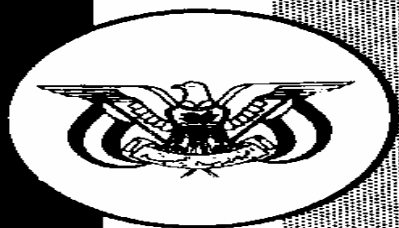


الجمهورية اليمنية
وزارة الشؤون القانونية



LAW NO,14 OF 1990 CONCERN- ING CUSTOMS

Customs Authority : The central customs organ and the executive departments represented by the Chairman of the Authority .

Chairman of the Authority : - Chairman of the Customs Authority who heads the customs organs of the state .

Customs Department : - The customs executive departments subordinated to the Chairman of the Customs Authority .

Customs Tarrif : - The schedule containing the nomenclatures of goods , rates of customs duties they are subject to and the rules and remarks appearing therein .

Customs Precinct : - The sector determined by the Customs Authority in each sea or air port or in any other place wherein a customs department exists , and, in which it is permitted to conclude all or some of the customs procedures .

Warehouses : - The place or building prepared by the Customs Authority or which it has permitted others to use for the storage of

goods in anticipation of drawing them in accordance with one of the customs conditions

store :- The place or building wherein goods are deposited under the supervision of the Customs Authority in a condition contingent on duties in accordance with the provisions of this law.

Declaration : -The declaration made by the owner of the goods or whosoever authorized to do so and containing a determination of the quantities and distinguishing elements of the goods declared in accordance with the provisions of this law and customs regulations .

Customs Line : - The line corresponding to the political frontiers separating the Republic and contiguous states and the coasts of surrounding seas.

Customs Domain : The part of land or sea subject to customs control and measures determined in this law, and is of two types :-

(a) Customs Marine Domain - and includes

the sea region falling between the shores and the end of the Republic's frontiers in its waters.

(b) Customs Land Domain - and includes the land falling between the shores of land frontiers on the one hand and an internal line on the other hand , determined by a resolution of the minister or who-soever he deposes and published in the Official Gazette.

Goods : -Every natural , animal, agricultural or industrial matter or product .

Type of Goods : -Their nomenclatures in the Customs Tariffs Schedule .

Goods Origin : - The country of its manufacture .

Source of Goods : The country from which it has been directly imported.

Prohibited Goods : -Every goods whose import or export is prohibited in reliance upon the provisions of this law or the other legal provisions in force.

Designated Prohibited Goods : - Some of the prohibited goods that are designated for the purposes of customs control by resolution of the Minister of Supplies and Trade and published in the official Gazette.

Restricted Goods : -Goods whose import or export is restricted to special licence or permit from the competent quarter .

Limited Goods : - Goods which , by resolution of the competent quarter, cannot be imported or exported except by the quarters legally empowered to do so .

Goods subject to excessive duty : - Goods that are so determined for the purposes of customs control by resolution of the Minister of Supplies and Trade and published in the official Gazette .

Services Fees : - All that is received in return for rendering a service, such as portage fees and overtime fees.

Customs Violations : - Every act or omission of act in contravention of the provisions of this law and the regulations , resolutions and rules issued in accordance therewith.

Article(2): The provisions of this law shall apply to the customs domain which includes the territory subject to the sovereignty of the state and its territorial waters .

In this territory there may be established free

zones in which the customs provisions shall not apply , either wholly or partially .

Article (3) : - Every goods that traverses the customs line in entry or exit shall be subject to the provisions of this law and the customs regulations.

Part Two

Customs Department's Sphere of Work

Article (4) : - The Customs Department shall pursue its work within the customs precinct and the customs domain'.It may also exercise its powers throughout the territory of the Republic and its territorial waters within the conditions determined in this law .

Article (5) : - Customs departments, centres and points shall be established and revoked by resolution of the minister upon the proposal of the Chairman of the Authority and published in the Official Gazette.

Article (6) : -The responsibilities of the customs departments, centres and points and work spheres therein shall be determined by resolution of the minister upon the proposal of the Chairman of the Authority .

Article (7) :- It shall not be permissible to undertake customs procedures except within the competent customs departments in accordance with the preceding article, with due regard for the provisions of Article (64) of this law .

Part Three

Principle of Application of Customs

Tarrifs

Article (8) : -Goods that enter or leave the territory of the Republic in whatsoever form shall be subject to the customs duties determined in the tariffs and the other fees and taxes that are prescribed , save those that are excepted in accordance with the provisions of this law or in accordance with agreements or other legal provisions

Article (9): - The ordinary tariffs duties shall be applied to the goods of all states, with due regard for the provisions of Article (10) and (13) of this law .

Article (10): - The preferential tariffs duties shall be applied to some states in accordance with agreements concluded in this respect . In this case it shall be a condition that the economic interests of the Republic and reciprocal treatment are taken into consideration .

Article (11): - Customs duties shall be imposed, amended or revoked by law. The Presidential Council may issue the customs tariffs and its amendments upon the proposal of the Tariffs Council composed of : -

1- The Minister	Chairman
2- Minister of Supplies and Trade	Member
3- Ministry of Industry	Member
4- Chairman of the Authority	Member
5- Director responsible for tariffs affairs at the Authority	Member

and that by Resolution on Law with due regard for Article (95) of the Constitution .

Article (12): - With due regard for Article (11) of this law, it shall be permissible by resolution of the Presidential Council upon the proposal of the Tariffs Council, to : -

(1) Subject imported goods to a compensatory duty in the following two cases : -

- a. When in the country of origin it enjoys direct assistance when exported .
- b. When one of the states lowers prices of its goods in a manner entailing unmarketability of goods of the Republic.

(2) Adoption of measures necessitated by conditions when some states adopt measures that harm the interests of the national economy .

Article (13): - With due regard for Article (11) of this law, it shall be permissible by resolution of the Presidential Council, to impose utmost tariffs duties not exceeding two-fold the ordinary tariffs on goods of some states, provided that it shall not be less than 25% of the value of the goods .

Article (14): - The resolutions referred to in Articles 11, 12 and 13 shall have the force of law and must be placed before the legislative authority within a fortnight of their issue . If they are not

approved all force of law they enjoyed shall cease and shall remain in force in respect of the preceding period during which they were enforced .

Article (15) : -With due regard for Article (11) of this law, the resolutions and laws related to customs tariffs shall determine the date of their coming into force , provided that such date shall not be prior to the date of their promulgation .

Article (16) : -Goods declared to be placed in the condition of consumption or export shall be subject to the customs tariffs in force on the date of recording their detailed statements, unless the contrary thereof is stated in the core of the laws amending the tariffs .

As for goods prepared for export on which duties have been paid in full prior to entry into the customs precinct, the part which has not been so entered, shall be subject to the tariff in force at the time of entry .

Article (17): -When fees have to be cleared and which have been adjudged on goods deposited in the store by reason of the end of the period of depositing and regulatory extension thereof not having been obtained, the text of the tariff in force on the day of the end of the period of depositing shall be applied, Goods that have been drawn from the store in an illegal manner , or whose shortage is noticed upon review of store accounts, shall be subject to the tariff in force on the date of the last draw therefrom or the date of discovery of the shortage or the date of its occurrence if such determination has been possible, whichever is the highest .

Article (18) : - Goods whose duty is held in abeyance in accordance with Article (8) of this law and which have not been submitted to the Customs Department , shall be subject to the tariff duties in force on the date of recording such details or the date of end of the period granted , whichever is higher .

As for the goods that are submitted to the Customs Department by their relevant owners with the purpose of placing them for consumption , the tariff in force in accordance with the provisions of Article (16) of this Law shall be applied.

Article (19) :- Goods leaving the free zone to be placed for consumption shall be subject to the same fundamentals and procedures of import from a foreign origin and the tariff duty in force in accordance with the provisions of Article (16) of this law.

Article (20) :Goods that are sold by the Customs Department to be placed for consumption in accordance with the provisions of this law shall have the tariff in force on the day of sale applied to them .

Article (21) : - The tariff in force shall be applied to the goods subject to relative (value) duty according to the condition they are in. As for goods that are subject to a qualitative (determined) duty then such duty shall be collected on them in full regardless of their condition,unless Customs ascertain that they have been damaged by majeure or a sudden accident , when the amount of the qualitative duty shall be lowered in ratio to the damage sustained by the goods.

Article(22):The provisions of Articles 15,16,17,18,19,20 and 21 of this law shall apply to all other duties and taxes that must be collected by customs,unless there be a provision to the contrary thereof .

Part Four

Restrictions and Prohibitions

Article (23) : -Every Goods that enter or leave the Republic must be submitted to the competent customs centre and declared in accordance with what is determined by the Customs Authority . The centre to which the declaration is given upon entry must be the centre nearest to the frontier. By resolution of the Chairman of the Authority a specific customs department may be designated to deal with goods whose types are determined in that resolution .

Article (24) : : -Vessels of any tonnage whatsoever are prohibited from docking except in the ports prepared for that , save in conditions arising out of a marine emergency , a force majeure or when the higher interest of the state so requires,provided that the Customs Authority is so

informed and captains , in such case, must notify the same to the nearest customs centre or the nearest police station in the event of the absence of a customs centre , and that without delay .

Article (25):-Vessels whose tonnage is less than two hundred marine tons are prohibited from transporting within the customs marine domain limited goods published in the official Gazette or prohibited goods or goods subject to excessive duty or designated prohibited goods referred to in the first article of this law .

Article (26) : - Vessels whose tonnage is less than two hundred marine tons and transporting goods of the types referred to in Article (25) are prohibited from entering the customs marine domain or cruise or change their course therein, except in conditions arising out of a marine emergency or force majeure. In such case, captains must notify the nearest customs point or department or other public force . They must without delay submit a report to the Customs Department thereon supported by the quarter that has been informed .

Article (27): -Aircraft are prohibited from crossing the frontiers from other than the places so appointed or to land at or take off from airports where no customs centres exist, except in the case of force majeure . In such case the captains of aircraft must inform the nearest customs point or other public force and they must without delay submit a report thereon to the Customs Department supported by the quarter that has been so informed.

Article (28) : -Prohibited goods that are declared in their real nomenclatures shall not be detained. Goods declared for entry shall be returned to abroad and goods declared for taking out shall be returned to within, except if their exception in both cases has been permitted .

As for designated prohibited goods these shall be detained even if declared in their real nomenclatures, unless there is a prior permit for their entry or exit. If such permit is subsequently obtained the goods shall be allowed to be entered or taken out after settling the violation .

Making import or export contingent upon a licence , permit , certificate or any other document

obligates the customs department not to allow completion of the customs transaction before obtaining the necessary documents.

Article (29) : - Allow foreign goods that bear the mark of a factory, shop or any other name, sign or indication that entails misguidance that such products were manufactured in the Republic or are of local origin, whether such marks are on the goods themselves or on their wrappings or on their binders shall be deemed prohibited. This prohibition will also apply to conditions in abeyance for duties which are the subject of part eight.

Local products that bear the mark of a factory or shop or any name or sign or indication that entails the misguidance that such products are of foreign manufacture shall also be prohibited from entry and exit.

Article (30): - The bringing in of foreign goods in which the conditions stipulated for in laws and regulations protecting origin and ownership shall be prohibited from entry, unless the competent quarters agree to remove this prohibition after ascertaining elimination of the reasons for the prohibition .

The prohibition shall apply to conditions in abeyance for duties being the subject of part eight.

Article (31) : - By his resolution the Chairman of the Authority may formulate special rules for wrapping as regards some goods, provided that the same is announced three months before the commencement of application of such rules.

Part Five

Distinguishing Elements of Goods

(Origin - Source- Type - Value)

Article (32) : - The origin of goods is the country of their production , and the source of goods is the country from which these have been imported directly .

Article (33) : - Imported goods are subject to establishing origin . A resolution of the minister concerned shall determine the conditions for establishing origin and the cases of exemption from establishing such origin .

Article 34: - Goods imported from other than the country of origin after being placed for consumption in that country shall have applied to them the tariff of the country of origin or the country of source , whichever is higher .

If the goods has had manufacture added to it in other than the country of origin then it shall be subject to the tariff applied to the country of origin or the country of manufacture according to the degree of manufacture and in accordance with rules established by the resolution of the competent minister based on the proposal of the Chairman of the Authority .

Article (35) :-(a) Resolutions on symmetry and itemisation of goods for which there is no mention in the tariffs schedule shall be issued by the Chairman of the Authority in accordance with the rules appearing in such schedule ,and these resolutions shall be published in the official Gazette.

(b) With due regard for the interpretive clarifications of tariffs issued by the League of Arab States additional clarifications of customs tariffs and their conditions of application shall be issued by the Chairman of the Authority by resolutions in which he shall determine commencement of implementation, and these shall be published in the official Gazette.

Article(36) : -The value that must be declared in imports for the condition of consumption and for conditions in abeyance for duties is the ordinary value of the goods, and this shall be determined according to the following fundamentals : -

- 1- For determination of this value the time of recording the declaration at the customs centre shall be taken into account .
- 2- It is presumed that the goods have been handed over to the purchaser at the place of its entry at the frontiers.
- 3- It is presumed that the seller has incorporated in the value all that has been expended on its sale and handing over at the place of entry at the frontiers .
- 4- Costs of transportation within the country and the fees and taxes required on the goods after their being entered do not fall within the concept of ordinary value.
- 5- It is presumed that the sale took place in a free competitive market between a purchaser and seller independent of each other, whereby :-

- a. Payment of price by the purchaser is his sole real obligation to the seller .
- b. The agreed upon price is not influenced by commercial, financial or other relations between the seller and /or his partner on the one hand and the purchaser and /or his partner on the other hand, save for relations arising out of the sale itself , be such relations contractual or otherwise .
- c. Neither the seller ^{ნაყი} or his partner , be they natural persons or body corporates and whether in a direct or indirect manner shall have revert to them any part of the outcome of the sale of the goods subsequently or its relinquishment or use .

Partners in the business are any two persons one of whom has an interest in the trade of the other or both have a common interest in some trade or a third person has an interest in the trade of each of them , whether these two persons are bodies corporate or incorporate .

- 6- If the goods are manufactured in accordance with a patented invention or model or bearing

a foreign trade or manufacture mark , then the ordinary value must include the value of the right to use such invention , design , model, manufacture mark or trade mark of such goods.

The Customs Department shall have the right , when required , to increase the declared value in a manner making it appropriate to the real value and in accordance with the provisions of this article .

When the value of the goods is written in a foreign currency it must be exchanged into the local currency on the basis of the exchange rate set by the Central Bank and notified to the Customs Authority .

