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FIFTH SCHEDULE (s 114)
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EXEMPTIONS REGIME

PART A - SPECIFIC EXEMPTIONS

GOODS IMPORTED OR PURCHASED BEFORE CLEARANCE THROUGH THE
CUSTOMS BY OR ON BEHALF OF PRIVILEGED PERSONS AND
INSTITUTIONS.

1. *The Presidents.*

Goods for use by the Presidents of the Partner States.

2. *Partner States Armed Forces*

All goods, including materials, supplies, equipment, machinery and motor vehicles for the official use of Partner States Armed Forces.

3. *Commonwealth and Other Governments*

Goods consigned to officers or men on board a naval vessel belonging to another Commonwealth Government for their personal use or for consumption on board such vessel.

Goods for the use of any of the Armed Forces of any allied power.

4. *Diplomatic and First Arrival Privileges*

(1) Household and personal effects of any kind imported by entitled personnel or their dependants including one motor vehicle imported or purchased by them prior to clearance through customs within ninety days of their first arrival in a Partner State or such longer period not exceeding three hundred and sixty days from the date of his arrival, as may be approved by the Commissioner in a Partner State in specific cases where the entitled personnel have not been granted an exemption under item 4(4) of Part A or item 5(3) of Part B:

Provided that this exemption shall apply to entitled personnel who may have

arrived for a new contract notwithstanding their previous residential status in a Partner State while in execution of another assignment, provided further that each contract is for a term not less than two years.

(2) One motor vehicle which the ministry responsible for foreign affairs of a Partner State is satisfied as having been imported as a replacement for a motor vehicle originally imported under paragraph (1) which has been written off due to accident, fire or theft:

Provided that customs duty shall be payable at the appropriate rate if the written off motor vehicle is disposed of locally.

(3) Goods for the official use of the United Nations or its specialised agencies or any Commonwealth High Commission, or of any foreign embassy, consulate or diplomatic mission in a Partner State.

(4) Goods for the use of a high official of the United Nations or its specialised agencies, or a member of the diplomatic staff of any Commonwealth or foreign country, where specific provision for such exemption is made by the minister responsible for foreign affairs.

(5) Goods for the United Nations or any of its specialised agencies for the support of a project in a Partner State.

(6) On first arrival in a Partner State or within three months of that date, the household and personal effects, including one motor vehicle, of an employee of the United Nations, or of its specialised agencies, of any Commonwealth High Commission, or of any foreign embassy, consulate or diplomatic mission, where the employee:

- (a) is not engaged in any other business or profession in a Partner State; and
- (b) has not been granted an exemption under item 4(1), (2) and (4) of Part A or item 5(3) of Part B.

(7) Any motor vehicle acquired free of duty pursuant to the provisions of this item shall on re-sale or upon other disposition, whether or not for any material consideration, be liable to duty notwithstanding that the period of two years allowed has elapsed.

5. *Donor Agencies with Bilateral or Multilateral Agreements with the Partner States*

(1) Household and personal effects of any kind imported by entitled personnel or their dependants, including one motor vehicle imported or purchased by them prior to clearance through customs, within ninety days of their first arrival in a Partner State or such longer period not exceeding three hundred and sixty days from the date of his arrival, as may be approved by the relevant authority in a Partner State in specific cases where the entitled personnel have not been granted an exemption under item 4(4) of Part A or item 5(3) of Part B:

Provided that the exemption under this paragraph shall apply:

- (i) to entitled personnel who may have arrived for a new contract for a term of not less than two years, notwithstanding their previous residential status in a Partner State while in execution of another assignment;
- (ii) only once every four years where there is an on going project; and
- (iii) to an additional motor vehicle where there is a bilateral agreement between the Government and aid agency entered into prior to the coming into force of this Protocol.

(2) One motor vehicle, which the Commissioner in a Partner State is satisfied, is imported as a replacement of another motor vehicle originally imported under paragraph (1) and which has been written off due to accident, fire or theft:

Provided that any motor vehicle acquired free of duty pursuant to the provisions of this item shall on resale or upon other disposition whether or not for any material consideration be liable for duty notwithstanding that the period of two years has elapsed.

