applicant for a special licence meets the requirements for issue of a licence, the Minister may issue to the applicant a special export licence subject to such conditions as the Minister may determine.

## **13. General Import and Export Licence.**

- (1) A person intending to import goods, other than restricted goods, into South Sudan shall apply to the Director for issue of a general import licence.
- (2) A person intending to export goods, other than restricted goods out of South Sudan shall apply to the Director for issue of a general export licence.
- (3) The applicant for a general import or export licence shall specify, in the application, the products for which he or she is applying for a licence.
- (4) A person shall not be issued a general import or export licence under this Act unless the person has paid the prescribed fee.
- (5) The fee specified in subsection (4) above shall apply, irrespective of the type or quantity of products he or she is importing or exporting.
- (6) Notwithstanding subsections (1) and (2) above the following classes of goods may be imported without a license-
  - (a) goods in transit or for transshipment;
  - (b) bona fide passengers baggage and personal effects;
  - (c) Consular goods;
  - (d) Relief goods; or
  - (e) goods imported by the Government
- (7) The Minister may, on the advice of the Advisory Committee, from time to time, prescribe or revise the licence fee specified in subsection (3) above and the fee shall be published in the Gazette and the mass media.

#### **14. Penalty for Importing or Exporting without a General Import or Export Licence.**

- (1) A person who, without a licence, imports goods for which a general import licence is required under this Act is liable to pay a penalty.
- (2) A person who, without a licence, exports goods for which a general export licence is required under this Act is liable to pay a penalty.
- (3) The penalty referred to in subsections (1) and (2) above shall be 20% of the value of the imports or exports, as the case may be.
- (4) The Minister may, on the advice of the Advisory Committee, from time to time, revise the penalty specified in subsection (3) above and the revised penalty shall be published in the Gazette and the mass media.

#### **15. Mode of Application for Licence.**

An application for a licence under this Act shall be made in such manner and on such form as may be prescribed by regulations made under this Act.

#### **16. Exemption.**

The Minister may, on the advice of the Advisory Committee, exempt, subject to such conditions as he or she considers reasonable, any person or conveyance or goods from all or any of the provisions of this Act.

#### **17. Variation or waiver of Conditions of Licence.**

The Minister may, on the advice of the advisory committee, waive or vary conditions in a special licence issued under this Act.

#### **18. Cancellation of Import or Export Licence.**

- (1) The Minister may, on advise of the Advisory Committee, at any time cancel a special licence issued under this Act if the Minister is satisfied-
  - (a) that any condition of the licence is contravened; or
  - (b) that the licence was issued as a result of any declaration, statement, representation or information which is false in a material particular.
- (2) A cancellation, suspension or variation of a condition in a special licence, issued under this Act may be effected by endorsement on the licence, or by service of a written notice of the cancellation, suspension or variation on the holder of the, licence.

- (3) Where a licence is cancelled or suspended, the holder shall, unless the licence has been lawfully disposed of, surrender it forthwith to the authorized officer.
- (4) A person who fails to comply with subsection (2) above commits an offence and on conviction shall be liable to a fine not exceeding SSP3000.
- (5) A person who uses a license that has been cancel or suspended commits an offence and shall pay a fine not exceeding 20% of the value of the exports or imports as the case may be.

**19. Classification of Goods.**

The classification of goods for purposes of this Act shall be in accordance with the classification of goods under the applicable law on customs in South Sudan.

**20. Prohibition of Carriage, Transshipment in or Transit through South Sudan.**

The Minister may, on the advice of the Advisory Committee prohibit, either absolutely or conditionally, the shipment as ships' stores or the transshipment or transit of all goods or of goods of any specified class or description through South Sudan.

**21. Prohibitions on Vessels, boats or Aircrafts.**

For the avoidance of doubt, the taking into or out of South Sudan of any boat, aircraft or vehicle may be treated as an import or export of goods and may be prohibited or restricted in the same manner as importation or exportation of goods, notwithstanding that the ship, aircraft or vessel is conveying goods or passengers, and whether or not it is moving under its own power.