Article (37) : -In principle each declaration must be accompanied by an original invoice endorsed by the chamber of commerce or any other body accepted by the Customs Authority and which establishes the correctness of the prices and origin. Such lists must also be endorsed by the consular missions when present in the city from which they are issued : The Customs Department has the right to demand documents, contracts, correspondence, etc. related to the transaction without being limited by their contents or by the lists themselves and without there being any limita-

tion of the powers of assessment granted to it .
The Customs Authority has the right to accept two separate documents to establish origin and value .

Article (38) : - The value declared in export is the value of the goods at the time of registering the customs declaration to which are added all costs until the goods leave the frontiers. Such value does not include:-

- 1- Fees and taxes imposed on exports .
- 2- Internal fees and taxes and production taxes and others that are refunded upon export .

Part Six
Import and Export
Section One
Import

(1) Marine Transportation :-

Article (39) : - Every goods that arrives by way of sea, even if sent to the free zones , must be recorded in the shipment statement (manifest) .

The shipment statement must be single and must carry the signature of the vessel's captain.

The shipment statement must include the following information : -

- Name of the vessel and its registered tonnage .
- Types of goods and their gross weight and weight of excess goods, if any .
- If the goods are prohibited their real nomenclature must be mentioned .
- Number of parcels and parts and description of their wrappings, markings and numbers.

- Name of shipper and name of addressee.
- Ports from which the goods have been shipped .

When entering the customs precinct the vessel's captain must produce , on first demand of customs employees, the original shipment statement for endorsement, and hand over a copy thereof .

When the vessel enters the harbour he must also submit to the Customs Department :-

- The sole shipment statement and when necessary a preliminary translation thereof .
- The shipment statement related to the vessel's supplies, sailors' effects and their commodities.
- A list of the names of passengers and all documents and shipment policies that may be required by the Customs Department for the sake of applying customs regulations .
- A list of the goods to be disembarked at the harbour.
- The statements and documents shall be submitted within thirty six hours of the vessel's entry

into the harbour . Official holidays shall not be entered within this period . The Chairman of the Authority shall define the form of the shipment statement and the number of copies that must be submitted.

Article (40) : - if the shipment statement is that of a vessel that does not undertake regular trips or does not have shipping agents at ports or is a sailing vessel, that must be indicated by the customs of the shipping port . In exceptional cases at the discretion of the director of the department the shipment statement may be accepted from the captain of the vessel.

Article (41) : -In principle it shall not be permissible to unload the vessel's cargo and that of all other water transport means except in the precinct of the harbour in which the customs centre is present .

It shall not be permissible to unload any goods or transport them to another vessel except with the written permission of the Customs Department and in the presence of its employees.

Unloading and transfer from one vessel to another shall take place during hours and within the

conditions determined by the Customs Authority. Fishing vessels and transporters of fish products shall be allowed to load and unload at sea outside the harbours, provided that a prior annual permit is obtained from the minister.

Article (42) : -Vessels' captains or their representatives shall be responsible for shortage in pieces or parcels or their contents or the quantity of excess cargo until the goods are received into the customs warehouses or stores or by their owners when they are so permitted, with due regard for the provisions of Article (65) of this law.

The executive regulation shall determine the ratio of allowance permitted in excess cargo by increase or decrease, as well as the ratio of partial shortage in goods arising out of natural factors or as a result of the weakness of wrappings and the outflow of their contents .

Article(43):- If a shortage in the number of pieces or parcels unloaded from that entered in the cargo statement is established or a shortage in the amount of excess goods surpassing the ratio of

allowance permitted by resolution of the Chairman of the Authority is established, then the vessel's captain or his representative must justify such shortage and support it with documents of established relevance. If the submission of such documents is not possible immediately a period of six months grace may be granted for their submission after taking such surety as guarantees the rights of the Customs Department.

(2) Land Transportation

Article (44) :-Goods imported by land must be taken from the frontiers to the nearest customs centre and its transporters must follow the road or route that leads directly to such centre determined by resolution of the Chairman of the Authority published in the Official Gazette.

The transporters of such goods are barred from surpassing them beyond the customs centre without a permit or place them in houses or other places before taking them to such centre .

When necessary and by resolution of the Chairman of the Authority the entry of some goods by other routes may be permitted .

Article (45) : - Goods transporters and their companions must upon arrival at the customs centre submit a lading list or road voucher that takes the place of a cargo statement signed by the driver of the transport means and endorsed by the transport company, if any, and organized in accordance with Article (39) of this law, provided that the value of the goods shall be added . When necessary the Chairman of the Authority may decide some exceptions to this rule . The lading list or road voucher must be accompanied by documents in support of its contents in accordance with the conditions determined by the Customs Authority .

(3) Aerial Transportation

Article (46) :- The aircraft's captain must steer the craft from the moment it crosses the frontiers the aerial ways that have been determined for it .

Article (47) : - The goods carried by aircraft must be recorded in the cargo statement signed by the captain of the aircraft and such statement must be organized in accordance with the conditions set in Article (39) of this law.

Article (48) : -The captain of the aircraft must produce the cargo statement and the lists provided for in Article (39) of this law to the employees of the customs on first demand .

He must submit these documents to the airport customs centre, along with their translation when necessary, and that immediately upon the aircraft's arrival.

Article (49) : -In principle the inloading and casting away of goods from aircraft while in flight is prohibited . However, the captain of the aircraft may order the casting away of goods if that is necessary for the safety of the aircraft, provided that he informs the Customs Department thereof immediately upon its landing .

General Provisions

Article (50) : - The provisions of Articles 41,42,and 43 of this law shall be applied to land and aerial transportation in respect of unloading and transportation of goods from one means of transport to another . Drivers, captains of aircraft and transport companies shall be responsible for any shortage in the event of land or aerial transportation in the course of application of this law.

Section Two

Export

Article (51) : Every Vessel, train, motor car, aircraft or any other means of transport, whether loaded or empty , shall be prohibited from leaving the Republic without its having presented to the Customs Department a cargo statement in accordance with the provisions of Article (39) and all the documents referred to in the said article, and having obtained a departure permit, unless there is some exception determined by the executive Regulation of this law .

Article (52): Goods prepared for export must be taken to be declared in detail to the nearest Customs Department . It is prohibited for transporters towards the land frontiers to cross customs centres or points without permit or to follow other roads with the intent of avoiding such centres and points , provided that as regards goods subject to the control of the customs precinct the provisions determined by the Customs Authority in accordance with the provisions of this law taken into due consideration .

Section Three
Transportation by postal
Correspondence and parcels

Article (53) : - Goods maybe imported and exported by way of postal parcels or correspondence in accordance with the Arab and international postal agreements and the internal legal provisions in force.

Section Four
Common Provisions

Article (54) : -It shall not be permissable to state in the cargo statement or whatever takes its place several closed parcels and grouped in any manner whatsoever as being one parcel.

As regards containers, drums and trailers the regulations issued by the Customs Authority shall be taken into consideration .

Part Seven
Customs Clearance Stages
Section One
Customs Declarations

Article(55) : - When clearing any goods, even if exempt from fees and taxes, a detailed declaration must be presented to the Customs Department containing all information that enables application of customs regulations and the collection of fees and taxes due and for the purposes of statistics.

Article (56) : -The Chairman of the Authority shall determine the form of the detailed declarations , the number of copies and the information that must be contained in the documents that are appended thereto and the exceptions to this rule .

The detailed declaration shall be recorded under an annual serial number following ascertainment of its being compatible with the provisions of the articles of this section .

Article (57) : - It shall not be permissible to mention in the detailed declaration except goods related to a single cargo statement, with the exception of cases that are determined by the Customs Authority.

Article (58) : -It shall not be permissible to mention in the declaration several closed parcels and grouped in any manner whatsoever as being a single parcel.

As regards containers, drums and trailers the regulations issued by the Customs Authority shall be taken into due consideration .

Article (59) : -It shall not be permissible to amend the contents of the Customs declaration after its being recorded .However, the declarer can apply to effect a correction regarding the number, measurements , weight or value , provided that such application is submitted before the declaration is referred to the inspection organ.

Article (60) : -The Customs Department shall have the right to cancel the declarations that have been recorded and on which the fees and taxes due have not been settled or whose stages of clearance

have not been completed for reasons owed to those who submitted it and that within a period of fifteen days from the date of recording such declarations .

The Customs Department may agree to cancel the declarations at the request of their submitters so long as the fees and taxes due on them have not been paid .

In the event of there being a dispute cancellation shall not be permitted until such dispute has been settled .

In the preceding cases the Customs Department shall have the right to demand inspection of the goods and to carry out such inspection in the absence of the submitter of the declaration after notifying him of his attending the inspection by a written invitation and his failing to attend .

Article (61) : - Owners of goods or their legal representatives have the right to inspect their goods before submitting the detailed declaration , and taking samples when necessary ,and that after obtaining a permit from the Customs Department. It shall be a condition that such inspection shall take place under its supervision .The samples taken shall be subject to the fees and taxes due .

Article (62): - It shall not be permissible for other than the owners of goods or their legal representatives to peruse customs declarations . The judicial and competent official quarters are excepted from this .

Section Two

Inspection of Goods

Article (63) : After recording the detailed declarations the customs Department shall undertake a full or partial inspection of the goods or except them therefrom according to the organisational instructions issued by the Customs Authority .

Article (64):-Inspection of goods shall take place within the customs precincts and inspection outside such precincts shall not be permitted except for necessity dictated by the nature and type of the goods themselves . This shall be upon the request of those concerned and at their expense in accordance with the rules that are established by the Customs Authority .

The goods shall be transported to the place of inspection. The parcels shall be opened and

re-wrapped and all other acts required by such inspection shall be done at the expense and responsibility of the submitter of the declaration .

It shall not be permissible to transport goods that have been placed in customs warehouses in the places specified for inspection without the permission of the Customs Department .

Those engaged in the transport and submission of goods for inspection must be acceptable to the Customs Department. It shall not be permissible for any person to enter the customs warehouses and stores , sheds, covered places and squares prepared for the storage of goods or their being deposited in the places specified for inspection without the permission of the Customs Department .

Article (65):- Inspection shall not be permissible to carry out an inspection without the presence of the submitter of the declaration or his legal representative . When a shortage appears in the contents of the parcels responsibility therefor shall be determined in the following manner : -

1. If the parcels were entered into the customs warehouses or stores in an apparently sound

condition establishing that the shortage occurs in the source country before shipment then the responsibility is nullified .

2- If the parcels entering the customs warehouses or stores were in an apparently unsound condition , then the body exploiting such warehouses or stores must , along with the Customs Department and the transport company when necessary establish such condition in a receipt minute and ascertain their weight and contents. The exploiting body should then take the measures necessary for their safe preservation.

The transporter shall be responsible unless he produces documents of established relevance that he received the parcels and their contents in the manner they were seen in when entered into the warehouses or stores .

3- If the parcels were entered in an apparently sound condition and then became the subject of suspicion after having been brought into the customs warehouses or stores , then the responsibility shall fall upon the exploiting body in the event of the existence of a shortage or a change being established .

Article (66) : -The customs Department may open the parcels for inspection, in the event of suspicion of the presence of prohibited goods or a contravention of what is stated in the customs documents, if the person concerned or his legal representative refuses to attend the inspection at the specified time and a minute shall be recorded of the outcome of the inspection .

Article(67) : - The Customs Department has the right to re-inspect the goods when necessary .

Article (68) : - The Customs Department has the right to have the goods analysed by an approved analyst of the Customs Authority to ascertain their type or specifications or their being compatible with regulations .

Article (69):- The Customs Department and those concerned may object to the outcome of the analysis before the arbitration committee provided for in Article (77) of this law which shall decide upon the dispute after taking into consideration the views of the analyst (s) chosen by this committee.

The rules regulating such measures and analysis wages shall be determined by resolution of the minister upon the proposal of the Chairman of the Authority .

Article (70): -1- If the other legal provisions in force require the presence of special conditions and specifications necessitating analysis and inspection, then this must be accomplished before the goods are released .

2 - Goods which are established through inspection and analysis to be harmful may be destroyed by the Customs Department and that at the expense of and in the presence of their owners or their legal representatives . They may , if they wish , re-export them within a period specified by the Customs Department . If they fail to attend or re-export after being informed in writing the destruction operation shall be carried out at their expense and the necessary minute thereon shall be recorded .

Article (71) : -1- The wrappings of goods of relative tariffs (value) shall be subject to the fees of the goods contained therein. The minister may , by his resolution issued upon the proposal of the Chairman of the Authority, determine the cases when the fees and taxes due on the wrappings shall be levied separately from the goods that are contained therein and according to their tariffs items, be that in respect of goods of relative or qualitative tariffs or those that are subject to lowered duties or are exempt of customs duties .

2- By resolution of the minister, upon the proposal of the Chairman of the Authority , the conditions by which the inspection of goods subject to duties on the basis of weight shall be determined and the duties due calculated.

Article (72) : - If the Customs Department cannot ascertain the correctness of the declaration through examination of the goods or the documents submitted, it may decide to halt the inspection and demand such documents as provide the necessary elements of proof, provided that all measures shall be taken to shorten the period of stoppage.

Article (73) :- Duties and taxes must be levied according to the contents of the declaration . However , if the outcome of the inspection shows a disparity between them and what is stated in the declaration, duties and taxes shall be levied on the basis of such outcome , without prejudice to the right of the Customs Department to follow-up levy of the fines due , when necessary , in accordance with this law's provisions .

Article (74) : - Heads of inspection and other relevant heads of customs may re-inspect at the customs centres from which the goods were entered and by resolution of the head of such centre , provided that this takes place prior to the collection of customs duties in accordance with the provisions of articles from (63)till (73) of this law .

Section Three

Provisions Concerning Travellers

Article (75) : -Travellers must present themselves to the customs centre to declare what they accompany or what belongs to them .

Declaration and inspection must take place in accordance with the rules and fundamentals determined by the Customs Authority .

Section Four

Article (76) : - If a dispute ensues between the Customs Department and those concerned on the goods' specifications , origin or value, the decision of the Department shall be final , except in the following two cases :-

- 1- If the Department's decision entails for the person concerned a difference in customs duties and other fees and taxes of not less than

(15) dinars or (390) riyals .

2- If the said decision leads to non-release of the goods and whose value is not less than (300) dinars or (7,800) riyals.

The dispute shall be recorded in a minute to be referred to two experts , one of them appointed by the Customs Department and the other by the owner of the goods or his legal representative . If the owner of the goods refrains from appointing an expert within eight days of the date of the minute , the view of the Customs Department shall be considered final.

