

GOVERNMENT OF ZAMBIA

**ACT**

No. 28 of 2009

Date of Assent: 7th December, 2009

**An Act to amend the Customs and Excise Act.**

[ 9th December, 2009

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Customs and Excise (Amendment) (No. 2) Act, 2009, and shall be read as one with the Customs and Excise Act, in this Act referred to as the principal Act.

Short Title and Commencement

Cap. 322

(2) This Act shall come into operation on 1st January, 2010.

2. Section *seventy-three* of the principal Act is amended by the insertion immediately after subsection (2) of the following new subsection:

Amendment of section 73

(3) Where a ratified trade agreement exists between Zambia and the State or States from which any goods are imported, the determination of the origin of the goods shall be done in accordance with the rules provided in the trade agreement.

3. The principal Act is amended by the repeal of section *seventy-seven* and the substitution therefor of the following new section:

Repeal and replacement of section 77

77. (1) There shall be charged, levied, collected and paid in respect of—

(a) goods which are imported into, manufactured or produced, in Zambia; or

Surtax

(b) carbon emission from motor vehicles, excluding ambulances, prison vans and vehicles propelled by non pollutant energy sources;

surtax at the rates specified in the surtax tariff set out in the Fourth Schedule.

(2) A carbon emission surtax shall be payable on a motor vehicle—

- (a) on importation;
- (b) in transit through Zambia;
- (c) on temporary importation; and
- (d) annually.

(3) The Commissioner-General shall issue a carbon emission tax certificate upon payment of a surtax.

(4) The Commissioner-General may appoint, in writing, an agent for the purpose of exercising the powers under subsection (3).

(5) A carbon emission tax certificate issued under this section shall expire on 31st December in the year in which it is issued:

Provided that where the certificate is issued in respect of a motor vehicle in transit or imported on temporary basis, the certificate shall be valid for ninety days from the date it is issued.

Amendment  
of section 97

4. Section *ninety-seven* is amended by the deletion of subsections (3) and (4) and the re-numbering of subsections (5), (6) and (7) as subsections (3), (4) and (5) respectively.

Amendment  
of section  
139G

5. Section *one hundred and thirty-nine G* of the principal Act is amended by the insertion immediately after subsection (1) of the following new subsection:

(1A) For excise duty purposes, the total excise duty payable by a service provider in an accounting period shall be based on the air time consumed, lost or otherwise foregone by a consumer.

Amendment  
of First  
Schedule  
Repeal and  
replacement  
of Fourth  
Schedule

6. The First Schedule to the principal Act is amended as set out in Appendix I to this Act.

Repeal and  
replacement  
of Seventh  
Schedule

7. The principal Act is amended by the repeal of the Fourth Schedule and the substitution therefor of the Fourth Schedule set out in Appendix II to this Act.

8. The principal Act is amended by the repeal of the Seventh Schedule and the substitution therefor of the Seventh Schedule set out in Appendix III to this Act.

APPENDIX I

(Section 6)

1. Chapter 28 is amended—

(a) in the duty rate column opposite subheadings 2811.29.00, by the deletion of the figure "5%" and the substitution therefor of the word "free"; and

(b) in the duty rate column, by the deletion of the figure "15%" wherever it appears and the substitution therefor of the word "free".

2. Chapter 84 is amended in the duty rate column opposite subheadings 8426.11.00, 8426.12.00, 8426.19.00, 8426.20.00, 8426.30.00, 8426.41.00, 8426.49.00, 8426.91.00 and 8426.99.00 by the deletion of the figure "15%" and the substitution therefor of the word "free".

APPENDIX II

(Section 7)

FOURTH SCHEDULE

(Section 77)

SURTAX TARIFF

Description of Good	Engine Capacity	Unit Tax (ZMK) Surtax rate
Vehicle of headings 8702, 8703, and 8704 excluding emissions from vehicles propelled by non-pollutant energy sources, ambulances and prison vans	motor cycles	50,000
	0-1500cc	50,000
	1501-2000cc	100,000
	2001-3000cc	150,000
	3001cc+	200,000

APPENDIX III

(Section 8)

SEVENTH SCHEDULE

(Section 88B)

VALUATION OF SERVICES FOR THE PURPOSES OF ASSESSING EXCISE DUTY PAYABLE ON EXCISABLE SERVICES

1. The value of air time for the purposes of section *seventy six B* shall be—

(a) exclusive of excise duty, surtax and value added tax; and

(b) the price at which the air time is sold to the final consumer.

2. For purposes of paragraph 1, the value of air time which is disposed of free of charge shall be deemed to be the value that would have been applicable if the air time had been sold to the final consumer in the ordinary course of business.

