

EXPORTATION OF NON-FERROUS SCRAP METAL REGULATIONS, 2010 (L.I. 1969)

ARRANGEMENT OF REGULATIONS

Regulation

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IN EXERCISE of the powers conferred on the Minister responsible for Trade and Industry by section 12 of the Export and Import Act, 1995 (Act 503) these Regulations are made this 15th day of June, 2010.

Regulation 1—Export permit for non-ferrous scrap metal

- (1) A person or an entity shall not export non-ferrous scrap metal if that person or entity does not have an export permit granted in accordance with these Regulations.
- (2) The export permit shall be obtained from the Minister for Trade and Industry on application.

Regulation 2—Application for export approval

An application for approval for the export of non-ferrous scrap metal shall

- (a) be made in writing to the Minister for Trade and Industry, and
- (b) contain the following information:
 - (i) a business registration certificate from the Registrar General's Department;
 - (ii) a business registration certificate from the Ghana Investment Promotion Centre, where the company has foreign equity participation;

- (iii) a certificate which identifies the place of business of the applicant issued by the Environmental Protection Agency and Department of Factories Inspectorate;
- (iv) a registration certificate from the Social Security and National Insurance Trust covering the number of workers employed by the export company and which provides evidence of the social security payment;
- (v) a Tax Clearance Certificate from the Internal Revenue Service;
- (vi) a receipt evidencing repatriation of export proceeds of any previous shipment of approved exports of non-ferrous scrap metal from the banker of the exporter; and
- (vii) evidence of proof that the Ghana Standards Board has conducted an inspection of the consignment of any scrap metal covered by the application.

Regulation 3—Process of application

(1) The Minister shall

- (a) acknowledge receipt of the application within fourteen days of receipt of the application for approval for the export of non-ferrous scrap metal; and
- (b) inform the applicant in writing of the decision of the Minister within one month after the receipt of the application.

(2) Where

- (a) an applicant fails to pay the stipulated administrative and processing fee, or
 - (b) there is an error in the application, the Minister shall notify the applicant in writing within seven days after the receipt of the application to rectify the situation.
- (3) If the applicant fails to rectify the situation within fourteen days of the issue of the notice from the Minister, the Minister shall decline the application.

Regulation 4—Grant of export approval

- (1) The Minister shall refuse to grant an approval for export for reasons of public safety.
- (2) The approval granted by the Minister is subject to conditions specified in the approval.

Regulation 5—Approval Register

- (1) The Minister of Trade and Industry shall keep a register containing the particulars of the approvals granted and the register may be accessed by the public.
- (2) Extracts from the register may be obtained from the Ministry of Trade and Industry on request and on payment of a fee specified in the First Schedule.

Regulation 6—Export permit fee

An applicant who qualifies for export approval shall pay an export permit fee in accordance with the categories set out in the First Schedule when the application is processed.

Regulation 7—Duration and renewal of approval

- (1) An approval for the export of non-ferrous scrap metal shall be for a period not exceeding six months and may be renewed on application.
- (2) An application for the renewal of the approval shall be made to the Minister and be accompanied with proof of export proceeds of each previous approved shipment with evidence of repatriation of funds duly certified by the applicant's bankers not later than thirty days before the expiration of the approval.
- (3) The renewal shall attract the fee set out in the First Schedule.

Regulation 8—Non-transferability of export approval

A person shall not transfer an approval for the export of non-ferrous scrap metal to another person.

Regulation 9—Payment terms and repatriation of proceeds

- (1) Export carried out under these Regulations shall be covered by proper trade payment terms which include
 - (a) irrevocable letters of credit, or
 - (b) an internationally acceptable mode of payment in accordance with normal banking practiceto ensure that the proceeds from the exports are repatriated to Ghana.
- (2) In any case, lead-time for repatriation of export proceeds to Ghana shall not exceed ninety days after shipment.
- (3) A first time exporter who seeks permission to export non-ferrous scrap metal is not required to provide proof of export proceeds of previous approved shipment.
- (4) An applicant that fails to repatriate export proceeds within ninety days after the export of non-ferrous scrap metal shall not be granted any further permit to export non-ferrous scrap metal.