Article (77) :- If the two experts are in agreement their view shall be final. If they disagree the dispute shall be referred to a committee made up by a permanent commissioner appointed by the minister and two members, one of whom represents the Customs Department and is selected by the Chairman of the Authority or whosoever represents him , and the other representing the Chamber of Commerce and Industry selected by the Chairman of such Chamber .

The committee shall issue its decision unanimously or by a majority vote after perusing the views of the two experts and whosoever technical persons it may desire to consult .

The decision of such committee shall be final and binding and un-impugnable in any manner whatsoever and the losing side shall bear the costs of arbitration .

Article (78) : -The minister shall determine the number of committees, their centres, spheres of competence and the bonuses to be expended to its members and the costs of the arbitration .

Article (79) :-

1- The Customs Authority shall determine the arbitration procedures, the fundamentals to be adopted in the collection of samples, conditions of the inspection of goods disagreed upon the prior undertaking of those charged with arbitration and the writing of the documents following the decision of the two experts or the decision of the committee.

2- Arbitration shall not be permissible except as regards the goods that are still under the control of the Customs Department .

- 3- If the presence of the goods is not necessary and not in the condition in which the goods are subject to prohibition , the Customs Department may permit handing over of the goods before the conclusion of arbitration procedures under terms and guarantees set by the Customs Authority.

Article (80) : -

- 1- The two experts and members of the arbitration committee shall render the legal oath before the competent director, while the permanent commissioner who is appointed by the minister renders the legal oath upon appointment before the minister. The Executive Regulation shall determine the text of the legal oath .
- 2- The courts shall adhere to the provisions of this section when considering disputes regarding the value, origin or specifications of goods.

Section Five

Payment of Duties and Taxes
and Removal of Goods

Article (81) : - Goods are deemed to be collateral for duties and taxes and may not be removed from customs except after completion of customs measures in respect thereof , and payment of duties and taxes, or payment of a surety or submission of collateral therefor .

Article (82) :- Duties and taxes shall be paid in accordance with the provisions of this law. Customs employees charged with collection of duties and taxes must give receipts therefor in the name of the submitter of the declaration for the owner of the goods . The receipt shall be in the form determined by the Customs Authority.

The settlement of refundable duties and taxes shall be in the name of the owner of the goods or his legal representative , after the original receipt given to him or a copy thereof , when ne-

cessary , is produced , and frees customs from any obligation the moment such amounts are paid

Article (83) : - Goods that are imported by the state and the public sector organisations and companies and bodies or to their account shall be subject to the duties and taxes due , unless there is a special legal provision exempting them therefrom .

Detailed declarations as regards such goods shall be made according to general rules .Permission may be given to draw such goods immediately or after completion of inspection and before payment of duties and taxes due and that within the conditions determined by the minister upon the proposal of the Chairman of the Authority .

Article (84) : -When a state of emergency is declared it may be possible to draw goods against special guarantees and conditions determined by resolution of the minister . Such goods shall be subject to the rates of customs duties and other fees and taxes in force on the date of their being removed.

Article (85):-Those subject to taxation , maybe permitted to draw their goods before payment of duties and taxes thereon against a banker's or cash guarantee within the conditions and rules determined by the minister .

Part Eight

Conditions of Duties in Abeyance

Section One

General Provisions

Article (86) : -Goods may be brought into the Republic and transported from one place to another inside it or through it with placing the payment of customs duties and other fees and taxes thereon in abeyance.

In such cases it shall be a condition that guarantees in cash, banker's guarantees or guaranteed undertakings ensuring the fees and taxes are presented in accordance with the regulations issued by the Customs Authority .

Article (87) : - Guaranteed obligations are disclaimed and the banker's guarantees or insured fees and taxes are returned against disclaimer certificates in accordance with the conditions determined by the Customs Authority .

Section Two
Transitory Goods (Transit)

A- General Provisions

Article (88):-Goods of foreign origin may be transported in accordance with the transitory system (transit) , whether such goods have entered the frontiers to leave from other frontiers or are sent from one customs centre to another , provided that the last transportation is not by sea except by guarantees ensuring customs rights .

Article (89) : - Transit operations may not be undertaken except in the customs centres that are permitted to do so.

Article (90) : - Goods passing through in accordance with the transit system are not subject to restriction or prohibition unless there is provision to the contrary thereof in the laws and regulations issued by the competent authorities.

B-Ordinary (Transit) Passage

Article (91) : -Goods may be transported according to the ordinary passage system on all roads appointed by the Customs Authority and by various means of transport at the responsibility of the signatory of the undertaking and the guarantor.

Article (92) : -The provisions concerning detailed declaration and inspection provided for in this law shall apply to the goods referred to in the preceding article .

Article (93) : -The goods that are transported in the condition of ordinary passage shall be subject to the conditions that are determined by the Customs Authority as regards the compressing of parcels and containers and as regards the means of transport and the submission of guarantees and other undertakings.

C- Special (Transit) Passage

Article (94) : -Transportation in accordance with the special passage system shall take place by means of railroads and by transport companies on licensed motor cars and aircraft by resolution of the Au-

thority and that at the responsibility of such bodies and establishments .

Transport companies shall be licensed according to numbers , conditions and specifications determined by the Chairman of the Authority in a manner that does not contravene any other law.

The resolution on the licence shall include the guarantees that must be submitted and all the other conditions . The Chairman of the Authority may halt such licence for a specified period or revoke it when the conditions and instructions determined by the Authority are impaired or in the event of misuse of the condition of special passage by committing acts of smuggling on licensed means of transport .

The resolution halting the licence or revoking it shall be final and not admitting any form of review whatsoever.

Article(95):-By resolution of the Chairman of the Authority the roads and routes on which transportation can take place in the condition of special passage shall be determined along with the conditions

of such passage, with due regard for agreements concluded with other states.

Article (96): -The provisions of procedures related to detailed declaration and detailed inspection shall not apply to goods sent according to the condition of special passage .In this regard a brief statement and overall inspection shall suffice , unless the Customs Department considers the carrying out of a detailed inspection necessary .

Article (97): - The provisions of special passage provided for in this law shall be applied for the purposes of implementing agreements that incorporate provisions on passage ,unless the contrary thereof is provided for in such agreements .

D- (Transit) Passage on International Documents

Article (98) : -Transport in accordance with the interstate passage system is permitted to companies and organisations so licensed by the Chairman of the Authority after submission of the guarantees determined in the licensing resolution . Such transport shall take place according to unified international books or documents and on motor-cars of specific specifications .

The Customs Authority shall determine samples of the unified international documents or transport books according to the system of passage on international documents, matters of compressing and the specifications of motor cars that are permitted to undertake such transportation .

E- Transport from Centre One to Centre Two

Article (99): - In the event of transport from centre one to centre two the persons concerned may be exempted from making a detailed declaration . In such case, they must produce to the first centre:-

- 1- Road papers or cargo lists and other documents that are determined by the Customs Authority .
- 2- Submit a brief statement thereon endorsed by a guaranteed undertaking whose sample is determined by the Customs Authority. Such brief statement may be replaced by a shipment statement prepared in the country of source in the cases that are determined by the Customs Authority.

Article (100) : -Customs employees at the entry centre have the right to carry out an inspection to ascertain the correctness of the contents of the brief statement .

Article (101) : -The brief statement referred to in Article (99) of this law maybe replaced by an accompanying memorandum prepared by the customs employees at the first centre , and that in the cases and according to conditions that are determined by the Customs Authority .

Section Three

Warehouses

A- General Provisions:

Article (102) : - Goods may be deposited in warehouses without the payment of duties and taxes in accordance with the provisions of this section. Such warehouses shall be of three types : -

1. Genuine
2. Special
3. pseudo.

Article (103): -All accesses to the places reserved for genuine and special warehouses shall be locked with two different locks , the keys of one of them remaining in the possession of the Customs Department and the other in the possession of the person concerned .

Article (104) :- Goods shall not be accepted at all types of warehouses except after production of a deposit statement prepared in accordance with the terms set in Article (56) and the articles thereof.

ter of this law and inspection shall take place in accordance with the rules that are provided for in Article (63) and the articles thereafter of this law.

The Customs Department may, for control of movement of goods accepted into the warehouses, hold special registers in which all operations related to them are recorded and these shall be a reference for the tallying of warehouses' assets against the entries .

Article (105) : - The Customs Authority shall determine the conditions of practical implementation of the condition of various types of warehouses .

B- Genuine Warehouses

Article (106) - The establishment of a genuine warehouse shall be permitted by resolution of the minister upon the proposal of the Chairman of the Authority . In this resolution the place of the warehouse, the body charged with its management, the conditions of investment , storage fees and other expenses, the portorage due to the Customs Authority, the guarantees that must be submitted and other provisions related thereto shall be determined .

Article (107): Goods may remain in the genuine warehouse for two years and may be extended by another year, when necessary, on the basis of an application approved by the Customs Authority.

Article (108): - In the genuine warehouse the storage of designated prohibited goods, explosives and similar materials, inflammable materials, products bearing false markings and goods that appear to be damaged and those whose presence in the warehouse entails danger or may endanger the quality of other products, goods whose storage requires special installations and waste goods, unless the warehouse is specified for that, shall not be permitted.

Article (109): The Customs Department shall have the right of control over the genuine warehouses managed by other bodies. The Customs Department shall not be deemed responsible for what happens of loss, shortage, impairment or change of goods. The body that invests in the warehouse alone shall be responsible for the goods deposited therein in accordance with the provisions of laws in force.

Article (110): - The body investing in the genuine warehouse shall take the place of the owners of the goods deposited with it before the Customs Department as regards all of their obligations for the deposit of such goods.

Article (111): - Upon expiry of the deposit period provided for in Article (107) of this law the customs Department shall have the right to sell the goods deposited in the genuine warehouse unless its owners undertake their re-export or place them for consumption. Such sale shall take place one month after the date of warning of the investing body and the owner of the goods or his legal representative.

The outcome of the sale, following deduction of various expenses, duties and taxes, shall be held as a trust in the fund of the Customs Department for a period of two years to be handed over to the persons concerned. If the person concerned or his heirs or whosoever deposes for them do not show upon announcement shall be made through the information media for three successive days. If none of them appears following three months after the date of the announcement the sale outcome shall become property of the public treasury in a final manner.

Article (112):- The following operations shall be permitted in the genuine warehouse under the supervision and following the approval of the Customs Department : -

- a. Mixture of foreign products with other foreign and local products with the purpose of re-export only . In such cases , the placing of special markings on the wrappings and allocating an independent place for these products in the warehouse shall be a condition .
- b. Removal of wrappings , transfer from one container to another , collection or division of parcels and the undertaking of all works which are intended to maintain the products, improve their appearance or facilitate their marketing.

Article (113):- Customs duties and taxes and other fees and taxes shall be collected on the full quantities of goods that have been deposited . The body investing in the warehouse shall be responsible for these duties and taxes in the event of an increase, shortage, loss or change of goods , apart from the fines that are imposed by the Customs Department .

Customs duties and other fees and taxes shall not be due if the shortage in goods or loss result from a force majeure, fatalist accident or as a result of natural causes . Customs duties, other fees and taxes and fines on excess quantities , lower, lost or changed quantities remain due on the investing body even in the presence of a causer whose responsibility has been proved .

Article (114) : - Goods may be transferred from one genuine warehouse to another genuine warehouse or to a customs centre in accordance with statements of guaranteed obligations . The signatories of such obligations must produce within a period determined by the Customs Authority a certificate showing the entry of such goods into a genuine warehouse or customs centres for storage , placing for consumption or according to another customs condition .

C - Special Warehouse

Article (115) :- The establishment of special warehouses may be permitted in places where there are centres of the Customs Department , if economic necessity requires that or if the matter requires the

erection of special installations . The work of the special warehouse shall be eliminated upon the cancellation of the customs centre within three months at least.

Article (116) : -The permit for establishing a special warehouse shall be issued by resolution of the minister upon the proposal of the Chairman of the Authority, in which will be determined the place of such warehouse, the brokerage that must be paid annually, the guarantees that must be provided before commencing work and the other provisions related thereto .

Article (117) : Goods deposited in a special warehouse must be presented on every demand of the Customs Department . The duties and taxes shall be levied on the full quantities of the deposited goods , without surpassing any shortage that may occur, except that which results from a force majeure, natural or self causes, apart from the fines that are imposed by the Customs Department .

Article (118) : - Goods may remain in the special warehouse for a period of one year, which may be extended by another year, when necessary , upon the request that is approved by the Customs Authority .

Article (119) : -The provisions of Articles (109) ,(111) and (114) of this law shall apply to the special warehouses .

Article (120) : -Damaged goods may not be deposited in special warehouses . Similarly , prohibited goods may not be deposited except with the special permission of the Chairman of the Authority .

Article (121): -It shall not be permissible to undertake in the special warehouses except those operations that are intended to preserve the goods .Such operations shall take place with the permission and under the control of the Customs Department .

Some exceptional operations maybe permitted by the resolution of the Chairman of the Authority in which the conditions of such operations and the rules that must be observed in subjecting its products to fees and taxes when placed for consumption are determined.

In all cases, the rules appearing in the tariffs schedule and the legal provisions on other fees and taxes shall be observed.

D- Pseudo Warehouse

Article (122) : - Some goods determined by resolution of the minister according to the condition of pseudo warehouses may be deposited in commercial stores or special places in the towns and the places where there exists a customs centre.

The permit for establishing a pseudo warehouse shall be issued by the Chairman of the Authority by a special resolution in which are determined the place of the warehouse, the conditions that must be available, the guarantees that must be submitted and the brokerage that is imposed annually and the works that are permitted.

As a rule, the assets of a pseudo warehouse shall be liquidated and its entries settled upon cancellation of the customs centre and that within a period of three months at most and the warehouse owner must carry out all that is required in this regard.

Article (123): The period of deposit in the pseudo warehouses shall be set at one year, which can be renewed another year, when necessary, with the approval of the Customs Authority.

Article (124) : - The Customs Department shall have the right of control over pseudo warehouses and the owners of such warehouses shall be responsible for the goods deposited therein.

Article (125) : - The provisions of Articles (111) and (117) of this law shall be applied to the pseudo warehouses.

Section Four

Free Markets and Zones

Article (126) : - Free zones may be created by allocating parts of ports and internal places and consider them as being outside the customs domain. Their establishment and investment shall be in accordance with the laws organizing the same .

Article (127):-With due regard for the provisions of the law concerning the free zone , foreign goods of whatsoever type , origin or source may be brought into the free zones and taken therefrom to other than the customs',domain without being subject to import or re-export restrictions , interruption or prohibition. They shall not entail fees and taxes other than what is levied in favour of the body undertaking investment therein and made up of services fees . The Executive Regulation will determine the conditions and reservations related to implementation . National goods or goods that have gained this quality by being placed for domestic consumption shall also be permitted entry into the free zone . However , it

will then be subject to export , prohibition and foreign currency restrictions , as well as customs duties and taxes that are imposed upon export to a foreign country, and that in addition to what fees and service charges are imposed in favour of the investing body.