**CHAPTER IV  
POWERS OF OFFICERS**

**22. Power to Refuse Imports and Exports without a Licence.**

- (1) An authorized officer shall refuse to allow the import or export, as the case may be, of any goods whose import or export is prohibited under this Act.
- (2) An authorized officer may refuse to allow the import of any restricted goods until an import licence is produced to him or her in respect of the goods and he or she is satisfied that the import of the goods in question does not contravene any conditions of a licence.

- (3) An authorized officer may refuse to allow the export of any restricted goods until an export licence is produced to him or her in respect of the goods and he or she is satisfied that the export of the goods in question does not contravene any conditions of a licence.

**23. Power to Call for Production of Documents.**

An authorized officer may require an importer, exporter, agent, common carrier, consignor or consignee of goods or owner or person in charge of a conveyance to furnish such particulars, information or documents relating to goods imported into, exported from, transshipped in or in transit through South Sudan.

**25. Power to Require Master of Vessel to Attend an Examination.**

An authorized officer may require a master of a vessel to attend at an examination station or the office of the Port Master, and to furnish such particulars, information and documents, as may be prescribed.

**26. Power to Prohibit Port Clearance of Vessel.**

An authorized officer may prohibit the issue of a port clearance to the master of any vessel or boat pending compliance with any condition in a licence.

**27. Power to Open Containers.**

An authorized officer may require that any container is opened and, where there are boxes, require that a sample of the boxes be opened.

**28. Power to Require Production of Licence.**

- (1) A holder of a licence issued under this Act shall, unless he or she has lawfully parted with possession of it, produce the licence on demand to an authorized officer.
- (2) A person who contravenes subsection (1) above commits an offence and any goods in respect of which the offence is committed shall be liable to be forfeited.

**29. Powers in relation to Vessels, Aircraft and Vehicles.**

- (1) An authorized officer may board a conveyance in South Sudan and may search all parts of the conveyance for goods which may be liable to forfeiture under this Act and may make such other instructions, in relation to the conveyance as may be necessary to conduct the search.

- (2) An officer shall exercise the powers conferred by this section in respect of a conveyance under way if he or she reasonably suspects that it is not in transit through South Sudan or that any goods on board the vessel are intended to be landed or transshipped in South Sudan.

### **30. Examination of Goods and Packages.**

- (1) Where there is reasonable suspicion to believe that goods, including packages are being, or are about to be imported, exported, carried through any River, shipped as ships' stores, carried as aircraft stores or transshipped in contravention of this Act, an authorized officer may examine the goods and packages and may take samples of the goods, and submit the goods or samples, or cause them to be submitted, to such tests or analysis as he or she considers fit.
- (2) An authorized officer may remove a package, box, chest or other article or any goods to a police station or examination station or may require the goods to be so removed by the owner or his or her agent or any person having the custody, charge or control of the goods.
- (3) A person who fails to comply with any such requisition commits an offence and upon conviction shall be liable to a fine not exceeding SSP2,000.

### **31. Search of Persons and Baggage.**

- (1) A person shall, on demand by an authorized officer, permit his or her person and goods and baggage to be searched by the officer.
- (2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency; and a man shall be searched by a man.
- (3) The goods and baggage of any person who requests to be present when they are searched shall not be searched except in his or her presence, unless he or she fails to be present after being given reasonable facility for being present.
- (4) A person who refuses to comply with a lawful demand made under this section commits an offence and upon conviction shall be liable to a fine not exceeding SSP2,000.

### **32. Search Warrants.**

- (1) Whenever it appears to a magistrate upon information and after such inquiry as he or she may consider necessary that there is probable cause to believe that in any building or place there are concealed or deposited any goods or property liable to forfeiture under this Act, the Magistrate may, by warrant directed to an authorized officer, empower that officer to enter the building or place to search for and take possession of any goods or property reasonably suspected to be liable to forfeiture and any document which may reasonably be believed to have a bearing on the case.
- (2) An authorized officer referred to in subsection (1) above may if it is necessary to do so —
  - (a) break open a door of the building or place and forcibly enter;
  - (b) remove by force any obstruction to such entry, search, seizure and removal as he or she is empowered to effect; and
  - (c) detain every person found in the place until the place has been searched.