Regulation 10—Withdrawal of approval

The Minister may withdraw an approval for the export of non-ferrous scrap metal where

- (a) the information provided in the application is found to be false, or
- (b) for reasons of public safety.

Offences and miscellaneous matters

Regulation 11—Inspection by Customs, Excise and Preventive Service

- (1) A consignment of non-ferrous scrap metal for export that has received approval under these Regulations shall be inspected by the Customs, Excise and Preventive Service to certify the number of containers and the goods being exported to ensure that the number of containers corresponds with the information stated in the approval granted by the Minister.

(2) Where export has been effected or completed, the Customs, Excise and Preventive Service shall send a report detailing the quantity of non-ferrous scrap metal shipped, the date of shipment and the vessel on which the goods were shipped in the prescribed form in the Second Schedule to the Minister for Trade and Industry as evidence of the goods having been exported to ensure proper monitoring.

Regulation 12—Offences

(1) A person who fails to comply with these Regulations on the export of non-ferrous scrap metal commits an offence and is liable on summary conviction to a fine of not more than one thousand penalty units.

(2) A person who

(a) obstructs,

(b) fails to provide information requested by, or

(c) refuses to give access to

an officer carrying out any specific assignment related to these Regulations commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units.

(3) Where the person who contravenes this regulation is an exporter, the exporter is liable on summary conviction to a fine of not more than five hundred penalty units and the export consignment shall be confiscated to the State.

(4) A person who or, a company which, adds iron and carbon steel scraps to the non-ferrous scrap metal for export, commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units and have the export consignment confiscated to the State.

Regulation 13—Interpretation

In these Regulations, unless the context otherwise requires,

“exporter” means a person who has a duly registered business entity in Ghana and has obtained permission to export non-ferrous scrap metal;

“non-ferrous scrap metal” means any metal waste that does not contain iron or steel and comprises among others aluminium, copper, zinc, tin, lead, alloys of these metals and heavy duty lead battery waste; and

“Minister” means the Minister responsible for Trade and Industry.

SCHEDULE

FIRST SCHEDULE

Regulation 5 (2)

FEES FOR APPROVAL FOR THE EXPORT OF NON-FERROUS SCRAP METALS

CATEGORY OF CONTAINER NUMBER OF CONTAINERS PERMISSIBLE EXPORT PERMIT FEE

20 TONNES PER

20 FOOT CONTAINER 5 0.25% (percentage) value of the declared cost of the goods be exported

40 TONNES PER

40 FOOT CONTAINER 5

Regulation 7 (3)

FEEES FOR RENEWAL OF APPROVAL LETTER FOR THE EXPORT OF NON-FERROUS SCRAP METALS

CATEGORY OF CONTAINER RENEWABLE FEE GH¢

20 TONNES PER

20 FOOT CONTAINER 50.00

40 TONNES PER 40 FOOT CONTAINER 100.00

SECOND SCHEDULE

Regulation 11 (2)

REPORTING FORM ON THE EXPORT OF NON-FERROUS SCRAP METALS

(i) Reporting Month: Year:.....

(ii) Name and Address of Enterprise:

(iii) Contact Person: Tel No:.....

(iv) Particulars of Approval Letter from the Minister of Trade and Industry,

(a) Reference Number:

(b) Date of Issue

(v) Date of shipment of consignment

(vi) Particulars of Vessel

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(vii) Number of 20-footer containers exported

(viii) Number of 40-footer containers exported

(ix) Type of scrap metal in each container and value of each container

Type	Weight	Value (US\$)
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HANNA S. TETTEH

Minister for Trade and Industry

Date of Gazette Notification: 25th June, 2010.

Entry into force: 22nd October, 2010