

ACT SUPPLEMENT

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

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 14.
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**

**An Act of the Community to amend the East African
Community Customs Management Act, 2004.**

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. Short title.

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”. Amendment
of section
14

3. Section 34 of the principal Act is amended by replacing
subsection (5) with the following new subsection— Amendment
of section
34

“(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”.

Amendment
of section
51

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”.

Amendment
of section
57

5. Section 57 of the principal Act is amended—

(a) by inserting immediately 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).

Amendment
of section
87

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”.

Amendment
of section
107

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”.

Amendment of section 243.

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

Insertion of new sections 248A and 248B.

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.

Discriminatory
procedures

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”.