Article (128) - The body investing in the free zone must submit to the Customs Department a list of all that enters and leaves the free zone, and that within thirty six hours,that are required by it. Vessels whose tonnage exceed 200 marine tons are allowed to be supplied with foodstuffs, cigarettes, beverages, fuel and oils necessary for their engines.

Article (129) :- Goods present in the free zone shall not be subject to any restriction as regards period and services fees shall be periodically paid to the Customs Department ,when it undertakes investment in accordance with the conditions of such investment . In the event of goods owners defaulting on payment of such fees to the Customs Department , it may sell the goods , deduct what is due to it from the outcome of the sale and de-

posit the remainder in the Central Bank for handing over to the persons concerned . As for services fees due to investment bodies, other than the Customs Authority, they shall be collected according to the regulations of such bodies .

Article (130) :- Free zones may be cancelled or their bounds amended in accordance with the laws regulating that .

Article (131) :- In the free zones shall be permitted the undertaking of all works on goods , whether for their collection, separation , maintenance or all other works , including the manufacture operations . In this last case they will be subject to the provisions of the following article .

Article (132) :- With due regard for the provisions of customs control, industrial establishments may be founded in the free zones , expanded or their industrial purpose amended in accordance with the investment laws and regulations concerning such zones .

Article (133):- The Customs Department has the right to carry out works of inspection in the free zones on goods whose entry is prohibited . It may also

scrutinize documents and examine goods when there is suspicion of smuggling operations taking place.

Article (134) :- Goods may not be landed from sea to the free zone and entered into it by land except with the permission of the investing body according to legal precepts and regulations determined by the Customs Authority . Similarly , goods present in the free zone may not be sent to another free zone , warehouses or stores except by guaranteed undertakings given to the Customs Authority .

Article (135): - Goods shall be drawn from the free zone in accordance with the provisions of this law, the investment system and the directives that are issued by the Customs Authority .

Article (136): - Goods leaving the free zone into the interior shall be treated as foreign goods, even if they include local primary materials or types on which fees and taxes have been previously paid prior to their entry into the free zone , unless they are the returned goods provided for in Article (168) of this law .

In all cases where the Customs Department in the free zone cannot know the origin of the goods in a convincing manner, the provisions of Article (13) of this law shall be applied .

Article (137) : - Foreign goods in free zones may not be consumed for personal use before settling what is due on them of customs duties and other fees and taxes . Similarly, domicile in such zones shall not be permitted except with the permission of the Chairman of the Customs Authority according to the requirements of work therein .

Article (138): -National and foreign vessels are allowed to take on supplies from the free zone with all marine equipment .

Article (139) : - The bodies investing in the free zones shall be deemed responsible for all the violations committed by their employees and outflow of goods in an illegal manner and all laws and regulations concerning security , health, public morality, combat of smuggling and cheating shall remain in force in them .

Article (140) : - It shall be permissible to create free markets by resolution of the competent minister whose provisions are determined in accordance with the law .

Section five Temporary Admission

Article (141): -

a. The payment of customs duties and other fees and taxes due on imported foreign goods with the purpose of their manufacture or completion of their manufacture may be temporarily suspended for a period of six months and remain payable , provided that their owners undertake to export them or place them in customs warehouses or stores or the free zone . The goods which enjoy such condition and the industrial operations that can be carried out on them or other such conditions shall be determined by the resolution of the competent quarter.

b. It shall be permissible for the Customs Authority to grant temporary admission to the following things : -

1- Machinery, instruments , equipment and vehicles necessary for accomplishing government and public sector projects and carrying out practical and scientific experiments.

- 2- What is temporarily imported for playgrounds ,theatres , exhibitions and the like.
- 3- Machinery, instruments , means of transport and other types that arrive for the purpose of repairs.
- 4- Containers and wrappings arriving to be filled .
- 5- Goods that are required to be temporarily admitted for their manufacture or completion of their manufacture in an exceptional manner and are of types not included by the provisions of the preceding paragraph .
- 6- Animals brought in for grazing .
- 7- Commercial samples .
- 8- Whatsoever is covered by resolution of the minister .

The things appearing in the previous items shall be re-exported or deposited in the customs' warehouses or stores within six months of the date of their being entered and which period can be extended at the discretion of the Customs Authority .

Article (142):- The Customs Authority shall determine the conditions of temporary admission as regards things of any type that belong to arriving persons wishing to be temporarily domiciled , provided these shall be re-exported within an extendable period of six months.

Article (143): - Temporary admission shall be applied to motor cars of persons arriving in the Republic for temporary domicile, whether arriving in their company or bought from customs warehouses and stores or free zones according to the regulation issued by the minister of finance .

Article (144):-

1- Motor cars registered in the Arab and foreign states that transport passengers and goods between them and the Republic or other states shall benefit from temporary admission, provided there is reciprocal treatment ,and re-export in accordance with the provisions of this law or in accordance with agreements concluded for this purpose .

2- Such motor cars shall not have the right of domestic transportation .

3- Exception from some provisions of this article is permitted by resolution of the competent quarter.

Article (145) :- Owners of motor cars and motor-cycles whose major place of domicile is outside the Republic and belong to tourism establishments acceptable to the Customs Authority may benefit from temporary admission of their motor cars or motor cycles according to special tourist bonds (triptick) or traffic books given by such establishments and by which they bear the responsibility for customs duties and other fees and taxes that are due in place of their owners .

Article (146) :-The provisions of international agreements concerning temporary admission of motor cars and customs facilities granted to tourists shall be observed in accordance with the directives issued by the Customs Authority .

Article(147):-The customs Authority may decide to grant temporary admission to the motor cars of the employees and experts of the United Nations Organisations , other international , regional and Arab organisations and organs subordinated thereto,whether such motor cars are accompanied by their owners from abroad or purchased from customs warehouses or stores or free zones and that under the conditions that are determined by

the Chairman of the Authority,provided that the provisions of treaties in force and in accordance with the terms of ratification are observed .

Article (148):- It shall not be permissible to use the materials and types accepted in the condition of temporary admission or allocate them or dispose of them for other than the purposes and objectives for which they were imported and declared in the declarations submitted .

Article (149) :- When paying temporary admission accounts any shortage that appears shall be subject to the duties and taxes due in accordance with the provisions of Article (18) of this law .

Article (150) :- The Customs Authority shall determine the conditions of practical application of the condition of temporary admission and the guarantees that must be presented .

Article (151) :- The Customs Authority may permit the placing for consumption of products accepted as temporary admission ,provided that all legal conditions in force are duly observed .

Section Six

Re-Export

Article (152) : - Goods entering the Republic that have not been placed for consumption may be re-exported to abroad or to a free zone in accordance with the fundamentals and procedures that are determined by the Customs Authority, with due regard of the laws and regulations in force.

The condition of re-export shall apply to the following : -

- 1- Goods present in customs warehouses.
- 2- Goods accepted in one of the conditions of warehousing or as temporary admission .
- 3- Goods placed for consumption exempt from all or some duties and taxes and that when the exemption lapses for some reason .

Article (153) :- In some cases permission may be given to transport goods from one vessel to another or draw the goods that have not been entered in the customs warehouses on the wharves to vessels under conditions determined by the Customs Authority .

Section Seven

Refund of Duties on Re-Export

Article (154) - Customs duties and other fees and taxes collected on some foreign materials entering into national exports shall be wholly or partially refunded on their re-export to abroad.

Such materials shall be determined by a resolution issued by the minister upon the proposal of the Chairman of the Authority, and following receipt of the views of the ministers of industry and trade .

In this resolution based on the proposal of the Chairman of the Authority shall be determined : -

1. The periods and conditions that must be present for refund of such duties and fees .
2. Type of duties that must be refunded and the ratio whose refund is permitted in respect of each material .

Article (155): - Customs duties and other fees and taxes on goods that are re-exported in their original condition after having been placed for consumption and for which there is no local parallel in domestic production may be wholly or partially refunded, provided that their samples have been examined .

After taking the views of the ministers of trade and industry , the minister shall determine the types of such goods , the ratio that can be refunded of such fees and taxes and the periods during which such condition is applied .

Article (156): - Customs duties and other fees and taxes shall be refunded on goods that are re-exported by reason of a disparity in their specifications and that under conditions , periods and reservations determined by the Customs Authority.

Part Ten

Coastal Shipping and Internal Transport

Article (157): - Local goods or goods that have acquired such status through payment of taxes and fees, and which are transported in between the ports of the Republic , shall not be subject to the taxes and fees imposed on import or export, with the exception of services fees, and that within the conditions determined by the Customs Authority.

Article (158): The Customs Authority must respond to the request of those concerned as regards handing them receipts proving that they have paid fees and taxes , or completed regulatory measures , or documents permitting transport, cruising or possession of goods and that under conditions determined by it .

Article (159): - The Customs Authority may permit transport of local goods or goods that have acquired such status through payment of fees and taxes , through the territory of the neighbouring country under conditions determined by it .

Part Ten
Exemptions
Section One

Article (160): -Grants and contributions coming to state authorities , municipalities , mass, charitable and social organisations shall be exempted from customs duties and other fees and taxes . The Customs Authority shall determine the conditions and measures that must be completed so as to benefit from such exemption .

Section Two
Diplomatic Exemptions

Article (161) : -There shall be exemption from customs duties and other fees and taxes on condition of reciprocal treatment , within the limits of such transaction and being subject to inspection , when necessary , with the knowledge of the Ministry of Foreign Affairs : -

1. All that arrives for the personal use of the heads and members of the diplomatic and consular corps, non-national Arabs and foreigners working in the Republic who do not have hon-

orary status and whose names appear in the schedules that are issued by the Ministry of Foreign Affairs , as well as their spouses and minor children.

2. That which is imported by embassies, commissions and non-honorary consulates for official use ,except foodstuffs , alcoholic beverages and cigarettes .Such imports which are exempted in accordance with these provisions should be compatible with actual needs and within reasonable limits , and in accordance with a regulation issued by the ministers of finance and foreign affairs that determines such needs .
- 3- Personal effects, furniture and household appliances that are brought in for the personal use of administrative (non-national) employees working for the diplomatic or consular missions .

There should be adherence to the proper quantities and inspection measures and on the condition that such imports take place within six months of the arrival of the beneficiary

from the exemption . This period may be extended to another six months with the approval of the Ministry of Foreign Affairs.

As regards their motor cars these will be granted temporary admission status for a period that in principle may not exceed three years and may be extended on the basis of the approval of the Ministry of Foreign Affairs.

The exemptions referred to in this article are granted on the basis of an application made by the head of the diplomatic , consular mission as the case may be .

Article (162) : - It shall not be permissible to dispose of things that have been exempted in accordance with the foregoing in other than the purpose they were exempted for . They may not be relinquished except after informing the Customs Authority and after settlement of the customs duties and other fees and taxes according to the condition of the things and their value on the date of disposal or relinquishment and according to the customs tariffs in force on the date of recording the detailed declaration submitted for

the settlement of the fees and taxes due on them . The quarter benefitting from the exemption may not hand over the relinquished things except after the completion of customs procedures and the granting of the permit to hand over by the Customs Department .

Customs duties and other fees and taxes shall not be due if the beneficiary from the exemption in accordance with Article (161) of this law disposed of that which he has been exempted from after five years from the date of drawal from customs , provided the existence of the principle of reciprocal treatment .

As for motor cars that are accepted for exemption , these are subject to the following :-

1- It shall not be permissible to relinquish the motor car before the elapse of three years on the date of its exemption declaration except in the following cases: -

a. End of the assignment of the diplomatic or consular member benefitting from the exemption in the country .

b. Following registration of its exemption declaration the motor car becoming involved in an accident rendering it inappropriate for the requirements of use by the diplomatic or consular member .

In these two cases customs duties shall be collected at the rates in force according to Article (21) of this law.

c. Sale by a diplomatic or consular member to another and provided that in such case the person relinquished to enjoys the right of exemption if the motor car is in the condition of exemption ,otherwise the general fundamentals shall be applied in this respect .

2- If the relinquishment of the motor car took place three years after registration of the statement of its exemption, it shall be treated in accordance with the provisions of Article (21) of this law .

3- It shall be possible for the administrative employees who have benefitted from the condition of temporary admission of their motor cars, and upon the end of the period granted

or the end of the assignment by reason of transfer or otherwise , to relinquish them to whosoever benefits from the right of exemption or temporary admission or re-export it or settle the duties and taxes thereon in full in accordance with tariffs and regulations in force on the date of registering the condition of the motor car as in consumption and according to the value of the motor car upon its being so relinquished . In all cases, the Chairman of the Authority may issue a resolution prohibiting the right of purchase of the motor cars desired to be relinquished locally after the end of the reasons of their exemption ,or grant them the right of temporary admission to one of the public organisations or the public sector .

Article (163) : - The right of exemption in respect of persons benefitting therefrom according to Article (161) of this law commences as from the date of their commencing work at their official place of work in the country .

Article (164) : The privileges and exemptions provided for in Article (161) of this law shall not be granted except if the legislation of the state to which the diplomatic or consular mission or its members belong grants the same or better privileges and exemptions to the mission of the Republic of Yemen and its members . In other than such case , the privileges and exemptions shall be granted within the limits of what is applied thereof in the country concerned .

Article (165) : -Every employee of the diplomatic and consular corps or worker in such diplomatic or consular missions who has previously benefitted from any exemption should , when transferred from the country , submit to the Ministry of Foreign Affairs a list of the household and personal effects and the motor car which he has previously brought into the country to be referred to the Customs Department to issue a permit for their being taken out and for carrying out an examination , when necessary , provided that such examination takes place with the knowledge of the Ministry of Foreign Affairs .

Section Three **Military Exemptions**

Article (166) : - Whatever is imported of ammunition , weapons. military uniforms and any other military equipment for the army and internal security forces (police,public security and customs police force) , shall be exempted from customs duties and other fees and taxes.

Section Four **Personal Exemptions**

Article (167) : - The following shall be determined by resolution of the Council of Ministers upon the submission of the minister : -

1. The quantities of effects, gifts, furniture and household appliances that may be brought into the Republic .
2. The extent of exemption from customs duties and taxes on personal effects, gifts , furniture and household appliances .
3. Extension of facilities to immigrants as re-

gards workshop equipment and machinery and production equipment .