### **33. Search without Warrant.**

Where it appears to an authorized officer that there is probable cause to believe that in any building or place there is concealed or deposited any goods or property liable to forfeiture under this Act, and he or she has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the goods are likely to be removed, the officer may exercise, in respect of that building or place, all the powers referred to in section 31 as if he or she were empowered to do so by a warrant issued under that section.

### **34. Arrest and Search without Warrant.**

An authorized officer may arrest without warrant any person whom he or she has reason to believe to be committing or to have committed an offence under this Act and may search any person so arrested and may seize any article which he or she considers necessary to seize as evidence of the commission of the offence.

## **CHAPTER V SEIZURES AND FORFEITURES**

### **35. Seizure of Goods in Certain Cases.**

- (1) An authorized officer may seize any goods in respect of which he or she has reasonable grounds to believe that an offence under this Act has been or is being committed.
- (2) All such goods shall be delivered as soon as possible into the custody of the Director and shall be detained in custody pending an order of the court for the disposal of the goods.

- (3) Notwithstanding sub-section (2) above, if any goods seized are, in the opinion of the Director of a perishable nature or consists of an animal or other living creature, the Director may at any time direct the sale of the goods on such terms and in such manner as the Director may think fit and the proceeds of the sale shall thereupon be treated for the purposes of this Act as though they were the goods seized.

### **36. Forfeiture.**

- (1) Where goods have been seized under this Act, the Director shall, within a period of one month from the date of the seizure, report the fact of the seizure to a County Court and the County Court may, if satisfied that an offence has been committed in respect of those goods, order them to be forfeited.
- (2) The Director shall not report the fact of forfeiture under sub section (1) above wherea prosecution has been commenced before the expiry of that period, and is pending against any person for an offence in respect of the goods seized.
- (3) No order shall be made under this section to the prejudice of any person claiming to be the owner of, or to have an interest in, those goods, unless that person has had an opportunity of being heard, either personally or by an advocate, by the County Court, to show cause why such an order should not be made.

### **37. Forfeiture of Goods to Include Packages, etc.**

The provisions of this Act relating to the seizure and forfeiture of goods shall apply also to any packages in which the goods are found and to all the contents of the goods to any article used to conceal the goods.

## **CHAPTER VI OFFENCES AND PENALTIES**

### **38. Concealment of Goods or Documents.**

- (1) Where any goods are found concealed, or where a document which ought to be produced in relation to the goods is not produced, being goods the import, export, carriage coastwise, shipment as ships' stores, carriage as aircraft stores or transshipment of which is prohibited or restricted under this Act, the goods may be seized by an authorized officer and shall be liable to forfeiture in the same manner as if an offence had been committed in respect of the goods.

- (2) A person who contravenes this section or who fails to comply with any lawful requisition or direction given or made under it commits an offence and upon conviction shall be liable to a fine not exceeding 20% of the value of good describe in subsection (1) above or to imprisonment for a term not exceeding one year or to both.

**39. Obstruction.**

A person who —

- (a) refuses an authorized officer access to conveyance or place which the officer is entitled under this Act; or
- (b) obstructs or hinders an authorized officer in the execution of his or her functions under this Act commits an offence and is liable on conviction to a fine not exceeding SSP 2,000 or to imprisonment for a term not exceeding one year or to both.

**40. False Declarations.**

- (1) A person who is required under this Act to make a declaration, statement or representation, which makes or presents a declaration, statement or representation or furnish any information which is false in a material particular commits an offence.
- (2) A person who is required under this Act to produce a certificate, undertaking or document, who produces a certificate, undertaking or document which is false in a material particular, or has not been given by the person by whom it purports to have been given, or has been in any way altered or tampered with, commits an offence.

**41. Offences by Corporations.**

Where an offence under this Act is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

**42. Compounding of Offences.**

- (1) The Director or an officer authorized by the Director may, where he or she is satisfied that any person has committed an offence under this Act in respect of which a fine is provided or in respect of which goods are liable to forfeiture, compound the offence.

- (2) Where the Director compounds an offence under subsection (1) above, he or she may order such person to pay a sum of money as he or she deems fit, not exceeding the amount of fine to which that person would have been liable had the person been prosecuted and convicted for the offence and the Director may order goods liable to forfeiture in connection with the offence to be forfeited.

