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Statutory Instrument No. of 2024

BOTSWANA TRADE COMMISSION ACT
(Cap. 42:14)

BOTSWANA TRADE COMMISSION (EXPORT OR IMPORT LICENCE FOR
CONTROL OF GOODS) REGULATIONS, 2024
(Published on ,2024)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 37 of the Botswana Trade Commission Act, the following Regulations are hereby made –

Citation

1. These Regulations may be cited as the Botswana Trade Commission (Export or Import licence for Control of Goods) Regulations, 2024.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“authorised officer” means an officer of the Commission or any other person as may be appointed by the Commission;

Cap. 53:03

“applicant” means an individual or entity registered and licensed to operate in Botswana who submits an application to be issued with an import or export licence;

“Commissioner General” shall acquire the same meaning assigned to the term under the Botswana Revenue Service Act;

“goods” means anything capable of being bought or sold, whether manufactured or not, which is listed in Schedule 4 or 5; and

“licence” means an official document issued by the Commission giving a person authorisation to import or export goods.

*Application for
import or export
licence*

3. (1) An applicant who wishes to import or export goods listed in Schedule 4 or 5 shall apply to the Commission to be issued with a licence, which application shall be –

(a) in Form A or Form B set out in Schedule 1; and

(b) accompanied by –

(i) an application fee provided for under Schedule 2, and

(ii) such supporting documents or information as may be required by the Commission.

(2) An applicant who submits insufficient information shall be required to furnish the Commission with additional information for purposes of processing the application.

*Issue of import or
export licence*

4. (1) The Commission shall, where it is satisfied that an applicant meets the requirements under these Regulations, issue the applicant with an –

(a) import licence in Form C as set out in Schedule 3; and

(b) export licence in Form D as set out in Schedule 3.

(2) The duration of the import or export licence shall depend on the type of commodity imported or exported, provided the import licence or export licence shall be valid for a period not exceeding six months.

Refusal to issue licence

5. (1) The Commission or its authorised officer may not issue a licence to the applicant where the applicant has failed to comply with –

- (a) any order in the public interest that may be issued by the Commission in relation to the application;
- (b) any other provisions of these Regulations or Act; or
- (c) licence requirements.

(2) Where the Commission refuses to issue an export or import licence to an applicant, the Commission shall notify an applicant, in writing, within seven days of the decision.

(3) A notice given to an applicant as provided under subregulation (2), shall be deemed to have been served on an applicant at the time at which the notice would have been delivered or sent in the ordinary course of expedited postal, courier service, facsimile, email or registered mail of the physical address appearing in the licence application form or delivery of a copy to an applicant personally.

Power to amend, suspend or cancel licence

6. (1) The Commission may, amend, suspend or cancel the export or import licence where the –

(a) Commission determines that the export or import licence holder has not met or no longer meets the requirements under these Regulations; or

(b) licence holder has committed any offence referred to under regulation 13.

(2) The Commission shall, prior to making the decision in accordance with subregulation (1), give a licence holder 14 days' written notice, of the Commission's intention to amend, suspend or cancel the licence of a licence holder.

(3) The Commission may, prior to the decision to amend, suspend or cancel a licence in terms of subregulation (1) being made, allow the licence holder, an opportunity to rectify the circumstances which are the subject of the amendment, suspension or cancellation of the licence, within a period not exceeding 14 days.

(4) Where a licence holder has failed to rectify the circumstances which are subject of the suspension, amendment or cancellation of a licence within the period stipulated under subregulation (3), the Commission shall cancel the licence in terms of subregulation (1).

(5) Where the Commission has amended, suspended or cancelled, a licence in accordance with subregulation (4), the licence holder shall surrender the licence, within seven days of receipt of a written notice of the revocation from the Commission.

*Restrictions on
importation and
exportation of goods*

7. (1) An applicant who wishes to import or export goods shall not import or export goods listed in Schedules 4 and 5 without a licence being issued by the Commission or an authorised officer under these Regulations.

(2) An export permit shall be issued, subject to the following conditions –

(a) only goods and quantities specified in the licence may be exported; and

(b) the licence may not in any manner be transferred by the holder to any other person or may not be used to the benefit of anyone not referred to in the licence.