4. The resolution of the Council shall regulate the facilities granted to scientific competents, provided that these shall be for one time only .

The resolution of the Council of Ministers upon the submission of the minister and in co-ordination with the Minister of Foreign Affairs shall determine the personal effects which may be brought in by employees of the state working abroad upon the end of their period of work and the extent of exemption from customs duties and taxes and the regulatory conditions and controls for the enjoyment thereof .

Section Five Returned Goods

Article (168):- There shall be exemption from customs duties and other fees and taxes , and on condition that the taxes and fees that have been previously returned upon export for the following :-

1. Returned goods whose local origin and previous export has been established in an explicit manner .
2. The goods and wrappings that have acquired the local quality through the payment of fees and taxes issued temporarily and later returned . As for goods that were exported temporarily to complete their manufacture , repair or for any other work , customs duties at the rate of 25% shall be paid in respect of the increase that has accrued to their value as a result thereof .The goods mentioned in paragraph one of this article can benefit from return of the customs duties and other fees and taxes that have been paid in the past on their export and that within the provisions of other laws in force. The Customs Authority shall determine the terms and reservations that must be present for benefit from the provisions of this article.

Section Six
Miscellaneous Exemptions

Article (169) : -The following shall be exempt from customs duties and other fees and taxes within the terms and reservations that are determined by the Customs Authority:-

1. Commercial samples.
2. Supplies , fuel , materials , lubricating oils, spare parts and other equipment for high seas vessels and aircraft as well as all that is required for the use of their passengers and crews in their external trips and all that within the limits of reciprocal treatment .
- 3- Personal effects devoid of any commercial quality such as sports and scientific medals and prizes.
- 4- The equipment, instruments and requirements imported by public hospitals.
- 5-The equipment , instruments and requirements that are imported by private hospitals during their stage of founding only and provided that their number of beds exceeds ten .

- 6- The types and products imported by orphanages to ensure the livelihood and employment of organs under their guardianship .
- 7- The primary materials imported by the homes for the blind to accomplish special works undertaken by their inmates .
- 8- The types and products imported by the Ministry of Education and the general, technical and vocational training establishments subordinated to it, as well as what is imported of these things by the special institutes , universities , schools, kindergartens and day-care centres with the consent of this ministry .
- 9- The types and products imported for mosques by the Ministry of Awqafs or other competent quarter.
- 10- Machinery , instruments, equipment , materials, and products that are imported by the Ministry of Agriculture for agricultural use in government projects and agriculture and fish production inputs, and all equipment , machinery and spare parts used in agriculture and fisheries.

11- What is imported by the Arab and foreign antiquities missions for consumption during their work such as photography requirements , plaster of Paris , etc.

12- The goods that are from abroad free of charge as compensation for damage to or shortage in goods previously imported and on which the customs duties and other fees and taxes were collected in full at the time , provided that the Customs Department shall ascertain the validity thereof .

Section Seven

Common Provisions

Article (170) :-The provisions on exemptions appearing in this part shall be applied to goods , whether imported directly or purchased from customs warehouses or stores or the free zones.

Article (171) :-The exemptions issued in accordance with legislative provisions independent of this law and in accordance with what is contained by such provisions. In all cases, it shall not be permissible to dispose of things that have been exempted for this purpose according to the legal provisions referred to in the preceding paragraph or according to this law except within the provisions contained in Article (162) of this law , unless there is a provision providing for the contrary thereof.

Part Eleven

Services Fees

Article (172): -1- The goods that are placed in the squares, warehouses, stores and free zones that are managed by the customs shall be subject to warehousing fees , brokerage, insurance and other services fees which are necessitated by the goods warehousing and inspection operations.

Such fees and the terms of their collection shall be determined by resolution of the minister .In the event of the warehouses, stores and free zones being administered by other quarters, then such quarters shall collect such fees in accordance with the provisions and rates determined in this respect.

In no case whatsoever shall it be permissible to have the warehousing fees exceed one half the price of the goods on the date of its being taken out of Customs.

2-The goods may be subjected to compression, buttoning, sealing , analysings and fees all other services that are rendered .

3- By resolution of the minister the said fees referred to above, terms of their collection, the cases of their lowering or exemption there from shall be determined.

4- By resolution of the minister some of the publications that are presented by the Customs Authority to those concerned shall be determined .

Article (173) : The value of overtime work that is collected from the owners of goods shall be paid into the state treasury and the Customs employees shall be given what they are entitled to of overtime work from the customs budget in accordance with the law in force .

Article (174) : -The fees, wages and values (prices) provided for in the preceding two paragraphs shall not fall within the scope of exemption or return of fees referred to in this law .

Section Twelve Customs Clearers

Article (175) : - The declaration on goods at the Customs Department and completion of customs procedures thereon , whether for imports, exports or other customs conditions shall be accepted from:-

- a. Owners of goods or their authorized employees in whom the conditions prescribed by the Customs Authority are available .
- b. The licensed practitioners of the vocation of customs clearance .
- c. Customs employees in cases determined by the Customs Authority .
- d . Workers of the state who are so designated for this purpose by the quarter charging them therewith .

Article (176) : - The permit of handing over the goods must be submitted by the persons mentioned in the preceding article .

The issue of the handing over permit in the name of a customs clearer or the employee of the owner of the goods is deemed to be an authorisation to complete customs procedures and the customs shall bear no responsibility for handing over the goods to whosoever is issued the handing over permit.

Article (177) : -a. Every natural person who engages in the preparation , signing and submission to customs of the customs declarations and completion of the procedures related to clearance of goods to the account of others shall be deemed a customs clearer.

b- Body corporates may be licensed to practice the vocation of customs clearance , provided that the General Manager or the member authorized to manage the company and managers of its branches , if any , meets the conditions required in the natural person licensed to practice clearance .

Article (178) : - Any natural person or body corporate may not practice the vocation of customs clearance except after obtaining a permit therefor from the Customs Authority .

The conditions that must be met for such permit to be granted , and the duties which clearers must undertake , the disciplinary board that considers their professional violations and the disciplinary penalties that are imposed in this regard shall be determined by a resolution issued by the minister .

Part Thirteen
Rights and Duties of Customs Em-
ployees

Article (179) : - Customs employees are considered to be customs police men as regards their work as judicial police-men within the limits of their responsibilities . Customs employees and its police-men shall not be litigated against before the judiciary for a reason relating to their undertaking their functions , except following prior consent of the public Attorney . Upon their appointment the Customs employees and the Customs police-men receive the service authorisation granted by the chairman of the Authority . They must carry such authorisation when undertaking their work and produce it on first demand . The Customs employees and police-men swear, upon their appointment , the legal oath before the primary court in the region where they have been appointed .

-OR-

Article (180) : -The civil and military authorities and the internal security forces must extend to Customs employees and police-men every assistance in undertaking their work when they request the same. The Customs Department also must provide its support to other departments .

The men of the said quarters may not be litigated against before the judiciary for a criminal offence that ensues out of the post in the course of their undertaking the combat of smuggling except in accordance with the provisions of Article (179) of this law.

Article (181) :- Members of the customs police force and customs employees are permitted to carry fire-arms if the nature of their work necessitates that .The segments of such employees , who are not members of the customs police force , shall be determined by resolution of the Chairman of the Authority following approval of the Minister of the Interior.

Article (182): -Every employee of the customs or the customs police force who leaves the job for any reason whatsoever should immediately return all that is in his trust of authorisation , registers , equipment and the like to the competent quarter .

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Part Fourteen
The Customs Domain and Detection
of Smuggling

Section One
The Customs Domain

Article (183): -Designated prohibited goods , goods subject to excessive duties and others as appointed by the minister by resolution published in the official Gazette shall be subject to the provisions of the customs domain .

Article (184) : - It shall be a condition for the goods subject to the provisions of the customs domain for their transport within it that they be accompanied by a transport voucher given by the Customs Department in accordance with the conditions determined by the Customs Authority . Similarly, the possession of goods subject to the provisions of the customs domain can be restricted to certain places by resolution of the Chairman of the Authority, and other than such places the presence of any warehouse for the said goods shall be prohibited.

The place where large and small bales or other parcels , when there presence is not supported by a regulatory voucher , shall be deemed to be a warehouse .

The normal requirements that can be obtained within the scope of the domain for the purposes of consumption shall be determined by the Customs Department .

Article (185) : - The transport or possession or movement of goods subject to the provisions of the customs domain in a non-regulatory manner shall be deemed equal to import or export by smuggling as the subjection of the goods that are subject to the provisions of the customs domain to import or export may be , unless proof to the contrary thereof is presented .

Section Two
Detection of Smuggling

Article (186) : a. Customs employees and policemen shall , for the sake of implementing this law and combatting smuggling , have the right to carry out examination of goods and means of transport and that within the regulatory limits that are formulated by the Customs Authority in accordance with the provisions of this law and other laws in force.

b. Investigation (inspection) of persons at the frontiers in the condition of entry and departure shall take place in accordance with the fundamentals determined by laws and regulations .

Apart from that, it shall not be permissible to carry out a physical inspection of persons save in cases of being in the evident act or on the basis of notification established in a primary proces-verbal .

c. Drivers of means of transport must obey the orders issued to them by customs em-

ployees and policemen who shall have the right to use all necessary means to stop the means of transport when its drivers do not obey their orders, and in this due regard shall be given to provisions and regulations in force.

Article (187) : Customs employees and policemen shall have the right to board all vessels present in local harbours and those entering or leaving them , and to remain thereon until they unload the whole of their cargo. They may order opening of the vessel's scuttles , rooms , strong rooms and the parcels carried therein . They may affix lead seals on limited, designated restricted and goods subject to excessive fees and taxes , etc . as may be specified by the Chairman of the Authority by a resolution published in the official Gazette and demand of captains that they produce lists of such goods when entering the harbours .

Article (188): - Customs officials and policemen shall have the right to board vessels within the scope of the customs domain to inspect them or to demand the cargo manifest or other documents that

this law .They shall have the right , in the event of refusal to submit the documents or their absence or suspicion of there being certain smuggled or prohibited goods to take all necessary measures , including the use of force to seize the goods and lead the vessel to the nearest customs harbour .

icle (189) : -Detection of smuggling , seizure of goods and the investigation of customs violations in respect of all goods my be carried out within the following conditions : -

1. Within the customs land and sea domains .
2. Within the customs precincts, harbours and airports and, generally , in all places subject to customs control , including genuine , special and pseudo warehouses .
- 3- Outside the land and sea customs domains . when following up and on-going chase of smuggled goods , if seen within the domain and in a condition evidencing the intent of smuggling

As for goods subject to duties , other than the

designated restricted goods , prohibited goods or goods subject to excessive fees, it shall be a condition for carrying out an investigation thereof .seizure of goods and investigation of violations outside places determined in paragraphs 1,2, and 3 including places of residence , that customs employees should have proof of smuggling in accordance with laws and regulations in force , provided that this is established in a proces-verbal . In respect of places of residence it shall be a condition that permission is obtained from the prosecution . As regards designated restricted goods or those subject to excessive duties and others that are specified by the Chairman of the Authority by a resolution published in the official Gazette and whose possessors or transporters cannot produce regulatory proof determined by the Customs Authority these shall be considered to be smuggled , unless the contrary is proved .

Article (190) : - When charged with investigation customs employees and policemen may peruse vessels' documents , lists , commercial correspondence , contracts , registers and all other documents of whatsoever kind that directly or

documents of whatsoever kind that directly or indirectly relate to customs operations and they may , when necessary , hold them with any quarter that relate to customs operations .Such quarters must retain the records , documents and registers for a period of five years .

Part Fifteen
Customs Litigations
Section One
Investigation Through a Warrant
of Arrest

Article (191) : The crimes of smuggling and customs violations shall be investigated by a warrant of arrest issued in accordance with fundamentals determined in this law .

Article (192): The warrant of arrest shall be prepared by at least two employees of the customs or its policemen or any of the judicial arrest commissioners .

immediately upon discovery of the violation or crime of smuggling If there be any obstacle thereto it should be removed immediately .

The smuggled goods and the goods used to hide the violation or crime of smuggling and the means of transport should be moved to the nearest customs centre when possible .

Article (193) : In the warrant of arrest shall be mentioned : -

- Place , date and hour of its preparation in words and figures.
- Names of preparers , their ranks , jobs and signatures .
- Names of the violators or those responsible for the smuggling, their status,vocations, detailed addresses and chosen domiciles , when possible
- The seized goods , their types , quantities , values and the duties and taxes subjected to loss, whenever that is possible.

Goods that escaped seizure at the frontiers within the limits of what has become known or established .

-Details of the incidents , statements of the viola-

tors or those responsible for smuggling and the statements of witnesses if present .

- The legal articles that apply to the violation or crime of smuggling , whenever possible .
- The statement in the warrant of arrest that it has been read out to the violators or those responsible for smuggling present , and who have supported it with their signatures or refused to do so , or the statement that it has been notified by affixture if they be absent .
- All other useful incidents and the presence of the violators or those responsible for smuggling when the inventory of the goods was carried out or their refrain from being present.
- Date and hour of completion of preparation of the warrant of arrest .

Article (194) : -The warrant of arrest prepared in accordance with the provisions of the preceding two articles shall be considered established until its fabrication is proved as regards the material facts inspected by its preparers in person and that as regards this law . As regards what appears in the warrant of arrest of statements , admissions

and information given by others , such warrants shall not be established , except for the fact of their occurrence and the statements , admissions and information that appear therein shall remain open to being proved to the contrary .

Shortcoming in form of the warrant of arrest shall not be considered cause for its negation : rather it can be returned to its preparers for completion . The warrant of arrest may not be returned for completion if the shortcoming pertains to material facts .

The warrants of arrest prepared in accordance with the previous articles with the evidence , facts and admissions that have been established in another country shall have the same power of proof .

Article (195) : Customs violations and smuggling crimes can be investigated and established with all means of proof, and it shall not be a condition that the basis thereof should be the seizure of goods within the customs domain or outside it . Investigation of violations and smuggling crimes in respect of goods for which customs declarations

have been made shall not be barred by reason that these have been inspected and cleared without any remark or reservation of customs referring to a violation or smuggling crime . If it becomes apparent that the goods arrived at customs , was shown to customs officials who , in agreement with the owners of the goods , changed the names of some commodities to lower their value or hide certain commodities , those employees shall bear the full responsibility until they pay into the state treasury the shortage resulting from their acts , along with their punishment in accordance with this law or the Penal Code .

Article (196) : - The Charge of fabrication shall be presented in a written statement of the Public Prosecution to investigate in the case . Following investigation the case will be submitted to the competent court within a period not exceeding the first session at which the litigation is formed and the court commences consideration of the case matter or the objection to the resolution of indictment .