6. International and Regional Organisations

Goods and equipment imported by donor agencies, international and regional organisations with Diplomatic accreditation or bilateral or multilateral agreements with a Partner State for their official use.

7. The War Graves Commission.

Goods, including official vehicles but not including office supplies and equipment and the property of the Commission's staff, for the establishment and maintenance of war cemeteries by the Commonwealth War Graves Commission.

8. Disabled, Blind and Physically Handicapped Persons

Materials, articles and equipment, including one motor vehicle, which:

- (a) are specially designed for use by disabled or physically handicapped persons or;
- (b) are intended for the educational, scientific or cultural advancement of the disabled for the use of an organisation approved by the Government for the purpose of this exemption:

Provided that the exemption in respect of motor vehicles shall not apply to paragraph (b).

9. Rally Drivers

(1) One motor vehicle for each rally driver and spare parts specified in paragraph (2) which:

- (a) are imported or purchased prior to clearance through customs for use in the rally;
- (b) having been temporarily imported under the Act for use in the rally, are purchased during the period of temporary importation by a rally driver resident in a Partner State for use in a rally;
- (c) Having been imported under conditions whereby exemption of duty is granted under this Schedule, or whereby remission or refund of duty has been granted by the Commissioner, are purchased by a rally driver resident in a Partner State for use in the rally; and
- (d) in the case of vehicles only, are assembled in a Partner State and purchased by a rally driver for use in the rally.

(2) Paragraph (1) shall apply to the following spare parts imported by a rally driver for use in the rally:

- (a) one engine assembled complete, or such individual parts making up one engine as the rally driver requires, including, in either case, a starter motor, alternator and clutch;
- (b) one gear box assembly complete;
- (c) one differential assembly and one front and rear axle assembly, or such individual parts making up one front and rear axle assembly as the rally driver requires;
- (d) not more than four front suspension assemblies, or such individual parts making up those assemblies as the rally driver requires: and
- (e) not more than two sets of rear shock absorbers.

(3) Exemption of duty under paragraph (1) and (2) is made on the condition that:

- (a) it applies only to motor vehicles and parts imported or purchased for use by bona fide rally drivers resident in a Partner State who have been approved and recommended to the Commissioner or a person authorised by him or her in writing, by the rally authorities and accepted as such by him;
- (b) where the motor vehicle or parts ceased to be used or, in the case of parts, to be reassigned for use, for rally purposes or are disposed off in a Partner State to persons not entitled to exemption from, or remission of duty, duty shall, immediately become payable at the appropriate rate; and

- (c) where the motor vehicle parts cease to be used, or in the case of parts, to be assigned for use, for rally purposes or are disposed off in a Partner State to persons not entitled to exemption from, or remission of duty, duty shall subject to paragraph (5), immediately become payable at the appropriate rate.

(4) Nothing in paragraph (3) (a) or (c) shall prevent the motor vehicle or spare parts from being used in other rallies in a Partner State.

(5) Where a person to whom an exemption has been granted under this item, fails to take part in the rally, duty shall become payable at the rate applicable on the date the Rally ends.

10. *Goods and Equipment for Use in Aid Funded Projects.*

PART B - GENERAL EXEMPTIONS

GOODS IMPORTED OR PURCHASED BEFORE CLEARANCE THROUGH CUSTOMS

1. *Aircraft Operations*

- (a) Any of the following goods, which are imported for, use by the national carrier or any airline designated under an air services agreement between the Government of a Partner State and a foreign government:

Aircraft, aircraft engines, parts and accessories thereof, air navigational instruments; lighting, radio and radar apparatus and equipment of specialised nature for the repair, maintenance and servicing of an aircraft on the ground; ground signs, stairways for boarding aircraft, imported solely for use in connection with aircraft; catering stores, such as luncheon boxes, cardboard trays, paper plates, paper napkins, imported for use by any airline.

- (b) Any of the following goods, which are imported for use by an approved ground handler or caterer:
- (i) equipment of a specialised nature for repairs; maintenance and servicing of an aircraft.
 - (ii) specialised aircraft loading and unloading equipment; and
 - (iii) stairways for boarding and loading aircrafts
- (c) Aircraft spare parts imported by aircraft operators or persons engaged in the business of aircraft maintenance:

Provided that such spare parts shall be imported on the recommendation of the

authority responsible for civil aviation in the Partner State and in such quantities as the Commissioner may specify.

