# **CHAPTER 14:05 CONTROL OF GOODS ACT Pre-shipment Inspection and Price Verification Regulations, 1991**

[*Statutory Instrument 374D of 1991*](dps://1991_374Ds)*.*

*Amended by SI’s 193/92 and 167/93*

ARRANGEMENT OF SECTIONS

*Section*

[1](NULL#1)    [Short title and date of commencement](NULL#1)

[2](NULL#2)    [Goods liable to inspection](NULL#2)

[3](NULL#3)    [Matters to be determined by inspection](NULL#3)

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[7](NULL#7)    [Performance of functions under these regulations](NULL#7)

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[SCHEDULE](NULL#Sch1)

IT is hereby notified that the President has, in terms of [section 3 of the Control of Goods Act [*Chapter 14:05*]](dps://ZS@1405#3)*,* made the following regulations:—

*Short title and date of commencement*

**1**.  (1) These regulations may be cited as the Control of Goods (Pre-shipment and Price Verification) Regulations, 1991.

(2) These regulations shall come into operation on the 1st January, 1992.

*Goods liable to inspection*

**2**.  (1) Subject to [subsection (2)](NULL#2.2), all goods other than the goods specified in the *Schedule* shall, before importation into Zimbabwe, be liable to pre-shipment inspection in terms of these regulations:

Provided that where any contract for the importation of any goods was concluded before the date of commencement of these regulations, such goods shall on or after the 1st August, 1992, be liable to pre-shipment in accordance with these regulations.

proviso inserted by SI 193/92 w.e.f. 26th June,1992

(2) The pre-shipment inspection referred to in [subsection (1)](NULL#2.1) shall apply in respect of goods valued at **US$10,000 or more free on board**.

(3) Every contract for the purchase and sale of, or any letters of credit or other documents, in respect of goods to which these regulations apply shall stipulate that no payment shall be made before the issue of a clean report of findings referred to in [section *five*](NULL#5).

*Matters to be determined by inspection*

**3**.  (1) For purposes of these regulations, a pre-shipment inspection shall be carried out to determine that—

(a)    the quality and quantity of the goods concerned are consistent with the contract entered into in respect of such goods; and

(b)    the price charged for the goods corresponds to the export prices generally prevailing in the country of supply for such goods.

(2) For the purpose of these regulations, pre-shipment inspections shall be conducted by any pre-shipment inspection agent appointed by the Minister for that purpose on such terms and conditions as the Minister may fix.

*Notification of the Secretary for Industry and Commerce*

**4**.  (1) Any person wishing to import any goods to which these regulations apply shall—

(a)    before the shipment of any such goods into Zimbabwe; or

(b)    irrespective of the mode of payment for such goods, before such payment;

notify the Secretary for Industry and Commerce of the nature,

value and origin of the goods.

(2) A notice referred to in [subsection (1)](NULL#4.1) shall be accompanied by copies of the—

(a)    contract of supply and or additionally, a *pro forma* invoice; and

(b)    relevant import licence.

(3) On receipt of the documents referred to in [subsections (I)](NULL#4.I) and [(2)](NULL#4.2), the Secretary for Industry and Commerce shall forthwith submit the documents to an inspection agent referred to in [subsection (2) of section *three*](NULL#3.2) to enable the agent **within 21 days** to conduct a pre-shipment inspection and price-verification as required by these regulations.

(4) An agent requested to conduct a pre-shipment inspection may call upon the importer to provide, or ensure that the seller provides, copies of—

(a)    the final commercial invoice; and

(b)    the bill of lading, airfreight bill or road or railway bill, dated, rated and signed clean on board, or an attested freight receipt issued by the shipper or his authorized agent; and

(c)    a letter of credit; and

(d)    an export price list of the country of export; and

(e)    a domestic price list of the country of export; and

(f)    any other document which the inspection agent may consider necessary for the proper conduct of an inspection in terms of these regulations.

(5) The importer shall ensure that the inspection agent is—

(a)    notified of the availability of the goods for inspection, stating where the inspection may be conducted; and

(b)    provided with all necessary facilities to enable him to conduct the inspection.

(6) The importer shall, in writing, notify the Secretary for Industry and Commerce of any amendment to the contract of sale.

***Reports and review***

**5**.  (1) On completion of a pre-shipment inspection the agent shall—

(a)    if no deficiencies, discrepancies, or misrepresentations are revealed by the inspection, issue a clean report of findings; or

(b)    if deficiencies, discrepancies or misrepresentations which have not been resolved are revealed, issue a non- negotiable report of findings.

(2) Any dispute arising in respect of the issue of a non-negotiable report of findings referred to in [paragraph (b) of subsection (1)](NULL#5.1.b) may be settled by arbitration in terms of the [Arbitration Act *[Chapter 7:15]*](dps://ZS@0715)*.*

*Obligations under contract*

**6**.  The contents of any pre-shipment inspection report issued in terms of these regulations shall not in any way whatsoever affect the obligations of the seller under the contract.

*Performance of functions under these regulations*

**7**.  The Minister of Industry and Commerce may, for the purpose of these regulations, appoint any member of the public to perform any function required by these regulations to be performed by him.

*Inspection fee*

**8**.  An inspection fee of **1% of the free on board value** of imported goods which have been inspected shall be paid by the importer to the Secretary for Industry and Commerce and the fees shall be paid into the Consolidated Revenue Fund.

Section inserted by SI 193/92 w.e.f. 26th June,1992

**SCHEDULE (**[*Section 2*](NULL#2) **)**

1.    Objects of art.

2.    Gold and precious stones.

3.    Live animals.

4.    Weapons and munitions or any goods which the Secretary for Defence in consultation with the Secretary for Industry and Commerce may agree should be excluded from the operation of these regulations.

Item substituted by SI 16793 w.e.f. 21st May, 1993

5.    Household and personal effects.

6.    Automative gas oil, liquid petroleum gas, motor gasoline, jet fuel, illuminating paraffin, fuel oil, bitumen and aviation gasoline.

Item substituted by SI 193/92 w.e.f. 26th June,1992

7.    Newspapers, periodicals and similar printed materials.

8.    Explosives and pyrotechnic products.

9.    Commercial samples and goods intended for display and or alternatively disposal at a trade fair and imported through special arrangements for purposes of a trade fair.

Item substituted by SI 193/92 w.e.f. 26th June,1992

10.    Gifts and goods for diplomatic mission.

11.    Parcel posts.

12.    Temporary imports and goods in transit.

13.    No currency involved industrial and commercial imports excluding venture capital, with a free on board value of US$50 000 or less.

Item substituted by SI 193/92 w.e.f. 26th June,1992

14.    Steel sheets and plates.

15.    Anhydrous ammonia.

16.    Bovine semen.

17.    Goods intended for turnkey projects approved by the Zimbabwe Investment Authority.

18.    Goods imported under World Bank International Competitive Bidding contracts.

19.    Bulbs, seeds, tree seedlings, cuttings, grafter trees and bushes for the horticultural industry.

20.    Patented pharmaceutical products.

21.    Secondhand clothing.

22.    Books.

Items 14 -22 inserted by SI 167/93 w.e.f. 21st May,1993