#### **43. Penalty for Incorrect Trade Descriptions.**

- (1) A person who imports, exports or transships any goods and —
- (a) applies or causes to be applied to such goods an incorrect trade description; or
  - (b) has in his or her possession for sale or for any purpose of trade any such goods to which an incorrect trade description has been applied,
- commits an offence and on conviction shall be liable -
- (i) in respect of a first offence, to a fine not exceeding 3 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 2 years or to both; and
  - (ii) in respect of a second or subsequent offence, to a fine not exceeding 4 times the value of the goods in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding 3 years or to both.
- (2) For the purpose of subsection (1) above, a person shall be treated as applying a trade description to goods if he or she-
- (a) affixes or annexes the trade description to, or in any manner marks the trade description on or incorporates the trade description with the goods themselves or anything in, on or with which the goods are supplied;
  - (b) places the goods in or with anything that the trade description has been affixed or annexed to, marked on or incorporated with or places any such thing with the goods; or
  - (c) uses the trade description in a manner likely to be taken as referring to the goods.
- (3) In this section, "trade description" means a description, statement or indication which, directly or indirectly and by whatever means given, relates to the place of origin, manufacture or production of the goods.

#### **44. Penalty for Taking a Bribe.**

A person who takes a bribe in any action or procedure connected with the import, export, transshipment or transit of any goods commits an offence and upon conviction is liable to a fine not exceeding SSP 5,000 or to imprisonment for a term not exceeding 2 years or to both.

**45. General Penalty.**

A person who commits an offence under this Act for which a penalty is not specified shall be liable on conviction to a fine not exceeding SSP2000 or to imprisonment not exceeding 2 years or both.

**46. Jurisdiction of Courts.**

A county court or a magistrate's court shall have jurisdiction to hear and determine all prosecutions for offences under this Act.

**CHAPTER VII**

**MISCELLANEOUS**

**47. Recovery of Levy, Fees and Other Charges.**

- (1) Without prejudice to any other remedy, any levy, fees or other charges payable under this Act may be recovered as a debt due to the Government.
- (2) The Minister may direct the remission or refund of the whole or any part of any levy, fees or other charges payable under this Act or any regulations made under it.

**48. Admissibility of certified true copies of documents.**

A copy of a document issued by the Director or filed or lodged with the Director and certified to be a true copy by an authorized officer shall, in any proceedings under this Act, be admissible as evidence of the actions stated or contained therein.

**49. Information not to be Published or Disclosed.**

- (1) No particulars, information or document furnished for the purposes of this Act shall, unless with the prior consent in writing of the person having the control, management or superintendence of the goods in relation to which the same was given or furnished be published or communicated or disclosed to any person except where it is necessary for the purposes of a prosecution under this Act or for enabling an authorized officer or to enforce a provision of this Act.

- (2) An authorized officer who makes use of, publishes or permits any other person to see or communicates or discloses to any other person the contents of any such particulars, information or document to any other person, otherwise than with the consent or for such purpose as is referred to in subsection (1) above, commits an offence and is liable on conviction to a fine not exceeding SSP 1000 or to imprisonment for a term not exceeding 6 months or to both.
- (3) A person, having possession of any information which to his or her knowledge has been communicated, disclosed or published in contravention of this section, who publishes or communicates that information to any other person commits an offence and upon conviction shall be liable to a fine not exceeding SSP 1000 or to imprisonment for a term not exceeding 6 months or to both.

#### **50. Service of Notices.**

- (1) A notice, requisition or document required by this Act to be served on any person may be served —
  - (a) by delivering the notice, requisition or document to the person;
  - (b) by sending the notice, requisition or document by registered post addressed to the person at his or her usual or last known place of residence or place of business;
  - (c) where the person is a body of persons or a company —
    - (i) by delivering the notice, requisition or document to the secretary or other like officer of the body of persons or company at its registered office or principal place of business; or
    - (ii) by sending the notice, requisition or document addressed to the body of persons or company at its registered office or principal place of business.
- (2) A notice, requisition or document sent by registered post to any person in accordance with subsection (1) above shall be deemed to be duly served on the person to whom the notice, requisition or document is addressed at the time when the letter would in the ordinary course of post be delivered.
- (3) In proving service of the notice, requisition or document, it shall be sufficient to prove that the envelope containing the notice, requisition or document was properly addressed, stamped and posted by registered post.