- Imposition of licence fee* 8. Where a fee is provided for the issuance of a licence, such licence shall not be issued except upon the payment of a corresponding fee provided for in Schedule 2.
- Verification of information* 9. (1) A person who furnishes any information under these Regulations shall verify the information by a declaration that the statements contained therein are true and accurate.
- (2) The declaration of the verification of the information referred to in subregulation (1), shall be provided as set out in Schedule 1.
- Confiscation of goods* 10. The Commissioner General or an authorised officer, shall, depending on a condition in a licence, have the power to confiscate any goods or part thereof imported into, or intended to be exported from, Botswana that are –
- (a) in contravention of the provisions of these Regulations; or
- (b) not in conformity with any terms or conditions stated in the licence.
- Strategic cooperation* 11. The Commission shall enter into strategic partnerships with other authorities responsible for the import and export control of specialised commodities, where it deems necessary.
- Appeals* 12. Any person who is aggrieved by –
- (a) the refusal of the Commission to issue an import or export licence under these Regulations; or
- (b) the decision of the Commission to amend, suspend, or cancel a licence issued to such person,
- may appeal in writing to the Minister within a period of 14 days reckoned from the date of the service of notice of that decision.
- Offences and penalties* 13. (1) Any person who –
- (a) acts in contravention of these Regulations;

- (b) acts in contravention of, or fails to comply with the condition of a licence issued in these Regulations;
- (c) fails to comply with any direction given by the Commission or its authorised officer in the exercise of powers under the Act or these Regulations; or
- (d) furnishes for the purposes of the Act or Regulations, any information which is, or any document the contents of which are, or any part of the contents of which is, to his or her knowledge untrue or incorrect; or.
- (e) imports or exports controlled goods without a licence.

commits an offence and is liable, to a fine not exceeding 25 per cent of the value of the consignment or to imprisonment for a term not exceeding two years, or to both.

(2) Where an offence under these Regulations is committed by a body of persons, then if –

- (a) that body of persons is a body corporate, every director and officer of that body corporate; or
- (b) that body of persons is a firm, every partner of that firm,

shall be deemed to be have committed the offence:

Provided that a director or an officer of such body corporate or a partner of such firm shall not be deemed to have committed such offence, if he or she proves that such offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

SCHEDULE 1 – APPLICATION FORMS

It is imperative to understand the content of the document titled "Regulations for Import and Export Control of Goods", before completing this application form.

If the space provided for on the application form is insufficient, please use the lay-out of this application form as a guideline for the format in which the requested information should be submitted.

**APPLICATION FOR AN IMPORT PERMIT
Regulation (3)**

1. Details of Applicant (Sole Proprietor)

1.1 Full names of applicant

.....

1.2 Trading license

.....

1.3 VAT registration No:

.....

1.4 Physical address of the applicant

.....

1.5 Postal address/ email address of the applicant

.....

1.6 Contact number of the applicant

.....

2. Details of manufacturer/trader (Other Forms of Business)

2.1 Company name of the applicant

.....

2.2 Company registration number

.....

2.3 Manufacturing / trading licence

.....

2.4 TIN/VAT registration No:

.....

2.5 Physical address of the company

.....

2.6 Bill of lading

.....

2.7 Details of invoice

.....

2.8 Purpose for which goods are required

.....

3. Permit is requested for importing the following:

Description of goods	
Tariff Heading (HS code)	
Customs Value	
Quantity (i.e. kg/units)	
Country importing from	
Port of entry	

DECLARATION:

I,, with ID/Passport No
.....in my Capacity as of
..... (hereinafter
referred to as the applicant) hereby declare that –

- a) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned import permit provisions, with which I have fully acquainted myself and to which I unconditionally agree to;
- b) I accept that the decision by BOTC will be final and conclusive and that the Ministry of Investment, Trade and Industry or Botswana Unified Revenue Service (BURS) may at any time conduct or order an investigation to verify information furnished in the application form
- c) The information furnished in this application is true and correct;
- d) The applicant or any one of its associates, or related party is not subject of an investigation by



BOTC
Botswana Trade
Commission

Botswana Trade Commission
Plot 55745, Main Airport Road
Block 8, BOBS Building
Private Bag 3, AAD
Poso House
Gaborone
Tel: +267 3924580

the Police, the Directorate on Corruption Economic Crime, or the Commissioner for Botswana Unified Revenue Services (BURS) into previous claims or other related matters.

