

CHAPTER 39:04
GENEVA GENERAL AGREEMENT ON TARIFFS AND TRADE
ARRANGEMENT OF SECTIONS

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Proc. 74, 1948,
Proc. 27, 1951,
Proc. 29, 1953,
Cap. 177, 1959,
HMC Order 1, 1963,
L.N. 84, 1966.

An Act to approve of the general agreement on tariffs and trade concluded at Geneva on 30th day of October, 1947; to make provision for the carrying out of the said agreement, and for matters incidental thereto.

[Date of Commencement: 24th December, 1948]

1. Short title

This Act may be cited as the Geneva General Agreement on Tariffs and Trade Act.

2. Interpretation

In this Act "**the Customs Act**" means the Customs and Excise Duty Act and any expression to which a meaning has been assigned in the Customs Act shall, when used in this Act, have the same meaning, unless the context otherwise indicates.

3. Approval of the general agreement on tariffs and trade

The general agreement on tariffs and trade (hereinafter referred to as "the agreement") concluded at Geneva on 30th day of October, 1947, by the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Sri Lanka, Syria, the United Kingdom of Great Britain and Northern Ireland, the Republic of South Africa, the United States of America and Zimbabwe, is hereby approved.

4. Date from which agreement shall be applied

The agreement shall, in relation to the territories the governments of which are referred to in section 3, be applied, either provisionally or definitively as the President may determine by order published in the *Gazette*, with effect from a date specified in such order.

5. Withholding or withdrawal of concessions in relation to countries not accepting or

withdrawing from agreement

The President may by order published in the *Gazette* withhold or withdraw, as the case may be, any concessions, including concessions in customs tariff rates, which the Government of Botswana has in terms of the agreement undertaken to grant or granted to any party to the agreement if such party does not accept the agreement or, as the case may be, withdraws from the agreement after having accepted or acceded to it.

6. Accession of new parties to the agreement

(1) The agreement shall in relation to any territory the government of which has, in terms of the agreement, acceded thereto, be applied with effect from a date to be fixed by the President by order published in the *Gazette*.

(2) The President may, by any order referred to in subsection (1) or by a later order, grant, in consideration of equivalent privileges in respect of goods imported from Botswana into the territory of any acceding government, concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that government on their importation into Botswana.

7. Withdrawal or modification of concessions in accordance with the agreement

The President may by order published in the *Gazette* and subject to the terms of the agreement and with effect from a date specified in the order withdraw, in whole or in part, any concession, including a concession in customs tariff rates, granted to any party to the agreement or, in consideration of equivalent privileges in respect of goods imported from Botswana into the territory of any party to the agreement, grant further concessions in customs tariff rates in respect of specified goods produced or manufactured in the territory of that party on their importation into Botswana.

8. Application of customs tariff in relation to territories the governments of which are parties to the agreement

Whenever the rate of duty specified in the First or Second Schedules to the Customs Act is, in respect of any goods, in excess of the rate of duty specified in respect of those goods in Schedule XVIII to the agreement, the rate specified in the said Schedule to the agreement shall, in the application of the Customs Act to goods which were produced or manufactured in any territory in relation to which the agreement is being applied and which are imported into Botswana, but subject to the provisions of any order issued under section 5 or 7, apply instead of the rate of duty specified in the First and Second Schedules to the Customs Act.

9. Application in relation to certain territories of customs tariff of rates applied in relation to territories whose governments are parties to the agreement

(1) The President may, notwithstanding anything to the contrary contained in this Act or the Customs Act, by order published in the *Gazette* and with effect from a date specified in the order apply, in respect of specified goods produced or manufactured in and imported from any territory between whose government and the Government of the Republic of South Africa there is in existence an agreement concluded or deemed to have been concluded in terms of section 55 of the Customs Act, or in terms of which most-favoured-nation treatment in regard to customs tariff rates is accorded in respect of goods produced or manufactured in such territory, the rates of duty applied in terms of section 8 of this Act in respect of such goods produced or manufactured in any territory in relation to which the agreement referred to in section 3 of this Act is being applied.

(2) The President may amend or withdraw any order issued in terms of subsection (1).

10. Application in relation to certain areas of Germany of customs tariff rates applied in relation to territories whose governments are parties to the agreement

(1) Whenever the Government of the Republic of South Africa has concluded an agreement with any government which is a party to the agreement referred to in section 3, whereby, in consideration of equivalent privileges in respect of goods imported from the Republic of South Africa into any specified area of Germany, the Government of the Republic of

South Africa has undertaken to accord in respect of goods produced or manufactured in that specified area of Germany, the treatment provided for in the most-favoured-nation provisions of the agreement referred to in section 3, the President may, by order published in the *Gazette* and with effect from a date specified in the order, apply in respect of such goods or their importation into Botswana the rates of duty applied in terms of section 8 in respect of goods produced or manufactured in any territory in relation to which the agreement referred to in section 3 is being applied.

(2) The President may amend or withdraw any order issued in terms of subsection (1).