#### **51. Legal proceedings.**

A person aggrieved by a decision made in exercise of a power under this Act may institute legal proceedings against the Directorate.

**52. Application for review to Minister.**

- (1) A person directly affected by a decision or omission of the Director or an authorized officer shall, within 30 days from the date of the decision, lodge an application for review of that decision or omission in writing to the Minister.
- (2) The procedure for handling administrative reviews under sub section (1) above shall be prescribed by regulations.

**53. Minister's Power to Make Regulations.**

- (1) The Minister may, after consultation with the Directorate, make regulations for all or any of the following-
  - (a) for requiring the owner or agent of any conveyance to furnish particulars of coal, oil or other fuel or stores placed on board that conveyance in South Sudan;
  - (b) for determining the form and manner in which required particulars, information and documents shall be furnished;
  - (c) for prescribing the time within which required particulars, information and documents shall be furnished;
  - (d) for prescribing the form of application of licence;
  - (e) for prescribing the form of licence;
  - (f) for prescribing the levy payable for the import or export of goods and for prescribing the method for collection of the levy;
  - (g) for prescribing the fees and charges, or the method or manner for determining the amount of the fees or charges, payable under this Act;
  - (h) for the bringing of appeals to the Minister in respect of any matter referred to in this Act, and the procedure for such appeals; and
  - (i) for prescribing anything which is required to be prescribed under this Act or which is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act.
- (2) Regulations made under sub section (1) above may provide that any person who contravenes or fails to comply with any provision of the regulations commits an offence and is liable on conviction to a fine not exceeding SSP 5,000 or to imprisonment for a term not exceeding two years.
- (3) Regulations made under sub section (1) above shall be presented to Parliament as soon as possible after publication in the Gazette and the mass media.

## 54. Power to amend Schedules.

The Minister may, on the recommendation of the Director and the advice of the Advisory Committee, amend the Schedules to this Act.

### FIRST SCHEDULE

#### PART I. PROHIBITED IMPORTS

1. False money and counterfeit currency notes and coins and any money not being of the established standard in weight or fineness.
2. Pornographic materials in all kinds of media, indecent or obscene printed paintings, books, cards, lithographs or other engravings, and any other indecent or obscene articles.
3. Matches in the manufacture of which white phosphorus has been employed.
4. Any article made without proper authority with the Armorial Ensign or coat of Arms of the RSS or having such Ensign or Arms so closely resembling them as to be calculated to deceive.
5. Distilled beverages containing essential oils or chemical products, which are injurious to health, including thijone, star arise, benzoic aldehyde, salicylic esters, hyssop and absinthe. Provided that nothing in this paragraph shall apply to "Anise and Anisette" liquors containing not more than 0.1 per centum of oil of anise and distillates from either pimpinella anisum or the star arise *allicium verum*.
6. Narcotic drugs under international control.
7. Hazardous wastes and their disposal as provided for under the base conventions.
8. All soaps and cosmetic products containing mercury.
9. Used tyres for light Commercial vehicles and passenger cars.
10. Counterfeit goods of all kinds.
11. The following Agricultural and Industrial Chemicals:

*(a) Agricultural Chemicals*

2.4-T

Aldrin

Captafol

Chlordane  
Chlorobenzilate  
DDT

Dieldrin

1,2-Dibromoethane (EDB)

Fluoroacetamide

HCH

Hilanchlor

Hoscachlorobenzene

Lindane

Mercury compounds  
Monocrolophs (certain formulations)  
Methamidophos  
Phospharmion  
Methyl-parathion  
Parathion

*(b) Industrial Chemicals*

Crocidolite  
Polychlorinated biphenyls (PCB)  
Polychlorinated Biphenyls (PCB)  
Polychlorinated Terphenyls (PCT)  
Tris(2,3-dibromopropyl)phosphate  
Methyl bromide (to be phased out in accordance with the Montreal Protocol by 2007).