2. Containers and Pallets

- (a) Containers, including boxes, tins, bottles, jars, and other packages in which any goods not liable to ad valorem duty are packed and imported, being ordinary trade packages for the goods contained therein;
- (b) Pallets and pre-packing slings;
- (c) Containers specially designed and equipped for carriage by one or more modes of transport.
- (d) Imported containers, which the Commissioner on the recommendation of the Director of Veterinary Services is satisfied, and specially designed for storing semen for artificial insemination;
- (e) Packing material of any kind designed for packaging goods for export.

3. Deceased Person's Effects

Used personal effects, subject to such limitations as the Commissioner may impose, which are not for re-sale and have been the property of the deceased person and have been inherited by or bequeathed to the person to whom they are consigned. The personal effects include one motor vehicle which the deceased owned and used outside a Partner State.

4. Fish, Crustaceans and Molluscs

Fish, Crustaceans and Molluscs, fresh (dead or live) chilled or frozen caught and landed by canoes or vessels registered and based in a Partner State

5. Passengers' Baggage and personal effects

(1) Goods imported by passengers arriving from places outside the Partner States shall, subject to the limitations and conditions specified in the following paragraphs:

The goods shall be:

- (a) the property of and accompany the passenger, except as provided in paragraph 7;
 - (b) for the personal or household use of the passenger in a Partner State; and
 - (c) of such kinds and in such quantities as the proper officer may allow.
- (2) Notwithstanding paragraph (1)(c), the following goods shall not be exempted

under this item:-

- (a) alcoholic beverages of all kinds, perfumes, spirits and tobacco and manufactures thereof, except as provided in paragraphs 6 and 7 of this item;
- (b) fabrics in piece;
- (c) motor vehicles, except as provided in paragraph (3) and (4);
- (d) any trade goods or goods for sale or disposal to other persons.

(3) Subject to paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported, as baggage by a person on first arrival in a Partner State whom the proper officer is satisfied is bona fide changing residence from a place outside a Partner State to a place within a Partner State, where the person has neither been granted an exemption under this paragraph nor resided in a Partner State before his arrival other than on temporary non resident visits:

- (a) wearing apparel;
- (b) personal and household effects of any kind which were in his personal or household use in his former place of residence;
- (c) one motor vehicle, "(excluding buses and minibuses of seating capacity of more than 13 passengers and load carrying vehicles of load carrying capacity exceeding two tonnes)" which the passenger has personally owned and used outside a Partner State for at least twelve months (excluding the period of the voyage in the case of shipment):

Provided that the person has attained the age of eighteen years.

(4) Subject to paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported as baggage by a person whom the proper officer is satisfied is making a temporary visit not exceeding three months to a Partner State

- (a) non-consumable goods imported for his personal use during his visit which he intends to take out with him when he leaves at the end of his visit;
- (b) consumable provisions and non-alcoholic beverages in such quantities and of such kinds as are in the opinion of the proper officer consistent with his visit;
- (c) that the goods are imported by a returning resident being an employee of an international organisation the headquarters of which are in a Partner State and who has been recalled for consultations at the organisation's headquarters.

(5) Subject to paragraphs (1) and (2) of this item, the following goods may be exempted under this item when imported as baggage by a person who the proper offi-

cer is satisfied is a resident of a Partner State returning from a visit outside a Partner State and who is not changing residence in accordance with paragraphs (3) and (4):

- (a) wearing apparel;
 - (b) personal and household effects which have been in his personal use or household use.
- (6) Subject to paragraph (1) of this item, and subject to sub-paragraph (b) of this paragraph, duty shall not be levied on the following goods imported by, and in the possession of a passenger:-

- (a) spirits (including liquors) or wine, not exceeding one litre or wine not exceeding two litres;
- (b) perfume and toilet water not exceeding in all one half litre, of which not more than a quarter may be perfume;
- (c) cigarettes, cigars, cheroots, cigarillos, tobacco and snuff not exceeding in all 250 grammes in weight.

The import duty free allowance shall be granted only to passengers who have attained the age of eighteen years.