If the person alleging fabrication cannot write

his statement may be submitted orally to the court and its clerk shall undertake its record and sign it along with the president of the court .

The court shall consider the allegation of fabrication as speedily as possible and shall refer the allegation of fabrication to the competent judicial quarter for decision thereon. Then the case shall be deemed an abeyant customs case .

If it is established that the record is wholly or partially fabricated the court shall rule its revocation or rectification and the employee who committed the fabrication shall be punished with the penalty determined by the court in accordance with laws in force .

If the person alleging the fabrication loses his case he shall be adjudged with a monetary penalty in favour of the customs as the competent court may deem fit .

Article (197) : -Aunified overall warrant for a number of violations may be prepared when the value of the goods in each of them does not exceed (7.5) dinars or (195) riyals and that within the limits and instructions placed by the Customs Authority

. It may suffice to expropriate such goods to the account of customs by resolution of the Chairman of the Authority or whosoever deposes for him .

No method of review shall be accepted , unless the owners of such goods prefer to pay the customs duties , other fees and taxes and the fines due.

Section Two

Preventive Measures

Sub-section One

Preventive Seizure

Article (198) : -The preparers of the arrest warrant shall have the right to seize the goods being the subject of the violation or the crime of smuggling and the things used to hide that as well as the means of transport , provided that the seized things shall remain in the customs department until the case is decided on . They also shall have the right to seize all documents with the aim of proving the violations or smuggling crimes and ensure duties , taxes and fines. By resolution of the minister , whenever necessary , and upon the proposal of the Chairman of the Authority and approval of the public prosecution a sufficient part of the funds of the violators and those responsible for smuggling , whether movable or immovable , may be seized to ensure duties , taxes , fines and expropriations in accordance with provisions in force and provided that the suit for rights shall be filed before the competent court

within a month from the date of effecting the seizure .

icle (199) : - When necessary the Customs Authority , by resolution of the Chairman of the Authority and to ensure the rights of the treasury , may impose a compulsory insurance on the funds of the taxable and their guarantors within the conditions determined in laws in force .

Sub-section Two Preventive Arrest

icle (200) : - Preventive arrest shall not be permissible except in the following cases :-

1. In the event of the evident crime of smuggling in the act or whatsoever is considered to be such .
- 2- When undertaking prohibitive acts that obstruct the realisation of the violation or the crime of smuggling .
- 3- When it is feared that the persons will run

away or hide to be rid of the penalties , fines and compensation they may be penalised with .

The resolution of arrest shall be issued by the Chairman of the Authority or the head of the Customs Department and the competent public prosecution notified .

The person arrested shall be presented to the competent prosecution within a period of 48 hours at most . Official holidays shall not be included in such period and the period of arrest shall commence as from his arrest by the customs .

The court shall decide the arrest of the person referred to it or release him after his arrest against a guarantee that is not less than the amounts specified by law or without guarantee by previous resolution . The person arrested or the Customs Authority may appeal the decision of such court within 48 hours of the date of notification and the arrested person shall not be released before the appeal judgement acquires the decisive final degree .

The appeal shall be presented to the court that issued the decision to refer it to the Appeals

that issued the decision to refer it to the Appeals Court (Penalties Division) located in the centre of the competent court .

The appeals court shall consider the resolution appealed against without enjoining the litigants and its decision shall be irrevocable .

The authority that decide on preventive arrest may terminate it before submission to the competent court against a guarantee that does not exceed the amounts that he may be adjudged with or without such guarantee by a causative resolution.

Sub-section Three Prohibition of Travel of Violators and those responsible for smuggling

Article (201) : - The Chairman of the Authority or whomsoever he deposes shall have the right to request of the judicial authorities prohibition of violators and those responsible for smuggling from leaving the country in the event of the things seized not being sufficient to cover the fees , taxes and fines .

Such request shall be revoked if the violator or the one responsible for smuggling presents guarantee that equals the value of the amounts that may be demanded of him or it later becomes evident that the seized funds are sufficient to cover such amounts .

Section Three
Follow-ups
Sub section One
Administrative Follow-up

A- follow-up in accordance with collection resolutions .

Article (202) : - The Chairman of the Authority or whomsoever he may depute may issue collection resolutions for the settlement of duties , taxes and fines of any sort, which the Authority collects . For the issue of collection resolutions , it shall be a condition that the debt : -

1. Of established amount and due for payment by undertakings or settlement bonds .

2- That those charged with settlement thereof default therein after having been warned to pay within a period of ten days .

Article (203) : Those charged with settlement may object to the collection resolutions before the competent court within fifteen days of the date of notification . However, that shall not halt execution , except if the amounts demanded are settled in insurance thereof .

B- Follow-up in accordance with a fine resolution

Article (204) : The Chairman of the Authority or whomsoever he may depute may , within the instructions determined by the Customs Authority , issue resolutions of fines and expropriations according to the settlement schedule as regards the customs violations that do not entail the penalty of imprisonment .

It shall be a condition that the value of the things expropriated and the fines determined together in this law shall not exceed the amount of (525) dinars or (13.650) riyals .

Article (205) : - The resolutions on fines shall be intimated to the violators or whosoever represents them in accordance with legal fundamentals . If they do not object thereto before the competent court within fifteen days , they shall become final and shall have the power of judicial judgments and the amounts contained in such resolutions shall be collected by all legal means .

Section Two

Judicial Follow-up

Article (206) : - It shall not be permissible to file a suit as regards customs violations and crimes of smuggling except on the basis of a written request from the Chairman of the Authority or whomsoever he may depute .

Section Three

Lapse of the Right of Follow-up

Settlement by way of conciliation

Article (207) : - The Chairman of the Authority or whomsoever he may depute may, in accordance with the settlements schedule, conclude a settlement of the violations and cases of smuggling before the filing of the suit or during the consideration thereof or after issue of the judgement and before its acquiring irrevocability , and that by having the whole or part of the customs penalties and fines provided for in this law replaced by a cash fine of not less than 25% of the minimal

level of the total customs fines for the violations provided for in Articles 268 and 269 of this law.

As for other violations their fines may be lowered to less than the said level according to the circumstances of the violation . In all cases , such fines shall be paid in addition to the amount of duties and taxes due .

The settlement contract may include the return of seized goods , means of transport and the things used in covering up the violation , in whole or in part .

In this the limitations that are provided for by the provisions in force must be observed .

The settlements in which the value of the goods or the amount of duties open to loss exceed the amounts determined by the minister by his resolution shall be subject to the approval of the minister .

By his resolution the minister shall issue the settlements schedule which shall be published in the official Gazette.

Article (208):- The chairman of the Authority or whomsoever he may depute can conclude a conciliatory settlement for the whole of the violation or smuggling crime with all or some officials . In this last case he may determine the amount of the customs fine that must be paid and which relates to each of them in the ratio of his responsibility in accordance with conditions and reservations that are determined by a resolution of the chairman of the Authority . All fines and what remain of the customs fines, if any, that are due shall remain the onus of those not covered by the settlement contract .

Article (209) :- Among the effects of the settlement contract shall be the lapse of the legal customs fine and others that are provided for in the settlement contract in accordance with the provisions of this law and other provisions in force .

B-Remission of Smuggling crimes

Article (210) :- The chairman of the Authority or whomsoever he may depute may remit customs violations or a charge therewith when justifying reasons exist. In all cases that shall be before the case reaches the judiciary .

As for cases of remission of violations and crimes of smuggling in which the value of the goods or the value of the fines open to loss exceeds the amount determined by resolution of the minister referred to in Articles 269 and 271 of this law ,the consent of the minister shall be a condition .In all cases , justifiable reasons shall be that which relates to cases of travellers related to their personal use, public interest, issues of public quarters, the public and mixed sector and the popular organisations.

Section four
Responsibility and liability
Sub-section One
civil Responsibility in customs viola-
tions
and Smuggling crimes

Article (211) :- civil responsibility shall be entailed for violations and smuggling crimes with the presence of their material elements, and contention with good intentions or ignorance shall not be permitted. However, whosoever is proved by decisive evidence to be the victim of force majeure or sudden accident shall be exonerated of responsibility. Similarly, whosoever is proved not to have committed any of the acts that constituted the violation or smuggling crime or caused their occurrence or lead to their commission shall be exonerated of responsibility .

Article (212) : - In addition to the perpetrators of violations and smuggling crimes or original perpetrators civil responsibility shall include the interveners , owners of the goods subject of the

violation or smuggling crime , the partners , funders , guarantors , intermediaries , agents , subordinates , transporters , possessors , beneficiaries and despatcher of the goods when the violation or smuggling crime took place . In all cases, that shall not be except upon whosoever is decisively proved to have committed the crime .

Article (213) : -The owners of or investors in shops or special places in which the goods subject of the violation or smuggling crime are deposited remain responsible therefor , if aware of the smuggling . As for the owners of the means of public transport of passengers , their drivers and assistants , they remain responsible if their collusion is established , unless they prove their not knowing of the presence of the goods subject of the violation or smuggling and the absence of any direct or indirect interest for them therein.

Article (214): - Owners of goods , employers and transporters of the goods , including the transport companies , shall be responsible for the acts of their employees and all those work in their establishments as regards the taxes and fees collected

by the Customs Authority and the fines and expropriations provided for in this law.

Article (215) : - The guarantors shall be responsible in the same manner that the original obligatories are responsible for the payment of fees , taxes , fines and other amounts due within the limits of their guarantees .

Article (216) : - Customs clearers shall be responsible in a full manner for the violations and smuggling crimes they commit in customs declarations and the violations and smuggling crimes committed by their employees duly authorized by them .

They may revert the damage caused to them by these to the owners of goods and the employers. As for the undertakings given in customs declarations they shall not be held responsible for them unless they gave such undertakings or guaranteed those who gave them .

Article (217): -The guardians of violators or those responsible for smuggling and their custodians and supervisors shall be responsible for the violations and smuggling crimes committed by minors or the legally incompetent.

Article (218) : - Without prejudice to legal provisions in force the heirs shall be deemed responsible for settling the amounts due from the deceased within the limits of the share of each of them in the estate.

Sub-section Two

Liability in Violations and smuggling Crimes

Article (219) : - The fees , taxes and fines determined upon or adjudged upon the violators and those responsible for smuggling jointly and severally , in accordance with fundamentals adopted in the collection of state funds . The goods and the means of transport , when present or seized , shall be the guarantee for the settlement of the required amounts .

Section Five
Trial Fundamentals
Sub-section One
The Competent Court

Article (220) : - The competent courts shall consider the cases related to customs violations and smuggling crimes .Such courts shall be established , their formation and place and the courts before which their judgements are appealed against shall be in accordance with the provisions of the Judicial Authority law

Sub-section Two
Competence of the Court

Article (221) : - (a) The court shall be concerned with the following : -

1. Consideration of suits relating to customs violations and smuggling crimes provided for in this law .
2. Consider disputes arising out of the implementation of the provisions of this law.
3. Consider the cases filed by the Customs Authority for collection of customs duties, fees and taxes and other charges that it collects and the fines and expropriations related thereto .
4. Consider objections to the collection decisions in accordance with the provisions of Article (203) of this law.
5. Consider the objections submitted to the fines decisions in accordance with the provisions of Article (205) of this law .

b. The locus competence of the court shall be determined in its establishment resolution .

c. Such court alone shall have the power to consider urgent matters that relate to customs issues in accordance with the provisions of laws in force .

d. The court shall decide handing over the seized goods or means of transport to their owners or to a third person against a cash, banker's ,commercial or real estate guarantee and collateral , acceptable to the Customs authority, equalling the value of the goods or the means of transport estimated by the Customs Authority and its detention shall not be terminated until the said guarantee or collateral has been deposited with the Customs Authority . In the event of abuse of trust whosoever receives them shall be civilly and criminally responsible.

Article (222) : - It shall not be permissible for other courts , for whatsoever reason , to consider the cases placed before the competent court mentioned in Articles (220) and (221) of this law .

Sub-section Three

Notifications

Article (223) : - Customs employees and policemen may prepare and notify by themselves the summons , notifications, judgements and in general all papers related to customs cases , including collection and fines resolutions .

Article (224) : - Notification shall take place in accordance with the fundamentals determined in the competent trials fundamentals law, with due regard for the following two cases : -

a. If the person required to be notified changes his chosen place of domicile or his work place after the arrest warrant prepared against him , without informing the Customs Authority of that in writing , or gave a false or dubious address , he shall be notified by affixture on the place of his residence or his last place of work or the mayor and on the notices board of the relevant customs department.

b. If the person required to be notified is not known or of unknown domicile and the value of

the goods subject of the violation or smuggling does not exceed (652.5) dinars or (16,965) riyals, notification shall be by affixture on the court notice board or the notice board of the relevant customs department and that shall be established in the arrest warrant.

However, if the value of the goods subject of the violation or smuggling exceeds the amount aforementioned , notification shall be by affixture on the notice boards of the court and the relevant customs department and publication in a daily newspaper, and this also shall be established in the arrest warrant .

c. The fact of notification shall be established in a minute signed by two of the customs employees or policemen .

Sub-section Four Manner of Impugment

Article (225) : - Without prejudice to Article (226) the judgements issued by the competent court shall be subject to impugment before the courts of appeal and cassation within the periods and according to the conditions determined in the trials fundamentals law . If the impugment is not submitted during such period the judgement of the court shall become decisive and irrevocable and not subject to any manner of impugment or stay of execution .

Article(226): - The judgements of the court shall not be subject to impugment if the amounts adjudged (i.e.fines and the value of expropriated goods , with the exception of the value of the means of transport and the things used in covering up the violation or crime of smuggling .) does not exceed (652.5) dinars or (16.965)riyals .

Article (227) : - Those responsible for violations and smuggling may not impugn the judgements is-

sued by the court if these relate to designated restricted or prohibited materials , except after depositing a surety equalling one quarter of the value of the goods subject of the violation or smuggling , provided that the amount of the surety shall not exceed (5,250) dinars or (136.500) riyals . It shall not be permissible to accept the impugment application unless it is accompanied by a receipt proving deposit of the surety with the Customs Authority .

If the plaintiff loses the case the surety amount shall be calculated part of the amounts adjudged or due in accordance with the settlement contract.

Article (228) : - The judgements issued by the court of appeals on the impugment presented to it shall always be deemed in presence if the impugment is presented by the violator or the person responsible for smuggling . Such judgements may be impugned before the court of cassation in accordance with the fundamentals provided for in the trials fundamentals law.

Sub-section Five

Miscellaneous Provisions

Article (229) : - The Customs Authority shall be exempted from the stamp duty fee and all other judicial fees and costs entailed by the case. However, if the Customs Authority should lose the case that shall not entail bearing the fees and costs that are adjudged in favour of the other party .

