
GOVERNMENT NOTICE

SOUTH AFRICAN REVENUE SERVICE

No. R. 1169**31 October 2008**

**RULES PROMULGATED UNDER SECTION 18 OF THE
DIAMOND EXPORT LEVY (ADMINISTRATION) ACT, 2007 (ACT NO. 14 OF 2007)
RELATING TO THE COLLECTION OF THE DIAMOND EXPORT LEVY AND
MATTERS INCIDENTAL THERETO**

By virtue of the power vested in me by section 18 of the Diamond Export Levy (Administration) Act, 2007 (Act No. 14 of 2007) I, Pravin Jamnadas Gordhan, Commissioner for the South African Revenue Service hereby make rules relating to the collection of the diamond export levy and matters incidental thereto as set out in Schedules A and B hereto.

These rules come into operation on **1 November 2008**.

**PRAVIN JAMNADAS GORDHAN
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE A**RULES IN RESPECT OF THE
DIAMOND EXPORT LEVY (ADMINISTRATION) ACT, 2007
(ACT NO. 14 OF 2007)****PART 1
INTERPRETATION****Definitions**

1.01 In these rules and any form or document to which any rule relates, unless the context otherwise indicates or any rule otherwise specifies, any word or expression to which a meaning has been assigned in the Diamond Act, 1986 (Act No. 56 of 1986), the Diamond Export Levy (Administration) Act, 2007 (Act No. 14 of 2007), the Diamond Export Levy Act, 2007 (Act No. 15 of 2007), or the Customs and Excise Act, 1964 (Act No. 91 of 1964) bears the meaning so assigned, and -

“Administration Act” means the Diamond Export Levy (Administration) Act, 2007 (Act No. 14 of 2007);

“BLNS” means the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia or the Kingdom of Swaziland;

“Customs and Excise Act” means the Customs and Excise Act, 1964 (Act No. 91 of 1964);

“Diamonds Act” means the Diamond Act, 1986 (Act No. 56 of 1986);

“direct levypayer” means a person who does not qualify for registration under section 2(1) of the Administration Act or is a person contemplated in section 5(1A) of that Act;

“export” means removing any unpolished diamond from the Republic;

"holder of an export permit" means a person who has been issued with a permit to export unpolished diamonds pursuant to section 26(h) of the *Diamonds Act*;

"import" means bringing any unpolished diamond into the Republic;

"levy" means any levy payable as described in section 2(1) of the *Levy Act*;

"Levy Act" means the *Diamond Export Levy Act, 2007 (Act No. 15 of 2007)*;

"return levypayer" means a registered person who makes payment of the levy on the basis of a periodic return as contemplated in section 5(1) of the *Administration Act*.

PART II

REGISTRATION, RETURNS AND PAYMENTS

Registration

General

- 2.01 (a) Any person who is a producer, dealer, diamond beneficiator or the holder of an export permit as contemplated in section 2(1) of the *Administration Act* must register with the Commissioner in the manner prescribed in these rules.
- (b) Notwithstanding paragraph (a), a holder of an export permit is exempted from registration if that person is already registered with the Commissioner as a diamond beneficiator at the time when such a permit is obtained.
- 2.02 (a) Subject to rule 4.02, a registration takes effect from the beginning of the assessment period during which that person qualifies for registration as contemplated in section 2(4) of the *Administration Act*.
- (b) A renewal of a registration takes effect from the date the Commissioner grants a renewal.

- (c) An amendment of a registration takes effect from the date the licence or permit to which it relates is renewed in terms of section 32(2) of the Diamonds Act.
- (d) A cancellation of a registration takes effect from the day after the last date of the assessment period in which that person no longer qualifies for registration as contemplated in section 3(2) of the Administration Act.

New registrations and renewals of registration

2.04 An application for registration by a person contemplated in section 2(1) of the Administration Act must be --

- (a) made on the prescribed form DL 185 suitably endorsed to the effect that the purpose is to apply for a new registration or for a renewal of a registration;
- (b) delivered to the office of the Controller: Johannesburg or handed in at any of the offices specified in rule 4.04(b) for forwarding to the office of the Controller: Johannesburg; and
- (c) accompanied --
 - (i) in the case of a producer, by a copy of the document in terms of which the Regulator issued the producer concerned with a unique registration number as prescribed in the Regulations to the Diamonds Act;
 - (ii) in the case of a dealer or diamond beneficiator, by a copy of the licence issued by the Regulator to the dealer or diamond beneficiator concerned in terms of the provisions of the Diamonds Act;
 - (iii) subject to rule 2.01(b), in the case of the holder of a permit, by a copy of such a permit;
 - (iv) a form DL 1 in respect of any election described in section 8 of the Administration Act;
 - (v) an application to the Commissioner to determine a shorter or longer initial assessment period, if applicable;
 - (vi) by such other supporting documents as the Commissioner may require.

2.05 A person who qualifies for registration in more than one category contemplated in section 2(1) of the Administration Act (for example, both a

producer and dealer) must submit a separate application for registration in respect of each such category.

Amendment of registrations

- 2.06 Whenever any of the particulars furnished in an application for registration changes, the registered person concerned must, within seven days from the date on which such a change occurred, complete and submit a new form DL 185 to the Controller: Johannesburg or to any of the offices specified in rule 4.04(b) for forwarding to the office of the Controller: Johannesburg, suitably endorsed to the effect that the purpose of the form is to amend existing information and accompanied by such supporting documents in support of the amendment as the Commissioner may require.

Cancellation of registration

- 3.01 An application for cancellation in the circumstances contemplated in section 3(1) of the Administration Act must be -
- (a) made on a form DL 185 suitably endorsed to the effect that the purpose of the form is to cancel an existing registration;
 - (b) delivered to the office of the Controller: Johannesburg or to any of the offices specified in rule 4.04(b) for forwarding to the office of the Controller: Johannesburg; and
 - (c) accompanied, where applicable, by the necessary documentary proof that the licence, registration or export permit, previously issued to the registered person in terms of the provisions of the Diamonds Act, has been cancelled by the Regulator.

Returns and assessment periods

- 4.01 (a) A registered person (excluding any registered person who is a direct levypayer), must submit a return within the period specified in section 4(1) of the Administration Act and in the manner prescribed in these rules.
- (b) Where a registered person has been registered in respect of more than one category as contemplated in rule 2.05, he or she must submit a separate return in respect of each such category.
- 4.02 (a) The Commissioner may, as contemplated in section 4(3) of the Administration Act, determine a shorter or longer assessment period,