

CHAPTER 381

THE EXPORTS CONTROL ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 381

THE EXPORTS CONTROL ACT

An Act to make provision for the control of exports and related matters.

[27th December, 1950]

[G.N. No. 296 of 1950]

Ords. Nos.

34 of 1950

11 of 1951

40 of 1956

[R.L. Cap. 293]

C.A. Act No. 2 of 1962

G.N. No. 147 of 1965

[PCh381s1]1. Short title

(1) This Act may be cited as the Export Control Act.

(2) [Repealed by Ordinance No. 40 of 1956.]

[PCh381s2]2. Interpretation C.A. Act No. 2 of 1962 s. 8(b)

In this Act, unless the context otherwise requires—

"Controller" means the person appointed by the President to be the Exports Controller under section 3 and includes his duly authorised representative;

"export" with its grammatical variations and cognate expressions, means the conveyance of goods from any place within Tanzania to any place outside Tanzania;

"export-controlled goods" means goods declared to be export-controlled goods under subsection (1) of section 4;

"export licence" means an export licence issued or deemed to have been issued under section 7;

"goods" includes all kinds of movable or personal property, including animals;

"open general licence" means an open general licence issued under section 5 of this Act.

[PCh381s3]3. Appointment of Exports Controller and assistant controllers C.A. Act No. 2 of 1962 s. 8(b)

(1) The President may appoint an Exports Controller and the Exports Controller may appoint assistant exports controllers for the purposes of this Act.

(2) The Controller may delegate to any Assistant Exports Controller all or any of his powers, duties and functions under this Act either generally or in any particular area of the United Republic of Tanzania or during such times or for such purposes as the Controller may direct, and may at any time revoke or vary such delegation:

Provided that no such delegation shall be deemed to divest the Controller of all or any of such powers, duties or functions, and he may continue to exercise such powers, duties or functions, notwithstanding such delegation.

[PCh381s4]4. Prohibition of export-controlled goods except under licence C.A. Act No. 2 of 1962 s. 8(b)

(1) The President may by order published in the Gazette declare any goods to be export-controlled goods for the purposes of this Act.

(2) Subject to the provisions of this Act, it shall be an offence for any person to export any export-controlled goods, or to do any act with intent that any export-controlled goods shall be exported, unless he is in possession of a licence issued or deemed to have been issued by the Controller under the provisions of section 7 of this Act authorising the exportation of such goods:

Provided that the provisions of this section shall not apply if the exportation of such export-controlled goods has been authorised by an open general licence issued by the Controller under the provisions of section 5 of this Act.

[PCh381s5]5. Open general licence

The Controller may authorise the exportation of any class of export-controlled goods by the issue of an open general licence which shall be published in the Gazette and have effect from the date of such publication and the open general licence shall be subject to such conditions, if any, as the Controller may in his discretion impose, and, without prejudice to the generality of the foregoing, the Controller may impose all or any of the conditions following, namely, that any goods thereby authorised to be exported—

(a) shall be consigned to a destination specified in the open general licence; or

(b) shall not exceed in the case of each separate consignment or parcel a quantity or value specified in the open general licence; or

(c) shall be exported through a port or by a means of a conveyance specified in the open general licence.

[PCh381s6]6. Application for export licence

An application for an export licence shall be made in form and shall contain particulars as the Controller may direct.

[PCh381s7]7. Issue of export licence G.N. No. 313 of 1950; Ord. No. 11 of 1951 s. 2

(1) Subject to the provisions of sections 8 and 11, the Controller on receipt of an application for the issue of an export licence may in his discretion—

(a) refuse to issue an export licence; or

(b) issue an export licence for the period and subject to conditions, if any, as may be specified by the Controller in the export licence and the Controller may impose all or any of the conditions following, namely, that any goods thereby authorised be exported—

(i) shall not exceed the value specified in the export licence;

(ii) shall be consigned to a destination specified in the export licence;

(iii) shall be dealt with in such manner as to ensure compliance with any provision of the law for the time being in force relating to exchange control.

(2) [Omitted under R.E. 1995.]

[PCh381s8]8. Special provision regarding issue of export licence

Subject to the provisions of section 17, when any goods are declared to be export-controlled goods under the provisions of section 4(1) of this Act, the Controller shall not refuse to issue an export licence authorising the exportation of such goods within two months of the date of the declaration under section 4(1) which relates to such goods in any case where the prospective exporter of such goods produces proof to the satisfaction of the Controller that such goods were in his possession at the time of the declaration and that he had at that time entered into a contract for the sale of the goods under the terms of which he was required to export those goods to a destination outside of Tanzania.

[PCh381s9]9. Validity of licence Ord. No. 11 of 1951 s. 3

Subject to the provisions of section 17, an export licence or an open general licence shall be valid for such period as the Controller may specify in such licence, and after the expiry of such period shall be null and void:

Provided that on application made within the period for which an export licence is valid the Controller may extend such period by endorsement of the export licence.

[PCh381s10]10. Extension of licence in particular cases

Subject to the provisions of section 17, the Controller shall not refuse to extend the validity of an export licence under the provisions of section 9 of this Act for a period not exceeding two months if the holder of the licence produces proof to the satisfaction of the

Controller before the date on which the licence would otherwise expire that the export-controlled goods to which the licence relates are in his possession and that he has entered into a contract for their sale under the terms of which he is required to export such goods to a destination outside Tanzania.