Article (230) : - The Customs authority shall be exempted from sub-mitting surety, insurance or payment of advances to ensure the costs due from the litigants in accordance with provisions in force .

Article (231) : - In the trial procedures the civil or penal trials fundamentals, as may be the case , shall be followed in a manner that is not inconsistent with the provisions of this law.

Article (232) : - The competent court shall speedily consider the cases that fall within its competence and which this law provides for summary enforceability of judgements thereon.

Section Six
Enforceability
Sub- section One
Summary Enforceability

Article (233) : - First : - The competent court shall adjudicate summary enforceability in the following cases : -

- a. If the perpetrator of smuggling is caught in the act and the value of the goods exceeds (210) dinars or (5,460)riyals .
- b. If the smuggled goods are drugs , military weapons, ammunition, strategic goods or goods that are boycotted by the Arabs or other prohibited goods regardless of what their value may be.
- c. If the smuggled goods are live animals or speedily damaged .
- d. Based upon the request of the Chairman of the Authority or whomsoever he deposes in cases where it is feared that the persons will abscond or smuggle out their funds or when no fixed

abode exists for them .

Second : The one who has been adjudged for summary enforceability may impugn before the appeals court to stay summary enforceability , provided that he furnishes surety that ensures execution of the judgement issued by the court .

Article (234) : The judgement of summary enforceability revokes the period of notification of the debtor.

Sub-section Two
Enforcement of Judgements and
Collection
and Fines Resolutions

Article (235) : - The collection and fines resolutions as well as the judgements issued by customs cases shall be enforced after acquiring irrevocable status by all means of enforcement and that upon the movable and immovable funds of those charged in accordance with legal fundamentals in force.

Article (236) : - When it is impossible to collect the prescribed or adjudged amounts in favour of the Customs Authority from the movable and immovable funds of the debtors , the aid of imprisonment may be enlisted to collect such amounts and that in the ratio of one day for each (8) dinars or (208) riyals that have not been collected . It shall not be permissible to have the period of imprisonment exceed , in any case, one year in respect of each judgement or resolution . The customs fine shall be lowered to what equals the actual period of imprisonment .

Article (237) : -The Customs Authority shall have the right to apply within the limits prescribed in the preceding article for re-imprisonment of the adjudged who has been released in the event of his default of the conciliatory settlement contract and payment of what is resolved or adjudged .

Article (238) : - The imprisonment provided for in Article (236) shall not affect the right of the Customs Authority to collect the amounts outstanding on the violators or those responsible for smuggling or the prescribed expropriations, unless straitened circumstances are established by a decisive judicial judgement in accordance with laws in

force . .

Article (239) : - The imprisonment resolutions and memorandums of error issued by the competent authorities may be enforced and the enforcement notifications notified by means of the customs employees and policemen.

Article (240) : - The customs Authority shall be exempted from all enforcement costs and from the furnishing of guarantees or insurance in all the cases in which that is imposed by the law .

Section Seven
Customs violations And Their
Fines
Sub-section One
General Provisions

Article (241): - The customs fines and expropriations provided for in this law are deemed to be civil compensation to the Customs Authority and are not covered by the provisions of amnesty laws.

Article (242):- When the violations are many the fines shall be due in respect of each separately . The sterner fine will suffice if the violations are inter-related in a manner that does not allow their separation .

Article (243):- By fees , wherever mentioned , is meant the imposition of the customs fine in a certain percentage of the customs duties and other fees and taxes which the Customs Authority charge and which have been subjected to loss.

Article (244): - 1- With the exception of designated restricted goods the customs fine shall be imposed and shall not exceed the rate appearing in paragraphs (a)and(b) of item no , (1). of Article(271)of this law and that on the following:-

a. Imported or exported goods by smuggling whose value does not exceed (37.5) dinars or (975) riyals .

b. The effects and things prepared for personal use and the implements and gifts of travellers whose value does not exceed (255 dinars) or (6,630) riyals and are not declared at the customs centre upon entry or taking out and are not exempt from fees .

The seized goods may be returned wholly or partially to its owners, provided that the limitations imposed by provisions in force are observed .

2. With the exception of the cases which are deemed equal to smuggling and covered by Article (271) of this law, there shall be imposed on the violations shown in the following subsections of this section the fines determined for them .

3- The competent court shall order the highest

finer provided for in this law in the following aggravating circumstances :-

- a. Delay in presenting the prescribed certificates for the discharge of statements placing fines in abeyance if the period of delay exceeds one year.
- b. A violation in the cargo statement as regards the place of shipment being a state under economic boycott.
- c. The commission by the violator of a precedent falling under the provisions of Articles (268) and (269) of this law and the repetition of one of the acts provided for in the said two articles within a period of two years from the date of commission of the act shall be considered a precedent
- d. Discovery of goods placed in hide-outs prepared for their hiding or in a hiatus or empty spaces not assigned for the containment of such goods.
- e. The coupling of the smuggling crime or what is deemed to be so with the violation of obstruction or the violation of refusal to stop.

Sub-section Two

Violations of Statements on condition of consumption

Article (245) :- A fine ranging between one fold and three folds of the fees shall be imposed for the following violations of statements on condition of consumption of goods : -

1. The statement which is disparate in type , origin or source.
2. The statement which is disparate in value and which entails an increase exceeding 10% of what is permitted or 5% of the weight , number or measurements .

Article (246) : - A fine ranging between (30) and (127.5) dinars or (780) and (3.315) riyals shall be imposed for each of the other violations of statements of condition of consumption not covered by the provisions of the preceding article .

Sub-section Three

Violations of Export Statements

Article (247) : - a. A fine ranging between one half to the equal of the value of the goods shall be imposed for violations of export statements as follows: -

1. The statement which is disparate in type .
2. The statement which is disparate in value and which entails an increase exceeding 10% of what is permitted or 5% of the weight ,number or measurements .

b. A fine ranging between one half and the equal of the value of the goods shall be imposed for violations of export statements which may lead to being rid of export licence entry and re-issue and that in the following cases: -

1. The statement which is disparate in type.
2. The statement which is disparate in value and entails an increase exceeding 10% of

what is permitted or 5% of the weight number or measurements .

Article (248) : - A fine equalling the value to two-folds the value shall be imposed for violations of export statements which may lead to benefit from an unjustified refund of fees whose amount exceeds (50) dinars or (1,300) riyals .

Article (249) :- A fine ranging between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for each of the violations of export statements that are not covered by the provisions of the preceding two articles .

Article (250) : -As regards the violations of statements of conditions placing fees in abeyance, subject of part Eight of this law . the provisions applied as regards violations of statements of condition of consumption referred to in Articles (245) and (246) of this law shall be applied .

Sub-section Four
Violations of Conditions Placing
Fees in Abeyance

A- Common Provisions :-

Article (251) : -A fine ranging between the equal and three-folds the fees and provided that it shall not be less than one half the value , shall be imposed for violations of sale of goods accepted in the condition placing fees in abeyance or their use outside the permitted places or for other than the special purposes for which they were entered or their allocation for other than the purpose they were designed for or their irregular or unlawful change or disposal, before notification of the Customs Authority and submission of the required transactions .

Article (252) : A fine ranging between (67.5) and (390) dinars or (1,755) and (10,140) riyals shall be imposed for the transport of passengers or goods within the country on motor cars accepted in the condition placing fees in abeyance in a manner contrary to the provisions of laws and regulations in force .

B- Transit Goods Violations: -

Article (253) : - A fine ranging between (15) and (22.5) dinars or (390) and (585) riyals shall be imposed for each day of delay or part thereof and provided that the fine shall not exceed the value of the goods for violations of delay in submitting goods sent in transit to the exit office or to the internal destination office after elapse of the periods prescribed therefor in the statements .

Article (254) :- A fine ranging between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for violations of passage as follows :-

1. Submission of the (necessary) prescribed certificates for exoneration and payment of passage statements after elapse of the periods prescribed for that.

2. Breaking of lead and buttons and removal of customs seals on transit goods , without that barring application of the provisions of Article (271) in the event of the existence of a shortage in goods being established .

3- Change of the course and routes prescribed in the passage statement without the approval of the Customs Department.

4- Violation of any of the legal provisions and conditions of passage shown in the customs regulations which have not been mentioned in the preceding paragraphs .

C- Warehouses Violations

Article (255) : -A fine ranging between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for violations of the provisions of genuine , special and pseudo warehouses , and such fine shall be collected from the owners on the investors in warehouses .

D- Free Zones Violations : -

Article (256) : A fine ranging between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for violations of the provisions appearing in customs laws and regulations concerning free zones .

E-Temporary Admission and Re-Export Violations:-

Article (257) : - Fines equalling and upto three-folds the fees and provided that these shall not be less than one half the value shall be imposed for the following violations : -

1. Change of the goods temporarily admitted or re-exported , whether wholly or in part , with other goods .
- 2- Non-presentation of the goods accepted in the condition of temporary admission to the Customs Authority upon every demand .
- 3- Obtaining temporary admission without justification.

Article (258) : - A fine ranging between (7.5) and (22.5) dinars or (195) and (585) riyals shall be imposed for each week of delay or part thereof , and provided that the fines shall not exceed the value of the goods, for violations of delay in re-export of goods temporarily admitted (including tourist motor cars) as well as violations of delay in arrival of re-export statements after elapse of the prescribed periods therefor.

Article (259) :- A fine of between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for the following temporary admission violations: -

1. Submission of the prescribed certificates that are necessary for the exoneration , payment and undertakings of temporary admission or re-export after the elapse of the regulatory period .
- 2- Breakage of lead , buttons or removal of customs seals on despatched goods in re-export statements without that barring application of the penalty provided for in Article (271) of this law in the event of the presence of a shortage in goods being established .
- 3- Change of the places specified for the presence of temporary admission goods without the approval of the Customs Authority .
- 4- Change of routes prescribed in the re-export statement without the approval of the Customs Authority .
- 5- Violation of any of the conditions of temporary admission or re-export other than that which has been mentioned .

Sub-section Five

Cargo Manifest Violations

Article (260) : A fine of the equal or three-folds the fine and provided it is not less than 50% of the value of the goods shall be imposed for the following violations : -

- 1- An unjustified shortage in what has been entered in the cargo manifest or whatever takes its place, whether in the number of parcels or in their contents or in the quantities of the excess goods , and in the cases where it is difficult to determine the value and the fees , a fine shall be imposed for each parcel of not less than (30) and not more than (390) dinars or not less than (780) and not more than (10,140)riyals .
- 2- An unjustified increase over what has been recorded in the cargo manifest or whatever takes its place, and if in the increase appear parcels carrying the same markings and numbers that have been placed on the other parcels , then the said excess parcels shall be subject to higher duties or those that are covered by the prohibition provisions .

icle (261) : - The provisions applied for violations of statement of condition of consumption referred to in Article (245) of this law shall apply to violations of the cargo manifest or whatever takes its place as regards value (when available) or type or place of shipment .

icle (262) : - A fine of (30) and upto (127.5) dinars or (780) and upto (3,315) riyals shall be imposed for the following cargo manifest violations : -

1.The statement that several closed parcels and collected together in any manner are one parcel in the cargo manifest or whatever takes its place ,with due regard for Article (54) of this law concerning containers , drums and trailers .

2- The non-submission of the cargo statement or whatever takes its place and the documents referred to in Article (39) of this law upon bringing in or taking out, as well as delay in submission of the cargo statement or whatever takes its place longer than the period provided for in the said article .

3- The absence of a regulatory cargo statement or whatever takes its place or the presence of a cargo statement contrary to the actual cargo .

4- Omission of what must be incorporated in the cargo manifest or whatever takes its place, other than what has been mentioned in the preceding two articles .

5- Import by mail of closed bundles or cans not carrying the regulatory cards in contravention of the provisions of Arab and international postal agreements and the internal postal provisions in force .

6- Cargo manifest violations other than those that are mentioned in the preceding articles .

Sub-section Six
Cruise and Possession Violations
(Land , sea and Air)

icle (263) : - A fine ranging between (127.5) and (652.5) dinars or (3,315) and (16,965) riyals shall be imposed for the following violations : -

1. Possession or transport within the customs domain of goods subject to the control of such domain and that in an irregular manner or in a manner that contravenes the contents of the transport voucher .
2. The undertaking by vessels whose tonnage is less than (200) marine tons of transporting limited , restricted , or goods subject to excessive duties or designated restricted goods and that within the customs domain (sea), whether these have been mentioned in the cargo manifest or not, or changing their course within the domain in other than conditions arising out of a marine emergency or force majeure .

3. The docking of vessels , landing of aircraft or the parking of other means of transport in other than the places assigned to them and permitted by customs .

4. Departure of vessels, aircraft or other means of transport from the harbour or the customs domain without permission from the Customs Department .

5. Docking of vessels of any tonnage or the landing of aircraft in other than the ports or airports assigned for that and in other than conditions of marine emergency or force majeure without notification thereof to the nearest customs centre.

Sub-section Seven
Miscellaneous Violations

Article (264) : - a. A fine of (30) and upto (652.5) dinars or (780) and upto (16,965) riyals shall be imposed for the following violations : -

1. Non-submission of the original invoice referred to in Article (37) of this law or the submission of any documents contravening the form.
2. Transfer of goods from one means of transport to another or its re-export without a declaration or regulatory permit .
3. Lading or unloading of trucks , motor cars and other means of transport , apart from vessels and aircraft , or drawing of goods without permission from the Customs Authority or in the absence of its employees or outside the regulatory determined working hours or in violation of the terms prescribed by the Customs Authority , or their

unloading in other than the places assigned for that , if such acts take place in the customs precincts .

4. Non-retention of registers and documents and the like in accordance with Article (98) of this law and not retaining them for the period specified in Article (190) of this law or refrain from their submission .

5. Non-adherence of customs clearers by the regulations defining their duties , in addition to the conduct penalties that can be issued in this respect in accordance with the provisions of Article (178) of this law.

6. Established shortage in goods present in the customs warehouses after having been received in an apparently sound condition if its quantities cannot be established .

b. A fine ranging between (322.5) and (1,297) dinars or (8,385) and (33,735) riyals shall be imposed for the violation of loading or unloading of vessels and aircraft or drawing of goods therefrom without the permission of the Customs Authority or in

the absence of its employees or outside the regulatory determined working hours or in violation of the conditions determined by the Customs Authority or their unloading at other than the places assigned for that ,if such acts take place within the customs precincts.

