

Trade Development Surcharge (Surcharge) Regulations, 2019

IT is hereby notified that the Minister of Industry and Commerce has, in terms of sections 3 and 8 of the Trade Development Surcharge Act [Chapter 14:22], made the following regulations:—

Title

1. These regulations may be cited as the Trade Development Surcharge (Surcharge) Regulations, 2019.

Interpretation

2. In these regulations—

“Act” means Trade Development Surcharge Act;

“corporeal” means any tangible goods and or services, which are capable of being imported into or exported from Zimbabwe;

“incorporeal” means any intangible goods and or services, which are capable of being imported into or exported from Zimbabwe;

“Trade Development organisations” means Competition and Tariff Commission (CTC) established under Competition Act [Chapter 14:28] and National Trade Development and Promotion Organisation (ZimTrade).

Prescription of surcharge

3. (1) A surcharge of 0,1 *per centum* of the free-on board value of the goods concerned shall be paid to Trade Development organisations by all persons who import goods into or export goods into or export goods from Zimbabwe in the course of a trade or business.

(2) The surcharge prescribed in subsection (1) shall be for the purpose of financing the trade development organisations.

Collection of surcharge

4. (1) An authorised dealer shall collect the surcharge payable in terms of section 4 of the Act at the time of payment or receipt of the amount that gives rise to the liability to pay the surcharge—

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- (a) in the case of importation of goods, the surcharge applicable is collected at the time of payment for the importation of goods in the currency paid by the importer;
 - (b) in the case of export of goods, the surcharge is collected at the time of receipt of the export proceeds, in the currency received by the exporter.
- (2) Every authorised dealer that has collected any surcharge in terms of subsection (1) shall immediately, or in any event within 48 hours, pay the amount of the surcharge in the following manner—
- (a) 70 *per centum* of the amount into an interest-bearing account opened by ZimTrade with the authorised dealer concerned;
 - (b) any other interest-bearing account operated by ZimTrade which ZimTrade may specify for the purposes of this subsection;
 - (c) 30 *per centum* of the amount into an interest-bearing account opened by the Competition and Tariff Commission with the authorised dealer concerned;
 - (d) any other interest-bearing account operated by Competition and Tariff Commission may specify for the purposes of this subsection.
- (3) Any authorised dealer who contravenes the provisions of subsection (2) shall be guilty of an offence and liable to a fine not exceeding level 7 or imprisonment for a period not exceeding two years or to both fine and such imprisonment.

Returns to be submitted by authorised dealers

5. (1) After the end of every month and within the first fifteen days of the following month, every authorised dealer shall submit to Competition and Tariff Commission and ZimTrade a return setting out—

- (a) all amounts of surcharge collected by it during the month concerned, split between surcharge from exports and surcharge from imports;
- (b) all amounts of surcharge collected split by categories;

- (c) all values of exports and imports from which the surcharge was collected in the month concerned;
- (d) all amounts paid into ZimTrade's and the Competition and Tariff Commission's current accounts during the month concerned; and
- (e) the names of the exporters and importers from whom amounts of surcharge were collected during the month concerned.

(2) Any authorised dealer who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 7 or imprisonment for a period not exceeding two years or both fine and such imprisonment.

Application of surcharge by ZimTrade and Competition and Tariff Commission

6. (1) All amounts of surcharge paid into ZimTrade's accounts under these regulations shall be applied by ZimTrade towards the promotion of its objects as set out in its Constitution.

(2) All amounts of surcharge paid into Competition and Tariff Commission's accounts under these regulations shall be applied by Competition and Tariff Commission towards the promotion of its functions as set out in the Competition Act [Chapter 14:28].

Auditors and their powers

7. (1) Auditors shall be appointed each year by ZimTrade and the Competition and Tariff Commission for the purposes of section 5 of the Act at their respective annual general meetings.

(2) Auditors appointed under subsection (1) shall be entitled at all reasonable time—

- (a) to require to be produced to them all accounts and other records relating thereto, kept by ZimTrade, Competition and Tariff Commission or their agents;
- (b) to require any member, employee or agent of ZimTrade, Competition and Tariff Commission, to provide such

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- information or explanation as in their opinion are necessary for the purposes of their audit; and
- (c) to inspect all records of authorised dealers relating to the collection and remittance of surcharge in terms of the Act and these regulations.

Repeal

8. Trade Development Surcharge (Surcharge) Regulations, 1992, published in Statutory Instrument 130 of 1992, are repealed.