NAME:

DESIGNATION:

DATE AND STAMP:.....

**APPLICATION FOR AN EXPORT PERMIT: FERROUS AND NON FERROUS
METAL SCRAP AND WASTE**

NB: Before completing this form, please acquaint yourself with the guidelines and conditions pertaining to export of Ferrous and Non Ferrous Metal and Scrap Waste

Ref No.....

TO THE CARETAKER CHIEF EXECUTIVE OFFICER
Private Bag 3 AAD Poso House, Gaborone

I (Full Name of applicant) of
..... (Company Name) hereby apply for a permit to export
Ferrous and Non Ferrous Metal Scrap and Waste from the Republic of Botswana. I declare that
goods will be exported and dealt with in accordance with the provisions as set out in the Control of
Goods (Restrictions on Exportation of Ferrous and Non-Ferrous Metal Scrap and Waste)
Regulations, 2014.

(FILL IN BLOCK LETTERS)

Name of Registered Business/Company

Scrap dealer license no:.....

Postal Address

Telephone Number.....

Fax.....



BOTC
Botswana Trade
Commission

Botswana Trade Commission
Plot 55745, Main Airport Road
Block 8, BOBS Building
Private Bag 3, AAD
Poso House
Gaborone
Tel: +267 3924580

Email.....

Physical address in Botswana where goods can be
inspected.....

Proposed date of Export.....

Port of Exit.....

Registration number of the Truck/trailer.....

Destination of Scrap metal.....

Date of Submission.....

Signature of Applicant.....

Status of Position to the Business.....



Description of Goods To Be exported	Tariff number	Quantity (tonnes)	Value (BWP)	To be exported to (Name of person or firm)	Destination of Goods
Ferrous waste and scrap; re-melting scrap ingots of iron or steel	7204				
Copper and brass waste and scrap	7404				
Nickel waste and scrap	7503				
Aluminum waste and scrap	7602				
Zinc waste and scrap	7902				
Tin waste and scrap	8002				
Tungsten (Wolfram) and articles thereof including waste and scrap	8101				
Molybdenum and articles thereof, including waste and scrap	8102				
Tantalum and articles thereof, including waste and scrap	8103				
Magnesium waste and scrap	8104				





DECLARATION:

I, with ID/Passport No
.....in my

Capacity as of
.....

..... (hereinafter referred to as the applicant) hereby declare that –

- a) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned export permit provisions, with which I have fully acquainted myself and to which I unconditionally agree to;
- b) I accept that the decision by BOTC will be final and conclusive and that the Ministry of Investment, Trade and Industry or Botswana Unified Revenue Service (BURS) may at any time conduct or order an investigation to verify information furnished in the application form
- c) The information furnished in this application is true and correct;
- d) The applicant or any one of its associates, or related party is not subject of an investigation by the Police, the Directorate on Corruption Economic Crime, or the Commissioner for Botswana Unified Revenue Services (BURS) into previous claims or other related matters.

NAME:

DESIGNATION:

DATE AND STAMP:.....



SCHEDULE 2

Import Licence

General import licence	
Hawkers licence	P250
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
Baked goods	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
School uniform	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
Maize extruded	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
Bottled water	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
Pre-packed refined Sugar	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000
Salt	
Industrial/ Manufacturing	P500
Any other type licence (Trading licence)	P1000

Export Licence

Ferrous metal	
Application fee	P1000
Issuance fee	P5000
Non-ferrous metal	
Application fee	P1000
Issuance fee	P5000

SCHEDULE 3 – IMPORT LICENSE AND EXPORT LICENSE

BOTC
Botswana Trade
Commission

HAWKERS IMPORT:
REF NO:

PERMIT DETAILS

Applicant Name

Valid From

Validity

Hawkers License No.

Applicant Identity No.