[PCh381s11]11. Cancellation of licence

The Controller may at any time cancel any open general licence or any export licence, and shall cancel any such licence in respect of which or the obtaining of which an offence against this Act has been committed:

Provided that, subject to the provisions of section 17, the Controller shall not refuse to issue a new export licence authorising the exportation within two months of any export-controlled goods the exportation of which had been authorised by an export licence or open general licence so cancelled for any reason other than an offence against this Act in any case where the prospective exporter of such goods applies for a new licence within one month of the cancellation of such export licence or open general licence and produces proof to the satisfaction of the Controller that the goods were in his possession at the time of the cancellation of the export licence or open general licence, and that he had at the time entered into a contract for the sale of such goods under the terms of which he was required to export such goods to a destination outside Tanzania.

[PCh381s12]12. Production of export licence

(1) A valid export licence shall be produced with the customs export entry at the time and place of the exportation of the export-controlled goods to which such licence relates:

Provided that the provisions of this section shall not apply if the exportation of the export-controlled goods has been authorised by an open general licence, or in the case of any export-controlled goods permitted to be exported without an export licence.

(2) The Commissioner of Customs or any officer acting on his behalf may refuse to permit the exportation of any export-controlled goods in relation to which production of an export licence is required by this section unless such licence is produced along with the customs export entry for such goods and no liability at law shall attach to the Commissioner or any customs officer by reason of any such refusal.

[PCh381s13]13. Offence not to comply with conditions of licence

Any person who contravenes any conditions subject to which the exportation of export-controlled goods is authorised by an export licence or by an open general licence shall commit an offence against this Act.

[PCh381s14]14. False information

Any person who for the purpose of obtaining any licence under this Act—

(a) makes any declaration or statement which is false in any material particular; or

(b) produces any document which is false in any 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,

shall, without prejudice to any liability imposed by any other law, commit an offence against this Act unless he proves that he has taken all reasonable steps to ascertain the truth of the declarations or statements made by him or contained in any document so produced, or to satisfy himself of the genuineness of any such document.

[PCh381s15]15. Prohibition of transfer of licence

Any holder of an export licence who, except with the previous written permission of the Controller, transfers or assigns such licence to any other person commits an offence against this Act.

[PCh381s16]16. Prohibition of exports

(1) The President may by Order published in the Gazette prohibit absolutely or restrict by means of such conditions or limitations as may be specified in such Order the exportation from Tanzania of any goods or class or description of goods therein set forth either generally or to any specified country or place or by any person or class of persons.

(2) Where the exportation of any goods or class of goods is prohibited absolutely or restricted by any Order made under this section, any person who exports or attempts to export any such goods from Tanzania in contravention of the said Order or any provision thereof commits an offence against this Act.

[PCh381s17]17. Export licence does not authorise exportation of prohibited goods

An export licence issued under this Act shall not authorise the exportation of any goods, the exportation of which is prohibited or restricted by any provision made in or under this Act or the Customs (Management and Tariff) Act * or any Act replacing or amending the same or under any other law for the time being in force in Tanzania.

[PCh381s18]18. Cases in which export licence is not required

Notwithstanding the other provisions of this Act, no export licence shall be required in respect of the exportation of the following goods—

(a) articles forming part of the normal stores and equipment of a bona fide tourist safari, if exported to Kenya or Uganda but not otherwise;

(b) articles included in any cargo which within Tanzania is transhipped on through bills of lading or entered for transit under the provisions of the Customs (Management and Tariff) Act * or any regulations made thereunder;

(c) articles being used as personal or household effects which accompany the owner to his destination or are exported by him or on his behalf to that destination within a period not exceeding six months from the date of his departure from Tanzania;

(d) articles exported as trade samples only;

(e) articles being foodstuffs which form part of the baggage of a bona fide traveller;

(f) articles which are unsolicited gifts and which are exported by parcel post or air freight:

Provided that the Controller may from time to time by Order published in the Gazette restrict the kinds, amounts, quantities or values of export-controlled goods which may be exported without an export licence under the provisions of paragraphs (e) or (f) of this section.

[PCh381s19]19. Penalty C.A. Act No. 2 of 1962 s. 8(a)

(1) Any person who commits an offence against this Act is liable on conviction to a fine not exceeding ten thousand shillings or a period of imprisonment not exceeding two years or to both.

(2) Where any person is convicted of an offence against this Act, it shall be lawful for the court which convicts such person to order that any goods to which such conviction relates forfeited to the Government.

[PCh381s20]20. Offences committed by company, firm, etc.

Where any offence under this Act is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

[PCh381s21]21. Powers of entry Ord. No. 11 of 1951, s. 4

(1) Subject to the provisions of of this section the Exports Controller, any Assistant Exports Controller, or any police officer of or above the rank of Assistant Inspector, if he has reasonable cause to believe that an offence under this Act has been or is about to be committed in respect of any goods and that such goods are stored upon any premises, may, notwithstanding the provisions of any other law, enter upon such premises for the purpose of ascertaining whether or not such goods are on the said premises and inspect such goods and any documents relating to the exportation of such goods.

(2) No dwelling house shall be entered without a warrant except in the presence of the owner or occupier.

(3) Any person who obstructs or hinders the Exports Controller or any other person lawfully exercising any power conferred by subsection (1) of this section commits an offence against this Act.

[PCh381s22]22. Directions by Exports Controller

Any appointment, direction, notice, order or permission which the Exports Controller is authorised to make or give under this Act may, in the absence of express provision, be communicated to the persons affected thereby by notice in the Gazette or in such other manner as the Exports Controller may consider necessary to bring the same to the notice of such persons.

SCHEDULE

[Repealed by G.N. No. 147 of 1965.]