Article (265): - A fine of the equal of and upto three-folds the fees, provided it is not less than one half the value, shall be imposed in accordance with the conditions and reservations determined by the Customs Authority on : -

a. Violations of use of things covered by exemption or by a lowered tariff in other than the purpose or aim for which they were imported, or their change , sale or disposal in an irregular manner and without the prior permission of the Customs Authority and without completion of the required regulatory transactions in their regard .

b. Change of specifications of motor cars or vehicles from goods transport motor cars or motor cars of special usages to passenger transport motor cars .

c. Import of spare parts or parts of types of goods which in their totality constitute complete or nearly complete types , whether arriving in the name of one imported or several importers , and whether cleared at one customs centre or several customs centres at the same time or at different times in a manner leading to the entry of limited or prohibited goods or leading to benefit from the difference in fees of complete or nearly complete types or in a manner violating laws and regulations in force.

Article (266) :- Apart from the case shown in Article (248) of this law , a fine of the equal of and upto two-folds the value shall be imposed in the event of refund of customs duties and taxes without due right .

Article (267) :- A fine ranging between (30) and (127.5) dinars or (780) and (3,315) riyals shall be imposed for each of the following violations , if not already covered by previous articles of this section : -

1. Averting or commencing to avert the conclusion of customs transactions .
2. Non-preservation of the seals , buttons or lead placed on parcels or means of transport or the warehouses, without that leading to a shortage in or change of goods .
3. Non-adherence by those concerned with their undertakings or guarantees given by them to the Customs Authority , with due regard for provisions of Article (269) of this law .
4. Every other violation of this law and regulations and resolutions in implementation thereof.

Section Eight **Smuggling and its Penalties**

Sub-section One

Definition of Smuggling and what is judged to be smuggling

Article (268) : - Smuggling is the bringing in of goods into the country or taking them out of it in violation of the provisions of this law and the provisions in force through other than the customs departments .

Article (269) : - For the purposes of application of this law the following shall be considered smuggling:-

1. Upon bringing in not taking the goods to the first customs centre or department .
2. Not following the roads specified in accordance with legal and regulatory provisions for bringing in , taking out and crossing with goods .
3. Unloading or lading of goods from and to vessels in a manner violating regulations and on

shores where there are no customs centres or departments or within the customs marine domain.

4. Unloading or lading goods from and onto aircraft in an illegal manner outside regular airports or casting away of goods during aerial transport, with due regard for the provisions of Article (59) of this law , and also the unloading of goods from means of transport outside customs centres and departments in a manner that violates the provisions of this law and the executive regulation .

5. Non-declaration at the entry or exit customs of imported or exported goods without a cargo manifest, and in that shall be included what passengers bring with them , with due regard for the provisions of Article (244) .

6. By-passing of customs centres and departments of goods upon entry or exit without declaring them .

7. Discovery of undeclared goods at customs centres and departments placed in hiding places specially prepared for their hiding or in a hiatus or empty place which are not usually assigned for containing such goods .

8. Increase, shortage or change without legal justification in parcels or in their contents and which have been accepted in a condition placing fees in abeyance, subject or Part Eight of this law, and which are discovered after the goods leave the customs entry centre or department .

This provision shall encompass the goods that have crossed the country by smuggling or without completion of transactions.

9. Non-submission of proofs required by the Customs Authority to exonerate statements of conditions placing fees in abeyance, subject of Part Eight of this law.

10. Taking out goods from free zones or customs warehouses or stores to the customs domain without completion of customs transactions .

11. Contravening statements designed to import or export designated restricted, prohibited or limited goods by means of forged or fabricated documents or designed to import goods by way of tampering with value to surpass the monetary allocations specified in provisions issued in this regard by means of forged or fabricated documents.

12. Submission of documents or lists that are forged or fabricated or placing violating marks with intent to be rid of settling customs duties or other fees and taxes ,wholly or partially, or with intent to exceed prohibition or restriction provisions.

13. Transport and possession of designated restricted, prohibited or limited goods without submitting evidence supporting their import in a regular manner.

14. Transport and possession of goods subject to the control of the customs domain within such domain without regular documents.

15. Non re-import of goods whose export is prohibited and temporarily exported for any purpose whatsoever .

16. Declared prohibited goods with their genuine nomenclature before obtaining a permit for their entry or exit .

17. An increase over what is permitted in re-export statements which could lead to un-

reality of the statements of conditions placing fees in abeyance .

18. Non-re-export (taking out) of motor cars that were brought in or imported temporarily upon the elapse of one year from the date of end of the validity of the customs document according to which these were temporarily brought in .

Sub-section Two **Criminal Liability**

Article (270):- The presence of intent in smuggling crimes shall be a condition for criminal liability . In determining liability the criminal provisions in force shall be duly observed , and in particular, the following shall be considered criminally liable : -

- a. Original perpetrators .
- b. Partners in the crime .
- c. The intervenors and incitors .

- d. Possessors of smuggled materials .
- e. Drivers of the means of transport used in the smuggling .
- f. Tenants or beneficiaries of shops and places in which the smuggled goods were deposited .
- g. Owners of the means of transport ,shops and places mentioned in items (e)and(f) of this article . if their knowledge thereof is proved .

Sub-section Three

Fines

Article (271) : - Without prejudice to other provisions in force that may entail criminal liability and penalties for smuggling crimes and what is judged to be so, the customs penalty for smuggling and what is judged to be so shall be imposed in the following manner: -

1. A customs fine which shall be akin to a civil compensation for the Customs Authority as follows : -

- a. From two-folds and upto four-folds the value as regards designated restricted goods .
 - b. From the equal of to upto three-folds the value and fees together for prohibited or restricted goods .
 - c. From the equal of and upto three-folds the fees on goods subject to fees if not prohibited or restricted , provided that the fines shall not be less than the equal of their value .
 - d. From (20) to (85) Arab accounting dinars for goods not subject to fees and which are not prohibited or limited .
2. Expropriation of the goods subject of smuggling or a judgement equalling their value when not seized or when escaping seizure. The competent court may rule expropriation of the means of transport , equipment and materials that were used in smuggling , with the exception of vessels and aircraft unless these were prepared or hired for this purpose , or rule what equals their value when not seized or when these have escaped seizure .

Article (272) : - The competent courts shall issue judgments with the penalties provided for in the preceding article and in that shall follow the fundamentals and procedures that are determined by the laws in force .

Article (273) : - Without prejudice to the provisions of Article (271), the Chairman of the Authority or whomsoever he may depute , can decide expropriation of the seized goods and means of transport in the event of flight of the smugglers and their not being traced or identified and that if their value does not exceed (2,602.5) dinars or (67,665) riyals . If the value of the goods exceeds this amount , the customs court may decide as a matter of urgency expropriation of the seized goods in such case .

Part Sixteen

Sale of Goods

Article (274) : -a. The Customs Authority may sell off the seized goods as animals , damagable or leakable goods or goods whose condition endangers the safety of other goods or the installations they are in .

b.By permission of the Chairman of the Authority or whomsoever he deposes it shall be permissible to sell seized goods after the elapse of a certain period from the date of their seizure to be determined by resolution of the minister .By permission of the Chairman of the Authority or whomsoever he deposes it shall also be permissible to sell the seized goods whose value drops noticeably .In implementation of this article the sale shall take place according to a minute in which is recorded the condition of the goods ,and the reason for its sale without need for notification of those concerned or awaiting the issue of a judgement from the competent court .

If such judgement is issued later and requires the return of such sold goods to their owners ,they shall be paid the remainder of the outcome of the sale after deduction of the amounts that are provided for in Article (279) of this law , if necessary .

icle (275) : -The Customs Authority may sell the goods in regard which the regulatory period of safekeeping in customs warehouses or in the squares of the customs precinct or its wharves has elapsed . Such provisions shall also apply to the things left in trust with the Customs Departments by travellers .The period of safekeeping shall be determined by the minister .

It may also sell goods of the types mentioned in paragraph (a) of the preceding article when these are present in the customs precinct and that within the safekeeping period if symptoms of disease, rotting or danger to the soundness of other goods become evident , provided that this shall be established in accordance with a minute and the owners of the goods or their representatives notified of that , if possible : otherwise by notification in the Customs Department .

Article(276) : - The Customs Department shall also undertake the sale of the following : -

a. Goods ,things and means of transport that have become the absolute property of the Customs Authority as a result of a judgement , conciliatory settlement ,written relinquishment or by expropriation according to Article (273) of this law .

b. The goods that have not been drawn from the genuine , special and pseudo warehouses within the regulatory periods and which are sold in accordance with the provisions of Articles (111,119,and 125) of this law .

c. Goods and things of meagre value whose owners have not been known and which have not been claimed by anyone during the safekeeping period .

Article (277) : - Sales that are effected in accordance with the provisions of the preceding articles shall not lead to the filing of any suit for impairment or damage against the customs, with the exception of the instance in which a clearly gross mistake has been committed .

Article (278) : - a. The provisions of Articles (274,275 and 276) shall be applied to prohibited or restricted goods.

b. The sales provided for in the preceding articles shall be effected by public auction and according to the fundamentals and conditions determined by resolution of the minister published in the Official Gazette .

The goods , things and means of transport shall be sold duty-free and exempt of other fees and taxes , with the exception of brokerage which will be borne by the purchaser .

c. Prohibited or restricted goods or goods whose import is limited or permitted may be sold to the limiting quarters or other public quarters, the public sector quarters or to its own account according to the conditions determined by the minister .

Article (279) : - The proceeds of the sale shall be distributed in accordance with the following order:-

1. Costs of the sale operation .
2. Costs incurred by the Customs Authority of any sort whatsoever.

3. customs duties .

4. Other fees and taxes according to their precedence in the date of issue of their respective legislations .

5. Fees for safekeeping in customs warehouses and stores encompassing opening , wrapping , transport , portage , etc.

6. Warehousing fees .

7. External transport fees when necessary .

The fate of the amount shall be determined as follows : -

a. Abandoned Goods : -

1. If the sold goods are of the type whose import is permitted on the day of the sale, the remainder of the amount shall revert to those concerned , provided they claim it .

2. If the sold goods are of the prohibited type or whose import is prohibited the remainder of the amount shall be entered as revenue into the public treasury .

b. Goods that are regularly imported and re-

linquished in favour of the Customs Authority , the remainder amount shall be entered as revenue into the public treasury .

c. The goods relinquished to the Customs Authority in accordance with a conciliation deed and for whose expropriation a decisive and final judgement is issued , the amount shall be distributed according to the provisions of Article (208) of this law.

d.Seized Goods :-

The remainder amount shall be held in trust in anticipation of its refund to its owners or its distribution to its account according to the conditions determined by the minister .

Part Seventeen

Distribution of Customs Fines and Values of Expropriations

Article (280) : -a. The ratio payable to the public treasury from what is collected by the Customs Authority of amounts of fines and values of things , goods and means of transport that are expropriated in accordance with a settlement contract is set at 60% and this ratio shall be deducted after the deduction of costs , taxes and fees, either before or after deduction of the ratio of informers in accordance with what is determined in the organisational fundamentals determined by the minister .

The remainder shall be distributed among the seizers and their heads and those who aided in the discovery of the violation or smuggling operations or completion of the measures related thereto and what is available of combat of smuggling , social co-operation and savings funds , the common fund and sports and culture activity of the Customs Authority, provided that what a per-

son collects in a single case shall not exceed (300)dinars in ordinary seizure cases and (500) dinars in the extra-ordinary ones .

b. Every fine that does not exceed (15) dinars or (390) riyals shall revert to the funds referred to in the above paragraph or to any one of them .c.The fundamentals of distribution and the ratio assigned to those benefitting from such distribution shall be determined by resolution of the minister .

rticle (281) -In the cases where fines or compensations are not collected or when such fines or compensations are meagre and the Customs Authority cannot reward informers and seizers , the minister may permit , contrary to the provisions of Article (280) of this law ,distribution of the proceeds of sale of expropriated goods and means of transport in the manner he deems fit, upon the proposal of the Chairman of the Authority or payment of an amount from the public treasury to be determined by the minister himself.

Part Eighteen

Lien of the Customs Authority

Article (282) : The Customs Authority shall ,for the collection of customs duties and other fees and taxes it is charged with collection thereof and collection of fines ,compensations , expropriations and refunds , enjoy a general lien on the funds of those charged therewith , whether movable or immovable , even in the cases of insolvency and in preference over all debts , save those related to the maintenance of things ,judicial expenses borne by others and the debts that have a general lien on movable funds .

Part Nineteen

Prescription

Article (283) : -a. No one shall have the right to demand of customs refund of duties or taxes on whose payment more than three years have passed .

b. The insured amounts of different types shall revert finally to customs duties and other fees and taxes within the periods and conditions determined by the Customs Authority , if those concerned do not ,within the specified period, submit the documents and fulfill the conditions that enable determination of these insurances .

In all cases , it shall not be permissible to demand the excess amount over what has been reverted to customs duties and other fees and taxes (remaining balance) after the elapse of four years on the date of payment of the amount of insurance, except if the delay was caused by customs or by reason of suits filed with the courts or for an acceptable excuse .

Article (284) : - The responsibility of the Customs Authority and its subordinate branches ends after the lapse of five years over each ending year of compulsory retention of registers, receipts ,declarations and other customs documents related to the said year, and it cannot be obligated to produce such registers, receipts , declarations and documents except if there are cases that are still under consideration .

Article (285): - The rights of the Customs Authority are prescribed in the following cases :-

a. Suits in customs violations ,excepting smuggling violations ,cannot be accepted after the elapse of three years commencing from the date of their occurrence.

b.A suit in customs smuggling crimes cannot be accepted with the elapse of ten years commencing from the date of their occurrence .

c. Suits in duties , taxes , fines, expropriations and other rights cannot be accepted after the elapse of three years from the date of their being entitled .

Part Twenty
Transitional and Varied Provisions

Article (286) : - The Chairman of the Authority may exclude the state official and semi-official departments , the public sector authorities , establishments , installations and quarters and their subordinate units from some procedures to facilitate their work, including acceptance of the value of goods imported by them as shown in invoices (lists) to which are added the costs of transport and insurance and any other expenses required by the import process, provided that this shall be limited by the condition that such exception shall not lead to prejudice against the duties and taxes due in accordance with laws in force ,whether by exemption or by affecting the ratio of their levy.

Article (287): The executive regulation shall be issued by the minister and by the competent quarter and the Chairman of the Authority, each within his competence, the group of regulations, resolutions, directives, declarations and fundamentals necessary for implementation of the provisions of this law.

Article (288): This law shall be published in the Official Gazette and shall come into force from the date of its issue and revokes any previous law or provision contrary to its provisions.

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General Ali Abdulla Saleh
Chairman of the Presidential Council