(7) Subject to paragraphs (1) and (2) of this item, the exemptions granted in accordance with paragraphs (3), (4) and (5) of this Item may be allowed in respect of baggage imported within ninety days of the date arrival of the passenger or such further period not exceeding three hundred and sixty days from such arrival as the Commissioner-General may allow. The duty free allowances granted in accordance with paragraph (6) of this item shall not be allowed in respect of goods specified in the paragraph imported in unaccompanied baggage.

(8) Where any person who has been granted an exemption under paragraphs (3) or (4) changes his residence to a place outside a Partner State within ninety days from the date of his arrival, he shall export his personal or household effects within thirty days, or such further period not exceeding sixty days from the date he changes his residence to a place outside a Partner State, as the Commissioner may allow, otherwise duty becomes payable from the date of importation.

6. *Samples and Miscellaneous Articles*

Samples and miscellaneous articles not imported as merchandise which in the opinion of the Commissioner have no commercial value.

7. *Ships and Other Vessels*

Passenger and cargo vessels of all kinds of twenty -five net register tonnage or more, cable ships, floating factories, whale catching vessels, trawlers and other commercial fishing vessels (other than sport fishing vessels), weather ships, hopper barges; lighters, pontoons (being flat decked vessels used for the transportation of persons or

goods) and ferry boats; parts and accessories, but not including batteries and sparking plugs

8. *Preparations for cleaning dairy apparatus*

Surface-active preparations and washing preparations whether or not containing soap, specially prepared for cleaning dairy apparatus.

9. *Mosquito nets and materials for the manufacture of mosquito nets.*

10. *Seeds for Sowing*

All seeds spores and cut plants, imported specially treated, which the relevant authority in the Ministry responsible for Agriculture has approved as fit for sowing.

11. *Chemically defined compounds used as fertilizers*

Upon recommendation of the authority responsible for Agriculture in the Partner State.

12. *Museums, Exhibits and Equipment*

- (a) Museum and natural history exhibits and specimens, and scientific equipment for public museums; and
- (b) Chemicals, reagents, films, film strips and visual aids equipment, the importation of which is approved in writing by the relevant authority in a Partner State, imported or purchased prior to clearance through Customs by the National Museums.

13. *Urine bags and hygienic bags*

Urine bags and hygienic bags for medical or hygienic use, in such quantities as the Commissioner of a Partner State may allow.

14. *Diagnostic Reagents*

Diagnostic reagents recommended by the Director of Medical Services or the Director of Veterinary Services for use in hospitals and clinics subject to such limitations as the Commissioner in a Partner State may impose.

15. *Plastic sheeting for agricultural, Horticultural or Floricultural use.*

Upon recommendation by the Authority responsible for Agriculture in the Partner State-

- (a) Shade netting of materials of plastics;
- (b) Reinforced sheeting of polymers of vinyl chloride (PVC) or of polyethylene;
- (c) High density polyethylene (HDPE) sheeting in rolls for use in lining dams in a farm; and Polyvinyl chloride (PVC) or polyethylene for use in covering green houses.

16. Raw materials for manufacture of medicaments

Raw materials imported for use in the manufacture of medicaments.

17. Education

Educational Articles and Materials as specified in the Florence Agreement.

SIXTH SCHEDULE (s 130.)

WARRANT OF DISTRESS

To.....

I,the Commissioner by virtue of the powers vested in me by 130(4) of the East African Community Customs Management Act, 2004 do hereby authorize you to collect and recover the sum ofdue for duty from having his or her premises atand for the recovery thereof I further authorize that you, with the aid (if necessary) of your assistants and calling to your assistance any police officer if necessary) which assistance they are hereby required to give, do forth levy by distress the said sum together with the costs and charges of and incidental to the taking and keeping of such distress, on the goods, chattels or other distrainable things of the said person wherever the same may be found, and all vessels, vehicles, animals, and other articles, used within the partner states in commercial transactions which you may find in any premises or any lands in use or possession of the said tax payer or any person on his or her behalf or in trust for him or her.

And for the purpose of levying such distress you are hereby authorized, if necessary, with such assistance as aforesaid to break open any building or place in the daytime.

Given under my hand atthisday of20....