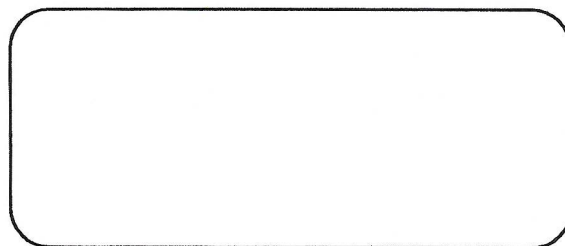
Email

Contact number

Product Description	HS Heading	Quantity	Price	Total value	Port of entry	Country of Origin

ISSUED BY

SIGNATURE



STAMP



BOTC

Botswana Trade
Commission

BUSINESS IMPORT:
REF NO:

PERMIT DETAILS

Company Name

Valid From

Validity

Company Reg No.

License No.

VAT/TIN Number

Applicant name

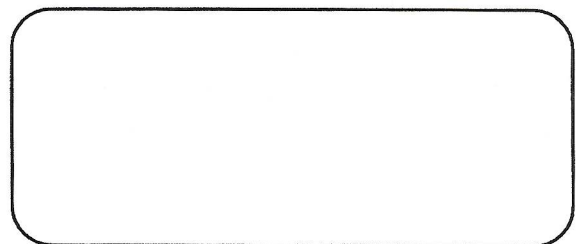
Applicant identity No.

Contact Number

Product Description	HS Heading	Quantity	Price	Total value	Port of entry	Country of Origin

ISSUED BY

SIGNATURE



STAMP



BOTC
Botswana Trade
Commission

NON-FERROUS SCRAP METAL:
REF NO:

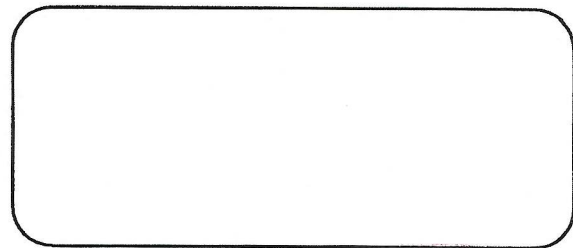
PERMIT DETAILS

Business Name	Valid From	Validity
-----	-----	-----
Business No.	License No.	Proposed export date
-----	-----	-----
Vehicle Reg No	Applicant Name	Identity No.
-----	-----	-----
Email	Contact No.	

Product Description	HS Heading	Quantity	Price	Total value	Port of exit	Destination

ISSUED BY

SIGNATURE



STAMP

SCHEDULE 4 – LIST OF IMPORTS REQUIRING A LICENSE

SCHEDULE 4

BOTC

(reg 7)

GOODS REQUIRING IMPORT LICENCE

1. The goods that require import licences shall be listed as follow –

- (a) Wheat Flour;
- (b) Baked Goods;
- (c) Refined Pre-packed sugar;
- (d) Bottled, Natural and Mineral Water;
- (e) Pre-packed salt; and
- (f) Maize extruded snacks.

2. The other goods are the following –

- (a) Worn clothing and other worn articles 63.09; and
- (b) Used or new rags, scrap twine, cordage, rope and cables 63.1 0 and worn out articles of twine, cordage, rope or cables, of textile materials 63.10.

SCHEDULE 5 – LIST OF EXPORTS REQUIRING A LICENSE

SCHEDULE 5

BOTC

(reg 7)

GOODS REQUIRING EXPORT LICENCE

The goods that require export licence includes the follows –

- (a) Ferrous waste and scrap; re-melting scrap ingots of iron or steel;
- (b) Copper and brass waste and scrap;
- (c) Nickel waste and scrap;
- (d) Aluminum waste and scrap;
- (e) Zinc waste and scrap;
- (f) Tin waste and scrap;
- (g) Tungsten (Wolfram) and articles thereof including waste and scrap;
- (h) Molybdenum and articles thereof, including waste and scrap;
- (i) Tantalum and articles thereof, including waste and scrap; and
- (j) Magnesium waste and scrap.

MADE this day of , 2024.

MMUSI KGAFELA,
Minister for Trade and Industry.