

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS, 2003 (LI 1731)

IN exercise of the powers conferred on the Minister responsible for Mines by section 83 (1) (2) of the Minerals and Mining Law, 1986 (P.N.D.C.L. 153) these Regulations are made this 9th day of June, 2003.

Regulation 1—Export Certificate for rough Diamonds.

A licence granted under section 3 of the Minerals and Mining Law, 1986 (P.N.D.C.L. 153) shall required an exporter of rough diamonds to secure a Kimberley Process Certificate from the Minister for the shipment of rough diamonds from the country.

Regulation 2—Application for Kimberley Process Certificate

The application for a Kimberley Process Certificate (referred to in these Regulations as Kimberley Certificate) shall be as in Form 1 set out in the Schedule to these Regulations.

Regulation 3—Issue and form of Kimberley certificate.

(1) The Minister may where all the information required to be given under regulation 2 is complied with, issue a Kimberley Certificate in respect of the rough diamonds to which the application relates, within three days from the day of submission of the application.

(2) An Applicant who does not comply with regulation 2 shall not be issued with a Kimberley Certificate.

(3) The Kimberley Certificate shall contain the information provided in Form 2 set out in the Schedule.

Regulation 4—Export Report.

(1) An exporter of rough diamonds shall prepare a report which shall be as in Form 3 set out in the Schedule.

(2) Form 3 shall be presented to a customs officer at the time of export and a copy shall be sent to the Minister by mail, courier or delivered by hand within seven days after the export.

Regulation 5—Import report.

(1) An importer of rough diamonds shall prepare a report which shall be as in Form 4 set out in the Schedule and shall be presented to a customs officer at the time of clearing the import.

(2) Form 4 shall be accompanied with a Kimberley Certificate issued by the exporting authority responsible for rough diamonds in the country of origin of the rough diamonds.

(3) A copy of Form 4 and the Kimberley Certificate from the exporter shall be sent to the Minister by mail, courier or delivered by hand within seven days after the importation of the rough diamonds.

Regulation 6—Packaging of rough diamonds for export and import

(1) Rough diamonds shall be exported or imported in containers in accordance with these Regulations.

(2) A container for the export or import of rough diamonds shall be constructed in a manner that makes the reseal of the container impossible after it is opened.

(3) The container in which rough diamonds are exported shall bear the serial number of the accompanying Kimberley Certificate.

Regulation 7—Record keeping of rough diamond trade

A person who exports or imports rough diamonds shall keep in respect of the rough diamonds the following records:

(a) the serial numbers of the Kimberley Certificates; and

(b) the purchase order, invoice or similar document if the rough diamonds were purchased or otherwise obtained by the exporter or importer.

Regulation 8—Suspension and cancellation of licence

(1) The Minister may suspend or cancel a licence issued to an exporter of rough diamonds if the holder

(a) fails to submit a report required under regulation 4 or 5 of these Regulations;

(b) is in breach of any provision of these Regulations or any other enactment relating to the export and import of rough diamonds;

(c) makes any statements to the Minister in connection with a Kimberley Certificate which the exporter knows or ought to have known to be false; or

(d) for any reason becomes ineligible to apply for a Kimberley Certificate under these Regulations.

(2) The Minister shall before suspending or cancelling a licence, give notice to the holder in such manner as the Minister may determine and shall in the notice require the holder to remedy the breach and where the breach cannot be remedied, show cause to the satisfaction of the Minister why the licence should not be suspended or cancelled.

(3) On cancellation of a licence, the rights of the holder shall cease but without prejudice to any liabilities or obligations incurred by any person prior to the date of the cancellation.

Regulation 9—Transitional Provisions

An importer of rough diamonds whose shipment of rough diamonds is in process seven days before the coming into force of these Regulations shall be exempt from the provisions of regulation 5(2).

Regulation 10—Interpretation.

In these Regulations unless the context otherwise requires—

"Harmonised System" means the Harmonized Commodity Description and Coding System set out in the Customs Tariff;

"Kimberley Certificate" means

(a) in relation to the export of rough diamonds from Ghana, the certificate issued by the Minister or a person authorised by the Minister for the export of rough diamonds from this country;

(b) in relation to the import of rough diamonds, a similar Kimberley Certificate issued by the respective authority of the exporting country for the export of rough diamonds;

"Minister" means the Minister responsible for mines.

SCHEDULE

FORM 1

(regulation 2)

Application for Kimberley Certificate

Name and address of applicant exporter/company

.....

Name and address of applicant where not the exporter

.....

Name and address of consignee of rough diamonds.....

Origin of rough diamonds

.....

Longitude and latitude of exploration site.....

Place and name of the facility where diamonds extracted.....

Place and name of the mine

.....

Mass of rough diamonds measured in carats.....

Value of rough diamonds in U.S. Dollars or the cedi equivalent.....

.....

.....

I hereby declared that the information contained in this application is correct.

Date

Name

Signature

FORM 2

(regulation 3)

Form of Kimberley Certificate

Name and address of exporter/company
.....

Name and address of consignee
.....

Mass of rough diamonds measured in carats.....

Value of rough diamonds in U.S. Dollars or the cedi equivalent.....

Harmonized System for the rough diamonds.....

Number of containers in shipment
.....

Serial number for each container.....

Date of issue and expiry of certificate.....

The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley process International Certification scheme for rough diamonds.

Date Minister responsible for Mines.

FORM 3

(regulation 4)

Export report for rough diamonds

Name and address of exporter
.....

Name and address of consignee
.....

Serial number of Kimberley Certificate
.....

Date of export of rough diamonds
.....

I hereby attest to the accuracy of the contents of this report.

The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley process International Certification scheme for rough diamonds.

Date

Name

Signature

Note: This report shall be authenticated by a customs officer at the time of exportation of rough the diamonds and the duplicate of a report shall be given to the customs officer at the time of exportation of the rough diamonds.

FORM 4

(regulation 5)

Report on import of rough diamonds

Name and address of importer
.....

Name and address of consignee
.....

Serial number of Kimberley Certificate
.....

Date of import of rough diamonds
.....

I hereby attest to the accuracy of the contents of this report.

Date

Name

Signature

Note: This report shall be authenticated by a customs officer at the time of clearance of rough the diamonds and the duplicate of a report shall be given to the customs officer at the time of clearance of the rough diamonds.

MRS. CECILIA BANNERMAN

Minister for Mines

Date of Gazette Notification: 11th July, 2003.

SHAMA AHANTA EAST METROPOLITAN ASSEM