## **PART II. RESTRICTED IMPORTS**

1. All goods the importation of which is for the time being regulated under this Act by any written law in South Sudan.
2. Postal franking machines except and in accordance with the terms of a written permit granted by a competent authority.
3. Traps capable of killing or capturing any game animal except and in accordance with the terms of a written permit granted by the Ministry responsible for wildlife.
4. Unwrought precious metals and precious stones.
5. Arms and ammunition
6. Ossein and bone treated with acid.
7. Other bones and horn-cores, unworked defatted, simply prepared (but not cut to shape) degelatinized, powder and waste of these products.
8. Ivory, elephant unworked or simply prepared but not cut to shape.
9. Teeth, hippopotamus, unworked or simply prepared but not cut to shape.
10. Horn, rhinoceros, unworked or simply prepared but not cut to shape
11. Other ivory unworked or simply prepared but cut to shape.
12. Ivory powder and waste.
13. Tortoise shell, whalebone and whalebone hair, horns, antlers, hooves, nail, claws and beaks, unworked or simply prepared but not cut to shape, powder and waste of these products.
14. Coral and similar materials, unworked or simply prepared but not otherwise worked shells of molluscs, crustaceans or echinoderms and cattle-bone, unworked or simply prepared but not cut to shape powder and waste thereof.
15. Natural sponges of animal origin.
16. Spent (irradiated) fuel elements (cartridges) of nuclear reactors.
17. Worked ivory and articles of ivory.
18. Bone, tortoise shell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).

19. Ozone Depleting Substances under the Montreal Protocol (1987) and the Vienna Convention (1985).
20. Genetically modified products.
21. Non-indigenous species of fish or eggs of progeny.
22. Endangered Species of World Flora and Fauna and their products in accordance with CITES March 1973 and amendments thereof.
23. Commercial casings (Second hand tyres).
24. All psychotropic drugs under international control.
25. Historical artefacts.
26. Goods specified under Chapter 36 of the Customs Nomenclature (for example, percussion caps, detonators, signalling flares).
27. Parts of guns and ammunition, of base metal (Section XV of the Harmonised Commodity Description and Coding System), or similar goods of plastics under Chapter 39 of the Customs Nomenclature.
28. Armoured fighting vehicles under heading No 8710 of the Customs Nomenclature.
29. Telescope sights or other optical devices suitable or use with arms, unless mounted on a firearm or presented with the firearm on which they are designed to be mounted under Chapter 90 of the Customs Nomenclature.
30. Bows, arrows, fencing foils or toys under Chapter 95 of the Customs Nomenclature.
31. Collector's pieces or antiques of guns and ammunition under heading No 9705 or 9706 of the Customs Nomenclature.

## **SECOND SCHEDULE**

### **PART I-PROHIBITED EXPORTS**

All goods the exportation of which is prohibited under this Act or by any written law for the time being in force in South Sudan.

### **PART II-RESTRICTED EXPORTS**

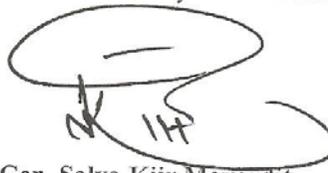
1. (a) All goods the exportation of which is regulated under this Act or of any law for the time being in force in South Sudan;
  - (b) waste and scrap of ferrous cast iron;
  - (c) timber from any wood grown;
  - (d) fresh unprocessed fish (Nile Perch and Tilapia);
  - (e) wood charcoal.
2. The following goods shall not be exported in vessels of less than two hundred and fifty tons register-
  - (a) warehoused goods;

- (b) goods under duty drawback;
- (c) transshipped goods.

**ASSENT OF THE PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN**

In accordance with the provision of Article 85 (1) of the Transitional Constitution of the Republic South Sudan, 2011, I, Gen. Salva Kiir Mayardit, President of the Republic of South Sudan, hereby Assent to the Imports and Exports Act 2012 and sign it into law.

Signed under my hand in Juba, this 9<sup>th</sup>-----day of the month of MARCH-----in the year 2012.

A large, stylized handwritten signature in black ink, consisting of a large loop at the top and a long, sweeping tail that ends in a small flourish.

Gen. Salva Kiir Mayardit  
President  
Republic of South Sudan  
RSS/ Juba.